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SENATE

THURSDAY, MARCH 26, 1942

(Legislative day of Thursday, March 5, 1942)

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

The Rev. Gove G. Johnson, D. D., pastor, National Baptist Memorial Church, Washington, D. C., offered the following prayer:

Our gracious Father, in these troublous times when men are fainting from fear and for expectation of the things that are coming upon the inhabitants of the earth, as the Saviour foretold, we look to Thee for Thy grace and guidance in this crucial hour for our country and our Congress. We pray that peace may come again on earth and good will be among men.

"While for all mankind we pray, of every clime and coast,
Hear us for our native land, the land we love the most."

We ask Thy blessing in this hour, and that Thy fear be put into the hearts of the people and of our leaders, that we may not only be war conscious but God conscious, and that we may, above everything, obey Thy law, and seek Thy love eternal. Grant Thy blessing, we beseech of Thee, that national repentance and return to Thee may be granted, and then we need fear no foe.

Bless and guard, we pray Thee, the President of the United States, the Vice President, the Presiding Officer of the Senate, and the Members of the Senate, that they may have grace and guidance, that there may be worthy transaction as well as discussion of all matters; and, in the light of Thy love and love of country, may Thy holy spirit lead and bring all to pass.

Hear our prayer; grant Thy gracious salvation to each one of us, through Jesus Christ, our Saviour, our Lord, and our coming King. In His name we pray. Amen.

THE JOURNAL

On request of Mr. OVERTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, March 25, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the 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.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6736) making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER, Mr. TERRY, Mr. STARNES of Alabama, Mr. COLLINS, Mr. KERR, Mr. MAHON, Mr. POWERS, Mr. ENGEL, and Mr CASE of South Dakota were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 5695) to amend the Civilian Pilot Training Act of 1939 so as to provide for the training of civilian aviation technicians and mechanics, in which it requested the concurrence of the Senate.

SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220) declaring WILLIAM LANGER not entitled to be a United States Senator from the State of North Dakota.

Mr. AUSTIN. Mr. President, I wish to ask a courtesy of the Senate in view of the limitation of time under the agreement which was entered into yesterday. The request is that we do not engage in the transaction of routine business this morning, and that I may be permitted to use the time for the purpose to which I have been assigned by the majority of the committee, and that is to present the views of the committee.

Mr. OVERTON. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

Mr. AUSTIN. Yes; I yield to the Senator from Louisiana for that purpose.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

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

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

The Senator from California [Mr. DOWNEY] 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 Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. BUNKER] are necessarily absent.

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

Mr. AUSTIN. 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 PRESIDENT pro tempore. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. McCARRAN and other Senators addressed the Chair.

Mr. AUSTIN. Mr. President, I have asked Senators not to request that I yield for routine business this morning, in view of the fact that my time is very limited.

Mr. McCARRAN. I merely desired to present a report from a committee.

Mr. AUSTIN. I understand, and there are many in the same situation. I regret that I cannot appear to be as generous as I really am, but in the performance of my duty I am obliged to conserve the time, if possible.

Mr. President I shall attempt to present the views of the committee, with respect to the law which has been so ably debated, in the following classifications

First. That this is not a case for expulsion to which article I, section 5, paragraph 2, of the Constitution applies; in other words, that this is not a case in which a two-thirds vote is required.

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The second part of my discussion will relate to the challenge to the jurisdiction of the Senate to consider any case brought here by people of this country challenging the qualifications of a Senator-elect before he enters the door of the Senate. In other words, the second branch of what I have to say is directed to the point that this is not a case in which a State has violated article I, section 3, paragraph 3, by electing a person not eligible by reason of age, citizenship, or residence.

My concluding chapter relating to the legal issue is the simple proposition that this is a case for exclusion under article I, section 5, paragraph 1, of the Constitution.

Let us proceed to the claim which the committee makes and on which the committee divided, 13 to 3; namely, that the Senate, acting as a body, cannot expel a man who is not a Member of the Senate. It seems axiomatic, and as though it were not necessary to debate such a proposition, and that all that need be said is that the Senate cannot expel a man who is not a Member of the Senate.

The power of expulsion is limited by principle and policy and universal, unbroken practice to punishment of a man who is within the Senate and whose credentials and whose right to his seat in the Senate are above question. It presumes that he has passed the barrier which might be raised against him by his people and that the cause against him is one which arose by virtue of his act committed during his membership, or by virtue of his act committed outside his membership, but which takes effect during his membership, either by sudden discovery during his membership that he is unworthy to be a Senator, or that its consequences upon his public service first accrued during his membership as a Senator.

I have boldly asserted the equivalent of the claim that the Senator-elect here is not a Senator, that he is not a Member of the Senate, and I wish to dwell upon that thought for just a few moments. Indeed, I have to be brief in whatever I say, in view of the time limitation.

This case arose upon a petition by the people of North Dakota. This must be borne in mind in what we are doing, and we must remember that the issue was not initiated within the Senate of the United States. This is not an issue of law or fact between the Senate of the United States and WILLIAM LANGER; it is an issue between the people of North Dakota and WILLIAM LANGER. The Senate of the United States, the whole Senate, as a governmental organ and body, is the judge in the settlement of that issue.

Mr. LANGER comes here, and at the door he is challenged by a petition of his own people. No Senator raised the issue. The people of North Dakota said to the United States Senate, under the Constitution, "Stop this man. He is not entitled to a seat because he is not qualified morally to be a Senator." To be sure, Mr. President, they did say also that he was not legally elected a Senator because of irregularities in his election. But both causes were alleged, not by someone in the United States Senate, not by the Senate as a governmental organ, but by the people of the State of North Dakota.

By the way, Mr. President, let me not fail to point out that the people of North Dakota are citizens of the United States, and that as citizens of the United States they have rights also in addition to those which they have as citizens of the State of North Dakota, and among them is the right to have this organ of government, which belongs to them as citizens of the United States, judicially pass upon the issues they raise upon the evidence and according to the law, without fear and without favor, and with that high regard which is necessary for the moral strength of this Nation, of which they are members and through which they are united.

The people assembled in the Constitutional Convention after a futile effort to revive that unity which had been destroyed when they declared their independence of Britain. Previous to that time they had been united in the person of the King. The King's person was the device in government which united them, and upon the declaration of independence and the severance of that tie, they were scattered as seed corn. So they tried to replace that unifying medium by Articles of Confederation; they set up a Continental Congress, and they afterward set up a Congress under the Articles of Confederation. Did they create unity? On the contrary, they created the beginnings of anarchy.

In those days every State was a complete sovereign, and it sent to Congress delegates; it sent what I have heard two Senators in this debate claim the States now send to Congress, namely, ambassadors. Those two Senators are the distinguished statesmen who have made the fight to prevent the Senate from responding in the affirmative to the petition of the people of North Dakota. Therefore, Mr. President, I am forced to the conclusion that their position is due to a fundamental error, namely, that they still believe that the Government of the United States is a mere confederation, in which the Articles of Confederation provide that the States can take back their delegates; that those who appear here in that debating society called the United States Congress represent the States and have contempt for that Federal Government which should be the unifying characteristic of a great country such as ours.

We know that historically it is true that there was such competition among the States in that Confederation as to lead to economic collapse of the country; and, under the device of getting together the leaders of thought of the New World for the purpose of curing this economic difficulty, there occurred the meeting of probably the greatest galaxy of statesmen the world has ever seen together at one time.

What did they do? They supplied that which was missing from the Articles of Confederation and from the Confederacy; they supplied the unifying machinery, namely, a republic, a great republic, and everything that is contained in the Constitution of the United States which relates to that Republic—the creation of a government of the people of the United States; not a creation of the government of the people of 48 separate States—everything they put into that Constitution with respect to the officials of that Government, from the President down, and especially those officials who represented the people, namely, the Senators and the Representatives of the people of the United States—everything related to that unifying feature of our Federal system, the Republic, came from the people of the Nation, not from the people organized as the several States.

These officers became the officers of the people of the United States, not the officers of the people of the several States. No longer were Senators and Representatives to be called even ambassadors. It was truly provided by the Constitution, in which the people of this country agreed, as citizens of the United States, that Senators should be the Senators of the United States from these several States. So jealous were they of this unity of a great nation that throughout the framing of the Constitution they kept the firmest hands upon everything pertaining to the creation of the office of a Senator and the election of a man to be Senator, and the final decision of the qualifications of a Senator; and when they did delegate anything at all to a State, they hitched a rope to it.

Mr. President, I have heard Senators claim that there was something that the States reserved to themselves with respect to the qualifications of Senators. I so violently disagree with that assertion that it is difficult for me to discuss it calmly. A State may not reserve that which it never had, and there was not a State then, and there is not a State now, which has any authority or any power whatever over a Federal officer. The Federal Government, the great Republic, did not then exist.

This is not in conflict with the principle to which we all are devoted and for which we would fight to the bitter end, that in the beginning to the States alone belonged jurisdiction and authority over all affairs that were domestic and pertained to the government of the several States, and we probably did not need the tenth amendment to reserve in the States the great reservoir of power over all domestic affairs; but we did reserve expressly all those powers which were not expressly delegated to the Federal Government or which are necessarily implied from the delegations expressed. That does not conflict at all with that magnificent thing which was created by the Constitution—a union, a union not merely of indestructible States but a union that was indissoluble because it was a union of the people of the United States.

Let us not forget as we perform our humble duty here that we are the servants of the people of the United States, and their interest in our performance of that duty is great, whether they reside in the Green Mountains or whether they reside on the coast of the blue Pacific. The people of North Dakota initiated this proceeding of which we as the Senate,

an organ of this Republic created by the people of the United States, are the judge; but they are far from being the only people in the United States who will be affected by the judgment of this court. Are the practices of this court—I speak advisedly when I say "court"—to be regarded carelessly? I affirm that there has never absolutely never, been a case for expulsion tried and acted upon by the Senate of the United States in which there was not contained this ingredient, namely, that the act, the condition, the cause for expulsion occurred during the membership of the person acted upon.

Mr. President, the precedents to that effect are numerous; they are unbroken; there is not a single exception; but they have something more for sanction than the high regard which the people of the United States have always had for custom and precedent in judicial matters, namely, they have the sanction of reason.

Let us look at this question from the point of view of what we would do if we were members of that great Constitutional Convention and had before us the policy to determine. In order to expel a Member of this body there must be two-thirds agreement on the part of the Senate. It is a special provision; it is a severe provision. Why was it put there? The reason it was put there helps us to understand the difference between the process of acting upon a petition of the people back home and the process of acting upon a petition initiated in the Senate.

When a Senator, or any group of Senators in the United States Senate, comes forward and prefers a charge against a fellow Senator who occupies his seat unchallenged at the door, we would say as a matter of policy, just as our forefathers said, that in such a case there must be an extraordinary demand made of those who prefer such a charge after a Senator has come here with proper credentials, with good reputation, with no challenge from his own people, and has acquired his title, and has become established here. Then indeed there should be a severe test, and our forefathers said that in such case two-thirds should be required to expel him. In every other case, however, only a majority is required. This is for the reason that the people of the United States, interested in the character and quality of the Senate of the United States, should have a fair chance to raise the question at the door, and have it decided by a mere majority.

The people of the United States wrote into their charter the provision that even though a Senator-elect presents himself with prima facie good title, the Senate alone shall be the judge of his qualifications. The people on the outside should not be brought under the strict rule and heavy burden of a two-thirds vote, but the Senate should act, under its rules, by a majority vote. In other words, the distinction between the process for exclusion and the process for expulsion has been kept clean and clear-cut for 150 years without a single exception, always exactly the same, though statesmen have risen, as they have in this case, and tried to break it. The public—the people of the United States and the people of the several States—is given the opportunity to come to this court with a petition, submitting to this court the qualifications of the Senator-elect, with the right to a decision similar to judicial action in the courts of the land, on the basis of a majority. That is a part of the rights of the people of the United States, and it is our duty to guard and protect it. We have no choice.

It will be seen that I have made two propositions. One is the general rule that in the history of this Government no man has ever been expelled from the Senate or House of Representatives, and no attempt has been made to expel any man from the Senate or House, save for a cause which accrued during his membership. It may have occurred earlier, and before his election, but the cause of action, the cause of expulsion, is related to the performance of his office as a Senator of the United States, and the process can be initiated only after he has become such.

The other proposition is that this candidate has not become a Senator of the United States. At most, he is only a conditional Senator. It might be said, by the use of a word which is familiar with respect to some other things, that this condition is a putative one. He is a putative Senator. There is a certain imperfection. According to the practice of the Senate and according to the express condition and probation under which he was allowed to take his seat and his oath, he did so upon condition that after the hearing on the petition of his people which challenged him at the door, he might go out as if he had never taken his seat.

I make no point about the morals, the good manners, or the ethics of a man making such an agreement when he comes in here and forthwith repudiating it. It is not surprising, in view of the character shown by the evidence and pointed to in the report of the committee.

Mr. President, I come to the second point. This is not a case in which a State—meaning North Dakota—has violated article I, section 3, clause 3, by electing a person not eligible by reason of age, citizenship, or residence. I am a little surprised to find several distinguished lawyers here still arguing that old question, which has been decided so many times by both Houses of the Congress that one would think it was a closed incident, in the language of diplomacy. The section of the Constitution to which I refer reads:

> No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State from which he shall be chosen.

Observe that that is literally an imposition of a limitation upon the States. It says to the several States directly, expressly, and in unambiguous terms, "This is an officer of the United States. In choosing him there are certain prescribed disqualifications which you must observe. If you do not observe them, if there is one breach in the matter of disqualifications, the Senate of the United States, which is the sole judge of elections, ought to bar at the door the Senator-elect whom you have sent here."

Mr. President, those disqualifications were added to. If they were qualifications, what were the people of the United States doing by adding disqualifications to them? If they could be reversed and read affirmatively as qualifications, what earthly need was there for passing the fourteenth amendment? There had been no difficulty in dealing with innumerable cases relating to the same thing specified in the fourteenth amendment. It was not necessary to enact that particular provision unless we were dealing with an absolute and positive disqualification, because the Senate had already practiced the expulsion of a great number of Senators for being engaged in activities regarded as hostile and treasonable to the United States.

Again, if these are not what they appear to be, namely, disqualifications, why does the Constitution provide another thing which is called a disqualification, in another connection, namely, that a person may not hold any other office in the United States Government and still be a Senator? The Constitution prohibits that. In effect, it is a prohibition on the States.

We find that in article VI of the Constitution our fathers said to us, in effect, "The disqualifications which are spoken of are intended to proscribe the activities of the States." Hear what they said in article VI:

> The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Observe the difference between an affirmative statement, which we find here, and that which we are primarily discussing, which is a negative, or prohibitive, statement. Here the Congress of the United States is being addressed. The Congress of the United States is being told what it must do. First, it must require of those who come here as Senators-elect that they take an oath to support the Constitution of the United States; and, second, the Congress of the United States is told that no religious test shall ever be required as a qualification for the office of Senator of the United States.

Mr. President, further, with regard to the conduct of our forefathers, which indicates clearly their purpose to keep unto the Federal Government, the Republic, control over the authority and qualifications of Federal officers, and particularly of Senators, we have article I, section 4, clause 1, of the Constitution, reading:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. President, what else? Was there anything else which the people in the

Constitutional Convention wished to have the Federal Government or Republic delegate to the States with respect to the election of Senators? If so, why is it not there written? In other words, applying the ordinary rule, that when a specific thing such as fixing the time of holding an election is delegated, we know by the rule of construction that all other things not mentioned are excluded from the delegation; nothing is delegated but that which is expressed.

Here the times, places, and manner are delegated, but even that limited delegation to the States of control over the election of Senators is kept strongly in hand by the National Government, which is the living soul of unity of the people of the United States—namely, that—

> the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It has been claimed here, in argument, that, since the disqualifications which are specified in this section of the Constitution are limited to three, and in the others of which I have spoken there are only two, making in all five, namely, age, citizenship, residence, participation in rebellion, and incompatible office, there are no other disqualifications. To my mind, that is an argument that works in reverse, and should be considered in connection with the affirmative section of the statute, to which I shall come shortly; namely, that the Senate shall be the judge of the qualifications of its Members; that is to say—

> Each House shall be the judge of the * * * qualifications of its Members.

So, over and against this narrow limitation upon the power of the States to send Senators or Representatives here, we have an affirmative grant by the people of the United States to the Republic of the power and the duty to pass upon all other things relating to the qualifications of Senators and Representatives.

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

Mr. AUSTIN. Yes.

Mr. MURDOCK. I do not want to interrupt the Senator unless he is perfectly willing to have me do so. With reference to his statement that we are to judge, and his former statement that we set ourselves up as a judicial tribunal for that specific purpose—that is, to judge of the qualifications—let me ask if the position the Senator takes is that we are acting judicially in exercising that function?

Mr. AUSTIN. I have not yet come to a discussion of that particular chapter. If the Senator will postpone his question temporarily, I should like to take it up in regular order in my discussion, instead of now.

Mr. MURDOCK. Very well.

Mr. AUSTIN. I shall try to conclude the discussion of disqualifications.

I have so far attempted to discuss the reasons why our forefathers changed the substance as well as the form of the original draft of the Constitution. Now I desire to take up some of the precedents wherein this very question has been tried out.

In 1 Hinds' Precedents of the House of Representatives, in the Brigham H. Roberts case, at page 528, we find this:

> We desire at the very threshold of this discussion to lay down these general propositions, never to be forgotten and always to be kept clearly in mind:
>
> First. That the House has never denied that it had the right to refuse to permit a Member-elect to be sworn in, although he had all of the three constitutional qualifications.
>
> Second. That it has in many instances affirmatively declared that it had the right to thus refuse.
>
> Third. That the right to so refuse is supported on principle and by the overwhelming weight of authority of constitutional writers and judicial opinions on analogous constitutional questions.

Mr. President, I was curious to find out how many cases have come to the United States Senate wherein the candidate was challenged by his own people, who either said that he had not been properly elected or that he did not have the qualifications. I may say that between the two there is quite a difference. I find that there have been, in all, 59 such cases. That is an imposing number, and they have been scattered throughout the history of the United States from the earliest times.

Among those 59 cases, there were 41 wherein the candidate was permitted to come in and take his oath and seat; but there was never broken the rule that his so taking his seat and taking his oath was probationary, upon condition, and subject to the result of the investigation of charges presented against him by his own people.

In 18 cases alone, the candidate was requested to stand aside, and did stand aside, and the investigation came first; but in all 59 cases we find that the Senate assumed the jurisdiction to decide, on the basis of a majority vote, the question presented by the petition of the public. There is not a single case that has sustained the claim which is now made here, and which has been made numerous times in our history, that the prohibitions, the disqualifications, constitute the only qualifications of the candidate who comes here and is challenged by his own people. Is not that an astounding fact? Has it not the weight and effect of absolute proof of what our forefathers intended and what the practical construction of both Houses of Congress is? What more is wanted? Mr. President, are we now going to adopt a resolution such as that of the Senator from Louisiana, and say that the Senate has no jurisdiction to test the moral character qualifications of a Senator-elect who at the door of the Senate is confronted by a petition from his own people challenging his moral qualifications? If now the Senate is going to declare its ineptitude, I think it will be a revolution that will affect the Senate until it reverses itself and gets back on the sound basis of truth, the sound basis of principle.

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

Mr. AUSTIN. Certainly.

Mr. MURDOCK. Can the Senator give us the name of one case in our entire history where a Senator who was allowed to take his seat was afterward excluded by a majority vote?

Mr. AUSTIN. Oh, yes.

Mr. MURDOCK. What is it?

Mr. AUSTIN. There are a great many of them. I can give seven where the exclusion was for a similar cause as in this case. Although the gentlemen presenting themselves had credentials which were without flaw, yet they were excluded after they were allowed to come in here and take their seats on probation. I will read them. First, the John Niles case in 1843. That was a mental case. I think I can show just how long he had been here, for I have worked out a table which shows that he was a Senator from Connecticut from December 21, 1835, to March 3, 1839, and from May 16, 1844, to March 3, 1849. In that case the Senate assumed jurisdiction, heard the case, and found the facts against the petitioners. I read from the report of the committee:

> The committee are satisfied his election, return, and qualifications are legal and sufficient, and that it remains to inquire into his capacity at this time to take the oath prescribed by the Constitution.

Mr. MURDOCK. In that case did the Senate exclude?

Mr. AUSTIN. It did not exclude, but it took jurisdiction.

Mr. MURDOCK. I do not dispute that, but my question to the Senator is this: Is there any one case in our entire history where a Senator has been allowed to come in and take his seat as Senator LANGER has in this case, and on charges, not as to his election or not as to any constitutional disqualifications, as the Senator calls them, has thereafter been expelled or excluded by the Senate by a majority vote?

Mr. AUSTIN. Yes; there have been many. The case of Whittemore elected to Congress from North Carolina in 1870 is perhaps the most interesting and illuminating case in the history of Congress, so far as this question is concerned.

Mr. MURDOCK. I agree with the Senator that probably that case comes closest to being a precedent in point.

Mr. AUSTIN. I should like to put the list in the RECORD, because I think it may be well to keep the record straight, not that I am challenging the Senator from Utah.

Mr. MURDOCK. I do not want to appear for a moment as challenging the Senator. I merely want to get the matter straight in my own mind.

Mr. DANAHER. Mr. President, will the Senator from Vermont yield to me?

Mr. AUSTIN. Certainly.

Mr. DANAHER. As I understood, the Senator from Vermont, in his reply to the Senator from Utah, said that there were seven cases of exclusion for causes similar to those asserted and alleged in this case. Did the Senator make such a statement?

Mr. AUSTIN. I did not mean exactly that. What I meant was for causes other than the three which I am discussing which are, as I claim, disqualifications and not qualifications.

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

Mr. AUSTIN. Yes.

Mr. DANAHER. Then, the Senator said, "I will name them," and he commenced to name them, and cited first the Niles case.

Mr. AUSTIN. Yes.

Mr. DANAHER. That, of course, was a case where the applicant was not excluded by the Senate, but, quite the contrary; he was in the Senate from 1835, if I state correctly the dates given by the Senator, to 1839 and from 1844 to 1849.

Mr. AUSTIN. I see I have got to discuss each case fully in order to keep the record straight.

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

Mr. AUSTIN. Yes.

Mr. DANAHER. I was not questioning the Senator from Vermont in his citation of cases, nor do I require that he discuss each case, let me say. I thank him for his courteous forbearance with me at the moment, but I do wish to point out that the Whittemore case, for example, was the case of a Member of the House of Representatives and not a Senator; that the case of Niles was not a case of exclusion for causes similar to those alleged in this case, but, as the Senator has read, for exclusion because of inability to take an oath because of mental debility.

Mr. President, I do not know whether the Senator means to say that such a cause is similar to that under the facts prevailing in this case. If he does, I should like him to say so; if he does not, I should like him not to have us understand that the seven cases to which he has referred, where exclusion was voted, were for causes similar to those asserted in this case. I thank the Senator.

Mr. AUSTIN. I will try to be more specific, and try to be as exact as in a plea of abatement.

Now, let me complete the list of cases which I think are responsive to the question. I see that I have not fully answered the question of the Senator from Utah. What I am undertaking to do is to give the names from this list of cases where the candidate was challenged for some other cause than the three disabilities or disqualifications I have mentioned. I think that is a correct statement, and I will try to adhere to that line, if I can. The names of those cases are John Niles, a mental case, 1843; Henry M. Rice, a case of fraud and corruption in the sale of the Fort Crawford Reservation, 1858; Senator-elect Thomas, a disloyalty case, 1867; Representative-elect Whittemore, the sale of appointments, 1870; Representative-elect Roberts, polygamy, 1899; Senator-elect Gould, bribery, 1926; Senator-designate Smith, acceptance of money while he was chairman of a public utility commission from corporations that came within the jurisdiction and rulings of the commission, 1926.

I think I have named seven of such cases, and they are spread over a period from 1843 to 1926.

Since 1926 there have been several cases, jurisdiction has been taken, the facts have been found against the petitioners, and the candidates have retained their seats not only after having come into the Senate and taken the oath, subject to hearing, but after the hearing and report they have continued to occupy their seats. Then there are 59 cases—I am speaking now of the Senate alone; there are, of course, many others in the House of Representatives—but there are 59 cases of exclusion, including those which came under the clause I am now debating, namely, the disqualification clause, as well as those which came under the other clause relating to the duty of the Senate to judge of the qualifications of its members.

Mr. MURDOCK. Mr. President——

Mr. AUSTIN. I yield to the Senator from Utah.

Mr. MURDOCK. I agree with the Senator that there have been some cases where the Senate, at least in preliminary matters, assumed jurisdiction, but my question is: Is there one single case in the entire history of the Senate of a Senator who has been allowed to take the oath, as Senator LANGER has in this case, having been excluded by the Senate by a majority vote?

Mr. AUSTIN. Is the Senator now attempting to differentiate the construction placed on the Constitution by the House and that placed on it by the Senate?

Mr. MURDOCK. I am asking a simple question, I think.

Mr. AUSTIN. I do not see the relevancy of it, Mr. President.

Mr. MURDOCK. Let us even admit that it is not relevant; for my information and that of the Senate, has any such action ever been taken by the Senate; and if so, in what case?

Mr. AUSTIN. Mr. President, in the very case in which reliance has been placed by the Senator from Utah, the Reed Smoot case, we find the Senate taking jurisdiction even though the petition was brought by people in his State. Some 4 years—4 years; think of it—after he had been here, the Senate took jurisdiction and decided that the question really came up on whether his attitude while a Senator, while he was still in this body as a Member of this body, was such that he should be expelled. The question really resolved itself to that, although they took an original motion for exclusion and modified it by parentheses, calling for the action by a two-thirds vote, which occurs only when the occasion calls for expulsion. Thereupon the Senate voted not to expel.

The point is not what the Senate finally did; and that is why I say the question is irrelevant. The result of the action means nothing. The point is the exercise of jurisdiction. That is what is challenged here. In the amendment presented by the Senator from Louisiana we have a question of jurisdiction. The amendment in effect says to the Senate of the United States, "You cannot act upon this petition which comes from North Dakota because you have no jurisdiction outside of these prohibitions or disqualifications. You cannot pass upon qualifications; you cannot, as the Constitution says you shall, be judge of the qualifications. You can be judge only of disqualifications."

That is the effect of the amendment. It is an amendment challenging the jurisdiction, and I say the answer to it is the unbroken practice of both Houses, in the protection of their integrity, of allowing a candidate to come in, and, nevertheless, trying the question raised by a petition brought by the people of the United States or the people of the several States. That is what is important.

In 41 cases, I have shown, the candidate has been allowed to take his seat, and thereafter the question presented by the petition of his own people was inquired into. In 18 cases he has been asked to stand aside, and the inquiry was made before he was allowed to take his seat. That is the practice which has probative force here, that is the only thing that is necessary to be inquired into, not what the effect of each of those trials was. In a great many of them the candidate has been allowed to take his seat because the finding was that the challenge was without foundation. It was not because any such action as that now requested was taken. Never in the history of the Senate, never in the history of the House of Representatives, has this challenge been granted. Many times has the question been raised and discussed. The cases are full of discussion, where the same claim has been argued time after time, but in every one of the cases to which I have referred, 56 of them, jurisdiction was taken; and that is the point.

It is the inherent and constitutional duty of the United States Senate to protect and scrupulously guard its integrity, if constitutional liberty is to survive in this Republic. (1 Hinds' Precedents of the House of Representatives, p. 518.)

Brigham H. Roberts, at page 528:

"We desire at the very threshold of this discussion to lay down these general propositions, never to be forgotten and always to be kept clearly in mind:

"First. That the House has never denied that it had the right to refuse to permit a Member-elect to be sworn in, although he had all of the three constitutional qualifications.

"Second. That it has in many instances affirmatively declared that it had the right to thus refuse.

"Third. That the right to so refuse is supported on principle and by the overwhelming weight of authority of constitutional writers and judicial opinions on analogous constitutional questions."

At page 529:

"The provision seems to be worded designedly in the negative so as to prevent the suspicion that it was intended to be exclusive, and so as to prevent the application of the rule, 'the expression of one thing is the exclusion of another.'"

At page 530:

"We think that the civilized world would declare that it made itself ridiculous if it confessed its want of power to keep out from the councils of the Nation a man who was a confessed traitor."

On the question whether we should seat or not seat, we come to another issue, and that is the third chapter of my discussion. Our position about that is that "each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business. Observe that "a majority of each" is

hitched right onto the rest of the clause by a comma, it qualifies it, is a part of it, justifying the interpretation which has been made throughout history, that it is this organ of the Federal Government, this organ of the Republic, the Senate of the United States, that is the court which tries this justiciable question of the qualification of the member.

Mr. President, I was interrupted in my reading of the case of Whittemore, and I regard it important to read it in order for the RECORD to show the reasoning of the case, for I agree in that reasoning, especially as it was expressed by Gen. John A. Logan, who was a Member of the House at the time the Whittemore case was before them. He said:

It is said that the constituency had the right to elect such a Member as they may think proper. I say no. We cannot say that he shall be of a certain politics, or of a certain religion, or anything of that kind; but, sir, we have the right to say that he shall not be a man of infamous character. He is not merely a representative of the constituents who elected him, but his vote in the House is a vote for the whole country. It is a vote for the people of the whole country, and every district in the United States has the same interest in his vote that his own district has.

Hence, if Congress shall not have the power or authority, or shall not have the right to exclude a man of that kind, then the rights of the people of the whole country may be destroyed by a district sending a Representative who may be obtained to vote in a manner which may be destructive of the rights of the people. Are we to be told that Congress has no right to prevent anything of this kind because of the right of any constituents to send whomsoever they please? * * *

It is not that the people shall not be represented. Not at all. It is this: That the people of the country have no right to destroy their own liberty by filling Congress with men who, from their conduct, show themselves capable of the destruction of their Government. * * *

Congress, being the representative of the whole people, are entitled to say that the right of the whole country shall not be destroyed by one or more districts directing in here a man or set of men capable of their destruction; and they, having knowledge of the facts and the power to prevent the mischief by exercising the rights of exclusion, they having right to exercise that power and thereby protect the interest of the country and to preserve instead of destroy the right of representation.

In considering the Whittemore case and in weighing its value as a precedent it should be borne in mind that the charge complained of was an offense punishable by law but for which, under the Constitution, he was presumed to be innocent until proven guilty, and the offense was committed prior to the last election and the facts concerning the charge were known by the electorate prior to the election. It was not a case where the charges arose after the election nor after he had been sworn in. The Whittemore case is, therefore, a powerful precedent to establish the right of either House of Congress to reject a Member-elect.

I am very glad to have the admission of the Senator from Utah that that is a good case; but the case speaks for itself. Perhaps the best expression by text writers on constitutional law, so far as this question is concerned, is contained in Pomeroy's Constitutional Law, third edition, page 138, as follows:

The power given to the Senate and to the House of Representatives each to pass upon the validity of the elections of its own Members and upon their personal qualifications seems to be unbounded. But I am very strongly of the opinion that the two Houses together, as one House, cannot pass any statute containing a general rule by which the qualifications of Members as described in the Constitution are either added to or lessened.

Of course not, allow me to interpolate. The people of the United States imposed duties connected with determining or judging the qualifications of Members, imposed those duties upon the separate bodies, upon the Senate in the case of Senators, upon the House in the case of Representatives, and nobody else under the sun can exercise those duties. The Congress cannot exercise them. No State can exercise them

Holding the views I do about this principle of Federal strength and unity, which I would fight for, as I would fight for the independence of my State in respect to domestic affairs, it seems to me absurd to argue that it is left to the States to add to the qualifications, when there is no delegation in the Constitution to States save those which are expressly made with respect to the time, place, and manner of choosing Senators and Representatives, and even that delegation is kept within close bounds, subject to be changed at any time by Congress, excepting as to the place of choosing Senators.

The claim that we are only ambassadors of course expresses one real, underlying, fundamental error which makes men still claim that the Senate has not jurisdiction to pass upon the qualifications of its Members, and that the interpretation of "disqualifications" must be reversed, and it made to mean something else entirely, namely, qualifications.

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

Mr. AUSTIN. I yield.

Mr. GEORGE. I remind the Senator that in the case of an Ambassador, the country to which he is sent always has the right either to accept him or reject him.

Mr. AUSTIN. I thank the Senator from Georgia, who certainly is an authority on foreign relations, having been chairman of the Foreign Relations Committee, and who is a very distinguished and learned international lawyer as well as constitutional lawyer. It is of some pleasure to me, Mr. President, to be associated in view with the Senator from Georgia on this important fundamental question which we are debating in the Senate. We are upon the verge of doing something terrible if we are to reverse the history of the United States, as we would do if we denied our jurisdiction for the cause stated in the amendment submitted by the Senator from Louisiana [Mr. OVERTON].

Mr. GEORGE. I may say on that point that I fully agree with the Senator from Vermont. The question here is not the right of any State; the question is the right and power and duty of this body, as a branch of the legislative body created by the Constitution, and I regard the amendment submitted by the distinguished Senator from Louisiana as presenting a far more important question than whether Mr. LANGER shall keep his seat in this body at this time. If the Senate should agree to the amendment it would be a blow struck at the long and glorious history of the Senate of the United States, but it would be one, Mr. President, which, of course, no future Senate would regard or would be bound to regard, because under the Constitution each Senate, as and when organized, becomes the absolute judge of what it will do with respect to admission to membership or expulsion from the body after membership has commenced, subject only to the one restriction that expulsion must be by a two-thirds vote and not by a majority vote.

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

Mr. AUSTIN. I yield.

Mr. McNARY. Is it the thought of the distinguished Senator from Georgia that the amendment submitted by the able Senator from Louisiana does not raise the question of whether it takes two-thirds vote to expel or whether it can be done by a majority vote?

Mr. GEORGE. The amendment submitted by the Senator from Louisiana is a demurrer, it is a speaking demurrer, it is a demurrer to all that the Senate Committee on Privileges and Elections has done, because it says in effect, "Regardless of what the evidence may have disclosed, if the provisions contained in the Constitution with respect to age, residence, and the other qualifications are met, the Senate has no further concern about the matter." It is a demurrer to the whole evidence. It is a denial of the power, of the right, and of the jurisdiction of the Senate to inquire beyond the mere prohibitive provisions contained in the Constitution.

Mr. McNARY. I regret to ask the Senator from Vermont to yield to me of his time for just another inquiry.

Mr. AUSTIN. I am glad to yield.

Mr. McNARY. It had occurred to me that the proper course probably would be to insert after the language of the amendment submitted by the Senator from Louisiana that action should require two-thirds of the vote of the Senate. I assume the able Senator would not object to the presentation squarely before the Senate of the question whether action required a two-thirds vote or a majority vote.

Mr. GEORGE. That question is squarely presented in the first section of the committee's resolution, on which the chairman of the committee has asked for a vote.

Mr. McNARY. There is a question about that. I doubt if that provision is properly formed, if one wishes to be technical about it.

Mr. GEORGE. I do not wish further to take the time of the Senator from Vermont.

Mr. McNARY. Is the interpretation which the Senator places on the amendment submitted by the able Senator from

Louisiana, that it is not a fair presentation of the question whether two-thirds vote of the Senate is required to expel?

Mr. GEORGE. It may be susceptible of that interpretation, but it goes far beyond that. It is a direct denial of the power of the Senate to entertain jurisdiction of any case respecting the right of a Member here to a seat, when the negative conditions set forth in the Constitution are not themselves directly involved.

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

Mr. AUSTIN. I yield for a question. I cannot yield for a speech. My time runs out at 3:30.

Mr. BONE. I am impelled to ask about a particular aspect of the problem, because I have seen its parallel or its substantive parallel in some municipal operations. Suppose the Senate should repel Senator LANGER by whatever vote is decided to be a proper vote, and that the people of North Dakota should reelect him as Senator, and he should again present himself at the bar of the Senate. What sort of a legal problem would then confront us? I can conceive the possibility of that very thing happening, because it has in effect happened in the western section of the country on a number of occasions, when officials have been recalled by the people, and then have been triumphantly reelected to the same office. So I think we have to confront the possibility of such a thing occurring. If the people of North Dakota should feel that we have not treated the Senator fairly in repelling him, and were to reelect him, would not this whole problem again be dumped into our laps, and would we not be confronted with even a worse angle legally than that which now confronts us?

Mr. AUSTIN. Mr. President, that is not a relevant question. It cannot affect our decision as judges. That question has no force at all upon our decision today. The consequences of our decision are not important, excepting those consequences which affect the moral power of the Senate of the United States among the people and in the world. Those are the consequences which count. The question of what will happen to an individual, to a single citizen, is nothing by comparison with that. This is the kind of question that bears upon the reason for the rule which we assert: What would be the position of North Dakota or any other State in the Union if it could not challenge at the door a Senator-elect for having committed murder which had not been discovered at the time of his election? What would be the consequences if in that case the rule which is imposed upon the people for persuading the Senate of the United States were so sweeping that action must be taken by a two-thirds vote? Such a rule would be against all reason. It would be against the theory of our Government that we should demand of the people that they persuade us to that degree when they come here with their petition. That is why the framers said in the Constitution, "You, as an organ of this Republic, the Senate of the United States, you as a court and not as individuals, not by two-thirds vote, but by a majority vote of the Senate, shall judge not only of the election, but also of the qualifications of the Senator-elect." That is what we are called upon to do.

Mr. President, we are not confronted by a proceeding to expel or oust a man from the Senate who is a Member of it. We are confronted by a petition from the citizens of North Dakota to exclude, and I think it would be utterly absurd for us to answer in the affirmative the amendment submitted by the Senator from Louisiana and say to the people of the United States for the first time in all our history that we are inept, that we do not have any authority, that we cannot pass upon any other qualifications than those set out in the Constitution.

Mr. President, I think we do have respect for the decisions of the Supreme Court—I do—and when I find myself making claims which are in line with the decisions of the Supreme Court I certainly feel much more persuaded to the thought I am trying to present than I would be otherwise. My persuasions became convictions. In the case entitled "In re Chapman, Petitioner," which will be found in One Hundred and Sixty-sixth United States Reports, page 661, I call attention to the following extracts. They are brief and in point:

> Under the Constitution the Senate of the United States has the power to try impeachments, to judge of the elections, returns, and qualifications of its own Members; to determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member; and it necessarily possesses the inherent power of self-protection.

Mr. President, that is a declaration of common sense. It is a declaration of principle that is a part of the civilization of Anglo-Saxon people. In all times since the twelfth century legislative bodies that claim to be free or semifree have had the inherent power, without any express delegation to them by the people in a constitution, to protect themselves from a murderer or any other criminal, or any man who so conducts himself in public office that he is a menace to law and order, that he is an encourager of insurrection or an inciter of strikes and riots.

We have the inherent power to protect the Senate of the United States, and we have the duty under the Constitution. We have been charged by the people of the United States to perform that duty.

The case from which I have read has other things in it which are applicable to our question. Those things relate to how the courts look upon transactions between a public officer and those against whose interest he should act, or is obliged under his oath to act. This question arose over a resolution which directed a committee of the Senate to inquire "whether any Senator had been, or is, speculating in what are known as sugar stocks during the consideration of the tariff bill now before the Senate." The Court said:

> What the Senate might or might not do upon the facts when ascertained, we cannot say, nor are we called upon to inquire whether such ventures might be defensible, as contended in argument, but it is plain that negative answers would have cleared that body of what the Senate regarded as offensive imputations, while affirmative answers might have led to further action on the part of the Senate within its constitutional powers.

In other words, within its constitutional powers it can act upon a case in which a public officer has gone into the market and dealt in the subject matter which is under consideration, which may be affected in value by the action which he takes in this body.

> Nor will it do to hold that the Senate had no jurisdiction to pursue the particular inquiry because the preamble and resolution did not specify that the proceedings were taken for the purpose of censure or expulsion, if certain facts were disclosed by the investigation. The matter was within the range of the constitutional powers of the Senate. The resolutions adequately indicated that the transactions referred to were deemed by the Senate reprehensible and deserving of condemnation and punishment.

That is a bright light to have shine into the gloom of a great public body taking the attitude which has been taken here and treating the most remarkable history of misconduct in public office which I think the Senate has ever had before it as though it were a thing to be excused if any possible technicality can be found by which to wash our hands of the very odious job of passing judgment upon a fellow Member.

Mr. President, the Senate of the United States as a body is on trial. What happens to us as individuals is nothing; but what happens to the Senate of the United States is of the greatest import at this time in the world's history.

On the question of moral turpitude this case also throws light:

> The right to expel extends to all cases where the offense is such as in the judgment of the Senate is inconsistent with the trust and duty of a Member.

Note the phrase "of a Member." That statement relates to the right to expel. The Court deals with some of our parliamentary history. It takes up the editorial discussion of this subject by Mr. Justice Story and points out that Mr. Sergeant commented upon the Blount case, to which the Senator from Ohio referred the other day. The Blount case was a case of expulsion, in which the offense was committed during membership. I am now reading from what the Supreme Court of the United States said:

> Commenting on this case, Mr. Sergeant says in his work on Constitutional Law, second edition, page 302: "In the resolution, the Senate declared him guilty of a high misdemeanor, though no presentment or indictment had been found against him, and no prosecution at law was ever commenced upon the case. And it seems no law existed, to authorize such prosecution."
>
> The two houses of Congress have several times acted upon this rule of law—

Reference is made to the rule of law that there is no limitation upon the power and duty of the Senate to pass upon the qualifications of Members. They are not obliged to wait until the man charged with murder has been tried and convicted, as some of the opponents of the report of the committee have asserted on the floor of the Senate during

this debate. They are not obliged to wait until State authorities or Federal authorities have brought an indictment and determined the criminal proceedings one way or the other. It is their duty to proceed when the challenge occurs and the facts appear. It is their duty to protect this organ of the Republic, indispensably required to be pure.

Mr. President, perfection alone is invulnerable. Nothing less than protection will keep the Senate invulnerable. Let us not forget it. We cannot afford to compromise, quibble, and fiddle when we have a duty presented to us as it has been presented in this case by a petition which is supported by the confession of the respondent. We cannot wash our hands by some clever device to sidestep the issue through legal questions. Such legal questions do not intervene. The duty of the Senate must be performed directly and promptly by the Senate.

I continue to read:

The two Houses of Congress have several times acted upon this rule of law; and the cases may be found, together with debates on the general subject, in both Houses, of great value, in Smith's Digest of Decisions and Precedents, Senate Document No. 278, Fifty-third Congress, second session. The reasons for maintaining the right inviolate are eloquently presented in the report of the committee in the case of John Smith, accused in 1807 of participating in the imputed treason of Aaron Burr.

Let me read to the Senate the brief statement to which the Supreme Court of the United States refers.

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

Mr. AUSTIN. No; I do not want a quorum call. I observe that 15 Senators are present. One can draw his own conclusions.

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

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Vermont yield to the Senator from Texas?

Mr. AUSTIN. I do not yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. CONNALLY. I am sorry. I was only trying to help the Senator. I do not want to disturb the Senator.

Mr. AUSTIN. This is the statement to which the Supreme Court of the United States refers:

The power of expelling a Member for misconduct results on the principles of common sense from the interest of the Nation that the high trust of legislation should be invested in pure hands. When the trust is elective it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man whom his fellow citizens have honored with their confidence on the pledge of his spotless reputation has degraded himself by the commission of infamous crimes which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should be impotent to discard from its bosom the contagion of such a Member, which should have no remedy of amputation to apply until the poison had reached the heart. (Ibid. 937.)

With respect to what I have just read the Supreme Court said, in the case to which I have referred, at page 670:

The reasons for maintaining the right inviolate are eloquently presented in the report of the committee in the case of John Smith—

That is the thing to which the Supreme Court refers.

In other words, on principle, by the unbroken practice, and by adjudication of the highest judicial authority in the world, the Senate of the United States has jurisdiction to pass upon the qualifications of its Members; and such an amendment as that offered by the Senator from Louisiana [Mr. OVERTON], asserting that it does not have jurisdiction, ought to be turned down unanimously. In my opinion such a declaration would be the greatest confession of weakness, the lowest low in the admission of incapacity, that the Senate as an organ of government of the people of the United States ever reached.

Of course, the case would be ended were the answer in the affirmative. It would be a quick acting soap with which to wash our hands. We could not then pass on to the question of whether the petition of the people of North Dakota had been established by the evidence and by the confessions of the respondent. We would be helpless. We would say to the world, "Oh, we could not pass on those questions; we had to stop, because we did not have jurisdiction to pass on them. This man came here with three things certified: His age—all right; his residence—all right; his citizenship—all right." Then we could not act as judge of his qualifications, though the people of his own State stopped him at the door of the Senate, and presented a petition to us, and said, "Judge him. Here are the facts; judge him."

As stated by the distinguished Senator from Georgia, with respect to the amendment, which amounts to a challenge to the jurisdiction of the Senate of the United States to protect the people in this very important organ of their Government, affirmative action on the amendment would be more devastating to the influence, the respect, the moral power of the United States Senate, than any decision which we could make upon the merits of this issue.

Mr. President, I have been rather abstruse, and have taken too much of the time of the Senate, but I have tried to clear the question, so that it would be apparent that the thing the Senate is about to do, the thing the Senate should do with the utmost care, is to judge of the qualifications of the Senator-elect as though he were now standing at the door of the Senate, and had been standing there since the time when the petition was presented by his people.

It may be of no probative force against him that he came here, not by a majority of the votes of his people, but out of a three-cornered fight in which he received a little more than one-third of all the votes cast in the election. It may be nothing whatever against him that that is so; but, on the other hand, it is not well that the Senate should admit that they cannot pass upon his qualifications with respect to moral turpitude because his people have passed on it. No! His people have not affirmed that he has the qualifications of a Senator, that he has the moral qualifications of a Senator.

I know that the Senate has suffered in listening this long while to the evidence of misconduct in public office; for nothing else was charged, nothing else was tried. The specific issues were drawn by the respondent himself, not by the committee. The complaint frequently made here, that the committee took into account misconduct in 1911, going back years in the history of this man, cannot be properly aimed at the committee. If Senators will examine the report, they will see that certain chapters of it deal only with the testimony of the respondent; they do not deal with any other matter at all. They are indexed by time as well as by page; the time begins in 1911 and continues through to his election; and the finger is pointed definitely to what the respondent said. We do not have to get the corroboration of any witness if we want absolutely to satisfy our own conscience that we have not done wrong in passing judgment on this matter. Stand only upon the testimony of the respondent himself, which, let me observe, Senators will find came originally either from his own initiative or by questions of his own counsel. He was guarded; he had numerous counsel right there with him all the time, he is not like a person who comes into the witness chair without knowledge of his obligations and of his rights. He is a lawyer, and he knows the legal consequences, he knows the probative effect, of his volunteering information. Apparently he wanted the committee to know the life story of BILL LANGER, and he gave it unblushingly, as if he regarded it as a thing to be proud of—laughing off a fist fight in court with a fellow lawyer; boasting of seizing a telephone exchange, armed with a gun and surrounded by others in masks, disguised; in fact, participating like a police officer when he was a prosecuting officer, an officer of the court whose duty and business it was to keep his hands out of that kind of a transaction and attend to the business of presenting to the court the evidence which police officers get, keeping himself free from the brimstone that comes from acts of that kind.

Thus, he told us of a lifetime in which he held many public offices, but never having held one without committing acts that showed the utmost disregard for law and order—searches without warrant, entering jails, removing prisoners. Think of the disregard for law that is expressed in the act of an attorney of the court having himself deputized for the purpose of opening a jail and removing from it a man who has committed an unbailable offense, a man charged with murder in the first degree, not entitled to bail, and yet his counsel, for the purpose of obstructing justice and preventing a witness—the sole eyewitness of the murder—from testifying against him, entered the jail, and not only removed the man from the jail, but took him out of the jurisdiction, where the peace officers of the State could not reach him. He could not be apprehended where Mr. LANGER took him; he took him beyond the boundaries of the State, to commit the act of obstruction to judicial process in a murder case—a man who has so little regard for the State which is

the institution which is absolutely necessary for the protection of the lives of its citizens from murder, a man who assisted a criminal by going out of his office as an attorney, to do two of the most unethical things ever heard of as being done by an officer of the court; and yet we wash our hands of responsibility to consider such matters.

I say, do not complain of the committee, do not complain that it considered testimony about a lifetime of misconduct. Such testimony was voluntarily given by him, and any reading of that testimony will reveal the most peculiar attitude toward it, as if such misconduct were perfectly all right, as if there were nothing wrong in it. Think of a man testifying about an affair in which he broke down the door to the office of the jail, and by assault on the jailer, obtained access to the desk drawer containing the key to the cell, after a fight with the jailor, overpowering him, he broke in and got the key and went to see his client. Oh, Senators, frontier life would not justify that. Even among men who are absolutely obliged to be alert all the time, there is this principle necessary, and this principle observed; that laws, rural though they may be, have always been found necessary, and a respect and regard for those laws was necessary for the safety of the whole community, and particularly is that true in the case of the administration of the criminal law.

Mr. President, you may take any block of years you want to from 1911 until Mr. LANGER was elected a United States Senator, and, from the testimony, you will not be able to escape the evidence of utter disregard for law and order in office. As State's attorney, attorney general, Governor, and commissioner passing upon the taxes and the valuation of property, every piece of that history has the same characteristics.

If you like best, as I do, to take those events which are nearest to his election as United States Senator, what do you see? They are knit together as an entire unit. The visit to the lawyer of the railroad company to sell something that was not salable: the deal with the broker who made $300,000 commission under Governor LANGER's administration, both were the product of what had occurred in 1934, 1935, 1936 1937, 1938, and 1939. They are related together according to the testimony. Mr. LANGER says, "Brunk helped me in the prosecution of the conspiracy case; Brunk helped finance me; Brunk came and visited me for a week afterward; Brunk did this and he did that"; and he told Brunk how hard up he was. He did undoubtedly become hard up from the effects of those prosecutions. That is the way they are connected with this transaction.

On the other horn of the dilemma was the lawyer representing a railroad company, Thomas V. Sullivan. Mr. LANGER said—I am dealing with the confessions of the Senator-elect—"Thomas Sullivan offered to act as attorney for me without pay in those prosecutions." They are all tied together. What do we find, without wearying the Senate except to refer to cases of the grossest misconduct? To begin with, the overt act of using his office as Governor to obtain subscriptions from State employees and also a few Federal employees. For what purpose? To build up the political party that would enable him to remain in power. Mr. President, if we do not regard that overt act as evidence of moral turpitude, causing us to take it into account seriously with all the other things, let us see how the court regarded it.

Remember, Mr. LANGER was convicted. To be sure, he said he had an unfair trial; but there were 12 men who found him guilty; and again there were 10 out of 12 who found him guilty on a retrial. In the meantime, however, between the two trials the circuit court of appeals had reversed the first trial. Did the court reverse the facts regarding the overt misconduct? No. The reversal is upon the proposition of conspiracy to impede the administration of the law of the United States, and the court held that a conspiracy which involved the employees of the State did not come within the jurisdiction of the Federal court. What, however, did they say further about the overt act? It is such things that show the character of the man; they are the things that bear upon the truth or falsity of the petition of the people of North Dakota.

I read from page 826 of Federal Reporter, second series, volume 76:

Defendant LANGER in his testimony on the subject says—

The court also, it will be noted, stood on Senator LANGER's testimony, as I am doing—

"The system of getting subscribers that I devised was this"—

This is from Mr. LANGER's testimony—

"I felt that an employee who held a position under the State government owed, at least, sufficient duty to the administration to be willing to go out and assist the administration in securing a large circulation for a weekly newspaper I felt that if they sold newspapers or subscriptions to an amount of totaling 5 percent of their annual salary that that would not be asking anything too much of them, especially in view of the fact that the salaries of all of the State officials themselves—as distinguished from employees—had just been reduced 20 percent by the passage of a law."

That is the end of the quotation from which I wish to read.

Then I skip to the bottom of the column, where the following appears:

It is not claimed that the overt acts charged in themselves constituted substantive offenses. Unless there was such a conspiracy, the conviction of appellants cannot be sustained. Whatever we may think of the ethics or propriety of the practice employed by appellants to secure funds for political purposes, it is not a matter of concern to the Federal Government, unless some lawful governmental function was thereby obstructed. In other words, a conspiracy or plan to assess State employees was not an act violative of any Federal statute, and hence, so far as the Federal court is concerned, not criminal. So far as the direct evidence of any plan or conspiracy for the collection of these funds is concerned, it was confined to the assessment of State employees. We have searched the records diligently for direct evidence of any plan beyond this, and counsel for the Government have called our attention to no such testimony.

In other words, the court obviously made its decision, not upon the overt act, but upon the question of whether that act itself was a violation of a Federal statute over which the court could take jurisdiction.

The court said further on page 827:

Even participation in the offense which is the object of the conspiracy does not necessarily prove the participant guilty of conspiracy. The evidence must convince that the defendant did something other than participate in the offense which is the object of the conspiracy. There must, in addition thereto, be proof of the unlawful agreement and participation therein, with the knowledge of the agreement.

What is the effect of that decision in our consideration of this particular matter of misconduct in office? That decision wipes away the claim that the United States Circuit Court of Appeals had given some sort of an exoneration for the act. On the contrary, the court indirectly referred to it as an overt act of misconduct in office.

So, we see that all these acts are tied together. The employment of Leedom and Wyman is a part of the whole plan. One could not sit through the testimony of Mr. LANGER without getting the impression that he was in a tight place in that trial. I got the impression that the trial was about as tough a trial as any man ever had to undergo. I have no doubt whatever that the temptation upon Mr. LANGER and his friends to do what they did do as a consequence of it was very great; but it should not have been done, just the same, however great the temptation. Such a thing must not be done because it is a violation of law, to say nothing of ethics, and I am taking it only as Mr. LANGER himself looks at it. I am addressing myself to this thing on his view of the matter for the sake of argument. He says, "I had an unfair trial. They meddled and tampered with the jury. The judge himself was hostile to me." I am just assuming that in what I have to say. He said, "I would do it again. The respondent has a perfect right to protect himself in a trial of that kind by watching the jury." No; he has not. The court will protect him. He does not have to go and hire a man from out of the State who had formerly been a United States marshal and who is a friend of the trial judge, have him occupy a room just across the hall from the jury, and load him up with money.

Really, Mr. LANGER's description of how he was going to have this job done shows the most astounding attitude toward it. I do not need to read the testimony; Senators have probably read it themselves. about how he spoke of the money, and about how this man Leedom was a great actor, who could pretend he was drunk and nobody would know he was not drunk, how he could ingratiate himself with the boys and could do this job.

Let us assume that it was nothing more than the job of watching. Mr. President, that is an offense against the law, that is an obstruction to justice. It is not necessary even to let the jury know it. There does not have to be any effect of it getting to the jury, or

keeping anyone away from a jury, or anything of that kind. But for a litigant, particularly a respondent under a charge of conspiracy to obstruct the administration of the Federal laws, this employment of someone, even if he were a paragon of virtue, to watch the jury and to watch the marshal and the clerk of the court, is a stench in the nostrils. However great the temptation to do it, the respondent should go to the court with his claim that he is not getting protection. It would be ten times as effective as this idea of putting a watcher across the hall in the hotel to watch the door of the jury room. The court would protect him, and that jury would be placed where no one could get at it.

Do we need to be galvanized; do we need to have our consciences pricked, in order to react to this sort of conduct in office? Then let us consider what the court has said. I refer to the highest court of the land and in its decision in the case of Sinclair against the United States. All the claims we have heard made here about the Federal Government using spotters, spies, and detectives to watch juries were made in that case. The defense which is made here that it was conduct provoked, and conduct which should have been offset by similar conduct was made in that case, and the Court said this about it:

> The evidence does not disclose that any operative was instructed to approach, or did approach a juror, nor does it disclose that any juror actually knew that he was being shadowed. Some were suspicious. The court did not know, nor does it appear that Sinclair's counsel knew, the jury was being shadowed.
>
> Called as a witness, Day gave rather full account of himself from his youth up, including his Army service. He was not permitted to say that he had knowledge of a practice by United States attorneys to shadow juries in criminal cases after they were sworn.

That was in the recital of what appeared in the record in the lower court, as this highest court passed upon it. The Supreme Court said this about what the trial judge did:

> The trial judge held the petition stated a case upon which appellants might be adjudged guilty of contempt and the evidence showed their guilt. Among other things, he said: "I cannot escape the conviction therefor, that respondent Sinclair, respondent Day, Respondent Sherman Burns, and Respondent W. J. Burns have been, perhaps in different degrees, all involved—more or less directly involved—in the establishment of this surveillance, a surveillance which I have already announced in my opinion constituted an obstruction to the administration of justice by this court."

Again the Supreme Court said:

> After close of the evidence and arguments, and after the court had declared appellants were guilty of contempt, counsel announced that upon the question of mitigation they re-offered the evidence tendered but excluded during the main case as to the custom of the Department of Justice to place juries under surveillance. This was overruled.

The Court held:

> Under the doctrine so stated, we think the trial judge rightly held it unnecessary to allege or show actual contact between an operative of the detective agency and a juror, or that any juror had knowledge of being observed.

This is the point:

> The reasonable tendency of the acts done is the proper criterion. Neither actual effect produced upon the juror's mind nor his consciousness of extraneous influence was an essential element of the offense.

I skip now, and read again, at page 765:

> If those fit for juries understand that they may be freely subjected to treatment like that here disclosed, they will either shun the burdens of the service or perform it with disquiet and disgust. Trial by capable juries, in important cases, probably would become an impossibility.

As to the evidence offered for countervailing misconduct by the Government itself, the Court said:

> During the hearing and before conviction of guilt counsel proffered many witnesses by whom they proposed to show a practice of the Department of Justice to cause its officers to shadow jurors. This evidence was rightly excluded. That department is not a lawmaker and mistakes or violations of law by it give no license for wrongful conduct by others.

I leave that right there. The Senate is the judge.

Connected with this, and a part of this transaction with Brunk in which Mr. LANGER sold his land to the only person he could get to buy it in those times, and sold his Mexican stock to the counsel for the railroad company, as a matter connected by his narrative and by the circumstances, we find this connected also with these trials, the inciting to riot, and the declaration of independence of the State. What an amazing exhibition of disregard for law and order that is, he and his companions getting into a huddle and declaring the independence of the State of North Dakota, for the purpose of declaring martial law, then the subsequent declaration of martial law, but most of all the suspension of civil process. This is the Governor, this is misconduct of a man in his office. We may go anywhere throughout his life, from 1911 right by this period and up to the last before he came here, and we find the same characteristics. He makes no bones of it, he does not seem to think that is immoral. He does not seem to regard this as the most offensive kind of civil disobedience because it comes from the Governor of the State. Disobedience by the normal, ordinary citizen is bad enough, but when the Governor of a State flouts the law, and when he has an interest to protect himself against the service of civil process, that is, the process of ouster, then I say there is a circumstance which cannot be explained away, which cannot be colored, which cannot be washed off our hands, when the people of North Dakota come to us and say, "Judgment."

Mr. President, if an ordinary deputy sheriff abuses his process, the citizen has his remedy. If he exceeds the power of his writ the citizen always has a remedy. Can it be that the people of North Dakota have no remedy when a man comes to the Senate with a record shown by the petition presented by citizens of that State, and sustained by his confessions?

Mr. President, we do not have to go outside Mr. LANGER's testimony; we do not have to have testimony or proof beyond what he confesses. In our public service a man may not have two masters. A man, while governor, and head of a commission which has to pass upon the valuation of railway property in his State for purposes of taxation, cannot deal with the attorney of that railroad to any advantage at all for himself. We do not have to go further than Mr. LANGER himself went when he said that first he had had one talk, just one talk, with Thomas V. Sullivan about taxes, in which Sullivan wanted him to be sure to stick to the valuations of a certain year. He had that talk in March. Then in May we find Mr. LANGER in Chicago, in the office of this man. What for? For only one thing, as appears by his testimony. There Mr. LANGER makes the proposition of sale of his Mexican stock. I say we do not need to go any further than Mr. LANGER represented the State. Mr. testimony at 100 percent value and say that the stock was worth all he paid for it, yet Mr. LANGER has done this. His moral attitude is gone, absolutely gone. Morally he was vis-à-vis, this man Sullivan.

Mr. Sullivan represented an interest which was opposed to the State. Mr. LANGER could not serve both of those interests morally. He could serve only the State. The minute he took advantage of that relationship of opposing conflicting interests to find a market for that which he could not sell to anybody else, the deed was done that marked him, marked him in his office. That is the kind of man he is in office. We do not need to go beyond that.

Moreover, it was the same with the Brunk transaction. To whom could this land be sold? To anybody? Let us assume it was worth 100 cents on the dollar. Let us assume that it was sufficiently valuable to pay off its encumbrances of $28,000, its back taxes of $6,500, and the purchase price of $58,000, making a total of approximately $80,000—let us take it at that value, yet could he sell it? He testified that the depression of those days was such that there was no sale for land anywhere. Did he go to anyone else to sell it? No; he went to the man who was his vis-à-vis, the man whose interest was opposed to the interest that Governor LANGER represented, and he sold his land in that market, a market where he could not have sold it excepting that these interests were vis-à-vis.

The committee did go beyond that. The committee did make further findings, and I will testify that I think they were well grounded. But we do not need to go further than that. Those two transactions, coinciding in May 1938, show the character of the man to be exactly what the petitioners claim it is. We are dealing with the petition of inhabitants of North Dakota. While Governor of the State, Mr. LANGER availed himself of the opportunity afforded by being in a position to veto the business of Mr. Brunk. There is not any question about it.

I have heard arguments made in attempt to show that the Governor could not touch these county commissioners. Oh, pshaw! The Governor could and did touch them, and his touching of them

set an example for all county commissioners, which was, "Deal with Brunk if you want to get by with this kind of a transaction." Mr. Mueller, another broker, tried it, and the county commissioners were removed from office by the Governor because they had dealt with Mr. Mueller instead of going direct to the State institutions and marketing their bonds, as they had a right to do, and as all county commissioners had a right to do, and as they had a right to do in every one of those cases in which Mr. Brunk made his large commissions.

I am sure the Senate will excuse me for not picking up this testimony and reading it. There has been so much reading of the testimony already that Senators must be weary of it. So far as I am personally concerned I ought to disregard my feelings in the matter, because I am performing a duty which is extremely obnoxious to me. I do not place myself on a pedestal over my fellow men. I do not personally claim to be any holier, or purer, or nearer perfection than any other of my fellow men. It is not a personal thing to me. But as a member of the United States Senate I sat through every day of the taking of testimony here, holding my mind ever stable and open for acquittal of the charges presented in the petition. I think I never wrestled with myself more than I did—and I had to—throughout this case, trying to reconcile all the evidence, and every bit of the evidence, to such a theory that we could deny the petition of the people of North Dakota here and seat Mr. LANGER. To perform our duty we must envisage ourselves, each one, as the composite Senator. We must perceive our duty jointly as the Senate judging upon an issue raised by citizens of the United States and of the State of North Dakota.

Believe me, it is not a pleasant duty to perform, but I stayed in the committee meetings day after day, and my assiduity was due largely because of my sense of the deep, important questions that are involved here, because we have two of the most fundamental questions to decide. One is a question of fundamental law, which affects the status of the United States Senate and its ability to protect itself and the people it represents, the people of the United States, as well as the people of North Dakota. The other one is the moral question which is involved here. Those questions are so grave that no matter how disagreeable the task may be, no matter that the infallible man has not been born yet; yet I think every Senator should bravely face the responsibility and do his duty.

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

Mr. AUSTIN I yield.

Mr. DANAHER. I should like to ask the Senator from Vermont if, in the view he takes of the origin of the petition from petitioners in North Dakota, he would extend the same right of petition against this same applicant for a seat in the Senate in favor of the citizens of any other State?

Mr. AUSTIN. Mr. President, I do not understand the question.

Mr. DANAHER. I shall reframe it. I tried to take into account all the elements the Senator had mentioned. Perhaps I thus encumbered the question. The Senator has discussed the matter of our duty to act upon a petition of protest filed by citizens of North Dakota against the seating of this applicant. I ask whether or not it would likewise be our duty to consider a protest against the seating of Senator LANGER if that protest emanated from the citizens of another State?

Mr. AUSTIN. That, of course, is an academic question. My own view, however, is that we would have that duty to perform. That is my view of the United States Senate. I consider that when we departed from the Confederacy and entered into a Union constituting, as Franklin characterized it, a Republic, the people of the United States created something which did not exist before. It did not come by delegation of any of the domestic powers of the several States or of their people. It sprang from the new union of all the people; and they created their own government.

So we now have a phenomenal thing, and that is two governments occupying the same geographical limits. It is a perfectly wonderful thing that the two governments can have jurisdiction within the same geography and never really conflict. To me the Constitution, in respect of its creation of the National Government, the Republic, is one of the most remarkable exhibits of statesmanship and lawgiving that the world has ever seen. There is nothing that equals it. The framers of our Constitution made it easy for this union of the people of the United States to keep that which held them together always strong, always indissoluble. Even though we have had war, we have kept it united, and we have given a vitality to it, not merely by the blood of our forefathers, but by countless acts, including our transactions in the Senate with respect to the qualifications of Senators.

We have given life to that provision of the Constitution which deals with the office of Senator. It is a United States office. We are not ambassadors. We are Senators of the United States. For years and years we have adhered to that principle, in spite of the attacks which have been made upon it in nearly every one of the 59 cases. It is a superb history. It is a glory to the Senate of the United States. It is of the essence of the moral life of the Nation, upon which we rely in the storms and stresses through which we are passing today.

To me it would be the saddest thing that could happen for the Senate now to agree to a proposal which challenges its jurisdiction. To me that would be the last thing to do. It would be a denial of the living soul of our Government, namely, the unity of the people of the United States, which is the most sacred thing we have to defend.

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

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Vermont yield to the Senator from Michigan?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. I should like to have the Senator's view upon this phase of the matter, because it has considerable bearing upon my point of view.

In the Senator's view of the situation, is there any point at which the people of North Dakota, by their votes, could wash away, so to speak, a moral turpitude which had been found by the Senate of the United States? In other words, granting for the sake of argument that moral turpitude exists, and assuming that the Senator from North Dakota were excluded and were reelected to the Senate, in the Senator's opinion what would be the situation which we should then confront?

Mr. AUSTIN. I do not like to answer that question, but I shall do so.

Mr. VANDENBERG. If it is not a fair question, I do not wish to submit it.

Mr. AUSTIN. Of course, the question is fair; and yet it embarrasses me in this way: At one time early in the hearings in this case I felt that if the people of North Dakota had acted in the election of Mr. LANGER for Senator of the United States with full knowledge of the worst things—I am not talking about the lesser things, but, as I see it, there are five or six things in this case which are so important that they cannot be disregarded—I would not vote to exclude him.

That is rather a confession of weakness on my part, which relates to the heart more than it does to the head. When all the evidence in the green book came out in printed form, so that I could really study it, I made an examination of it to find out if the people had known the facts. I could not find anything. They knew a little—just enough to make it a good cause to elect him on the ground of martyrdom—but they did not know the whole story of the really immoral acts. They knew nothing about those acts which willfully endangered the security of the State.

Then I examined the newspapers which were offered as exhibits in the case. There were four newspapers, which I expected to have with me today. It is just as well that I do not have them, because, if I had them, I would take further time of the Senate. I examined them time after time to find out if the facts had been disclosed.

I could not find them, so I said to myself, "I may be wrong about it." I had two other persons go through the evidence, but they could not find anything.

When the committee met I said, "I am not going to decide this matter without knowing this fact. I have tried my best to find the evidence that the public acted at the polls with knowledge of the important facts." I named them. There were five of them. They are named in the report of the committee. I separated them so that Senators may know what they are. I said, "I want the help of the committee. Can any member of the committee point out any piece of evidence which would justify the claim that the people acted with knowledge?" It could not be done.

Mr. LANGER himself testified about knowledge. His statement appears on page 501 of the record. Perhaps I should turn to it so as to make no mistake in stating what he said. He was talking about a certain case brought for

slander, and the settlement and retraction by a newspaper of statements which it had made. The following occurs on page 501:

Senator LANGER. Then, I might mention the case against the Courier News, a daily newspaper in Fargo, N. Dak. When I ran for Governor, they commenced to write me up, and in this case, the paper had said that while I was a member of the board of equalization that I had dealt with the Northern Pacific Railroad Co. in reducing their taxes; that was one charge, and they had another charge——

Senator WILEY. That was when you ran for Governor in 1920?

Senator LANGER. They had another charge that I had refused to prosecute the Standard Oil Co.

I have before me a recent book which was given to me by its author, who is a friend of Senator LANGER. The author is John M. Holzworth. He was present throughout a good deal of the hearing. I think he was present throughout the taking of the evidence. I read from page 109 of the book entitled, "The Fighting Governor," published in 1938:

LANGER AND THE RAILROADS

The Courier-News had several times stated that Mr. LANGER was a corporation attorney working hand-in-hand with the railroads operating in North Dakota but investigation of this shows that he has been the greatest enemy of railroad control that the railroads have encountered in North Dakota.

As county attorney of Morton County, aided by the tax commission, he fought in the district and supreme courts to a successful conclusion the case of the Northern Pacific Railway Co. against Morton County and compelled the railroads operating in North Dakota to pay 6 years' back taxes on assessments aggregating $30,000,000, consisting of 2,038 licensed elevator sites, 1,000 lumber yards and their warehouse sites, and 260 oil tank station sites upon the right-of-way of the railroad companies within this State. The case is reported in volume 32 of the North Dakota reports, page 627.

After Mr. LANGER became attorney general the railroads endeavored to raise their freight rates 15 percent. He called into conference the railroad comissioners, and together with M . S. J. Aandahl, chairman of the board of railroad commissioners, and Mr. Little, the rate man, went to Washington. At Washington they found the railroads well organized and the States disorganized. The States were organized and Clifford H. Thorne, now attorney for the United States Grain Growers, and Professor Norton, of Yale University, an expert on the Adamson law were retained. Later Mr. LANGER and his assistant, Judge Bronson, personally spent 3 weeks in Washington assisting Mr. Thorne. He personally conducted part of the investigation before the Interstate Commerce Commission and took the testimony of various witnesses.

The final result was that the Interstate Commerce Commission did not allow the increase in the freight rates in North Dakota although they were raised in some of the eastern States and based on the 1915 crop yield over $1,000,000 was saved to the farmers and producers of North Dakota grain alone.

Here is the retraction:

With these facts of record as they are, the Courier-News hereby retracts any statement made either directly or indirectly that WILLIAM LANGER is "a tool of the railroad interest," and states that there was no foundation for the charges thus made.

That was in 1920. The transaction with the attorney for the railroad company, in Chicago, in connection with the Mexican land business was in May 1937. Certainly, in 1920, the Courier-News was not publishing to the people of North Dakota anything at all about what happened in 1937; nevertheless, the testimony, if it were not checked, would give the impression that the people of North Dakota voted with information, through that retraction, of the misconduct of the Governor of North Dakota in selling his property to the counsel for the railroad company who had a pending lawsuit and who had a future issue to come before the commission of which the Governor was chairman, and in which he would have a deciding vote.

He said, "Then I might mention a case against the Courier-News," and so on. That was said when he was telling about all the matters that had been brought to the attention of the public of North Dakota, and all the different lawsuits, and the publicity given to them and the political discussions which grew out of them; all that was said in order to convince us—as he did convince me for the time being—that he was elected by the people with knowledge of those matters.

However, when I came to check up the papers that he held up—saying, "There are four newspapers that cover all these questions except the Gale Wyman one"—I found that they were not published at a proper time for that, as I pointed out in the report; and, on reading them, we found that they do not contain anything about those five charges.

So, in further answer to the Senator from Michigan, if I have not gone too far, I should say that there might be an effect upon the judgment of individual Senators—an effect which I think would be unfortunate, and yet one which the frailty of human nature permits; there might be the effect of giving to that vote the probative force of a finding of fact; but it is my opinion that, as a matter of law, it would have nothing whatever to do with our duty when the question is properly raised and becomes an issue between the people and the Senator-elect. No matter how many times he may have been elected with the same facts before them, no matter how much the people knew of the charges that were made against him, still the Senate is the judge of the charges contained in the petition, and must pass upon them when the petition comes to the Senate.

As I have said, these facts might have probative force in influencing us to decide the questions in a certain way, but that is a bridge we cannot cross and should not cross.

I desire to conclude.

I feel that on the questions raised by the petition we have two decisions to make, and that we should make them. The first one is that we have jurisdiction to try the qualifications of any Senator-elect who comes here, either to seat him or not seat him pending the hearing, to go through with the hearings to an end, and finally to decide upon the question of his qualifications. To my mind, such jurisdiction is important for the security of the State; and, therefore, our decision relative to it is a very grave act, with respect to which we must not do wrong; we must pass upon it correctly.

Then we come to the question—which will be decided by a majority vote if we have passed on the other question correctly—the question of whether in this case the facts alleged in the petition have been established, and the respondent should be excluded from the Senate by virtue of lawlessness charged in the petition, by virtue of his light regard for law governing his duties and their performance, defiance of lawful authority of the State, willfully endangering the security of the State upon which the rights of all citizens depend, and, finally, destroying the moral capital of the office of governor of the State—one of the States of this Union.

On that question every Senator will exercise his own judgment. As we know, 13 of the members of the committee found that the Senator-elect had, by his own response to the petition, in effect admitted the charges contained in the petition, and that he was not entitled to a seat in the Senate.

I want it understood that I do not ask, and I consider that it is not the duty of the committee to ask, any Senator to follow the committee. I am not undertaking to impose my views upon any Member of the Senate. I am trying to present the attitude of the committee, its regard for its duty, its devotion to the object of serving the people, and its effort to transact this very difficult and disagreeable business of acting as judge and, unfortunately, as advocate at the same time.

Some time, Mr. President, after this case is over, and when it cannot be affected by statements of what we may think about procedure, I shall have something to say about the question of procedure in such cases in the future. However, at present, I shall say no more. I leave the discussion of this matter at this time.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution by the City Council of Lorain, Ohio, protesting against the proposal for the Federal taxation of municipal bonds; to the Committee on Finance.

A paper in the nature of a petition signed by The Merrills and postmarked at Glendale, March 16, 1942, praying that new and fully equipped airplanes be promptly dispatched to assist the armed forces, formerly under the immediate command of General MacArthur, at Corregidor, Province of Luzon in the Philippine Islands; to the Committee on Military Affairs.

By Mr. CAPPER:

A letter in the nature of a memorial from the United Trades and Labor Council, of Pittsburg, Kans., signed by Ira Hall, financial secretary of the council, remonstrating against the adoption of any proposal to change the 40-hour workweek for labor as provided under existing law; to the Committee on Education and Labor.

A petition, numerously signed, of sundry citizens of Kansas City, Kans., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States

and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

WOMEN'S ARMY AUXILIARY CORPS—ENLISTMENT FOR AIRCRAFT WARNING SERVICE—PETITION

Mr. DAVIS. Mr. President, I ask unanimous consent to present a statement in the nature of a petition from a group of Philadelphia women at present working as volunteers with the United States Army Air Force Interceptor Command. I request that their petition be printed in the RECORD, without all the names attached thereto, and referred to the Committee on Military Affairs.

There being no objection, the statement or petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD without all the names attached thereto, as follows:

PHILADELPHIA, PA., *March 21, 1942.*

Hon. JAMES J. DAVIS,
United States Senate Office Building,
Washington, D. C.

DEAR SENATOR: We, the undersigned, are at present working as volunteers with the United States Army Air Force Interceptor Command in Philadelphia, Pa. We would like to call to your attention certain phases of the Women's Auxiliary Army Corps bill. This bill has been passed by the House of Representatives and is now before the Senate.

The portion of the bill in which we are interested is that section which applies to the enlistment of 12,000 women for the Aircraft Warning Service. As the bill now stands, there is a provision that enlistment in the Women's Army Auxiliary Corps permits the Army to move an enlisted woman anywhere in or out of the United States.

A large majority of the undersigned workers of the Philadelphia interceptor command are married women with children (and certain home responsibilities), who, naturally, would be unable to enlist because of the above proviso.

We are trained workers who have been faithfully and patriotically giving regular service to the Philadelphia interceptor command since the inception of war. We wish to continue to do so. We would be most eager and willing to enlist in the Women's Army Auxiliary Corps for aircraft warning service, under the following changes:

1. That we be allowed to enlist and not to be transferred out of this service or out of our present localities without our consent.

2. That we be allowed to live in our own homes.

We feel privileged in making the above request both because of our loyalty and devotion to our country, and because, if this war is to be won, every citizen of the United States will have to help. We are trained to do a job, and we want a chance to continue it.

We trust that you, as our Senator, will give this letter your serious consideration.

Respectfully submitted.

The Volunteers of the Philadelphia Information Center: Mrs. Toby L. Sleif, 326 South Nineteenth Street, Philadelphia, Pa.; Mrs. Gladys G. Kaufman, 1701 Locust Street, Philadelphia, Pa.; Frances S. Perkins, Bryn Mawr, Pa.; and sundry other citizens of the Philadelphia area, Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BROWN, from the Committee on Claims:

H. R. 710. A bill for the relief of Martin N. Mayrath; without amendment (Rept. No. 1212);

H. R. 3722. A bill for the relief of Lt. Col. S. W. McIlwain; without amendment (Rept. No. 1213);

H. R. 4625. A bill for the relief of Karl K. Wilkes; without amendment (Rept. No. 1214); and

H. R. 5363. A bill for the relief of Johnston-Hall Hospital, Calhoun, Ga., and Dr. Z. V. Johnston, Calhoun, Ga.; without amendment (Rept. No. 1215).

By Mr. ROSIER, from the Committee on Claims:

S. 2235. A bill for the relief of Harriett Boswell, guardian of Betty Fisher; without amendment (Rept. No. 1216); and

S. 2278. A bill for the relief of Bob Sampley; without amendment (Rept. No. 1217).

By Mr. SPENCER, from the Committee on Claims:

S. 1756. A bill for the relief of Franklin Benjamin McNew; with an amendment (Rept. No. 1218).

By Mr. HUGHES, from the Committee on Banking and Currency:

S. 2250. A bill to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes; with an amendment (Rept. No. 1219).

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

S. 2285. A bill to provide for the retirement, with advanced rank, of certain officers of the Navy; without amendment (Rept. No. 1220);

S. 2286. A bill to authorize inclusion of service on active duty as service on the active list in computation of service of commissioned warrant officers in the Navy for pay purposes; without amendment (Rept. No. 1221);

S. 2288. A bill to amend subsection 11 (b) of the act approved July 24, 1941, entitled "An act authorizing the temporary appointment or advancement of certain personnel of the Navy and Marine Corps, and for other purposes"; without amendment (Rept. No. 1222);

S. 2327. A bill to provide for payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard; without amendment (Rept. No. 1223);

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; without amendment (Rept. No. 1224);

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; without amendment (Rept. No. 1225); and

H. R. 4151. A bill to authorize the acquisition by the United States of lands lying between the present boundary of the Naval Air Station, Lakehurst, N. J., and the new boundary of Fort Dix, in the county of Ocean and State of New Jersey; without amendment (Rept. No. 1226).

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

S. 2399. A bill to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended; without amendment (Rept. No. 1227).

BILLS INTRODUCED

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

By Mr. WALSH:

S. 2409. A bill to authorize the acquisition by the United States of certain lands adjacent to the Navy Yard, Boston, Mass.; to the Committee on Naval Affairs.

By Mr. THOMAS of Oklahoma:

S. 2410. A bill for the relief of John Hamilton; to the Committee on Military Affairs.

By Mr. BULOW:

S. 2411. A bill for the relief of William R. Laurence; to the Committee on Military Affairs.

By Mr. PEPPER:

S. 2412. A bill to provide benefits for the injury, disability, death, or enemy detention of civilians, and for the prevention and relief of civilian distress arising out of the present war, and for other purposes; to the Committee on Education and Labor.

HOUSE BILL REFERRED

The bill (H. R. 5695) to amend the Civilian Pilot Training Act of 1939 so as to provide for the training of civilian aviation technicians and mechanics was read twice by its title and referred to the Committee on Commerce.

AMENDMENT TO AGRICULTURE DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to House bill 6709, the Agriculture Department appropriation bill for the fiscal year ending June 30, 1943, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 79, between lines 14 and 15, insert the following:

"Reimbursement of participants in cotton producers' pool: Not to exceed $4,320,000 of the funds of the Commodity Credit Corporation shall be available for the purpose of enabling such corporation to pay, and such corporation is authorized and directed to pay pursuant to such regulations as the Secretary of Agriculture may prescribe, to any holder of record, as of May 1, 1937, of a participation trust certificate (Agricultural Adjustment Administration Form C-5-I of the 1933 Cotton Producers Pool a sum equal to $2.40 per bale for each bale which such certificate evidenced that such holder held in such pool. Payments made under the provisions of this paragraph shall be deemed to be in full and complete satisfaction of the claims of the payees against the United States for reimbursement of the amounts charged to them as carrying charges on the cotton which they held in such pool."

WOMEN IN WAR INDUSTRIES—ADDRESS BY MARY ANDERSON

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an address by Mary Anderson, Director of the Women's Bureau, United States Department of Labor, entitled "Women's Jobs in War Industries," which appears in the Appendix.]

SYNTHETIC RUBBER PRODUCTION

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD an article from the Chicago Sun of March 25, 1942, under the headline "Charge United States and industry blocked synthetic rubber," which appears in the Appendix.]

ADDRESS BY MOST REVEREND FRANCIS J. SPELLMAN, ARCHBISHOP OF NEW YORK

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Most Reverend Francis J. Spellman, Archbishop of New York, on the radio program of the Fourth Degree Knights of

Columbus, March 22, 1942, which appears in the Appendix.]

WAR PROFITEERING—EDITORIAL FROM ATLANTIC CITY PRESS-UNION

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an editorial relating to war profiteering, published in the Atlantic City Press-Union of March 5, 1942, which appears in the Appendix.]

SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220) declaring WILLIAM LANGER not entitled to be a United States Senator from the State of North Dakota.

Mr. BUTLER obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me so that I may suggest the absence of a quorum?

Mr. BUTLER. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

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

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

Mr. BUTLER. Mr. President, I have hesitated to inject myself into the long and tedious debate which has been in progress now for about 3 weeks on the floor of the Senate, and I can assure the Senate that my remarks shall be very brief; nevertheless, I feel that, as a member of the committee, it is proper, and perhaps required, that I should express myself to some extent.

Unfortunately for me, at least, I was made a member of the Committee on Privileges and Elections. I say "unfortunately" because of my experience on the committee. Ordinarily I think there has been little work for the committee to do, and I hope, after this unpleasant incident is closed, that it will be a long time before the committee is again called upon to consider such a dispute.

The Committee on Privileges and Elections has had two rather difficult tasks: First, the settlement of the contest which arose in West Virginia, and then the question of seating the Senator from North Dakota.

My hesitancy to participate in the debate on either of these cases is due to my conviction that the discussions have been based largely on technical, legal interpretations. I am totaly unprepared to add anything to what has been contributed by the distinguished legal talent on each side of the case under consideration. However, when men of great legal talent are unable to agree or even to come close together on what to them appears to be the important legal phases involved in the case under consideration, I ask what are we to do who are not students of the law? Is there a place in the consideration of this case where something other than purely technical legal interpretations may be properly considered? My answer to the question is in the affirmative. There is properly a moral question involved, one that must be answered by the conscience of each Senator for himself.

It does not take a member of the bar to say in this case that the Senator from North Dakota is of legal age, that he has been 9 years a citizen of the United States, and was a qualified elector in the State at the time of his election and appearance before this body. Neither does it require a member of the bar to read the section of the Constitution of the United States which says:

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

To me, as a layman, there can be no question of our right and our constitutional and moral duty to give consideration to the qualifications of any man who is met at the door of this body with a protest such as the one in this case. No member of the committee and no Member of the Senate had anything to do with the opening of this unfortunate situation. It was brought here by the people of North Dakota. Like other members of the committee, I listened to many weeks of testimony. At the beginning and all through the close of the hearings it was my intention to vote for the seating of Senator LANGER. Then it may be asked why did I sign, with 12 other members of the committee, the report which was submitted to the Senate? That is a proper question, and I am willing to give my answer.

I gave consideration to the "qualifications" clause of the Constitution. Suppose Mr. LANGER's name was before the Senate today for confirmation as a judge of the Federal Court for the District of North Dakota, rather than to become a United States Senator from North Dakota. In the light of all the undisputed testimony in this case, would the Senate confirm Mr. LANGER's appointment as Federal judge? I think not; I am almost certain he would be denied that great honor and position of responsibility.

Then, may I ask, in a spirit of sincerity to duty, how can we vote to seat a man as a Senator whose duty as a Senator is to pass on the qualifications of men selected for the Federal courts?

Mr. President, I have arrived at my own answer. To quote the distinguished Senator from Vermont [Mr. AUSTIN], who has just spoken, my answer may be "more of the heart than of the head."

Mr. President, when it is difficult or impossible to arrive at a decision by the logic of law, the head route, then I say it is one's duty to use his common sense, his conscience, the heart route. I cannot escape living with my conscience.

Mr. DANAHER obtained the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

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

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

Mr. DANAHER. Mr. President, I doubt that in the course of this debate there can be a more sincere and more earnest argument advancing the point of view of a Senator acting under his oath than that to which we have just listened, submitted to us by the senior Senator from Vermont [Mr. AUSTIN]. I doubt that in the course of the long, gruelling consideration, under most trying circumstances, of this difficult case before the Committee on Privileges and Elections, there ever was a time when any member of the committee relaxed his vigilance, his sense of propriety, his sense of balance, or his judgment. I think every member of the committee who has considered the report which we have received from the committee has acted according to his oath and in good conscience in presenting to us the matter in the form in which we have found it.

It has seemed to me, from an examination of the original record of the executive session of the committee, wherein consideration of what was appropriate procedure in this case was first undertaken, that there existed an unusual degree of confusion both of thought and as to a course of action. Since that particular record was taken in executive session and appears before us only in a confidential print, I shall not refer to any of the observations made by Senators by name. Any of my colleagues may have access to the particular volume, from which and from the comments of the committee members, he will readily see the confusion of mind which existed in the approach of the committee itself to

a consideration of the problem confronting it. It is not to disparage the work of the committee, then, that I make reference to that point; quite the contrary. It is by way of having my colleagues here realize the unusual problem confronting the committee.

So far as I can perceive, there is no member of the committee who at any time in his service upon it ever had been called upon to consider a case of expulsion of a Senator for misconduct while a Member of this body; nor do I see that any member of the committee was ever called upon to consider a case of exclusion of a Senator from being permitted to take the oath as a Senator of the United States because of some alleged offense of which the applicant had not been earlier convicted. In short, Mr. President, such experience as the committee itself had had, through the learned lawyers and others of our colleagues who grace its membership, had been confined entirely to those cases of elections and returns in which frauds were involved, the very type of thing which, if established, vitiated an entire election, just as we all know that fraud vitiates every act it affects. It is not to be wondered at, therefore, that there was no common understanding of just exactly what steps the committee should take in the premises.

An examination of the original petition which was filed by certain citizens of the State of North Dakota under date of December 21, 1940, which I hold in my hand, indicates that the petitioners felt "That WILLIAM LANGER, Senator-elect of the State of North Dakota, does not represent a majority of the electors of said State, and that he, by reason of his acts in North Dakota, is not qualified or entitled to be United States Senator. We do herewith petition the honorable Members of the United States Senate to refuse the said WILLIAM LANGER a seat in said body, and in support of said petition we submit the following facts:"

Whereupon there are narrated allegations to indicate that Mr. LANGER had received some 38 percent of the total vote cast in North Dakota—and still they do not dispute that that number was sufficient for his election; that he once had been convicted of conspiracy in a Federal court in North Dakota—but that conviction had been erased on appeal; that he had been, on suspicion, at least, so far as the allegations are concerned, involved in one matter or another in which it was claimed moral turpitude was revealed.

In short, Mr. President, there was no allegation whatever, in any form whatever, which would give the Senate jurisdiction to inquire into the "elections" or "returns" within the constitutional language, unless it were to be found in subparagraph (d), in which it appears—

that at and during a State-wide meeting of the Republican State Central Committeemen at Devil's Lake, N. Dak., on or about July 19, 1940, Mr. LANGER promised one Thomas Whelan—

Whelan had been an opposition candidate at the general primary—

that he would support him for the State chairmanship nd give to him or the committee one-half of the Federal patronage in North Dakota if Whelan and the committee would support him, LANGER, for the United States Senate in the fall campaign. This was agreed to.

I shall not read further, but if ever there was a case of what the law calls a nudum pactum, it lay in the assumption on the part of Mr. LANGER that if elected as a Republican Senator he was going to get any patronage, much less be able to give half of it to Mr. Whelan. [Laughter.]

In any event, Mr. President, abandoning all facetiousness, it becomes perfectly apparent that when the senior Senator from Kentucky [Mr. BARKLEY], as he very properly did, permitted the applicant to take the oath "without prejudice"—and those were his words—he did it without prejudice to whatever rights the Senate had, and without prejudice to whatever rights the candidate had at that time. But when those rights which the Senate thus reserved in fact had been exhausted, when it developed, after hearings, that there no longer were any rights of inquiry as to elections and returns, as to which the Senate had a right to conduct further inquiry, it followed that whatever reservation previously had been made as to Mr. LANGER's right to take his seat had also been dissipated.

Consequently, the committee having found expressly, as it reports to us, that there was no irregularity in the election, that there was no fraud, that there was no question about the returns, it follows that the committee had exhausted whatever jurisdiction it then had, unless we can find that the committee had some right to pursue further an inquiry into the matter of what were the qualifications of the applicant.

Thus, Mr. President, we come squarely down to what is the only issue before us, whether or not there was any jurisdiction remaining in the Senate to inquire into some matter with respect to which rights were reserved when the Senator from Kentucky said that he would permit the applicant to take the oath without prejudice.

Mr. President, if anyone wishes to inquire into what the qualifications of the applicant were when he presented himself to take the oath, when he first came to the Senate, he must look to the Constitution itself primarily for a declaration of whatever disqualifications might exist. These disqualifications have been expressly listed by the Senator from Vermont and many others of the able Senators who have argued this question. The disqualifications need not be repeated. Long before an individual came to the Senate and offered himself, there arose the question of the existence of certain qualifications which were prescribed by the States themselves. As to such qualifications, whatever they were or whatever they are in any given case, we in the Senate have no voice whatever.

To illustrate the point, with reference to an alleged offense as to which there has been no conviction before a candidate comes to this body and presents himself, is it not singular that in all the years of our national existence we have no statute which would say that a man is ineligible by reason of his having committed a crime, no matter how infamous, to aspire to and to take a seat in this body? Never have we ever proclaimed any such doctrine.

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

Mr. DANAHER. I yield.

Mr. McNARY. I may be in error, but I recall from reading, particularly in reference to this and similar cases, that in 1866 Congress passed the test oath of loyalty, right after the Civil War, when feelings and emotions ran high. That test oath was called forth and attempted to be used in the case of Thomas, a Senator from Ohio, who was tried for sending his son into the Confederate Army, but it was abandoned because it was generally agreed it was adding to or attempting to superadd to the qualifications described in the Constitution. I think the Senator should bear that in mind. It only illustrates the futility of trying to do something we could not do.

Mr. DANAHER. I thank the Senator from Oregon for his contribution. Since the Senator has diverted my attention to that particular line of thought——

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

Mr. DANAHER. I yield.

Mr. BROWN. I asked the same question of two Senators who spoke on the side of the majority of the committee, and I find that the situation was not exactly as it was stated to me by the Senators who answered my question, and, begging the pardon of the Senator from Oregon, not exactly as he stated it to the Senate.

In 1862 the Congress of the United States adopted a statute, such as the Senator from Oregon has described, and it remained upon the statute books for a matter of a few years. In 1866 it was evidently deemed by the Congress that such a statute was not within the power of Congress to enact. In other words, that the qualifications, as the Senator from Connecticut [Mr. DANAHER] has stated, had been laid down in the Constitution, and could not be changed by anything other than a constitutional amendment. So a constitutional amendment was proposed, and finally adopted in 1866, which prevented men who had previously been Members of the Congress, either of the Senate or the House, from taking the oath if they had participated in the War between the States. That, I think, is an accurate historical statement of the situation, and is substantially the same as the Senator from Oregon has outlined it, but I think that something is added to the argument he makes by pointing out that Congress did enact such a statute in 1862, and subsequently supplemented it, or supplanted it rather, by a constitutional amendment, the fourteenth amendment.

Mr. DANAHER. And, Mr. President, let it be noted further that in the fourteenth amendment we even provided that the disqualification could be removed by a two-thirds vote of both Houses.

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

Mr. DANAHER. I yield.

Mr. GEORGE. I think the Senator will find that the thirteenth, fourteenth, and fifteenth amendments, insofar as they were restrictions on rights, were definitely restrictions on the powers and rights of the States, and therefore that the State could not send a man here who, having previously taken an oath to the Constitution, had engaged in insurrection. Of course, it is agreed that the Congress of the United States cannot superadd any qualifications for a Senator or for a Member of the House, but for an altogether different reason, and one that goes to the very vitals of this question, because it is not a legislative power. Either House—not both Houses—is the sole judge of matters which pertain to the conduct or to the privilege of sitting as a Member of that House. Of course, Congress can pass no such law as that, because the particular House itself at the moment is the judge of the matters. Even if we should pass a law today, tomorrow it would have no effect whatsoever on another Congress which would assemble. That carries us to the bottom of the thing, if we want to face it, and that is that when we create a coordinate branch of the Government and vest in it legislative power, we give to that branch of the Government, necessarily, the power to control the conduct of its own membership, and the only single exception to it is when in the instrument creating the Congress or the House or the Senate, as the case may be, there are limitations placed upon that power. It is not a legislative power at all, and, of course, a law passed by the Seventy-third Congress would have no possible effect on the Senate or the House in judging of the qualifications or the election, for that matter, of a Member who came and demanded entrance into either House.

Mr. DANAHER. Mr. President, it is a singular thing that when the Constitution was adopted—taking the view that has just been expressed by the Senator from Georgia for the present purpose—in section 2 of article I we provided—

That—

As to Members of the House—

the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

There was no reference then in any slightest particular to what qualifications must be had by the electors for Senators, the reason being, of course, that the Senators were chosen by the legislatures of the several States. The United States had nothing whatever to do with it, outside of the constitutional language. Whoever were to be chosen electors in a given State had the sole right under the laws and constitution of that State to select their own membership to their own State legislatures, who in turn selected anyone they chose to the United States Senate, only saying that he was not disqualified by the expressly stated constitutional disqualifications to which we have adverted.

Mr. President, that that may be the more apparent, let it be noted that it was not until the seventeenth amendment to the Constitution was passed, within our easy memory, that we ever adopted a provision to the effect—and I read—that—

The Senate of the United States——

The PRESIDING OFFICER (Mr. SPENCER in the chair, at 3:30 p. m.). The Chair calls the attention of Senators to the fact that at this time the unanimous-consent agreement entered into on yesterday goes into effect, under which no Senator shall speak more than once or longer than 30 minutes on the pending resolution or any amendment or motion relative thereto.

Mr. DANAHER. I thank the Chair.

I read now from the seventeenth amendment to the Constitution.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. I beg the Senator from Connecticut's pardon. I did not hear the ruling made by the Chair.

The PRESIDING OFFICER. The Chair stated that at this time the unanimous-consent agreement entered into on yesterday goes into effect.

Mr. LUCAS. I thank the Chair, and I beg pardon of the Senator from Connecticut.

Mr. DANAHER. Mr. President, overlooking entirely the 2 minutes which the Chair and other Senators have taken from me, I shall proceed to read from the seventeenth amendment:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Never, Mr. President, until the seventeenth amendment became law, was there any stricture imposed upon, or any applicability in any way whatever of the Constitution of the United States to the choice of those representatives of the States chosen to be United States Senators, other than that they meet the matter of the testing disqualifications laid down in the Constitution itself.

Mr. President, let us historically think of another thing. In my own State we never even had a constitutional convention to write a State Constitution until 1818; we had no Federal Constitutional Convention, expressly so convened, to ratify the Constitution of the United States, nor even to pass on the various amendments to the Constitution of the United States, until it befell me, as secretary of the State for Connecticut in 1933, to organize such a convention that we might adopt the twenty-first article of amendment to the Constitution of the United States. As a matter of fact, it was not until 1939 that we even ratified the first ten amendments to the Constitution. [Laughter.]

Mr. President, I mention such a thing to point up the inquiry, who between 1789 and 1818 was prescribing the basis for selecting the candidates for the United States Senate from Connecticut, and in accordance with what standards were they selected, and in accordance with what "qualifications"—and I use the word "qualifications" this time in quotes just as though I extracted from the Constitution? Obviously, we in Connecticut did it.

Let us turn to Rhode Island, Mr. President. Rhode Island did not have a constitutional convention until some time around 1842 or 1843; and then, Mr. President, over in Rhode Island, where there was still a Crown government in control, the people finally decided that they would have a constitutional convention of their own.

I see the senior Senator from Rhode Island [Mr. GERRY] present, and I will recall to him that it led to such a state of rebellion within the State itself that Dorr's Rebellion, as we have come to know it, led to President Tyler's being asked to send the United States Army in there to preserve order. Later a case arose which went to the United States Supreme Court for decision as to whether or not a plaintiff, an officer under one government, had a right of action in trespass against officers who had been elected under the other constituted government, and the United States Supreme Court held that it did not make any difference, in effect, what kind of government the State itself chose, only provided, as the Constitution required, that it be a republican form of government. It was a political question for the President to decide under our statute, not for the courts. It lay within the power of the State itself originally to decide even what kind of government it would have, so long as it was a republican government. And that is true today. If the people of the State of New York, for example, want to revise their whole form of government they may call a constitutional convention, and adopt a new form of government only so long as it be a republican form of government.

Mr. President, that same sort of thing was involved, as I recall it, when some lady in Missouri named Minor brought suit in 1874 seeking to be permitted to vote. She claimed that she was a citizen of the United States. She was. The Supreme Court decided that even women were citizens of the United States; but that did not mean that they had a right to vote under the law of Missouri. The Supreme Court said:

The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature.

When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of those constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power.

The Senator from Virginia [Mr. GLASS] is in the chair. I remember reading a few months ago an article by Jonathan

Daniels, who, I think, is now with the Office of Civilian Defense. He pointed out that under the law of the State of Virginia some 15 percent of the total population of the State is permitted to vote, while over the mountains in West Virginia, under West Virginia law, 76 percent of the voters had gone to the polls at the same election.

Standards of that kind are applied by the States. It has always been so. It has been so recognized by the Supreme Court of the United States. When the founders used the word "qualifications" and said that we were to be the judge of the qualifications of our own membership, in the absence of some statute which said that a man was ineligible, in the absence of some disqualification stated by the Constitution itself, or in the absence of a conviction for treason or felony anyone, no matter how infamous, was eligible. And I emphasize the word eligible to membership in this body.

There was a reason for all those things. The reason why persons were debarred by conviction of treason and felony, from being eligible to membership derived from the fact that under the law as it then stood both those offenses were punishable by death. They represented crimes against organized society, insofar as treason applied, and against organized mankind so far as felony was concerned. So it was, Mr. President, that conviction for either of those two offenses carried with it a conviction of outlawry. It was held that no person guilty of felony or of treason was capable of taking an oath.

That is why, when a man goes down the aisle and takes his oath at the Vice President's desk to qualify, he is being presented on the binding authority to which Washington, himself, adverted as the "knitting unit," upon which the whole structure of our society is based, namely, the sanctity of the oath. We find the oath as a fundamental factor running through every form of our activity in public life. We find it when a witness comes to the stand to take his oath in court. We find it when a grand jury is about to make a presentment or indictment against our citizens. We find it when a petit jury is sworn to make true deliverance of the prisoner at the bar. We find it with reference to the assumption of office by all officeholders, including Senators and Representatives when they come here.

So the question of qualifications was emphasized in the minds of the founders. There can be no cavil about it. They brought the test which they were applying without stint, and almost bodily, from Blackstone, the common law, and the law of Parliament in England, to the end that there should be retained in the States the matter of control over the qualifications of their own citizens, both to be electors and thereafter to be elected to the office of Senator of the United States. It might be worth recalling that the ninth and tenth amendments were insisted upon, particularly by the smaller States, which wished to be vouchsafed protection in their rights in that particular.

As a test of what the founders might have had in mind, I looked up Blackstone. In 1763, he wrote the following with respect to the qualifications of members of the House of Commons:

2. Qualification of members of House of Commons.—Next, as to the qualifications of persons to be elected members of the House of Commons. Some of these depend upon the law and custom of Parliament, declared by the House of Commons, others upon certain statutes. And from these it appears, 1. That they must not be aliens born, or minors. 2. That they must not be any of the 12 judges, because they sit in the lords' house, nor of the clergy, for they sit in the convocation, nor persons attainted of treason or felony, for they are unfit to sit anywhere. 3. That sheriffs of counties, and mayors and bailiffs of boroughs are not eligible in their respective jurisdictions, as being returning officers, but that sheriffs of one county are eligible to be knights of another. 4. That, in strictness, all members ought to have been inhabitants of the places for which they are chosen, but this having been long disregarded was at length entirely repealed by statute 14 George III, chapter 58. 5. That no persons concerned in the management of any duties or taxes created since 1692, except the commissioners of the treasury, nor any of the officers following, viz, commissioners of prizes, transports, sick and wounded, wine licenses, navy, and victualing; secretaries or receivers of prizes; comptrollers of the army accounts; agents for regiments; governors of plantations and their deputies; officers of Minorca or Gibraltar; officers of the excise and customs; clerks or deputies in the several offices of the treasury, exchequer, navy, victualing, admiralty, pay of the army or navy, secretaries of state, salt, stamps, appeals, wine licenses, hackney coaches, hawkers, and pedlers, nor any persons that hold any new offices under the Crown created since 1705, are capable of being elected or sitting as members. 6. That no person having a pension under the Crown during pleasure, or for any term of years, is capable of being elected or sitting.

We find the following express disqualification almost bodily in our own Constitution:

7. That if any member accepts an office under the Crown, except an officer in the army or navy accepting a new commission, his seat is void; but such member is capable of being reelected. 8. That all knights of the shire shall be actual knights—

And so forth.

But subject to these standing restrictions and disqualifications, every subject of the realm is eligible of common right, though there are instances wherein persons in particular circumstances have forfeited that common right, and have been declared ineligible for that Parliament by vote of the House of Commons, or forever by an act of the legislature. But it was an unconstitutional prohibition, which was grounded on an ordinance of the House of Lords.

Mr. President, to the end that there may be no repetition of that sort of thing in Congress the Constitution of the United States even inveighed against bills of attainder, which a few States previous to 1787 had already passed.

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

Mr. DANAHER. I yield.

Mr. SHIPSTEAD. The qualifications or disqualifications enumerated by the British Parliament are legislative. The British Parliament does not work under a limited written constitution delegating power to Parliament, as we are limited by constitutional qualifications.

Mr. DANAHER. That is correct.

Mr. SHIPSTEAD. Within those limitations the Senate has full power; but, like any other function or duty which the Senate must perform, it must be performed under our Constitution, within constitutional limitations.

It would appear that in the case which is before the Senate today the limitations are enumerated.

Mr. DANAHER. I thank the Senator from Minnesota. The point I was seeking to make is that when the founders wrote our Constitution they knew that certain qualifications were stated for membership in Parliament, as well as in the several States. They knew that there were separate qualifications with reference to being elected as a member of the House of Commons, for obviously no peer could be a member of the House of Commons and, vice versa, no member of the House of Commons could be elected to the House of Lords.

Those things constituted a statement of qualifications; and when the founders used the term they knew full well that if Virginia chose to state her qualifications and Massachusetts chose to state hers, and we in Connecticut chose to prescribe ours, there would be left to the Senate the matter of testing whether or not a given aspirant in fact met the qualification stated. I have no question that this body could easily make inquiry as to whether or not a given individual meets the qualifications fixed in the State of Connecticut, for I have no doubt that this body can take judicial notice of what the law of Connecticut is in that particular; but that does not give us in the Senate any right whatever to add a statement of disqualification which is not known to the law, which is outside the Constitution, and which had never been prescribed by statute or otherwise.

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

Mr. DANAHER. I yield.

Mr. LUCAS. The Senator is making a very able argument. I should like to draw attention to a hypothetical situation, as I did a few days ago when the Senator from Utah [Mr. MURDOCK] was presenting his argument. As I understand the position of the Senator from Connecticut, he takes the same view as does the Senator from Utah with respect to qualifications. Once a man meets the constitutional qualifications there is nothing for the Senate to do but to admit him. Am I correct in my understanding of the Senator's view?

Mr. DANAHER. I think I have tried to go further than the limited statement by the Senator from Illinois. I have stated that not only must he meet the disqualifying tests set forth in our Constitution, but he must also meet the qualifications stated and fixed by law in the State of Connecticut, the State of North Dakota, or any other State.

Mr. LUCAS. I am dealing now only with the qualifications laid down by the Constitution of the United States. My question is limited to those qualifications. There are five of them, which I understand now appear in what is known as

the Overton amendment. If I correctly understand the Senator's position, if an individual is elected by the people of Connecticut and he comes here and can meet the five qualifications laid down in the Constitution of the United States, plus any qualifications which the State of Connecticut lays down, it is absolutely mandatory that the Senate admit that man to the United States Senate.

Mr. DANAHER. Is the Senator stating what he understands?

Mr. LUCAS. No; I am asking if that is the Senator's position. I want to be clear as to what the Senator's position is in connection with this very important matter.

Mr. DANAHER. To what the Senator has stated, I add that if a person shall have been convicted of treason or felony, or of a crime which would be disqualifying in and of itself, then such person is inadmissible. I add so much to those qualifications which are requisite.

Mr. LUCAS. The Senator adds to those qualifications.

Mr. DANAHER. That is correct.

Mr. LUCAS. In other words, if an individual in Illinois were convicted of a crime in July, prior to the election in November, and in November, notwithstanding the fact that he has been convicted of a crime, the people should elect him to the United States Senate, and he were still out on bond, under those circumstances would the Senator deny him the right to come here and take the oath?

Mr. DANAHER. No; it does not follow that closely. I mean to say that we have the power to deny him a seat in the Senate, provided the type of offense of which he has been convicted is of such nature as to render him incapable of taking a valid oath. That is the reason for it.

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

Mr. DANAHER. Yes; I am glad to yield.

Mr. LUCAS. Of course, the Senator now is drawing a very fine line regarding what might in the opinion of some Senator be prohibitive of an individual becoming a member of the Senate, and what other Senators might say was not of sufficient importance to prevent him from taking the oath.

The point I thought the Senator was making in his argument, and what I thought he was attempting to do in quoting a good deal of history in connection with this important matter and also in view of what he said with respect to the commission of crime, was that he was laying down a fundamental principle to the end that when an individual has met the qualifications laid down by the State of Connecticut and has met the five qualifications laid down by the Constitution of the United States—qualifications now included in the Overton amendment—it is absolutely mandatory that we admit such person into the Senate. I thought that was the point the Senator was attempting to make. What I was leading up to was the following hypothetical question: If in any State an individual is elected United States Senator in the November election, and if immediately following his election he commits murder, and thereafter is allowed to be out on bond, and if while out on bond he comes to the United States Senate, bringing with him all the credentials which are necessary, under those circumstances is it the position of the Senator that under the Constitution we are bound to admit such a man to the Senate and to permit him to take the oath, and then can expel him afterward if he is convicted of murder?

Mr. DANAHER. That case presents no difficulty to me, Mr. President. If the man had been convicted of murder, I should have voted that he stand aside. That is all there is to it.

Mr. LUCAS. I am not talking about a man who was convicted of murder.

Mr. DANAHER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DANAHER. How much time have I? I desire to be as generous as possible to my colleagues.

The PRESIDENT pro tempore. The Senator has 10 minutes remaining, on the amendment.

Mr. DANAHER. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DANAHER. Have I 30 minutes on the resolution itself?

The PRESIDENT pro tempore. Yes.

Mr. LUCAS. Mr. President, a parliamentary inquiry on that point.

The PRESIDENT pro tempore. The Senator will state it

Mr. LUCAS. I should like to have the clerk read the order previously entered relative to the limitation of time. Under the terms of the motion made by the distinguished Senator from Oregon, I do not believe that any Senator has over 30 minutes upon the resolution or any amendment thereto.

Mr. DANAHER. Mr. President, with reluctance I must say the Senator will not have the motion read in my time; I decline to yield further.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. Does the Senator yield for that purpose?

Mr. DANAHER. I yield for the purpose of a parliamentary inquiry.

Mr. LUCAS. I should like to know the intent of the original motion as presented by the Senator from Oregon; and I say to the Senator from Connecticut that I shall be glad to have charged to me such time as may be necessary to discuss this parliamentary point, because it is important.

Mr. DANAHER. Yes; I understand that the Senator will have such time charged to him. I thank the Senator.

Mr. LUCAS. It was my understanding in the beginning, I may say to the Chair, when the able Senator from Oregon presented his request for unanimous consent, that, following its adoption, only 30 minutes could be consumed by any Member of the Senate in discussing the resolution or any motion or amendment relative thereto. I may be wrong; but it was my understanding that any Senator could take only 30 minutes, and that would be the end of his time, whether he might speak upon the original resolution or upon an amendment.

I call upon the Senator from Oregon to state if that is not his understanding.

The PRESIDENT pro tempore. The practice during the last several years has been that a Senator may conclude on an amendment and then take the same time on a motion.

Mr. DANAHER. That is correct.

Mr. McNARY. Mr. President, in reply to the inquiry made to me by the able Senator from Illinois—I hope the time I shall take will not be charged against me or against the Senator from Connecticut—let me say that yesterday, when the matter came up, we were acting quite hurriedly. I informed the Parliamentarian that I desired to have a unanimous-consent agreement prepared; and he prepared it. At that time I intended that 30 minutes should comprise the length of time allowed for the debate of any Senator, whether on motions, amendments, or resolutions. The unanimous-consent request was stated in the usual form; and I did not detect, when it was read, that it dealt with this point. All the fault is my own in not making my intention clear. In my judgment, the order as entered does permit 30 minutes on the motion and 30 minutes on the amendment. If there is any disposition to criticise or find fault, let the fault be charged to my account.

Mr. LUCAS. Mr. President, I regret to find myself in this position so far as the parliamentary situation is concerned. It was the definite understanding, as the able Senator from Oregon has said, that only 30 minutes would be allowed to any Member of the Senate to speak upon the original motion or upon any amendment or modification thereof. I shall not charge the Senator from Oregon with anything but the best intentions so far as the matter of limitation of debate is concerned; but I say that the Senator from Illinois is learning rather rapidly about parliamentary situations.

Mr. DANAHER. Mr. President, I take it that the last 10 minutes have not been charged against my time; is that correct?

The PRESIDENT pro tempore. The last 5 minutes have not been charged against the time of the Senator from Connecticut.

Mr. DANAHER. Apparently, I was proceeding, Mr. President, under the liberal construction rule. [Laughter.]

Let me say to the Senator from Illinois, with reference to his last comment previous to the interruptions, that I am not making this up; I am not giving the personal view of the Senator from Connecticut. I am giving the view which was established by the founders of the Constitution, by those collaborating with them, by those who construed it, by those who worked it out, by those who were on the Committee on Style, and others.

Mr. President, the other day I read to the Senate, as will appear at page 2752 of the RECORD, the view of Mr. Justice Swift, which was written in 1794. The two gentlemen, later United States Senators from my State who signed the Constitution and who assisted in its draftsmanship were among the first two Senators to come to Congress from Connecti-

cut. Mr. Justice Oliver Ellsworth was the third Chief Justice of the United States, and was one of the first United States Senators. He served in the Senate from 1789 to 1796. Mr. Justice Swift, from whom I quoted a few days ago, was later secretary to Oliver Ellsworth when he was Ambassador Plenipotentiary to France. Swift was his contemporary.

Mr. President, when Swift's System of Laws of the State of Connecticut was compiled, it was written and published under the patronage system then prevailing. I have in my hand a list of the subscribers to that work. Heading the list is the name of George Washington. President of the United States. His name is followed by the names of John Adams, Vice President of the United States; Timothy Pickering, Secretary of State; Oliver Wolcott, Secretary of the Treasury; Charles Lee, Attorney General; John Davis, Comptroller; Tench Coxe, Commissioner of Revenue; and others—men coming from every State.

Mr. President, the subscribers and patrons under whose guidance and genius this particular work was compiled were the very ones who had compiled and written the Constitution of the United States. So it is pertinent that we see what they thought, as expressed by Swift, with reference to the "qualifications" of Members of this body:

If we have recourse to the common law—

Swift wrote—

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—

and there is no such Federal statute, and no similar bar is stated in the Constitution. But the State of Connecticut, or any state, has the right to prescribe a limitation by statute or in its constitution so as to inhibit the election to the Senate of any person who has been convicted of any offense deemed by that state to be of disqualifying nature. Indeed, under the Constitution of Connecticut, not only must an elector "sustain a good moral character", but the General Assembly has power "to restore the privileges of an elector to those who may have forfeited the same by a conviction of crime". Note the reference to a "conviction". It is not urged that any such limitation exists against this applicant's right to his seat.

No such disqualification is urged against the Senator whose qualifications are now under consideration. There is no disqualification at common law being asserted against this particular Senator at this time. Mr. President, when he came to this body without having been convicted of the offenses which it is alleged he committed in North Dakota, and prior to his election to this body, it follows that in the constitutional sense he is possessed of the qualifications fixed by his State and by the Congress and within the purview of the common law.

That being the case, the jurisdiction over the only qualifications into which the committee could have inquired and as to which no irregularities were found, has already been exhausted; and there being no jurisdiction remaining in the committee to go further on the record in this case, it follows that we come back to the precedent stated by the Senator from Vermont [Mr. AUSTIN] this morning when he was reading from Hinds' Precedents. I invite the Senate's attention to page 10 of the report of the majority of the committee.

The report of the majority of the committee quotes Hinds' Precedents, at page 522, referring to the Brigham H. Roberts case:

1. Neither House of Congress has ever expelled a Member for acts unrelated to him as a Member or inconsistent with his public trust and duty as such.

2. Both Houses have many times refused to expel where the guilt of the Member was apparent; where the refusal to expel was put upon the ground that the House or the Senate, as the case might be, had no right to expel for an act unrelated to the Member as such, or because it was committed prior to his election.

Under the circumstances, Mr. President, when we come back to consider the authority of a given State, and when we look to the language of the court of last resort for the authority upon which to base our opinion, we may properly review the case of *Minor* v. *Happersett* (88 U. S. 162), where the Supreme Court pointed out:

The guaranty is of a republican form of government. No particular government is designated as republican, neither is the exact form to be guaranteed in any manner especially designated.

The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all, the people participated to some extent, through their representatives selected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution.

Mr. President, I do not intend to delay the Senate further. The case has been very ably argued, but I have sought to make a few points which it seemed to me had not been covered by anyone else and upon which I would wish it to appear that my vote in this matter would rest.

I feel it appropriate to point out an error, as I conceive it to be, in the argument submitted by the Senator from Vermont [Mr. AUSTIN] earlier in the day, when he talked about the Union that was being formed as the basis of the unity among the States. I believe that the view of the Senator from Vermont in that particular is not the view of the court of last resort in this country, and I think he will find in the case of United States against the Curtiss-Wright Corporation that Mr. Justice Sutherland expressly stated that the Constitution did no such thing as the Senator from Vermont would argue. Quite the contrary, when the Constitution expressly stated at the outset in the preamble that—

We, the people of the United States, in order to form a more perfect Union, * * * do ordain—

and so forth, the founders were doing no more than building upon a structure which already existed. A Union had existed by virtue of the Articles of Confederation, which had welded the sovereignty comprised of the people of the individual States into a confederation which, while a union, Mr. President, was not the union which later was perfected under our present Constitution, and which may properly be described, as it was, as the "more perfect Union." I think it will be found expressly to have been so decided in the Supreme Court decision to which I have referred.

It was essential to the decision that the Court should so decide, for it was construing the effect of the exercise of power by our Chief Magistrate in the exercise of the external sovereignty of our country.

It is pertinent also, I feel, Mr. President, in order that the majesty and the sovereignty of the State of Connecticut may become apparent in the RECORD, that I inform the Senate that when the Declaration of Independence was adopted in 1776 and news thereof reached our grand little Constitution State, the general court was in session, and this, Mr. President, is what was done by the general court:

The people of this State, being in the providence of God free and independent, have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and having from their ancestors derived a free and excellent constitution of government whereby the legislature depends on the free and annual election of the people, they have the best security for the preservation of their civil and religious rights and liberties. And forasmuch as the free fruition of such liberties and privileges as humanity, civility, and Christianity call for, as is due to every man in his place and proportion, without impeachment and infringement, hath ever been, and will be the tranquillity and stability of churches and Commonwealths; and the denial thereof, the disturbance, if not the ruin of both.

Be it enacted and declared by the Governor and council and house of representatives, in general court assembled, that the ancient form of civil government contained in the charter from Charles II, King of England, and adopted by the people of this State, shall be and remain the constitution of this State, under the sole authority of the people thereof, independent of any king or prince whatever. And that this Republic is, and shall forever be and remain, a free, sovereign, and independent State by the name of the State of Connecticut.

And be it further enacted and declared, That no man's life shall be taken away: no man's honour or good name shall be stained: no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished: no man shall be deprived of his wife or children: no man's goods or estate shall be taken away from him, nor any ways indamaged under the colour of law, or countenance of authority; unless clearly warranted by the laws of this state.

That all the free inhabitants of this or any other of the United States of America, and foreigners in amity with this state, shall enjoy the same justice and law within this state, which is general for the state, in all cases proper for the cognizance of the civil authority and court of judicature within the same, and that without partiality or delay.

And that no man's person shall be restrained, or imprisoned, by any authority whatsoever, before the law hath sentenced him thereunto, if he can and will give sufficient security, bail, or mainprize for his appearance and good behaviour in the meantime, unless it be for capital crimes, contempt in open court, or in such cases wherein some express law doth allow of, or order the same.

Note that "no man's honour or good name" shall be stained except in accordance with law.

Thus, Connecticut preserved the ancient rights of its citizens, and they have ever been guaranteed to us. Thus, we in Connecticut feel singularly moved in the instant matter. We regard such protections as vital, moving items today as in 1776 when the General Court acted as I have shown. Our sacred privileges protected down through the centuries were old in 1789, and so, when Connecticut joined the Union, the "more perfect Union", it agreed, reserving its own rights, to be bound only in accordance with the supreme Law of the Land as set forth in the Constitution.

We knew our chosen Senator was not to be denied a seat in the Congress of the United States after our State had passed upon his qualifications, fixed by us, and had sent him here, always, of course, provided that he met the qualifications fixed by the Constitution itself. Consequently, Mr. President, if there be no barrier in law to the competency of a man taking an oath to perform his duties, to abide by the Constitution, and support and maintain it, then he will not be disqualified, and he is competent to a seat in this body as a matter of law.

That has nothing to do with the facts which extraneously were developed in this case; whatever those facts, or wherever they found the candidate in this case, he is left there; he is not exculpated; whatever conclusions some people seek to draw from the facts, such people are entitled to draw; but, under the Constitution, under our law, and as a matter of law, the candidate is entitled to the presumption of innocence until he shall have been convicted of the crimes as to which allegations have been made against him, and been convicted in accordance with law. It is not, Mr. President, in accordance with law when conviction must be said to rest upon what is done by some investigators in behalf of the committee which later makes a report to us based thereon, however sincere and earnest the members of the committee and their investigators may have been.

Under the circumstances, Mr. President, I feel that the qualifications of the candidate have affirmatively been ascertained insofar as the jurisdiction of this body applies; that the qualifications, in fact, have been ascertained to be in order and regular, and, on that ground, the applicant was entitled to take the oath, and he, therefore, did qualify as a Senator of the United States. Since, Mr. President, he cannot be expelled, nor has any Member of the Congress ever been expelled for alleged offenses committed prior to his election, particularly in the absence of conviction in a court of law, it follows, in my understanding of the case, that the candidate is entitled to his seat.

MANNER OF HEARING AND DETERMINING CASES UNDER EXPEDITING ACT OF FEBRUARY 11, 1903 — CONFERENCE REPORT

Mr. McCARRAN submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6005) to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of Acts of Congress, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 3 In any action in a district court wherein the action of three judges is required for the hearing and determination of an application for interlocutory injunction and for the final hearing by reason of the provisions of section 266 of the Judicial Code, the Act of October 22, 1913, chapter 32, or the Act of August 24, 1937, chapter 754, section 3 (being, respectively, sections 380, 47 and 380a of title 28 United States Code), or the Act of February 11, 1903 (32 Stat. 823; U. S. C., 1940 edition, title 15, section 28 and title 49, section 44), as amended by section 1 of this Act, any one of such three judges may perform all functions, conduct all proceedings, except the trial of such action, and enter all orders required or permitted by the Rules of Civil Procedure for the District Courts of the United States in effect at the time, provided such single judge shall not appoint, or order a reference to a master, or hear and determine any application for, or action of, an interlocutory injunction, or dismiss the action, or enter a summary or final judgment on all or any part of the action: *Provided, however*, That any action of a single judge hereby permitted shall be subject to review at any time prior to final hearing by the court as constituted for final hearing, on application of any party or by order of such court on its own motion."

And on page 2, lines 2 and 3, of the House engrossed bill, after "1903" strike out "(U. S. C., 1934 edition, title 49, sec. 44)" and insert "(32 Stat. 823; U. S. C., 1940 edition, title 15, sec. 28 and title 49, sec. 44)"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill; and agree to the same.

PAT McCARRAN,
TOM CONNALLY,
JOHN A. DANAHER,
Managers on the part of the Senate.

HATTON W. SUMNERS,
CHARLES F. McLAUGHLIN,
CLARENCE E. HANCOCK,
Managers on the part of the House.

The report was agreed to.

CONSOLIDATION OF THE POLICE AND MUNICIPAL COURTS OF THE DISTRICT—CONFERENCE REPORT

Mr. McCARRAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5784) to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as "The Municipal Court for the District of Columbia," to create "The Municipal Court of Appeals for the District of Columbia," and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, be, and they are hereby, consolidated into a single court to be known as "The Municipal Court for the District of Columbia".

"THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

"The court shall consist of ten judges appointed by the President with the advice and consent of the Senate, one of whom shall be designated by the President as chief judge.

"The terms of the judges shall be in accordance with the following schedule: The first two appointments shall be for a term of ten years each; the second two appointments shall be for a term of eight years each; and the remaining six appointments shall be for a term of six years each. The judges of the Police and Municipal Courts of the District of Columbia holding office on the effective date of this Act shall, however, serve as judges of The Municipal Court for the District of Columbia hereby created until the expiration of their respective commissions and until their successors are appointed and qualified.

"The Court shall adopt and have a seal, and shall be a court of record.

"SEC. 2. Subsequent appointments and reappointments to this court shall be for a term of ten years each. All judges shall continue in office until their successors shall be appointed and qualified Each judge shall be subject to removal only in the manner and for the same causes as are now or hereafter provided for the removal of Federal judges. The salary of the chief judge shall be $8,500 per annum and the salary of each associate judge shall be $8,000 per annum. Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States. No person other than a bona fide resident of the District of Columbia, and maintaining an actual place of abode therein for at least five years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed a judge of The Municipal Court for the District of Columbia: *Provided, however*, That not more than two nonresident persons may be appointed and serve as judges of the said Municipal Court at any one time. Further all appointees shall have been actively engaged in the practice of the law in the District of Columbia for a period of at least five years immediately prior to their appointment Service during the present emergency in the armed forces of the United States shall be included in the computation of the five-year requirements herein specified.

"SEC. 3. (a) The chief judge shall, from time to time and for such period or periods as he may determine, designate the judges to preside and attend at the various branches and sessions of the court. He shall have the power to determine the number and fix the time of the various sessions of the court, to arrange the business of the court, and to divide it and assign it among the judges. He shall also be charged with the general ad-

ministration and superintendence of the business of the court.

"(b) The chief judge shall give his attention to the discharge of the duties especially pertaining to his office, and to the performance of such additional judicial work as he may be able to perform.

"(c) It shall be the duty of the chief judge and the associate judges to meet together at least once in each month in each year, at such time as may be designated by the chief judge, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them.

"It shall be the duty of each associate judge to attend and serve at any branch or session of the court to which he is assigned. Each associate judge shall submit to the chief judge a monthly report in writing of the duties performed by him, which report shall specify the number of days attendance in court of such judge during said month, and the branch courts upon which he has attended, and the number of hours per day of such attendance, and such other data as may be required by the chief judge, and in such form as the chief judge shall require.

"The chief judge shall submit to the Attorney General of the United States and to the Commissioners of the District of Columbia a quarterly report in writing of the business of the court and of the duties performed by each of the judges of the court during the preceding three months. A copy of said report shall be filed in the office of the clerk of the court and shall be available and subject to public inspection during business hours.

"In the event of the absence, disability, or disqualification of the chief judge, his duties shall devolve upon and be performed by the other judges in the order of seniority of their commissions.

"Each judge shall be entitled to vacation, which shall not exceed thirty-six court days in any one calendar year, and which shall be taken at such times as may be determined by the chief judge.

"The court shall have authority to appoint and remove a clerk of the court, whose salary shall be fixed by the court in accordance with the Classification Act of 1923, as amended, and the clerk so appointed shall have and exercise the powers and authority heretofore had or exercised by the clerk of the Police Court of the Distric of Columbia and the clerk of the Municipal Court of the District of Columbia.

"The clerk of the court shall have authority, subject to the approval of the chief judge, to appoint and remove such deputy clerks and such other employees as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them, except clerks serving the respective judges, who shall be appointed and removed from office by the respective judges, their compensation to be fixed by the respective judges in accordance with the Classification Act of 1923, as amended.

"The court shall have authority to appoint and remove a probation officer of the court, whose salary shall be fixed by the court in accordance with the Classification Act of 1923, as amended, and the probation officer so appointed shall have and exercise the powers and authority heretofore had or exercised by the probation officer of the Police Court of the District of Columbia.

"The probation officer of the court, subject to the approval of the chief judge, shall have authority to appoint and remove such assistant probation officers and such other employees of the probation office as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them.

"All officials and employees of the Police Court of the District of Columbia and of the Municipal Court of the District of Columbia holding office on the effective date of this Act shall continue in office unless and until they are removed therefrom; and all appropriations for the said Police Court or the said Municipal Court shall be available for the payment of the salaries and expenses of The Municipal Court for the District of Columbia as hereby established.

"SEC. 4. (a) The Municipal Court for the District of Columbia, as established by this Act, shall consist of a criminal and a civil branch. The court and each judge thereof shall have and exercise the same powers and jurisdiction as were heretofore had or exercised by the Police Court of the District of Columbia or by the Municipal Court of the District of Columbia or the judges thereof on the effective date of this Act, and, in addition, the said court shall have exclusive jurisdiction of civil actions, including counterclaims and crossclaims, in which the claimed value of personal property or the debt or damages claimed, exclusive of interest, attorneys' fees, protest fees, and costs, does not exceed the sum of $3,000 and, in addition, shall also have exclusive jurisdiction of such actions against executors, administrators, and other fiduciaries: *Provided, however,* That the District Court of the United States for the District of Columbia shall have jurisdiction of counterclaims and closs-claims interposed in actions over which it has jurisdiction. The court shall also have jurisdiction over all cases properly pending in the Municipal Court of the District of Columbia or the Police Court of the District of Columbia on the effective date of this Act.

"(b) Service of process in the criminal division of the court shall be had as provided under existing law for the Police Court of the District of Columbia; service of process in the civil division of the court shall be had as provided under existing law for the Municipal Court of the District of Columbia, or in such other manner as may be prescribed by rules of court.

"(c) All judgments entered by The Municipal Court for the District of Columbia on or after the effective date of this Act shall remain in force for six years and no longer, unless the same be docketed in the office of the clerk of the District Court of the United States for the District of Columbia. Upon payment of a fee of 50 cents, the clerk of The Municipal Court for the District of Columbia shall prepare a copy of any judgment of the said court, whether heretofore rendered and in force and effective on the effective date of this Act, or hereafter rendered, and the same, upon being docketed with the clerk of said District Court shall have the same force and effect for all purposes as if it had been a judgment of said District Court. For the docketing of the same, the clerk of said District Court shall charge a fee of 50 cents.

"SEC. 5. (a) If, in any action, other than an action for equitable relief, pending on the effective date of this Act or thereafter commenced in the District Court of the United States for the District of Columbia, it shall appear to the satisfaction of the court at any pretrial hearing thereof that the action will not justify a judgment in excess of $1,000, the court may certify such action to The Municipal Court for the District of Columbia for trial. The pleadings in such action, together with a copy of the docket entries and of any orders theretofore entered therein, shall be sent to the clerk of the said Municipal Court, together with the deposit for costs, and the case shall be called for trial in that court promptly thereafter; and shall thereafter be treated as though it had been filed originally in the said Municipal Court, except that the jurisdiction of that court shall extend to the amount claimed in such action, even though it exceed the sum of $3,000.

"(b) The Municipal Court for the District of Columbia shall have the power and is hereby directed to prescribe, by rules, the forms of process, writs, pleadings and motions, and practice and procedure in such court, to provide for the efficient administration of justice, and the same shall conform as nearly as may be practicable to the forms, practice, and procedure now obtaining under the Federal Rules of Civil Procedure. Said rules shall not abridge, enlarge, or modify the substantive rights of any litigant. After their effective date all laws in conflict therewith shall be of no further force or effect: *Provided, however,* That nothing in this section shall be construed to require any change in the existing rules, procedure, or practice now in effect in the small claims and conciliation branch of the presently constituted Municipal Court of the District of Columbia; nor shall this Act or any section thereof in any way repeal or modify the provisions of the Act of March 5, 1938 (52 Stat. 103, ch. 43), establishing said small claims and conciliation branch.

"(c) The Municipal Court for the District of Columbia shall have the power to compel the attendance of witnesses from any part of the District of Columbia by attachment, and any judge thereof shall have the power to punish for disobedience of any order, or contempt committed in presence of the Court by a fine not exceeding $50 or imprisonment not exceeding thirty days.

"THE MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

"SEC. 6. There is hereby established and created an intermediate appellate court for the District of Columbia to be known as "The Municipal Court of Appeals for the District of Columbia," for the hearing of appeals from judgments and orders of The Municipal Court for the District of Columbia as established by this Act, and of the Juvenile Court of the District of Columbia, as hereinafter provided.

"The court shall adopt and have a seal, and shall be a court of record.

"The said court shall consist of three judges appointed by the President with the advice and consent of the Senate, two of whom shall constitute a quorum, and one of whom shall be designated by the President as chief judge.

"No person other than a bona fide resident of the District of Columbia and maintaining an actual place of abode therein for at least five years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed a judge of The Municipal Court of Appeals for the District of Columbia. Further, all appointees shall have been actively engaged in the practice of the law in the District of Columbia for a period of at least five years immediately prior to their appointment. Service during the present emergency in the armed forces of the United States shall be included in the computation of the five-year requirements herein specified.

"The chief judge shall be appointed for a term of ten years and the associate judges shall be appointed initially for terms of eight and six years each.

"Subsequent appointments and reappointments to this court shall be for a term of ten years each. All judges shall continue in office until their successors shall be appointed and qualified. Each judge shall be subject to removal only in the manner and for the same causes as are now or hereafter provided for the removal of Federal judges. The salary of the chief judge shall be $9,500 per annum and that of each associate judge shall be $9,000 per annum. Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States. In the event of the absence, disability, or disqualification of any judge of The Municipal Court of Appeals for the District of Columbia, or in the event of a vacancy in the office of any such judge,

the chief judge of said court may designate and assign any judge of The Municipal Court for the District of Columbia to act temporarily as a judge of said court. Likewise the chief judge, whenever he finds it in the public interest to do so, may designate and assign any judge of said Municipal Court of Appeals to act temporarily as a judge of The Municipal Court for the District of Columbia. In the event of the absence, disability, or disqualification of the chief judge of said court, his powers shall be exercised by that judge of said court next in seniority according to the date of commission.

"The said court shall appoint and remove a clerk who shall exercise the same powers and perform the same duties in regard to all matters within the jurisdiction of the court as are exercised and performed by the clerk of the United States Court of Appeals for the District of Columbia, so far as the same may be applicable, and his compensation shall be fixed by the court in accordance with the Classification Act of 1923, as amended. The clerk of the court, subject to the approval of the chief judge, shall have authority to appoint and remove such deputy clerks and such other employees as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them, except clerks serving the respective judges, who shall be appointed and removed from office by the respective judges, their compensation to be fixed by the respective judges in accordance with the Classification Act of 1923, as amended.

"SEC. 7. (a) Any party aggrieved by any final order or judgment of The Municipal Court for the District of Columbia, as created by this Act, or of the Juvenile Court of the District of Columbia, may appeal therefrom as of right to The Municipal Court of Appeals for the District of Columbia. Appeals may also be taken to said court as of right from all interlocutory orders of The Municipal Court for the District of Columbia whereby the possession of property is changed or affected such as orders dissolving writs of attachment and the like: *Provided, however,* That reviews of judgments of the small claims and conciliation branch of the Municipal Court of the District of Columbia, and reviews of judgments in the criminal branch of the court where the penalty imposed is less than $50, shall be by application for the allowance of an appeal, filed in said Municipal Court of Appeals. Said application shall be on a standard form, in simple language, prescribed by The Municipal Court for the District of Columbia. When the appealing party is not represented by counsel, it shall be the duty of the clerk to prepare the application in his behalf. The application for appeal shall be filed in The Municipal Court of Appeals for the District of Columbia within three days from the date of judgment. It shall be promptly presented by the clerk to the chief judge and to each of the associate judges for their consideration. If they or any one of them are of the opinion that the appeal should be allowed, the appeal shall be recorded as granted, and the case set down for hearing on appeal, and given a preferred status on the calendar, and heard in the same manner as other appeals in said court. If the chief judge and both associate judges shall be of the opinion that an appeal should be denied, such denial shall stand as an affirmance of the judgment of the trial court, from which there shall be no further appeal

"After the effective date of this Act, no writs of error or appeals, except in respect of judgments theretofore rendered, shall be granted by the United States Court of Appeals for the District of Columbia to the said Municipal Court or to the said Juvenile Court.

"(b) The Municipal Court of Appeals for the District of Columbia shall have the power to prescribe by rules what parts of the proceedings in the court below shall constitute the record on appeal, and to require that the original papers be sent to it instead of copies thereof, and generally to regulate all matters relating to appeals, whether in the court below or in said The Municipal Court of Appeals for the District of Columbia.

"(c) The Municipal Court of Appeals for the District of Columbia shall not require the record or briefs on appeal to be printed, and if they are printed, the cost of printing shall not be taxed as costs in the case. Said court shall review the record on appeal and shall affirm, reverse, or modify the order or judgment in accordance with law. If the issues of fact shall have been tried by jury, The Municipal Court of Appeals for the District of Columbia shall review the case only as to matters of law. If the case shall have been tried without a jury, The Municipal Court of Appeals for the District of Columbia shall have the power to review both as to the facts and the law, but in such case the judgment of the trial court shall not be set aside except for errors of law or unless it appears that the judgment is plainly wrong or without evidence to support it.

"(d) This section shall not apply to any judgments rendered prior to the effective date of this Act.

"SEC. 8. Any party aggrieved by any judgment of The Municipal Court of Appeals for the District of Columbia may seek a review thereof by the United States Court of Appeals for the District of Columbia by petition for the allowance of an appeal. The petition shall be in writing and shall be filed with the clerk of said United States Court of Appeals within ten days after the entry of such judgment, the contents of the petition to conform to the requirements which said United States Court of Appeals may by rule prescribe. Said Court of Appeals may prescribe rules governing the practice and procedure on such applications, the preparation of and the time for filing the transcript of the record in such cases, and generally to regulate all matters relating to appeals in such cases. If said Court of Appeals shall allow an appeal, the court shall review the record on appeal and shall affirm, reverse, or modify the order or judgment in accordance with law.

"SEC. 9. (a) The Municipal Court of Appeals for the District of Columbia shall have the power and is hereby directed to prescribe, by rules, the forms of process, writs, pleadings and motions, and practice and procedure in such court, to provide for the efficient administration of justice, and the same shall conform as nearly as may be practicable to the forms, practice, and procedure now obtaining under the Federal Rules of Civil Procedure. Said rules shall not abridge, enlarge, or modify the substantive rights of any litigant. After their effective date all laws in conflict therewith shall be of no further force or effect.

"Service of process shall be made by the United States Marshal for the District of Columbia.

"(b) The Municipal Court of Appeals for the District of Columbia, or any judge thereof, shall have the power to punish for disobedience of any order or contempt committed in the presence of the Court by a fine not exceeding $50, or imprisonment not exceeding thirty days.

"SEC. 10. The Municipal Court for the District of Columbia, and The Municipal Court of Appeals for the District of Columbia as established by this Act, shall have full power and authority to censure, suspend, or expel from practice, at their respective bars, any attorney for any crime involving moral turpitude, or professional misconduct, or any conduct prejudicial to the administration of justice. Before any such attorney is censured, suspended, or expelled, written charges under oath against him must be presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the attorney personally by the marshal or such other person as the court may designate, or in case it is established to the satisfaction of the court that personal service cannot be had, a certified copy of such charges and order shall be served upon him by mail, publication, or otherwise, as the court may direct. At any time after the filing of said written charges, the court shall have the power, pending the trial thereof, to suspend from practice at its bar the person charged.

"SEC. 11. (a) Any judge of The Municipal Court for the District of Columbia, any judge of The Municipal Court of Appeals for the District of Columbia, as established by this Act, or any judge of the Juvenile Court of the District of Columbia, may hereafter retire after having served as a judge of such court for a period or periods aggregating twenty years or more, whether continuously or not. Any judge who so retires shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of thirty years, the same to be paid in the same manner as the salary of such judge. In no event shall the sum received by any such judge hereunder be in excess of the salary of such judge at the date of such retirement. In computing the years of service under this section, service in either the Police Court of the District of Columbia or the Municipal Court of the District of Columbia, or the Juvenile Court of the District of Columbia, as heretofore constituted, shall be included whether or not such service be continuous. The terms "retire" and "retirement" as used in this section shall mean and include retirement, resignation, or failure of reappointment upon the expiration of the term of office of an incumbent.

"(b) Any judge receiving retirement salary under the provisions of this Act may be called upon by the chief judge of The Municipal Court for the District of Columbia or the chief judge of The Municipal Court of Appeals for the District of Columbia to perform such judicial duties as may be requested of him in either of said courts, or in the Juvenile Court of the District of Columbia, but in any event no such retired judge shall be required to render such service for more than ninety days in any calendar year after such retirement. In case of illness or disability precluding the rendering of such service such retired judge shall be fully relieved of any such duty during such illness or disability.

"SEC. 12. If any provision of this Act, or the application thereof to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby; and if any provision hereof becomes inoperative, either by reason of failure of appropriations or otherwise, it shall not affect the legality or operative effect of any or all of the remaining features and provisions hereof.

"SEC. 13. The appropriations in the 1942 District of Columbia Appropriation Act, approved July 1, 1941, for the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, are hereby continued available for the purposes specified therein, and for the expenditures authorized by this Act. And there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such funds as may be

necessary to carry out the provisions of this Act.

"SEC. 14. The provisions of this Act authorizing the appointment and salaries of the judges of The Municipal Court of Appeals for the District of Columbia and the clerk, deputy clerks, and other employees of said court, shall take effect one month after approval of this Act. The other provisions of this Act shall take effect three months after the date of its approval.

"The expression 'effective date of this Act,' as used in this Act, means three months after the approval of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

PAT MCCARRAN,
JOHN H. OVERTON,
HAROLD H. BURTON,
Managers on the part of the Senate.

DAN R. MCGEHEE,
OREN HARRIS,
Managers on the part of the House.

The report was agreed to.

NINE-POINT PROGRAM FOR STREAMLINING ALL-OUT WAR

Mr. PEPPER. Mr. President, yesterday the members of the Foreign Relations Committee, I think without exception, were moved by a report which was made to the committee by the Honorable Francis B. Sayre, telling of conditions with which he has personally been confronted in Manila, Corregidor, Bataan, and in the regions where the battle of the Pacific rages.

I come from a State which has already given to this war its first hero and the first recipient of the Congressional Medal, Capt. Colin P. Kelly and Lieutenant Nininger.

I read in the afternoon paper the statement by Prime Minister Churchill that the battle of the Atlantic is temporarily worse. I see in another afternoon paper a heartening address to the Australian people by General MacArthur, the headline of which in the Times-Herald is "MacArthur declares he'll win or die."

In the course of his remarks this indomitable soldier and crusader of liberty and freedom used these words:

My faith in our ultimate victory is invincible. I bring to you tonight the unmistakable spirit of free men as opposed to perpetual slavery.

We fight for the things that are right and condemn the things that are wrong. Under this banner the free men of the world are united to death. There will be no compromise. We shall win, or we shall die.

MacArthur pledged to Australia the full backing "of the mighty power of my country and all the blood of my countrymen."

Mr. President, I think it is only fair to examine whether or not in the Congress and in the country there is assurance that that heroic promise made by General MacArthur can be kept and faithfully performed. There is the greater doubt when from day to day the people of this country are confronted with such press releases as appeared, for example, in the Washington Post this morning, where it is said that "Two caulkers claim $160 each for 8 hours' work," as reported by the Associated Press, according to testimony received by the Naval Affairs Committee of the House.

I say especially is there some doubt about the sentiment in the country when one reads such evidence as was presented to the Committee on Naval Affairs yesterday, as reported in the Evening Star yesterday, that "sample companies with Navy contracts had increased tremendously in the period between 1934–41, the increases ranging from 22 to 1,331 percent."

Especially also is there doubt about such a sentiment for total mobilization in the country when we read reports such as that appearing in the August issue of Fortune magazine, which indicates the tie-up between certain industrial enterprises in the United States and state-controlled enterprises in Germany. I read now from a report made by Mr. Thurman Arnold, in which he quotes the article in Fortune magazine, as follows:

Nazi interest in trade restraint is to hold back production outside Germany. Inside Germany they have optimum production, optimum expansion for the state. Nothing interests them less than maintaining "orderly markets." But by cleverly playing upon the profit motive (which is suppressed inside Germany) they have gulled businessmen in the democracies into limiting production of the very articles that the democracies were to need most urgently in their own defense. In this way Germany induced Europe's democracies to "stabilize" aluminum production—in their own self-interest—while German production shot forward at top speed. The consequences of this have since become all too plain.

Mr. Arnold adds:

It is interesting to note that every single instance of the German influence which was cited in the article, to wit: Military optical instruments, tungsten carbide, aluminum, magnesium, beryllium, chemicals, and drugs, was uncovered by an antitrust investigation or prosecution.

The investigation also disclosed that there was an agreement between a German munitions company and the Remington Arms Co. as late as January 1941, whereby it was definitely agreed by this American company that they would not sell rifles or ammunition covered by the agreement to any country constituting a part of the British Empire.

It has also been disclosed by the antitrust investigation of the Department of Justice that in respect to pharmaceuticals there was a similar agreement—that is to say, an understanding—between the American company using German patents and the parent German companies, which are State owned, as to the division of the world market, the American company reserving to itself the right to charge any price it chose in the American market, and the German company being given a free hand in the other markets of the world.

It has also been made to appear by this investigation as to how the aluminum production increased in Germany from 1933 to 1938, and, indeed, to 1941, as compared with aluminum production in the so-called democratic countries, including our own. For instance, the comparison in production between France and Germany is shown by the following figures. In 1933, France produced 14,300 tons of aluminum, and in the same year Germany produced 18,900 tons.

In 1934, France produced 15,000 tons of aluminum in round figures, and Germany 37,000 tons.

In 1935, France produced 22,000 tons, and Germany 70,000 tons.

In 1936, France produced 28,000 tons, and Germany 97,000 tons.

In 1937, France produced 34,000 tons, and Germany 127,000 tons.

In 1938, France produced 40,000 tons, and Germany 175,000 tons.

In 1933 German production, as I have stated, amounted to 18,000 tons, while United States production amounted to 38,000 tons.

In 1934 German production amounted to 37,000 tons, the United States production to 33,000 tons.

In 1935 German production amounted to 70,000 tons, the United States production to 54,000 tons.

In 1936 German production amounted to 97,000 tons, the United States production to 102,000 tons.

In 1937 German production amounted to 127,000 tons, the United States production to 132,000 tons.

In 1938 German production amounted to 175,000 tons, the United States production to 130,000 tons.

The estimate by the Bureau of Mines is that in 1941 Germany produced more aluminum than the combined United Nations produced, that is to say, than all the Allies produced.

So, for the price of the American market, we helped Germany build the very planes which have been the messengers of death to our Allies and ourselves.

The investigation has disclosed another very interesting situation, involving the New Jersey Zinc Co., which is the owner of one of the two methods by which high-grade zinc is produced in the United States. The statement which I have before me, which comes from an authentic source, says:

In the face of this situation, the New Jersey Zinc Co. has persistently refused to grant licenses for the use of its patented processes—the superiority of which seems to be generally recognized. New Jersey's refusal to license its patents is in the face of urgent pleas by such corporations as United States Steel, American Smelting & Refining, Anaconda Copper Co., and National Lead that New Jersey "let down the bars" if only, as one executive puts it, "out of a sense of patriotic duty."

In this regard, it should be noted that New Jersey has granted only two licenses for the use of its process, and each of these has carried restrictions as regards the quantity and quality to be produced. One, to the American Smelting & Refining Co., limited this company to the right to make only 5,000 tons per year. As a concession to the emergency they were permitted to make 7,000 tons in 1941. The other, to the Grasselli Division of du Pont, limited the quality. Meanwhile, through a sale of its patent rights to European interests, both German and Italian producers are utilizing the very processes which are generally denied to American producers.

Mr. President, there is another instance of note, that of a case where one German company refused to allow the use of its patent process by an American company unless the American company would agree that it would not give advertising in the United States to any newspaper which was inimical to Germany in its views and editorial policy. Believe it or not, American companies

have, for profit purposes, entered into such combines as that.

So, Mr. President, I say it is not striking that the people of the United States today are very deeply stirred by the failure of their Congress to make adequate provision for the defense of their country and the total mobilization of their country's effort.

We all recall that since General MacArthur has been in Australia, the Australian Government, which is a labor government, has taken unto itself complete control and power over the people and the property of that great land, determined to live or die free men, and to resist the Japanese aggression, which is daily creeping with sinister cruelty closer and closer to their sacred homes.

I think it is therefore time for the Congress to reexamine what it has done, what it is now considering, and what it proposes to do, to see whether or not the country can feel that satisfaction which it should feel, that the Congress is making the utmost preparation to meet the greatest attack which has ever been hurled against this land in all its long history.

I regret very much to have to say, as a Member of this distinguished body, that, in my opinion, the American Congress stands lower in the estimation of the American people today, assuredly, than it has stood within my own memory, certainly within the brief period of my tenure here of something over 5 years.

In every part of this country men and women, not just those who are inimical to industry, not just those who are hostile to labor, not those who ordinarily lack confidence in public officials, but good men and good women, conscientious boys and sincere girls, are asking the question: "Is the American Congress fully alert to the danger which confronts our country today? Is the American Congress courageous enough to meet the menace, with the only methods by which it may be adequately resisted and at last thrown back?" I wonder whether or not our record of performance has given them assurance that we do possess the courage which they would like to see us indicate.

For that reason, Mr. President, I am venturing to propose a nine-point program to the Congress, to be by the Congress considered, and I hope approved, in furtherance of the great, Herculean leadership, which is being given to this country and to our kind of world by our incomparable President, Franklin D. Roosevelt. I speak, Mr. President, only in aid of the mighty effort which he is exerting better to prepare and defend America, and to strike down the monsters of tyranny everywhere in the world.

First, I propose that Congress begin with self-examination; that the Congress streamline itself by the creation of a special joint war committee to correlate all congressional activities more closely with one another and with the President and his executive agents, so that the Congress may constantly keep the over-all war picture before it and most effectively provide for and contribute to the winning of the war.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. VAN NUYS in the chair). Does the Senator from Florida yield to the Senator from Wyoming?

Mr. PEPPER. Mr. President, I hope the Senator will allow me to continue until I shall have completed my statement, in view of the consent agreement which limits the time of each speaker. I am not sure that I will have time enough to say what I contemplate saying. When I shall have finished I shall gladly yield, and I hope there will be time enough to answer any questions the able Senator from Wyoming may ask.

Mr. O'MAHONEY. Mr. President, I shall accommodate myself to the Senator's request.

Mr. PEPPER. I regret the necessity of resisting at this time the inquiry of my friend the Senator from Wyoming, because I should normally be glad to do anything he asks me to do.

Mr. O'MAHONEY. But the charges which the Senator makes against the Congress of the United States are so serious that I think they warrant a little discussion.

Mr. PEPPER. As soon as I shall have completed my remarks I shall gladly yield to any inquiry the Senator may make.

Mr. President, this first point is addressed in the first place to the inherent lost motion there is in the ordinary mechanism of the Congress, and I say this, as I say everything else which. I propose to say in these remarks, with kindliness, certainly with great admiration and respect for my colleagues, with the consciousness that I am the least among them. What I shall say is intended purely in the spirit of offering suggestions which I hope might be of some help in the total mobilization of our country, and Congress' effort in that direction.

Mr. President, I started to advert to the fact, as is known to all of us, that in the last few days a great many congressional committees have been carrying on investigations. That means that day after day, and sometimes several times a day, men like Mr. Donald Nelson, and the leading figures in the administrative set-up of the defense program, have to trek up here on the Hill to appear before the various committees of Congress, each of which is acting certainly within its jurisdiction, and, of course, with justification, but nevertheless in a way that burdens those men and restricts the use of their time to their own duties, in which all of us, of course, are vitally interested.

Moreover our committee system, each committee looking through a single glass, as it were, or not more than through one window, does not give any committee, generally speaking, the opportunity to view the over-all defense picture to see whether there is anything that, out of a responsible source, might be suggested which could contribute something to the winning of the war. I thought therefore that if the leadership of the Congress, both in the House and in the Senate, with the cooperation of the Speaker, and the President of the Senate, were to set up a joint committee composed of Members drawn from the Senate and House, which would be a sort of over-all war committee—and I am certainly not proposing myself for membership, Mr. President, and I should have nothing to do with appointing the personnel of that committee—I believe that such an over-all war committee, charged with no specific investigation, but with the general correlation of the Congress' activities on the subject of national defense, for general cooperation with the President and administrative agents, could very materially expedite the defense program, and very materially increase its tempo and effectiveness.

My second suggestion, Mr. President, is universal manpower mobilization, so that every citizen, every man and woman, may be best trained and placed to win the war in the shortest possible time and with the least loss of lives and money.

Mr. President, I think the time has come for us to decide—I am sure we shall have to decide it sooner or later—whether we mean total all-out mobilization of the strength and the resources of this country, or whether we do not; whether we are going to impose the burden of this war upon a few of our people, and let the rest be exempt; whether we are going to pick out a peculiar class and thrust the responsibility directly upon them, or whether, in the name of America's liberty, in furtherance of America's freedom, we as America's Congress are going to have the courage to challenge the whole American citizenry, men and women, boys and girls, to take their assigned places where they can serve best in the defense of their country, and gladly and enthusiastically perform their several duties.

I realize that that will apply to all ranks and classes of our people, and it is so intended. I mean by that to give the Government the power to assign labor where it might be necessary for labor to be assigned to carry on the defense program, for unless labor shall make it possible for democracy to survive in the earth, there never will be a decent life possible for any man who earns his living by the sweat of his brow.

Mr. President, that also contemplates the power in the Government to draft the brains, the management of the country. I see no reason why a man cannot be called from his factory to perform the functions of a governmental official necessary to his Nation's defense, and why he is not as amenable to the discipline of the defense effort as any man. By that statement I exempt no individual, I exempt no class, I exempt no sex. I say that the Government, by provisions which it should fairly and equitably and intelligently make, should have at its disposal the manpower and the womanpower of this whole great land.

Mr. President, I believe that there is not a Senator who has not seen enough of the sentiment of the country in the

last few weeks to know that what the country is clamoring for is for Congress to take a more courageous and stern policy, and a more definite and positive leadership.

Mr. President, I am afraid the people have gotten the impression that we are afraid to lead the country the way they in their hearts and in our hearts we know it ought to be led in the face of this great crisis which is growing daily more terrible upon our very horizon. I believe there is not even the prospect, Mr. President, that a single portion of our people who might so be called would fail to respond in the same patriotic way that the men who have been called in the draft have responded. There were some people who said that if we drafted men in this country before war has been declared there would be resistance. To the eternal glory of this country let it be said that there was hardly a discoverable case in all the great land, from coast to coast, and from our northern boundary to the Gulf of Mexico, and there will not be resistence, Mr. President, from the laboring men, or from factory managers, or from professional men, or from women, if they are fairly, equitably, and intelligently called.

Mr. President, I say the people of the country are begging for a chance to do something which they feel will help and will have a distinct and vital part in the defense program.

The third point is to abolish all legal restrictions of hours of labor during the war.

Mr. President, I am not saying that it is so bad to have a 40-hour week. I am not saying that perhaps it is not working out fairly well in experience, or that the average actually is not in excess of 40 hours per week; that it does not in some cases approximate even 50 hours. But what I am saying is that it is wrong in principle, in patriotism, in this time of crisis to have a law upon the books which limits the labor of any man in the defense of his country. It gives the wrong impression when a man gets time and a half pay. It gives the impression that he is doing something outside the scope of his duty when he works longer than 40 hours.

Mr. President, no citizen can satisfy his obligation to his land in a time of crisis by working any limited number of hours less than the total of his strength. This may be another case comparable to the one we had presented to us here a bit ago with respect to our own so-called pensions.

As a matter of fact, examined logically, intelligently, and dispassionately, the proposal was not anything like as bad as the newspapers of the country and our enemies tried to pretend it was. In my own case, being 41 years of age, I should have to pay 5 percent of my annual salary, or a total of $10,500, over a period of 21 years, before I ever become eligible for a penny of that retirement fund.

The country, however, never understood that we contributed anything toward the fund. The country thought it was a grab by the American Congress out of the public purse. In this time of crucial challenge to our national security, when our total effort, including our morale, must be mobilized, almost without objection the membership of this body reversed their position and repealed that law, to the obvious satisfaction of the American people. By doing so, by making frank confession of error, I believe, increased the respect in which Congress is held by the American people.

Mr. President, I say, therefore, that as it actually has worked out, the 40-hour-week work limit may not be impeding the program very materially, but if it is impeding it at all, even by one-half of 1 percent, or one-quarter of 1 percent; if it, by a single iota, holds up and handicaps the progress of that program, it is wrong, and it is contrary to the best interests of the people of America.

Mr. President, this has not been an easy decision for me to arrive at. I have been a friend of labor, and I am a friend of labor. I challenge any Senator to show a record of greater fidelity to the cause of labor than my own, as it appears from the records of the Congress. But, Mr. President, the people of this country are deeply stirred. In the past month I have been from the Atlantic seaboard to the Pacific. I have been from the northern boundary of this Nation to the southern boundary. I have been in my State and in the States of other Senators. The people are disturbed about this thing as I have never before seen them disturbed.

The feeling is not confined to those who are organized enemies of labor. It is not alone in the hearts of the labor baiters. It is not expressed exclusively by those who want to destroy labor unions at all events. It does not come alone from those who take advantage of the national crisis to wrap the flag around themselves and destroy humane efforts wherever they have been made to appear. On the contrary, the major part of these expressions come from the bleeding hearts of the men and women of this country.

I am not one of those who embrace the fallacy that only the sons of the rich are in the Army, and therefore that labor, by not doing all that could be done for the defense effort, is not giving all the support it could give to the sons of the rich who happen to be in our armed services.

On the contrary, Mr. President, I well know that 42 percent of the families of the United States have an annual income of less than $1,000; that 65 percent of the families of this country yearly earn a gross income of less than $1,500; that 87 percent each year enjoy less than $2,500; that 97 percent annually derive less than $5,000; and that only 1 percent of America's families receive $10,000 a year or more. So I know that most of the boys in the Army and Navy and in the air come from humble American homes. I know also that the fathers behind those boys are anxious—yea, willing and begging—for an opportunity to do their very best to make those boys, wherever they are, comfortable and well equipped as they approach the crucial struggle that may end their mortal lives. So I know the fathers of America who labor yield to none in their patriotism and purpose to help America's sons—their sons—win this war.

But, Mr. President, upon reflection, I believe all will agree that we should remove from the statute books of this Nation any legal impediment to the number of hours a week or a day which a man may work. I shall subsequently refer to a method whereby a reasonable restraint may be imposed and reasonable protection given to labor. None of us is foolish enough to think that we could gain in production by making a man work past the point of diminishing economic return, or more than his bodily efficiency is able to sustain.

The fourth point, Mr. President, is to establish a tribunal authorized to fix, during the war, hours of labor, wages, salaries, profits, prices, and bonuses, and to provide that such tribunal shall give consideration first to the effective prosecution of the war, and, secondly, to what is fair to individuals and groups in relation to other individuals and groups and in relation to the fighting forces and the national economy.

Mr. President, I think that what has occurred respecting labor has been a perfectly natural evolution. It has not been primarily the fault of either labor or industry, but of the American Government. When American industry was called upon by our Allies to provide equipment for them, to be paid for with the money of the Allies, the Government did not step in and fix the limit of its profits. Apparently the Government was willing for industry to make from our sorely pressed Allies abroad whatever profits it was able to make. Consequently the impression got abroad—and naturally reached the employees—that industry had a great opportunity to enrich itself out of the war that was going on on the other side of the world. Many—including some Senators—were saying that it was not our war anyway, that we now had a chance to make up for the hard days of the depression, and therefore we should charge such prices and make such profits as we were able to make. Consequently, high profit scales were established, high prices were put into effect and, obviously and naturally, high wage scales followed.

That condition continued until the time came when two valiant Senators rose in the Senate and offered an amendment authorizing the Government to take over any instrumentality which the Government might require and could not obtain by agreement with its owners. That indicated that the Government reserved the power to acquire those instrumentalities.

The PRESIDING OFFICER (Mr. VAN NUYS in the chair). The Chair calls the attention of the Senator from Florida to the fact that his time on the amendment has expired.

Mr. PEPPER. I will take time on the resolution.

When the war eventually came to our own shores by reason of the dastardly attack of the base Japanese, what policy did the Government then follow? Instead of at once calling upon the American people, as an act of patriotism, to

put their factories, fields, and farms, their sons, and their strength on the Nation's altar, again we started off on a program of profit for industry and enterprise. We even eliminated some of the price ceilings which previous laws had put upon the statute books. So again manufacturers came to Washington and started haggling over contracts with their Government—not all of them, but a great many of them. Cases have been brought to my personal attention in which as much as months were spent in dickering over the details of contracts, the price the manufacturer was to receive, and what the conditions of the order were to be. As a matter of fact, Mr. President, I think time will disclose that in the long run we would have been far ahead if the responsible officials of the Government had called the representatives of American industry to Washington and said, "Gentlemen, your country is attacked and in danger. Today America expects every man to do his duty; and we know you will. You will be advised what you are expected to produce, and you will go home with the obligation of turning your factory into the production of that article or those articles."

If that had been done, when the employer got back to his factory and disclosed to his employees that he had patriotically put his factory at his country's disposal, I do not believe any labor union in America, or any substantial, responsible labor leader would have taken advantage of that kind of a manufacturer and tried to profit from the patriotism of such management.

But when labor saw the profits of the manufacturers soaring, when it saw exorbitant bonuses and outrageous salaries, some of them extending to more than 1,300 percent of what they were before the war began, was it not natural and inevitable that labor should say, "If that is the kind of a war we are going to fight, we are entitled to our just share of the national income?"

Another thing occurred quite naturally, Mr. President, and the able Senator from Wyoming [Mr. O'MAHONEY] gave eloquent expression to it on this floor. Finally agriculture came knocking at the door of the Government. It said, "Look at the wage scales; look at the scale of business profits, and compare the income of American agriculture with the profits of American business, and see how poorly the comparison stands for agriculture." Quite naturally agriculture started asking that it have a fair share in the distribution of the national income.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. O'MAHONEY. Let me interrupt the Senator at this point to say that the Senator has not correctly stated the effort which was made in connection with the price-control bill. I know that he has stated the information which was broadcast to the country; but the position of those who spoke for agriculture upon this floor was never that agriculture should be permitted to delve its hands into the Treasury. The position of those who spoke for agriculture was that agriculture should not be victimized when other elements were not being controlled.

Mr. PEPPER. I thank the Senator. That is a much better statement of it than I could have made. That is what I intended to say.

What I have intended to infer, Mr. President, is that the high price structure which has gradually grown up and the inequalities which have crept into our economic life have quite naturally come into existence because the Government did not step in with sufficient foresight and force to see to it that each one obtained his or her or its just deserts.

If that had been done by an appropriate agency following an intelligent process and pursuant to a courageous sentiment, there would not have been the clamor from various groups to have a larger part of the profit of the war effort.

What I propose is the only effective way I know of to see to it that there is a fair balance in the whole economy and a fair distribution of the benefits and burdens among all the people. Consequently, I have proposed that Congress establish a tribunal authorized to fix, during the war, hours of labor. If 40, 45, 48, 50, or 60 hours a week are the hours which will produce the best results from the standpoint of production, those should be the hours. If hours should be lengthened in one industry and shortened in another, that is what ought to be done. If in one section there should be an increase and in another section a decrease by some tribunal acting only from patriotic motives, that is what ought to be done. That requires flexibility and judgment on the part of the directing tribunal and cannot be prescribed by law.

That is the reason why I have said the Congress should establish a tribunal with such power.

Mr. TAFT. Mr. President, will the Senator yield for a moment?

Mr. PEPPER. I shall have to decline to yield until I finish; I decline because of the limitation of time, and not because of anything else.

What I mean to say, Mr. President, is that such board should have power not only over hours of labor, but over wages. After all, what is time and time-and-a-half pay except wages? The extra pay is simply added to the pay envelope at the end of the week. If wages are not high enough in relation to industry's profits and in relation to agriculture's prices, they should be raised; but they should be raised by someone who has the public interest in view, and each group should be dealt with fairly in relation to the others and in relation to the national economy. That is the only way by which we shall ever prevent inflation.

I have included salaries. I see no reason why the same authority should not have the power to limit the salaries paid executives who are engaged in the manufacture of war commodities. Why should the president of a factory manufacturing airplanes receive $100,000 or $200,000 as his annual salary, and give a bonus of $25,000 a year to his girl secretary, and then complain because a carpenter makes a dollar an hour?

If we want to be fair, if we are to be effective, if we are to gain the confidence of the country, the whole economic picture must be considered by the proposed tribunal; and every individual, every class, every segment, and every section must be dealt with rightly and fairly with respect to one another and with respect to the total national economy and the country's defense effort.

I have therefore included the power to fix prices. Obviously, unless prices are fairly fixed, wages cannot be kept down, and profits cannot be controlled. So the board which is to deal with this subject must have the whole range of factors in its hands or it will not be able fairly and effectively to do the job. Its powers should be sufficiently comprehensive to extend to bonuses.

I have cited as a fifth proposal, Mr. President, prohibition of the payment or receipt of any entrance fees as a condition precedent to war work. Mr. President, imagine the spectacle of a man going to work on a defense facility and having to pay a labor union such a sum as $25 or $50—or in some cases $100 or more before he can use his hands and his skill to defend his country. Such a condition is an abomination against patriotism; and certainly the last to avail itself of such a policy should be the labor-union group, which stands tied forever to the citadel of freedom and liberalism in the world. Therefore, we cannot, when our homes are in danger, stand by and tolerate what in normal times is a fair privilege charge and initiation fee for membership, and allow that kind of toll to be levied—a practice which in some cases has innocently grown up, and in other cases has been willfully contrived for the purpose of taking advantage of the emergency.

I want to see labor unions continue, and I believe that the country is better off with its labor organized into responsible unions; but, Mr. President, in war we cannot put the dollar mark athwart the threshold of labor's door, and say that a man must pay for the privilege of associating himself with his fellow men, to better himself and to defend his country—at least, not more than to the extent of a nominal figure or contribution.

Sixth, authorize the President, for the duration of the war, to acquire or take control of any factory, mine, or facility, at compensation to be fixed by him.

To a very large extent the President has such power; but I desire to be sure that it has no limitations. I want it to be as complete as the power that the labor government in Australia has given to its government in order to hold back the marauding Japanese who are appearing at the very threshold of that country. Here in America we are closer to the enemy's assault than we know. It is not impossible that within 30 days, either upon the borders of this country or on this continent, there will be falling the deadly shells of a wicked enemy, shells that will be spilling not simply rivulets but rivers of blood, the lifeblood of our citizens.

Seventh. Empower the President to direct the use or kind of work to which any factory or facility shall be put to as-

sist in winning the war. If a man's factory is needed in order to do a certain kind of work, let some competent and fair tribunal have the power to say, "We need your factory; you must devote it to a certain kind of use," and then proceed to fix the profit that the owner will receive from its use. That is the only way I know by which we can ever live up to the promises that General MacArthur made to the stalwart people of Australia who are fighting today because they think they can depend upon aid from America; that is the only way they can ever hope to receive what he said would be the full resources and the complete effort of this country.

Eighth. Create two agencies, the heads of which shall be of Cabinet rank, one charged with the mobilization of manpower, and the other charged with the protection of the civilian life behind the lines, so that the American family shall best be served, as men and women are mobilized and communities dislocated by the necessities of war, and to provide prompt and just relief to those upon whom the burden of war has fallen with devastating severity.

Mr. President, I shall not have time, now being limited in time as I am, to discuss every aspect of this matter. I shall discuss just one phase of it. Some weeks ago the automobile industry was cut off from the production of automobiles; and the automobile dealers of the country were frozen, not out of business, but in business. The Ford dealer from Tampa, Fla., came here the other day and told me that under the present rationing plan it would take 10 years for him to dispose of the cars he had on his floor when the order went into effect. The Reconstruction Finance Corporation has not even yet worked out a plan to finance the automobiles that are on the dealers' floors, so that they can keep their properties until the automobiles can be sold.

Mr. President, I call that bungling. The authorities have not yet provided means by which the mechanics and the facilities in the garages can be used in national defense. I call that bungling; and I call the whole dealing with that subject bungling. What I desire to see is some responsible agency that, backed by Congress, will be charged with the duty of foreseeing these things, anticipating such dislocations, and, when they do come at last, make effective provision, as best it can be made, to equalize the burdens upon the citizenry of this country, so that no one shall especially suffer more than is necessary.

Ninth. Direct the competent Federal agencies to make an immediate survey and the earliest practicable report upon the extent to which underprivileged and subnormal conditions exist in regard to health, education, and economic opportunity in the United States, and then Congress to resolve that it will make effective provision to remove those handicaps, so that we shall give not only our own people but the people of the world, by our own example, the best evidence of our faith in democracy and the dignity of man.

Mr. President, let me say with equal candor that various committees of the Congress in the interest of national economy have started an attack upon certain agencies which have been created by the Congress in the past. One of them is the National Youth Administration, one of them is the Civilian Conservation Corps, and one of them is the Farm Security Administration. There are many others that already have been attacked and will be attacked much more viciously in the days and months and years that lie ahead.

Mr. President, boys from America's humble homes are being called to the colors. This week I learned to my consternation that the Bureau of the Budget or some agency of the Government had already stopped the activities of the National Youth Administration under which they have in the past given work opportunities to needy boys and girls in the high schools and colleges of this country so they could attend school.

I am ashamed of a government which, when it is prattling and parading democracy to the people of the earth, will let a poor boy or girl who has not the wealth or the opportunity to get an education, go without it because he or she cannot even get a chance to work—and when the total amount involved is $24,000,000. That is what some people call economy. It all depends upon what kind of economy is talked about, Mr. President. Is it economy in human lives, economy in spiritual light, economy in wider horizons of opportunity, to save $24,000,000, and throw out of the high schools and colleges of America tens of thousands of worthy boys and girls?

That is an example of the perversion of patriotism which is going on in some spheres of this Congress.

So, Mr. President, I say we shall hear the worst attack upon the Farm Security Administration because it tried to make it possible for some of the citizenry—and white citizenry at that—of this country to exercise the privilege of sovereignty, and to vote. This agency has been denounced as a betrayer of the public trust in this country.

My God, Mr. President, we talk about saving the world for democracy, and we will not let a citizen vote because he does not have the money to pay for the privilege, and condemn the agency that lends the money to him.

If that is the example we are going to give at home in this crusade for democracy, all people are not going to believe us, Mr. President, and we shall find many people behaving the way people behaved in certain other areas—not seeing much advantage as between one master and another.

So I say, with no apology, let us go out into the highways and byways; let us go to the barren and eroded fields; let us go to the depleted forests; let us go to the rude mountain shacks, and lift these Americans up. Let us go where the humble boys and girls are, and not throw them out of schools, but bring them back with the welcome hand of their Government, saying, "God bless you; prepare yourselves better not only for the physical but the spiritual ordeal which lies ahead."

Let us go to all of our neglected people, and try to lift them up to a level where they will have a chance to enjoy the dignity of citizenship. Let us try to build greater opportunities for them in the sun of their national life. Then, when we have a nation which believes its own government really has its heart burning in the democratic cause, we will sense a new sentiment in this Nation, and we will find a throb of mighty power, greater than any force we have heretofore known.

Mr. President, you have generously borne with me while I have offered these suggestions for consideration by the Congress. I earnestly hope that what the Congress does will reflect a new sentiment in the Congress, a sentiment of vitality and spirit on the part of our membership which will make us pray that, as men are dying out in the remote places, and millions more are yet to die, the least we can do is to be worthy of them; that we shall at least risk our political fortunes at a time when they gladly and enthusiastically risk their very lives in the cold oceans or on the bloody fields of battle.

Mr. President, may I say, therefore, that we should lay down a simple standard for our conduct in the future: First, does it progress the cause of winning the war? Second, before God and our people, and with the memories of the dead and the prospects of the living in our consciences, is it right? If it is, without fear or favor we should do it. Let us so bravely live and labor, and we shall deserve to have it said by those who come after us that we kept our rendezvous with destiny; we were true to the race of man.

CONGRESS IS THE CITADEL OF DEMOCRACY

Mr. O'MAHONEY. Mr. President, when the Senator from Florida began his eloquent address, about three-quarters of an hour ago, and read the first of the nine proposals which he has now enunciated to the Senate, I asked the Senator to yield because I felt that he began this admirable and much-needed speech with what will be interpreted as an attack upon the Congress. My feeling is that the criticism which the Senator directs against the Government should not be directed to the Congress.

Mr. PEPPER. Mr. President, if the Senator will permit me to interject, the last thought in my mind, the one most remote from my purpose, was to make an attack upon the Congress. I merely offered a suggestion, in which I hoped the Congress would find some merit, as to how the Congress might more militantly and effectively lead the Nation into total mobilization of its strength to win the war.

Mr. O'MAHONEY. I appreciate what the purpose of the Senator from Florida was, but I think it unfortunate that he used the words which he did employ, because inevitably they will go out from this Capitol to all sections of the country, and they will add to what I conceive to be one of the most unfortunate misconceptions of this crisis.

It is a fact, Mr. President, that the executive arm of a free government may be reduced by 90 percent, but democracy will still stand. The judicial power may be almost eliminated, but democracy will still stand while there remains a legislative body responsible to the people. The legislature is the citadel of democracy. So the most serious attack upon free government, here or anywhere in all the world, is that which is made upon the legislative body, and I say to the Senator from Florida, and to those who are gathered here, that when the people of the United States lose their confidence in the Congress, then indeed is democracy facing its greatest danger on the home front. When Congress goes, free government goes, for then all power is concentrated in the Executive. It is important, therefore, not lightly to destroy the confidence of the people in the Congress.

I submit that the record of this Congress is not one to justify the charge made by the Senator from Florida, or at least the charge which may be properly inferred from his remarks. I was very glad to have him say that it was not his purpose to attack Congress. It is true that he said, however, that the Congress of the United States has today sunk to a lower level in public estimation than at any time in his memory.

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

Mr. O'MAHONEY. I yield.

Mr. PEPPER. I did not express that as my own opinion. I said that in my opinion it was the sentiment of the country that the Congress enjoyed its confidence less than it has within my memory. I was trying to report what I think I have seen in the sentiment of this country. I hope I am wrong; I am afraid I am not.

CONGRESS HAS FREQUENTLY TAKEN INITIATIVE

Mr. O'MAHONEY. I understand exactly what the Senator said, and I do not wish to imply that I thought he desired to charge that Congress has failed or that it deserves the low opinion which he thinks the people have of it. I understand that he was reporting what he has heard and observed as he has gone around the country. I, too, hope that he was wrong in his report. I think he was wrong in his report, but I want to make it clear, by appealing to the records, that if anyone entertains that opinion, it is an opinion which is not justified by the facts. Congress has done everything it has been called upon to do to win the war. It has taken the initiative in many matters to improve our war effort. Indeed, Congress has been ahead of the Executive in its endeavor to solve many of the problems which are presented by the war. I am of the opinion, as the Senator might have expressed it with respect to the Government as a whole, rather than as to Congress only, that the people of the country are 6 months ahead of Washington. But the charge of failure to accomplish the result which the people of America want cannot be laid at the door of either House of Congress, and certainly not at the door of the Senate.

Mr. PEPPER. Unhappily, Mr. President, I do not have any knowledge that we have taken the profits out of war, and that we have removed limitations on the hours of labor.

Mr. O'MAHONEY. If the Senator will bear with me, I will show to him what I mean. The Senator has very properly and wisely said that the people of the United States would like to see the profits taken out of war. I stood on this floor more than a year ago declaring that the people of this country did not want any profits made out of the war. I was not alone. We wrote amendments into priority laws as long ago as 1940 to strengthen the war power of the Government. It was clear to many then, as it is clear to many now, that anyone who dreams there is any profit to be found in this war is just unaware of the nature of this conflict

When the price-control bill was before this body last January there were Senators who, like myself, called attention to the fact that the measure was not an all-out effort to prevent inflation. I well remember pointing out that the bill which was sent to this body with the blessing of the administration did not undertake to control wages, did not undertake to control profits, did not undertake to control fees or rents, except rents in defense areas. In other words, that price-control bill which was sent to the Senate and to the House was only a partial bill. I remember very well saying on this floor, during that debate:

> Is it not time we all realized that we should be through with half measures, that we should go to the very heart of this problem?

But every effort that was made to do more than go halfway was blocked. The policy of the Executive was to enact a selective rather than a complete price-control bill, and because we did not have a complete measure then, we have had continuous difficulty since over farm prices, wage rates, profits, fees, and charges of all kinds.

When the price control bill was under consideration in the Banking and Currency Committee of the House of Representatives, for example, in August last, and Mr. Leon Henderson, the Price Administrator, was testifying there with respect to the bill, he was asked over and over again by Members of the House whether the bill should not contain authority to control wages and profit, and his answer was invariably "No." Why blame the Congress. I remember reading the testimony. I could recite the questions which were asked by Members of the House, like Representative PATMAN. He addressed the inquiry to Mr. Henderson, "Is it not necessary, if we are to prevent inflation, to control wages as well as prices?" And the answer was a blunt "No."

Members of Congress, because they realized that we are in a great crisis, were unwilling to delay the enactment of the partial bill by making a fight for a more complete one for fear that inflation would get too great a start. We must recognize, if we recognize anything, that a war cannot be fought by a legislative body. A legislative body can only provide the sinews of war. The executive authority must take charge of warfare, and if Congress were to attempt to intrude itself into the strategy of war, the result would only be the creation of impediments to the successful operation of the war, rather than aiding in its assistance. The point is that there was a substantial body of opinion here months ago for taking all the profit out of war. Leadership decided that the time for that action had not arrived. Leadership may have been right. But Congress should not be required to carry the blame.

WHAT CONGRESS HAS DONE

Mr. President, I am very happy that the Senator from Florida has raised this question here today. It affords an opportunity to point to some things Congress has done. It is true, as we can point out, that it was the Congress of the United States, by, I think, a unanimous vote, which created the joint committee, executive and legislative, for the purpose of making a report as to the nondefense expenditures which should be eliminated.

It was the Senate that set up the Truman committee and instructed it to make investigations to make sure that there were as few errors as possible committed in the administration of the war.

It was the House of Representatives which has set up committees, like those presided over by Representatives TOLAN and FADDIS the purpose of which is to aid in the prosecution of the war.

It was the Congress which has made repeated efforts to find a place in the war effort for little business.

These committees have revealed many of the facts which, curiously enough, form the basis of the criticism of Congress in some instances.

With respect to the labor question, it must be remembered that the House of Representatives months ago passed a bill intended to solve that problem and secure full production. The bill may have been defective. It may have been unwise, but it was passed by the House and came over here to the Senate, and went to the Committee on Education and Labor, where it has since been.

On December first last the Judiciary Committee of the Senate passed the so-called Connally bill, intended to give the President the power to take over strike-affected factories, and to freeze labor conditions, so that production would not be impeded by any questions of closed shop, or open shop, or overtime pay, or any of the other issues that affect the labor question, but that bill is still upon the calendar of the Senate because leadership has believed it was premature. The point is that there has been action in Congress, not inaction as the public has been led to think. There was no agreement; but that is the democratic method. We must await agreement with the Executive.

Under the able chairmanship of the senior Senator from Oklahoma [Mr. THOMAS], an appropriation subcommittee last week called before it the heads of some of the departments to testify on this question. Miss Perkins, the head of the Department of Labor, filed a letter with the committee explaining why, in her opinion, that bill should not have been passed.

Mr. President, my point is not so much that either of these bills should have been passed. Perhaps they should not have

been passed. My point is that Congress cannot be condemned for failing to act upon this or other matters. Congress is ready to act. Congress cannot take the leadership. It has not failed to authorize any war program that has been laid before it.

Members of Congress feel—and I think very rightly—that the great danger that confronts this country is the same danger of internal disunity that overwhelmed so many of the countries of Europe. We must not waste our substance and our emotions in fighting among ourselves instead of joining to fight the enemy. It would be a tragic error for the people of the United States and the Congress now to tear themselves to pieces in a battle over the closed shop, or the open shop, or extra pay, or no pay. Questions of that kind can be settled satisfactorily only when it is generally comprehended that the proposed solution is not offered for the benefit of a particular group. The opportunity for bringing about such comprehension is here. All that is necessary to carry our people into the most enthusiastic, unified action to defend this country and to win the victory in this war is for the President of the United States to take the leadership. He was elected to be the leader. The Congress and the people will follow him in an all-out national policy of mutual trust.

The Senator from Florida indicated his belief—I took down a note of what he said—that Congress must take the leadership. Congress cannot take the leadership. That is the task of the Executive. The Members of this body, Republicans and Democrats, new dealers and anti-new dealers, are ready to stand shoulder to shoulder to win the war. All that is necessary is that it shall be made eternally clear to the people of the United States that no attempt is to be made by any faction, by any group, by any party, to abandon the fundamental principles of democracy.

THE TASK IS NOT EASY

Mr. President, the task is not an easy one. It is difficult because in the very nature of the things that have transpired in the last 25 years there has been growing up a constant centralization of power—economic power in the first place and then political. The Senator from Florida has read here this afternoon some of the statements made by Mr. Arnold with respect to the agreements of great American corporations with great German corporations. That has all been in the record. Two or three years ago the story of the cartel system was told—told in the hearings of the Temporary National Economic Committee. It was a manifestation of centralism which has been the mark of our time. If we want to understand the steady expansion of the Government of Washington, we shall find it in the fact that these great business agencies have grown so great that they dominate the economic life of the whole country, and the people had nowhere to turn except to Washington for the protection of their interests. It is a manifestation of the same economic affliction that has produced the war. Class conflict is the principal enemy of democracy. The greatest unifying force imaginable among our people would be a rededication to the principles of free government without class distinctions.

We know that the people of the country are ready to make any sacrifices to win this war. I think no greater proof of the patriotism of any people was ever afforded at any time in history than that given by the people of this country in their response to the many demands for sacrifice in winning this war. The Senator from Florida refers to the automobile dealers. The automobile dealers in every State in the country, in every county, and in every village of the United States have seen their business taken away from them. They were ready to make that sacrifice. They made no complaint. They want to know only that the sacrifice is for the preservation of this country and not for any other purpose.

Mr. President, I know that at this hour Members of the Senate are not desirous of having this debate prolonged; but, having listened to what I regard as a much-needed speech by the Senator from Florida, and one which deals with fundamentals, I could not refrain from pointing out that the record demonstrates that the Congress of the United States has not failed. It has appropriated more money than any person could ever imagine, to enable the Army, the Navy, and the executive arm of the Government to function. We have provided the Army and the Navy with everything they could possibly need. We have asked only that they go out and do the job. There has been no hanging back here.

For example, with respect to the production of materials, month after month Members of this body have been begging the O. P. M. and the War Production Board to undertake an immediate campaign for the utilization of materials in the United States. The failure is not the failure of Congress. It is the failure of those to whom the authority has been given. When I say that, Mr. President, like the Senator from Florida, I do not say it in any critical sense, because I realize that the task with which they are confronted is a task of the utmost magnitude. It is a task which is almost beyond the imagination. The time has come when we must put aside and behind us, at least for the duration of this war, any thought of group advantage or group benefit. We cannot permit this to become a conflict of labor versus capital, capital versus labor, capital versus the farmer, or the farmer versus capital. All groups of the country must be brought together in one universal comprehension that unless the United States is speedily victorious the very foundations of democracy will be endangered.

While we are talking about this matter let us not forget that it is physically impossible for some of the gentlemen who, upon the radio and in the newspapers, undertake to pass judgment upon what is happening in Washington and in all the capitals of the world to keep themselves fully advised day after day. When I listen on the radio to some of the high-pitched and hectic declarations which are made by commentators upon what is transpiring here I cannot fail to remember that there is a Senate; there is a House; there are two-score standing committees, all working at the same time. It is physically impossible for any reporter daily to keep in constant contact with what transpires upon the floor of both Houses and in the various committees and also know all the secret plans of the warring nations.

Judgments and opinions so disseminated have none of the characteristics of infallibility. The task which confronts us is difficult enough at best; but no person in Washington, whether he be a member of the Government or not, can fail to know that most Members of Congress and of the Government are diligent in their tasks; that most Members of Congress are patriotic and are endeavoring to do what they can best do to preserve this country and to provide the sinews with which the President and the executive arm of the Government may carry on the war.

Our duty now is not to seek only for opportunities to criticize, but to think of constructive action. No bill ever came upon this floor, and no suggestion ever came from any person's mind with respect to any activity with respect to which it would not have been possible to say, "That is wrong; look at the mistake here, and look at the mistake there." The ether has been filled with criticism. It has been filled with the voices of those who are picking out the specks upon a really great achievement.

WE MUST SUPPORT THE PRESIDENT

Let us not forget that it was on December 7 that the war came to us, and that now, a little more than 4 month afterward, we are already hearing about the activity of our men and our machines in distant lands. Let us not forget that American airplanes, made by American capital and labor, are now flying upon the Russian front. Let us not forget that while all this criticism was pouring our from Washington, undermining the confidence of the people in the Congress and the Government, MacArthur was escaping from the Philippine Islands and reaching Australia. I said "escaping." That is not the word.

He went there by the order of the Commander in Chief, to become the leader in Australia of the effort of the United Nations to defend the common cause.

Let it not be forgotten that when MacArthur reached Australia he was greeted there by American soldiers and sailors who had been transported across the Pacific Ocean without the loss of a single life. That was an achievement. It was an achievement for the Executive. It was an achievement for the Congress. It was an achievement which was ordered weeks before it was accomplished. During all the weeks while it was in process of accomplishment criticisms were being poured out, and the armchair strategists sitting by the radio were sending out their judgment about what should be done or what should not be done, all of it undermining confidence.

Mr. President, if this war is to be won speedily and efficiently, we must make up our minds to the fact that we have a leader who was chosen by the people of

the United States. He is the democratic leader. Not all of the people voted for him. Some may not like all he is doing; but he is the Nation's leader, and our duty now is to support the hands of the leader. But it is also the duty of the leader to lay down a definite program which will make it clear to all the country that we are standing foursquare to maintain democracy and all it means in the United States and to defend it throughout the world in this war.

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

Mr. O'MAHONEY. I yield.

Mr. LUCAS. I wish to commend the type of speech which the distinguished Senator is making. In my humble opinion it is long over-due in the Senate. Instead of striking at one another in this great Chamber and further disuniting the American people in the greatest emergency we have experienced since Revolutionary days, it is high time that we start swearing a little more at Hitler, his scavenger, Mussolini, and the treacherous Japanese. If we do a little more of that, in my humble opinion, we can come nearer to uniting the American people than we can by criticizing one another here.

I wish to add this to what the Senator has said: It was on February 22 that President Roosevelt gave the order for MacArthur to leave the Philippines; and it was some time before he was able to turn over the command to Wainwright and his men and make the necessary final arrangements to get to Australia. During that time the Commander in Chief of the Army and Navy was criticized time and time again for not doing something about MacArthur in the Philippines. My mail demonstrates it beyond the shadow of a doubt. It was even implied here on the floor of the Senate that the President of the United States was using politics in attempting to win the war, instead of listening to the admirals and generals in connection with the great task which lies before him.

In my humble opinion, there is not a man in the United States who is more patriotic, earnest, or sincere in attempting to save democracy than is Franklin D. Roosevelt, the Commander in Chief of the Army and Navy. He will listen to counsel, and he does listen to advice from the officers of the Army and Navy.

The VICE PRESIDENT. The time of the Senator from Wyoming on the amendment has expired.

Mr. O'MAHONEY. Mr. President, I will take time on the resolution.

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

Mr. O'MAHONEY. Mr. President, before I yield to the majority leader, let me say that I am very glad the Senator from Illinois has interrupted my remarks in order to make the comment he has made. I believe that when history is written it will recount the great achievement of our President. Many Members of the Senate and of the House and many people of the country may not agree with his policies or with what he has done; but, fundamentally, last November the people of the country demonstrated the fact they were devoted to his foreign policy, and their conviction that he was right in endeavoring to preserve the united front of the United Nations against aggressors. When the final story is written I think it will be seen that he has accomplished the great objective which the public saw possible in him; but it can be accomplished only by united action.

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

Mr. O'MAHONEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I think it should be stated that not a single major action involving a question of major policy or strategy has been taken by the President of the United States without consultation with military and naval advisers. No such step has been taken except by the unanimous agreement of his advisers in the Army and Navy. The President is the Commander in Chief of the Army and Navy. He cannot escape that responsibility even if he desires to do so. Being the Commander in Chief by the terms of the Constitution, the decisions, of course, fundamentally must be made by him. However, I think it should be known, especially in view of the fact that intimations have been made a time or two that the President takes his own advice and does not consult others, that there has not been a single major action taken or policy adopted by the Commander in Chief except with the unanimous agreement of those who advise him.

Mr. O'MAHONEY. Mr. President, so far as foreign policies are concerned, we can look back today upon the record the President has made, and we know that years ago he foresaw what was coming; we must pay him that tribute. However, that is not the question which now confronts the country. Today the country is upon the very verge of being split asunder over controversies involving domestic policy; and it would be a great tragedy if that should occur. I desire to say that I have no doubt whatsoever that 99 percent of all the organized labor in this country is ready to devote its complete effort, without restriction or restraint, to the winning of the war. They know, as we know, that the war must be won upon the assembly line and in the factory, as well as upon the front. The soldiers in the trenches, the soldiers in the air, upon the battle front, cannot stay there if they are not supported by the workers in the factory. The workers recognize that fact. The farmers, too, are ready to cooperate in every possible way—and I know that—likewise, the leaders of industry are ready to do so.

The great number of business executives who have come to Washington and have loyally contributed their time and their brains to the winning of the war, which is essentially a war of business organization, have demonstrated their good will, their patriotic intention. Of course, there are some who have not been adverse to taking advantage of the situation; and Navy contracts and Army contracts have been let—sometimes thoughtlessly—in such a manner as to enable great profits to be reaped.

This body recently passed the second war powers bill, which is now on the desk of the President, awaiting his signature. The bill contains the specific authority to the Chairman of the War Production Board to investigate the books of every war contractor. Congress again, I say to the Senator from Florida, has taken a stand and has given the power to take the profits out of war.

However, our great need now is to fuse all these elements in such manner as to give assurance to all of them that there is no intention upon the part of any person in responsible position, at the head of labor, or at the head of industry, or at the head of Government, or any of its bureaus, to take advantage—specific advantage, personal advantage, or political advantage—of the crisis in which the country is involved.

Mr. BARKLEY. Mr. President, will the Senator yield at that point for an observation?

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

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator yield and, if so, to whom?

Mr. O'MAHONEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, in line with what the Senator said a moment ago in reference to the willingness of labor to make sacrifices and to forego advantages and opportunities to make profits, it is noteworthy that in the morning newspapers in Washington, and, I presume in the newspapers throughout the country, there appeared an advertisement by the United Electrical Workers of the country, comprising about 400,000 men, offering to forego not only double time but time and a half on all work they do during the war period, provided that all the money they lose by so doing shall go into the Treasury of the United States instead of into the treasuries of the corporations for which they work, based upon the fact, as they stated, that contracts have already been entered into between their employers and the Government at prices which contemplate the payment of time and a half and double time under the 40-hour law. They are willing to forego the time and a half and double time provided that the Government of the United States which, in these contracts, must pay for it, gets the advantage of it, instead of their employers getting the advantage.

I thought that was a fine example of the willingness of labor to make sacrifices during these critical times.

Mr. O'MAHONEY. Mr. President, I must say to the Senator that an offer of that kind is only a piece-meal offer.

Mr. BARKLEY. Yes; I realize that.

Mr. O'MAHONEY. It deals only with a segment of the case. What we need now is that which we discussed upon this floor last January when the price-control bill was under consideration. We need an executive, an administration program, if you please, laid down here, which will take all the profit out of war and afford opportunity to all classes to contribute to the war effort.

Mr. BARKLEY. I was merely seeking to confirm what the Senator had stated by pointing to this one instance, in which the laborers are willing to deny themselves the advantage of extra pay.

Mr. O'MAHONEY. I understand, and appreciate the Senator's contribution very much.

Mr. McNARY. Mr. President, I wish to call up a matter not related to that now being discussed, because I am forced to leave. It will take but a moment, I believe, if the Senator has not concluded.

Mr. O'MAHONEY. I was about to add another word. The Senator from Washington asked me to yield to him, and if the Senator from Oregon will bear with me, I will answer the Senator from Washington, and will then conclude.

Mr. BONE. Mr. President, I merely wanted to make the observation that there is a strange historical parallel between what we are witnessing now and what this country has witnessed during other wars. If there be any critical students of the Civil War in this body they will recall that Lincoln was bedeviled and bewildered and bemused by fights which went on in Congress, and by bitter and unending complaints throughout the country about his conduct of the war. Congress ran like an engine without a governor, and the bitterness which existed between the Executive and Congress at times was a rather terrifying spectacle to the country. Yet the country was torn by a great war which threatened to dismember it.

We just have to be philosophical and realize that such things occur as those which have been mentioned. I know from many of the letters we receive that no two people seem to agree on anything. There is a hopeless confusion as to what should be done.

Mr. O'MAHONEY. I am glad the Senator made the allusion to Lincoln. It brings to mind the fact that one of the bitter controversies of that time was the controversy over slavery, as, of course, all will remember, and many of the leaders of the Republican Party, which had elected Lincoln to the Presidency, were demanding immediate abolition before the President was ready to act. The Senator will recall that Horace Greeley, then editor of the New York Tribune, in issue after issue of his paper, denounced the President for his failure to act upon abolition, and one of the most eloquent writings to the credit of President Lincoln was his famous open letter to Horace Greeley. It is of importance now because, as the Senator will recall, President Lincoln said:

> What I do about slavery and the colored race I do because of its effect upon the Union. I must first save the Union.

Mr. President, it seems to me that that is the pattern for the answer which may be given now to every one of those demanding why Congress does not do this or that or the other thing; why we do not defend labor or punish labor; why we do not punish the farmer, or this or that. Our first duty is to win the war. For my own part, whatever I do by my vote about labor or any of the so-called social gains, I shall do because of my judgment as to the effect it will have upon the primary purpose of winning the war. What I do by my vote in respect to profits will be done with that in mind. So with every other problem which arises now in the legislative halls—the first, main, and principal objective is to win the war.

A few days ago I received a letter from a lady living in the northern part of my State, written in pen and ink upon two brief pages. In the letter she said, "The country now wants leadership, and it hopes that the President will get tough in that leadership."

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

Mr. O'MAHONEY. I yield.

Mr. BONE. As an example of the intense bitterness which characterized the conduct of the Civil War by Abraham Lincoln, I recall one cartoon appearing in the New York Tribune after the terrible battle of Fredericksburg. On the front page of that paper was a cartoon, depicting Columbia with a flaming sword in her hand demanding that Lincoln avenge her 15,000 sons murdered at Fredericksburg.

That sort of bitterness has not yet crept into the present picture and been spread all over the country. We are developing enough of it as it is, and much of it is bitterness not founded on facts, but rather upon a series of assumptions of facts many of which have no existence.

I have seen charges of a strike in a certain industry slowing up the war effort. In that instance I know the strike was in the women's clothing industry, having no relation whatever to making bombers or guns or tanks. But the story goes out merely that so many man-hours are lost. A lawyer who tries to analyze evidence knows there is no relationship there that justifies bitterness. Perhaps the strike should never have been called, but to say that the Government lost a vessel or a bomber or a tank in a strike involving women's undergarments is stretching matters a little too much.

SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220) declaring WILLIAM LANGER not entitled to be a United States Senator from the State of North Dakota.

Mr. McNARY. Mr. President, doubt has been expressed that the unanimous-consent agreement entered into yesterday reflected the intention of the sponsor or those who were present at the time. I entertain that doubt, as I indicated a few moments ago, and in order to clarify the unanimous-consent agreement, and to make certain that the length of time each Senator might take, as I tried to make clear, was to be 30 minutes on all amendments or any motion, and on the resolution proper, I submit a corrected copy and ask that it be agreed to.

The PRESIDING OFFICER. The clerk will state the proposed agreement.

The legislative clerk read as follows:

> Ordered, by unanimous consent, that during the further consideration of the pending resolution (S. Res. 220) no Senator shall speak in the aggregate more than 30 minutes on the resolution and all amendments or motions relating thereto.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

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

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable committee reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Guy W. Ray, of Alabama, now a Foreign Service officer of class 6 and a secretary in the Diplomatic Service, also to be a consul.

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

Capt. Monroe Kelly to be a rear admiral in the Navy for temporary service, to rank from the 25th day of November 1941;

Brig. Gen. John Marston to be a major general in the Marine Corps for temporary service from the 20th day of March 1942; and

Brig. Gen. Alexander A. Vandegrift to be a major general in the Marine Corps for temporary service from the 20th day of March 1942.

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

Several postmasters.

The PRESIDING OFFICER (Mr. MURDOCK in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of the confirmation of all nominations of today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith. That completes the calendar.

RECESS

Mr. BARKLEY (as in legislative session). I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate took a recess until tomorrow, Friday, March 27, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 26 (legislative day of March 5), 1942:

POSTMASTERS

ARKANSAS

Floy A. Hill, Mountain Pine.

MASSACHUSETTS

Joseph W. Gorman, Upton.

OHIO

Bernice E. Hannahs, Alexandria.
Robert J. Goggin, Ashtabula.
Walter E. Waller, Cumberland.
Eldon R. Martin, Cygnet.

Howard C. Huhn, Hamden.
Kathryn M. Diederich, North Ridgeville.
Grace L. Skidmore, West Mansfield.

PENNSYLVANIA

Chauncey D. Everard, Wapwallopen.

TENNESSEE

Hollis M. Caldwell, Lookout Mountain.
Roy B. King, Madison College.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be a captain

Graham H. Benson

To be second lieutenants

Lowell S. Reeve	Cleland E. Early
Allen H. Anderson	James M. Robinson
Elkin S. Dew	William R. Burgoyne, Jr.
Roscoe M. Nelson	Louis H. Wilson, Jr.
Walter J. Meyer	Maurice J. Kelly
Frank E. Hollar	William L. Flake
Thomas J. Myers, Jr.	Thomas F. Cave, Jr.
Owen P. Lillie	Vincent J. Gottschalk
Evan E. Lips	George A. Gilliland
James W. Love	Cliff A. Jones, Jr.
George F. McInturff III	William R. Adams
Guy W. Comer, Jr.	Bryan B. Mitchell
John R. Kerman	John P. Storm
Francis L. Fagan	Rodney V. Reighard
Lincoln N. Holdzkom	John B. Erickson
Charles R. Durfee	John N. McLaughlin
Thomas F. Mullahey, Jr.	Robert Mentzinger
William L. Culp	Charles E. Hinsdale
Charles F. Widdecke	Ralph Hornblower, Jr.
Valentine E. Diehl	William H. Enfield
John R. Lesick	James L. Denig
Richard Phillippi	John W. Bustard
Bruno J. Andruska	Maurice J. Coffey, Jr.
John G. Dibble	Joseph R. Clerou
William K. Crawford	Paul H. Groth

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 26, 1942

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Lord of lords and King of kings, we thank Thee that Thou dost come to us each day with light and life. Thy love is infinitely more than we can return and Thy revelation more than we can translate. Thou who looked with compassion upon a doomed city gray with the dust of silent centuries, show us the vision of Thy consecration and heroic purpose. Surrendering ourselves to Thy task may we with passionate ardor bow with penitent reverence before Thee, charting the journey of our souls from the cities of earth to the city of God. Bound and pressed by the tread of the thoughtless crowd, Oh bring us a message calling to higher states of power and blessing.

Thou, who didst come out of history's dawn, have mercy upon the multitude with its great heart, but with its greater ache. Let Thy holy word become flesh, O God, and dwell among us, living and working in deeds of Christian brotherhood. Like the fragrant springtime after a sore winter, heaven's light sheds calmness through starless skies. O Prince of Peace, come to the fallen ruins of our tragic world, transmuting them into forms of spiritual and intellectual might, beholding Thy glory, the glory of the only begotten of the Father, full of grace and truth. In the spirit of our Lord and Saviour. 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 a bill of the following title, in which the concurrence of the House is requested:

S. 2339. An act to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through service with the Allied forces of the United States during the first or second World War.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6736. An act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. BAILEY, Mr. REYNOLDS, Mr. BRIDGES, and Mr. LODGE to be conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 5802. An act to amend certain provisions of law relative to the withdrawal of brandy for fortification of wines and production of wines, brandy, and fruit spirits so as to remove therefrom certain unnecessary restrictions; and

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.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement I made before the Committee on Appropriations

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a press release from the War Production Board.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that on this afternoon at the conclusion of the legislative business for the day and other special orders I may address the House for 20 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HIGH DEFENSE PROFITS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I have just noticed in the morning paper that Gen. Robert C. Richardson says that "boys in the Army were 'burned up' by reports that stenographers had been paid $30,000 bonuses on defense jobs."

I think that the people of this country, especially the taxpayers who are going to have to pay the bill, as well as the fathers and mothers of the boys who are in the service, are pretty much disgusted to hear about the exorbitant profits that are being extorted by certain big defense contractors.

The company above mentioned, Jack & Heintz, Inc., who make airplane starters, and which company was also broke a year ago, paid its president $145,000 salary and bonus and paid his private secretary $39,300, and then distributed more than $900,000 among 1,300 other officers and employees. Last month Mr. Jack admitted that he received a $25,000 bonus. A dozen other big contractors, it has been discovered, received direct profits all the way from 40 to 75 percent on war contracts.

Mr. Speaker, I just do not see how those in authority and who are charged with making such contracts would permit a thing like that to get by. No wonder those soldiers are "burned up." The people of this country who have to pay the bill are disgusted and discouraged. This sort of thing must be stopped, and it must be done right now. Every one of these outfits who have taken the money ought to be made to return every dollar of it, and they should be penalized accordingly. Such individuals ought to have their contracts taken away from them. The Government should remove them and operate their plants.

Mr. Speaker, such a thing is shameful and disgraceful. It should not be tolerated. People who will do that sort of thing in a time when our Nation is in the most serious crisis it has ever known are not worthy to be regarded as citizens.

EXTENSION OF REMARKS

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include an article from the Washington Post of March 25.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GUYER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a letter from a constituent.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AWARD OF THE CAMP GRUBER POWER CONTRACT

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ANDREWS. Mr. Speaker, referring to a statement made on the floor yesterday by the gentleman from Oklahoma [Mr. NICHOLS] in regard to the award of a contract for the transmission and sale of power to Camp Gruber, in Oklahoma, for the RECORD I merely want to state, on the authority of General Reybold, the Chief of Engineers, the bid of the Grand River Dam Authority was not 5 mills per kilowatt-hour, but 7.5; and General Reybold has informed me that the contract was awarded by the War Production Board to the Oklahoma Gas & Electric Co. for the very good reason of a severe shortage of copper, and by the award to the Oklahoma Gas & Electric copper was conserved.

[Here the gavel fell.]

WAR DEPARTMENT CIVIL FUNCTIONS APPROPRIATION BILL

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6736, an act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Mr. POWERS. Mr. Speaker, reserving the right to object, what does the gentleman have in mind? Will the gentleman agree, if there is no objection, to bring back any item for a separate vote in the House which I may request a separate vote on?

Mr. SNYDER. I would prefer that the gentleman state what those items might be.

Mr. POWERS. I have not looked over all of the Senate amendments, but there are two items that the House definitely voted down: One was Bull Shoals and the other was Table Rock. I certainly want to get an agreement from the gentleman to get a separate vote on these two items.

Mr. SNYDER. I will agree with the gentleman to bring those two back for a separate vote.

Mr. POWERS. If there is any other item that I have not seen as yet that I think requires a separate vote, will the gentleman agree to that?

Mr. SNYDER. There are only five amendments and they are all rather minor.

Mr. POWERS. Apparently the gentleman wants me to object; therefore, I object.

The SPEAKER. Objection is heard.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker I ask unanimous consent to address the House for 1 minute, and to revise and extend my own remarks in the RECORD and to include extracts from an article in the Saturday Evening Post; also from a bill, H. R. 6847.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

INCREASING DEBT LIMIT OF UNITED STATES AND FURTHER AMENDING THE SECOND LIBERTY BOND ACT

Mr. COOPER. Mr. Speaker, I call up the conference report on 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, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. COOPER]?

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 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

R. L. DOUGHTON,
THOS. H. CULLEN,
JERE COOPER,
FRANK CROWTHER,
HAROLD KNUTSON,
Managers on the part of the House.

WALTER F. GEORGE,
HARRY F. BYRD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6691) to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, 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 2 of the House bill amended section 21 of the Second Liberty Bond Act by increasing the face amount of obligations issued under such act from $65,000,000,000 to $125,000,000,000 outstanding at any one time. The Senate amendment increased such amount to $130,000,000,000 and included in the aggregate of obligations outstanding at any one time the face amount of all obligations issued by any agency or instrumentality of the United States which are unconditionally guaranteed as to the principal and interest by the United States, except such guaranteed obligations which are owned by the Treasury Department. The Senate recedes.

R. L. DOUGHTON,
THOS. H. CULLEN,
JERE COOPER,
FRANK CROWTHER,
HAROLD KNUTSON,
Managers on the part of the House.

Mr. RICH. Will the gentleman yield?

Mr. COOPER. I yield to the gentleman from Pennsylvania.

Mr. RICH. As I understand it, the Senate put in an amendment increasing the amount that we would be permitted to raise the national debt from $125,000,000,000 to $130,000,000,000, with the understanding that they would add all the obligations of our country to be included in those debts which we were supposed to pay. Now, if we cut this down to $125,000,000,000, will all the obligations of the United States, direct and indirect, be included in our national debt?

Mr. COOPER. There is a provision in the bill as it passed the House which the Committee on Ways and Means and the Treasury Department feel amply takes care of that situation. The bill passed the House authorizing a debt limit of $125,000,000,000. The Senate increased that to $130,000,000,000. In conference the Senate receded on the Senate amendment, so that the bill now comes back under the conference report just as it passed the House.

Mr. RICH. I would like to have this information, if I may. Will the indirect obligations of our Government, which I understood it was the intent and purpose of the increase of $5,000,000,000, be included in the Treasury statement when we reach our debt limit of $125,000,000,000?

Mr. COOPER. It is my understanding that it is the intention that the obligations as to which the interest and principal is guaranteed by the Government will be shown on the Treasury statement.

Mr. RICH. I think that was a wise provision that the Senate put in there, requiring that to be done.

Mr. COOPER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to, and a motion to reconsider was laid on the table.

WAR DEPARTMENT CIVIL FUNCTIONS APPROPRIATION BILL, 1943

Mr. SNYDER. Mr. Speaker, I renew my request with reference to H. R. 6736, the War Department civil functions appropriation bill. I have had a conversation with the gentleman from New Jersey, and it may be that he will withdraw his objection on the basis of our conversation.

Mr. POWERS. Will the gentleman yield?

Mr. SNYDER. I yield.

Mr. POWERS. So that we will have an absolute agreement, I understand the Bull Shoals and Table Rock and a $3,700,000 item are included in Senate amendment No. 2?

Mr. SNYDER. Yes.

Mr. POWERS. May I ask the gentleman whether he will bring Senate amendment No. 2 back to the House for a separate vote?

Mr. SNYDER. Yes.

Mr. POWERS. That is agreeable to the gentleman?

Mr. SNYDER. Yes.

Mr. POWERS. I withdraw my objection.

Mr. COCHRAN. Reserving the right to object, Mr. Speaker—and I am not going to object as long as the gentleman agrees to bring those two items, Table Rock and Bull Shoals, for a separate vote.

Let it be known that the Senate report does not show the justification for reinstating the objectionable items committing the Government to a $87,500,000 project, nor does the debate in the Senate show it. The bill passed the Senate yesterday just as fast as the clerk could read the amendments. It did not take more than a column in the RECORD. There was no debate in the Senate, not a paragraph. Those who preach economy can save money by watching such proposals as these. We should have an opportunity to debate the question again and get a separate vote. As long as the gentleman says he will give us a separate vote, I withdraw my reservation of objection, but I am going to insist on a roll call when the conference report comes back if it is necessary.

Mr. TERRY. Reserving the right to object, Mr. Speaker, under this agreement there will be a separate vote on each of these two projects, Table Rock and Bull Shoals?

Mr. POWERS. Further reserving the right to object, Mr. Speaker, I understand they are all in one amendment, Senate amendment No. 2.

Mr. SNYDER. That is right.

Mr. RICH. Reserving the right to object, Mr. Speaker, are we to understand from the gentleman from Pennsylvania that we are going to have a vote on these two items at one time, or will we have a vote on them separately?

Mr. SNYDER. They will have to be brought back as one amendment.

Mr. RICH. Did the Senate consider the fact that these two projects have not been started and that additional funds must be found some place by the taxpayers of this country before they can be started?

Mr. TERRY. Reserving the right to object, Mr. Speaker, did not the Senate also find that the engineers had testified over there in the hearings that these projects are very essential for the production of electric power, which is needed in the war effort?

Mr. RICH. May I ask the gentleman from Arkansas what year it was determined this power would be available?

Mr. TERRY. During the time the war will be going on, in all probability.

Mr. RICH. This war or the next war?

Mr. TERRY. The war in which we are now engaged, and which the gentleman evidently does not know about.

Mr. HOFFMAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SNYDER, TERRY, STARNES of Alabama, COLLINS, KERR, MAHON, POWERS, ENGEL, and CASE of South Dakota.

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial and a letter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

NATIONAL DEFENSE PROGRAM

Mr. BROOKS. 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 Louisiana?

There was no objection.

Mr. BROOKS. Mr. Speaker, I have asked for this 1 minute for the purpose of entering a protest against the possibility of taking a recess or vacation at this time. I understand plans are under way for this purpose.

Mr. Speaker, I have made an investigation of some of the bills pending and I think we have a great many bills which deserve the immediate attention of the committees of the House and of the House itself. We on the Committee on Military Affairs have before us an investigation of the progress of the national defense program. The three subcommittees are working upon this investigation every day. The investigation is very important to the country at this time, and I think it should continue regardless. I hope the House of Representatives will not recess or take a holiday at this time.

[Here the gavel fell.]

LABOR AND THE WAR EFFORT

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, it appears that the Senate proposes to investigate the causes of the tremendous upsurge of public sentiment against the continuation of union-labor abuses.

It seems passing strange that John Q. Public should be investigated because he writes to his Congressman.

John Q. Public thinks it would be more appropriate if the Senate would investigate why the antistrike bill that the House passed by a vote of 2 to 1 on December 3 has not been acted upon by the Senate.

But in order to help in the investigation of John Q. Public and to determine what makes him tick, I will be glad to submit to the committee the many thousands of letters and telegrams which I have received, and have personally read, protesting against present labor-union domination of our production efforts.

These letters come from mothers concerned for the safety of their boys in the fox holes of Bataan; they come from union members outraged at slow-down practices that retard our production; they come from free American workmen who are being charged today outrageous graft for the privilege of working on a defense job.

They come written on embossed stationery; they come written on postal cards; they come written in lead pencil on common paper.

They come from citizens in every walk of life who are firmly determined that our defense effort shall no longer be delayed and jeopardized to serve the interests of any special group.

If it is an offense for American citizens to write to their Congressmen and voice their complaints and dissatisfaction, I am glad to supply reams of evidence as to why they do so.

Mr. COX. 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?

There was no objection.

Mr. COX. Mr. Speaker, this suggestion that people who are insisting that Congress enact legislation removing certain burdens from the war effort be investigated, and to which the gentleman from Virginia has just made reference, is, to my mind, an insult to those who are feeding their offspring, flesh of their flesh and bone of their bone, into the greedy maw of war. It is talk which, if not stopped, will, in my judgment, result in the political hides of a lot of people being nailed to barnyard doors all over this country in the coming election this fall.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I should like the attention for a moment, if I may, of the gentleman from Illinois [Mr. SABATH], who had something to say yesterday about the vicious influences behind these letters that are coming to Congressmen demanding a sound national labor policy. He noticed, undoubtedly, as I did, that a Member of the other body asserts that the Chamber of Commerce of America has been sending out some letters requesting that the people express their views to their Congressmen. In view of what was said yesterday by the gentleman from Illinois [Mr. SABATH] it seems that that should be investigated, too. I notice he is nodding his head in the affirmative, agreeing that the source behind those letters should be ascertained. Then I presume that as the chairman of the Committee on Rules he will support the resolution I have introduced for the appointment of a committee to do that very thing.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

[Mr. SABATH addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to include an address by the Honorable James A. Farley, delivered in New York on March 6, and an editorial of the Dallas Times-Herald commending that address.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The gentleman from Michigan makes the point of order that a quorum is not present. The Chair will count.

Mr. HOFFMAN. Mr. Speaker, I shall withhold that until the Chair gets ready to recognize the gentleman from Oklahoma.

EXTENSION OF REMARKS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from a country banker in my district.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HARMONY IN OUR WAR EFFORT

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. SABATH], in our effort to win the war, how we can have harmony in this country and furnish the necessary ammunition, guns, and ships to the armed forces if we do not all work to that end? If we permit radical labor leaders to call strikes, how can you make guns, ships, and airplanes for our armed forces in Hawaii, the Philippines, Australia, Africa, Iceland, and Ireland? We will not have harmony till the President and the Congress use our good offices to that end. That is our duty; that is our business; and we will not let up until we get such harmony. I want the harmony that will win the war. That is the harmony we need. That is the only harmony that will win the war.

[Here the gavel fell.]

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL, 1943

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6845) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1943, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6845, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. At the time the Committee rose on yesterday, the amendment offered by the gentleman from Ohio [Mr. JONES] was pending. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 18, line 6, after the comma, strike out "$604,280" and insert "$595,384."

Mr. BENDER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment calls for a saving of less than $10,000, but it calls for a saving in a department of government where savings are highly desirable.

All of us this morning, I am sure, if we live in that direction, saw the new $600,000 building going up in the heart of Washington, providing for a central Department of Information. It seems to me that an expenditure of $600,000 for a temporary building and the appropriation for the Bureau of Information under Lowell Mellett, should be sufficient to supply all the information that every citizen of this country would require in the event he should visit the Nation's Capital.

Our country is calling on us to save on these nondefense appropriations. Here is a saving that is highly essential, and it is in line with hundreds of others relating to information agents in every department. I understood, when this Department under Lowell Mellett was established, that it was created to coordinate all of these agencies and to eliminate confusion here. Instead of fighting the enemy, so many of these fellows are fighting among themselves. I wonder if you observed, as I did, in a recent issue of a Washington paper, this item about a prominent citizen who came to Washington. Here it is:

It has taken me 6 weeks in this town to learn that when these people in Washington say the enemy, they do not mean the Axis; they mean the fellow in the office across the hall.

Let us take these people who are getting in each other's hair off the pay roll and put them to work really doing something worth while to help win the war. An expenditure like this is wholly unnecessary. Later today I will read some letters which have come to me, not from the United States Chamber of Commerce, but from Kiwanis Clubs, Rotary Clubs, farmers, and from people of all over Ohio, asking that we do something to stop these nondefense expenditures. Are you doing your best when you permit an appropriation like this to pass without a word of protest? I commend my colleague from Ohio [Mr. JONES] for his fine work of yesterday and today in offering these amendments. I wish the gentleman from Missouri, JACK COCHRAN, were hear, so that I could ask him how many Indians come to Washington in a year's time to ask questions of this information agency. It seems to me that Mr. Mellett has sufficient office and sufficient personnel to answer these questions.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BURDICK. Mr. Chairman, I rise in opposition to the amendment. I have not a great deal of confidence in political platforms. The last time the Republicans met, I caused to be presented to that organization a platform in regard to handling Indian claims, and I caused to be presented to the Democratic platform the same document. Both major parties of this country at the last election adopted a program in which both parties promised that they would settle these Indian claims, but so far in this Congress nothing has been done, and as long as you do not settle these Indian claims you will be called upon to feed the Indians; you will be called upon to take care of the Indians.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. Yes.

Mr. O'CONNOR. Following what the gentleman has said, I appeared before the resolutions committee at the Democratic Convention in Chicago, where the platform was promulgated on which the Democrats would go before the country for the votes of the people, among them the Indians, and in that platform the Democratic Party pledged itself to determine as quickly as possible on the merits of the Indian claims before the Court of Claims, but up to date we have been unable to get a single bill passed by this House giving permission to the Court of Claims to determine a single claim of the Indians.

Mr. BURDICK. Well, the Republicans did the same thing, although I do not believe the Republicans meant what they said when they said it.

Mr. O'CONNOR. Neither one of them meant what they said.

Mr. BURDICK. Just as long as that situation continues, we will have an Indian bill. My hope has always been that we could settle all these claims and get rid of the Indian Bureau itself, but as long as you are going to operate inch by inch, nothing can be accomplished. This committee has kept down the expenses of this bill just about as close as possible, to permit those Indians merely to live. Here is the place where you can save a lot of money, and the chance is good, because you can jump on a defenseless people and take $10,000 away from them, but the $3,000 or the $5,000 or whatever you take, will be taken away from the lives of these Indians. I know of thousands of them that do not have enough to eat. I know that in my reservation alone, where the death rate is very high, it is due to malnutrition. They do not get enough to eat, and all this committee has done is to try to arrange the matter to carry it along. If you want to eliminate expenses, you can do it by first settling and adjusting the claims of the Indians of the United States against the Government. We can then gradually turn the Indians' own business over to the Indians themselves and finally the Indian Bureau can be abolished.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I assume there has been a great deal of guesswork on this whole business of Indians. Frankly, I do not

pretend to be an expert, but I let the record speak for itself. There can be no particular quarrel with the record.

In 1930 we had, according to the census, 332,000 Indians in the country. Of that number approximately 105,000 were under 14 years of age, so that the number of adult Indians was somewhere around 225,000.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. DIRKSEN. Yes; I yield.

Mr. TABER. Is there anything in the law that prohibits them from going to work and earning their living just like any other citizen?

Mr. DIRKSEN. Not a thing that I know of. Now, just bear that figure in mind.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. No; not yet.

In that year we spent $17,000,000 on Indians. You can examine the appropriations. They are available to any Member of the House. Now, I find there are 394,000 Indians in 1942. That includes about 30,000 in Alaska, so that we have 364,000 in the United States. But while there has been about a 15-percent increase in the number of Indians and a larger increase in children than in adult Indians, yet the appropriation has gone up 100 percent, because last year it was around $35,000,000. Now it is $29,559,000. That does not make sense. Either we have been on bad ground before in our Indian policy or we are on bad ground now. I do not know what it is, but it seems to me there ought to be some realistic thinking on the subject.

Another thing, we have about 12,150 people looking after the Indians. Think of it. That is one person on the pay roll for every 31 Indians. That does not make sense. That excludes 626 who are in the Civilian Conservation Corps and 5 who are doing emergency relief work. You do not have to take my word for it. Look at the personnel table that Secretary Ickes inserted in the forepart of volume I of these hearings. There it is—12,150. So that you have one shepherd for every 31 Indians in the country. It seems to me there ought to be a complete reappraisal of policy.

I found the following statement on page 408 of Secretary Ickes' annual report for 1941. Listen to this language about the duty toward the Indians. It is a very engaging statement.

> The Indian problem grows out of the necessity for the Indians continuously to adjust their culture and ancient social forms to modern technology and to modern scientific programs of conservation, health, and education. It stems from the clash of primitive economies with the high-organization processes of production and distribution of their present-day society. It is irritated by the ever-impinging white culture threatening to uproot and cast out the concepts in centuries of habits, experience, and traditions.

What does it mean? I do not know whether they are trying to let the Indian follow out that basic, primitive nature of his or whether they are trying to make white men out of the Indians. If it is the latter, it is a mistaken premise, in my judgment. So I believe that sooner or later there must be a reappraisal of our Indian policy.

Mr. BURDICK. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from North Dakota, who is probably better informed on Indians than any Member of the House.

Mr. BURDICK. Are you in favor of keeping up this Bureau if you can get rid of the entire system?

Mr. DIRKSEN. I sort of like the premise that my good friend from North Dakota advanced yesterday when we were discussing this matter. I will not discuss here the things we were discussing privately, but it was genuinely persuasive.

Mr. BURDICK. You have my permission.

Mr. DIRKSEN. But I do like that approach. If we did that, it would be infinitely cheaper for the Government of the United States and far more satisfactory to the Indians.

Mr. BURDICK. May I have the support of the gentleman on the Court of Claims bill?

Mr. DIRKSEN. It depends on what is in the bill. If you are going to give away the United States and hand it back to the Indians, the answer is "No."

Mr. BURDICK. The Republicans may have promised that but they did not mean it. My question is, Will you go along with us on a bill providing for a claims commission to settle this whole affair and get rid of this Bureau?

Mr. DIRKSEN. I will say that I think that it is infinitely better than the constant controversy we have had on this floor concerning all these claims that have arisen over a period of years. Certainly if it is an equitable set-up, I think there is some virtue in it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. RICH. For the last 7 or 8 years we have claimed that we were trying to make the Indian self-sustaining, but each and every year our Indian population increases and our expense increases, and instead of them being self-sustaining we are only putting more Government employees in the Indian Service, and it is becoming more complicated and more top-heavy as each year progresses.

Mr. DIRKSEN. I will say to the gentleman, in the language of the report, that is only the impinging of white culture on this problem, as the annual report of the Department would say.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. O'CONNOR. I yield.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 8 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The gentleman from Montana [Mr. O'CONNOR] is recognized for 5 minutes.

Mr. O'CONNOR. Mr. Chairman, I am opposed to any reduction of the amount mentioned in this bill for the relief or support of the Indians. If there is any one class of people in this country that has been robbed by the white man and by this Government, it is the Indians. I put into the CONGRESSIONAL RECORD the first term I was in Congress, copy of a deed conveying the entire State of Pennsylvania to the Province of Pennsylvania from the Indians, for which the Indians received some articles of personal property, and part of the consideration was beer. That is what they got for that territory. Later on the Indian was gradually driven west, and as minerals and other valuable resources were discovered in those lands, the Government found a way of taking the land away from the Indians and giving it to railroad companies or somebody else. The Indian has been doomed, he has been robbed from the beginning of the Government down to the present time, and this Congress has never come to his full relief notwithstanding the fact that we who know the Indian problems have fought his battle from the time we entered Congress until the present day.

I call your attention to an article I put in the RECORD the other day regarding an Indian soldier. He was an Assiniboine Indian who had enlisted. His father was an Assiniboine and his mother was Cree. This soldier was decorated for daring in the Philippine Islands, for being one of the bravest soldiers MacArthur had. In the entombment of the Unknown Soldier great credit was given the Indians in the first World War.

Patriotism! When it comes to comparison to an Indian, Mr. Chairman, the white man does not look so good. There are more enlistees coming from the Indians, relatively speaking, than from any other class of the people in the United States today. They are the original Americans, and yet we find ourselves neglecting them. I want to give credit, however, to our distinguished friend, the gentleman from Pennsylvania [Mr. RICH]. I know that if he knew the Indian problem as we know it, if he would ever take time to come out to our State of Montana, and the other States where these Indians live, he would be just as great an advocate of the Indians' rights as any man in this House.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RICH. I want to take care of all the people of this country. We are spending a tremendous amount of money for the Indians, and we know the Department is doing a great deal of work, but I have not yet been able to find out when we are going to get the Indians to be self-sustaining. The people handling their affairs do not want them to become self-sustaining; they want to have the Indians under subjection so we can keep this great organization that has been built up. I feel just as the gentleman from Montana does, but I think the people who live in the States where these Indians are ought to compel the Bureau of Indian Affairs to try to make these

Indians self-supporting by giving them aid and assistance.

Mr. O'CONNOR. We are trying.

Mr. RICH. They should be made good, self-sustaining American citizens.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] is recognized for 3 minutes.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I appreciate the very fine statement that has just been made by the distinguished gentleman from Montana. He has always shown a very deep interest in the welfare of the American Indian. None of us, of course, take seriously the suggestion of the gentleman from Illinois that the Indian Service should be abolished, if that is what he really meant. That suggestion has been made in the past. At one time in the history of this House, following heated debate, this body actually voted to abolish the Indian Service, but the next day the same House turned around and almost unanimously reversed itself. Let us not again do something as foolish.

If the gentleman from Illinois had his way, then who would administer the 88 or 90 Indian hospitals in the country? Who would administer the 200 Indian schools? Who would administer the many intricate details on the many Indian reservations in America? Who or what agency would administer the various Indian reclamation projects in many of the Western States? It is absurd on the face of it.

Oh, the gentleman from Illinois in offering his amendment says it has to do with so-called propaganda. That, of course, is a high-sounding word. It is being used a lot lately to prejudice Members against certain worth-while activities. When arguments and sound reason fail we hear that bad word "propaganda." This, of course, is not propaganda. This committee has already cut a number of thousand dollars from this salary item. The implication has been made that this item is entirely for press releases. Surely the gentleman knows better than that. Dozens of people come to the Indian Office every day asking for legitimate information; and I say to you the public is entitled to such information.

It would be an absurdity on the face of it to eliminate this small amount for information service.

Let me remind these gentlemen who have been so unduly critical of the Indian Service that this Bureau has already been cut $718,000, possibly the most drastic cut that has ever been made in the history of that service. This bill, let me remind Members once again, was reduced by the committee nearly $18,000,000 below the Budget estimate after the Secretary of the Interior had voluntarily cut his Department $10,000,000 below the original Budget estimate. Again I remind you, it is the first time in the history of the Republic, so far as I am able to find, that any Government official has ever voluntarily reduced his Budget estimate $10,000,000.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. JONES].

The amendment was rejected.

The Clerk read as follows:

For maintaining law and order on Indian reservations, including pay of judges of Indian courts, pay of Indian police, and pay of employees engaged in the suppression of the traffic in intoxicating liquors, marihuana, and deleterious drugs among Indians, and including traveling expenses, supplies, and equipment, $264,660.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. SMITH of Ohio. Mr. Chairman, I rise at this time to inquire again as to the amount involved in this appropriation for power. Can the chairman of the subcommittee give me more definite information than he has given heretofore? When I asked him this same question yesterday, or the day before, he replied that it would amount to something like $50,000,000. Can the gentleman give me more definite information on this point?

Mr. JOHNSON of Oklahoma. I will ask the gentleman from Washington who handled the matter and who is an authority on the subject to answer the gentleman's question.

Mr. LEAVY. It is difficult to state it in exact figures because the power features of many of the reclamation projects also involve the reclamation of land itself. The money for power for Bonneville that we passed yesterday also is involved here. I would say a conservative statement would be $70,000,000 involved for power in one way or the other in this bill.

Mr. SMITH of Ohio. Seventy million dollars?

Mr. LEAVY. I am just making an estimate. I am trying to make a conservative one. It is difficult to segregate the power features from certain other features, both in the Indian Service and in the Reclamation Service as well as in Bonneville.

Mr. SMITH of Ohio. I see nothing in the hearings that gives us any specific information as to the amount that is to be expended for power or defense.

I think this is important, I believe there should be a break-down of the figures so as to show definitely what portion is to be expended for defense and what part for nondefense.

I fear there is room here in the way the appropriations are set up to spend a lot of money, in the guise of defense, we might well dispense with for the present. I do not wish to infer that it is the intention of anyone to take undue advantage of this situation. Nor do I wish to be understood as opposing any appropriations for defense. I want all power developed that is necessary.

Mr. LEAVY. Will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Washington.

Mr. LEAVY. May I ask the gentleman in all fairness how he can take the position that $70,000,000 or $80,000,000 or $100,000,000 in times like these is too much to spend for electrical energy, for the securing of electrical energy needed, in the light of the fact we are spending billions and billions of dollars in the war effort, the primary feature of which is sufficient electrical energy, whether it be steam or hydro? Would the gentleman say that these great projects like Boulder, Central Valley, Bonneville, and Grand Coulee should either be closed up or should be given over to some private agency to operate?

Mr. SMITH of Ohio. May I state to the gentleman from Washington that the gentleman from Ohio has not in any manner even intimated that a dime should be taken from the appropriations for the development of power.

Mr. LEAVY. I understood the gentleman to say he thought there was too much spent for power. I may have misunderstood him.

Mr. SMITH of Ohio. The gentleman misunderstood me. Let us allow $70,000,000 for power development. That still leaves about $92,600,000 in the appropriation for nondefense expenditures.

In 1931 the total expenditure of the Interior Department was $66,186,000.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman realizes, I am sure, however, that many activities have been transferred to it since that time. The gentleman knows that?

Mr. SMITH of Ohio. The principal item that was transferred from the Interior Department was the Veterans' Administration.

But, I repeat, assuming that the gentleman from Washington [Mr. LEAVY] is correct in his statement that about $70,000,000 of this proposed appropriation would be allocated to power development there would still be left roundly $92,600,000 for nondefense purposes. This is about $26,400,000 more than was spent by the Interior Department in 1931.

I earnestly feel a heavy reduction should be made in the appropriation for nondefense expenditures. Certainly a large portion of the amount carried in the bill for nondefense purposes is needed much more for war production.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro forma amendment and I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. McCORMACK. Mr. Chairman, the conferring upon General MacArthur of the highest honor that our Government can confer upon anyone, the Congressional Medal of Honor, by President Roosevelt is an act which receives the wholehearted response of our people.

It also recalls to our mind that while some in this body and others throughout the country were demanding General MacArthur's transfer from the Philippines, President Roosevelt had ordered his transfer on February 22. While some, for their own publicity, and for political reasons, were hollering "Bring MacArthur home," President Roosevelt was doing his thinking and his duty as Commander in Chief.

He knew that secrecy was necessary. He knew that the clamor started by some

of his bitter opponents was harmful to our country and detrimental to General MacArthur. He knew that Nazi Germany and the war-maddened leaders of Japan were aware of the fact that in democracies when public opinion, even when wrong, becomes aroused there must be some kind of recognition given by those in control of the Government. They knew this and welcomed this agitation for two reasons: First, it created division here, with resultant lack of confidence in President Roosevelt; and second, they knew that something might happen and they were watching for General MacArthur to leave the Philippines. This increased the danger to this brave general.

We know now that all the time that this important question was being given consideration by President Roosevelt and others, President Roosevelt and our military and naval leaders were giving serious consideration to the problem. We now know that despite the hollerings of the false prophets and the political demagogues the order was given by President Roosevelt on February 22. It was naturally considered long before the actual order was given.

Anyone with common sense ought to know that President Roosevelt, General Marshall, and the General Staff were thinking of General MacArthur day and night. Everyone ought to know that now they are thinking of General Wainwright and his brave men.

The lesson for the American people to learn from this is to do their own thinking, to use their God-given common sense, and not believe everything that some blind-minded Member of Congress might say on or off the floor of the House. Every speech on this floor that brings division and disunity means more graves for the men of our Army and Navy. The clamor to bring MacArthur home was nothing but a political move designed to embarrass President Roosevelt. The worst thing that could have been done on a matter of that kind was to give it the publicity it received. I do not blame the press as they carry news, but I do blame the agitators of such a move. How embarrassed they ought to feel when they now know that all the time those in responsible positions were thinking, and that action was taken at the proper time.

Those same Americans will now change their tactics with another line of sniping. Good Americans, as most of them are, they hate so much, or their partisan feelings are so intense—and I refer only to a few Members—that their reactions to such feelings becloud their love of America. I hope their consciences as American citizens will cause them to "stop, look and listen," and to realize the harm they are doing. In any event, their demagogic utterances on bringing MacArthur home, the worst thing a Member of Congress could have publicly agitated, ought to put the people of the country on guard against such persons so that they pay no heed in the future to what they say.

It is interesting to note that these few Members are on the floor practically every day with 1-minute speeches, knocking someone, criticizing all the time, never saying anything of a constructive nature. It is also interesting to note that those same Members opposed everything before December 7 recommended by President Roosevelt for the defense of our country.

Constructive criticism is one thing. The men I have in mind have yet to utter one constructive thought. Everything they say produces disunity and division. It is about time they stop it.

Mr. DITTER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, waiving aside with just one brief sentence the observations that have just been made by the distinguished majority leader, I say that I hope it was not his intention to encourage a technique that has already been all too apparent, to infer that patriotism will not permit of any criticism and that criticism must be stifled if unity is to prevail.

A moment or two ago our distinguished friend from Montana made reference to the State of Pennsylvania. Whether he did it purposely or inadvertently, I cannot say, but it does seem to me that I, representing the State of Pennsylvania, cannot let the statement of the gentleman from Montana go unanswered.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. DITTER. In just a moment.

Apparently for the purpose of impressing the House with the idea that the Indians had not been treated fairly, he confined his observations to the agreement made between the Indians and William Penn. In a rather critical way—it may be that he meant it facetiously—he referred to the amount of the consideration, suggesting its inadequacy, and also referred to the type of the consideration, implying its impropriety.

It seems to me that the record of William Penn in his dealing with the Indians is well established. Whether the consideration was partly liquid or not, that should not concern us today. Dear knows, maybe some liquidity today might be of value in some of the deals that are being made. Instead of borrowing so much, if we had liquidity, there might be a benefit all around.

Those of us who come from Pennsylvania are proud of what William Penn did in his dealings with the Indians. If in all instances the equities and the justices had prevailed in the other arrangements with the Indians that were present in Pennsylvania, there would be little to criticize.

Now I yield to my friend. I hope it will be in the nature of an apologetic statement.

Mr. O'CONNOR. I want the gentleman to know this. The reason I referred to the State of Pennsylvania is that I happen to know considerable about that State. It is one of the richest States and one of the richest territories in the United States. I think the finest farms I have ever seen I have seen in the gentleman's State of Pennsylvania. I might also add it is signally represented in this body.

Mr. DITTER. If the gentleman is uncertain as to the cause of that, may I say it is because of the industry, the frugality, the common sense of the Pennsylvania people. They have gone into the depths of the earth and brought out the minerals; they have taken the fields and have ploughed them, and they have used the resources of God rather than the bounties of a Government subsidy to provide wealth for themselves and the results have stood them in good stead at all times.

Mr. O'CONNOR. But I wanted to show the gentleman and the other Members of the House just how the American Indian was robbed by the American Government, by showing that what is now one of the richest States in the Union was taken away from the Indian by William Penn for the agreed price of $500, certain personal property, part of which——

Mr. DITTER. I do not yield further.

Mr. O'CONNOR. Part of which was in beer.

Mr. DITTER. I will not let that go unanswered.

Mr. O'CONNOR. That is the truth.

Mr. DITTER. I shall not let that go unanswered. William Penn purloined nothing from the Indians. The memory of William Penn is revered and honored.

Mr. O'CONNOR. That is the record.

Mr. DITTER. During the days of colonization no finer record was written than that of William Penn in his treatment of the Indians. William Penn and his Quaker brethren left an unimpeachable record of fair dealing. Theirs was a relationship of friendliness with the Indians. Nothing was left undone to establish good will and understanding. Let it be remembered that Penn insisted that there should be accorded to the Indians "the same liberties to improve their grounds and to provide for the sustenance of their families as the planters." No finer example of friendliness and mutual understanding was evidenced in the colonization period than that which was established and which continued to exist in the settlement of Pennsylvania.

Nor should it be forgotten that the Crown owed a debt of many thousand pounds to the estate of Penn's father at the time the charter was granted to him and that Penn, with a burning zeal for freedom of worship, sought to establish a colony where persecuted Friends might find a sanctuary and a home. Could this be attributed to a spirit of meanness or greed or avarice? Are sharp dealers motivated by worthy purposes such as these? The Quaker heritage is above reproach.

It seems to me, Mr. Chairman, that I should not forego this opportunity to call the attention of the House to one feature of those days of colonization under Penn. I refer to the type of government that was established under him. We might well ponder today on a few of the precepts and principles advocated and adopted in the Quaker settlement. We might profit by a rereading of Penn's opinion when he wrote:

> I do not find a model in the world that time, place, and some singular emergencies have not necessarily altered, nor is it easy to frame a civil government that shall serve all places alike. I know what is said by the several admirers of monarchy, aristocracy, and democracy, which are the rule of one, a

few, and many, and are the three common ideas of government when men discourse on that subject. But I choose to solve the controversy with this small distinction, and it belongs to all three—any government is free to the people under it (whatever be the frame) where the laws rule and the people are a party to those laws; and more than this is tyranny, oligarchy, or confusion.

That means a government of laws and not a government of men.

I appreciate the compliment paid by my friend from Montana to Pennsylvania when he said the Keystone State "is one of the richest States and one of the richest territories in the United States." Pennsylvania merits the compliment. It is a fact.

But I should like to emphasize the thought that her wealth is the result of work, the long, hard work of her sons and daughters. The wealth of Pennsylvania represents the industry, the thrift, the resourcefulness, and the frugality of a sturdy citizenry which set itself to the task of carving out not only a political independence but an economic independence as well. A planned economy, a regimented society, a Utopian dream contributed nothing to her wealth. For the most part, Pennsylvanians have always clung tenaciously to the convictions that private enterprise—a free economy—is fundamental to other freedoms; that the reward of industry is the right to a reasonable profit; that our frontiers are measured only by the horizons of our ambitions.

The wealth of Pennsylvania did not come into being as the result of any New Deal philosophy. It was not created by the bounties of any Federal bureaucracy. It did not spring from the largesses and benefactions of a profligate paternalism. We had no Sir Launfal at hand with a never-failing purse supplied by the taxpayers of the Nation. Pennsylvania does not owe its wealth to the spendthrifts, to the profligates, or to those who tried to impress upon the Nation a philosophy that the less we plant the more we reap and the more we waste the more we have.

The Quaker inheritance has stood us in good stead. Old copybook maxims such as "a penny saved is a penny earned" are still taught in many homes in Pennsylvania, and what is more, such precepts are in practice. The workshop, the home—yes, and the meeting house and the church—are a part of the life; in fact, they are the life of the Commonwealth established by Penn more than 250 years ago.

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. My friend from Pennsylvania, I yield to you for that statement you were going to make. I have 5 minutes.

Mr. DITTER. Mr. Chairman, while I do appreciate the very gracious courtesy and kindness extended to me by my friend from Michigan, I feel that I have made complete answer to my friend from Montana, and that undoubtedly, in due course, he will repent the error of his way.

Mr. HOFFMAN. And confess.

Mr. Chairman, I yield back the balance of my time.

The Clerk read as follows:

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat. 986), as supplemented and amended by the acts of June 15, 1935 (49 Stat. 378), May 1, 1936 (49 Stat. 1250), and June 26, 1936 (49 Stat. 1967), including personal services, purchase of equipment and supplies, not to exceed $3,000 for printing and binding, and other necessary expenses, $45,000, of which not to exceed $13,800 may be used for personal services in the District of Columbia: *Provided*, That in the discretion of the Secretary of the Interior, not to exceed $3 per diem in lieu of subsistence may be allowed to Indians actually traveling away from their place of residence when assisting in organization work: *Provided further*, That no part of this appropriation shall be available for expenditure in that part of the State of New Mexico embraced in the Navajo Indian Reservation, and not to exceed $5,000 shall be available for expenditure in said State: *Provided further*, That no part of this appropriation shall be available to conduct elections in any reservation on any matter which has been previously voted upon there unless 2 years have elapsed.

Mr. JONES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 19, line 13, strike out line 13 and the remainder of the page, and, on page 20, strike out the first eight lines.

Mr. JONES. Mr. Chairman, this amendment——

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. JONES. I yield.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. CASE of South Dakota. Mr. Chairman, reserving the right to object, I would like to have time reserved to me if the course of the debate indicates that it may be necessary for me to speak.

Mr. RICH. Reserving the right to object, Mr. Chairman, may I suggest to the Chairman that we should not ask for the closing of debate immediately upon the presentation of an amendment, because I think it only hinders good legislation. I think we ought to let the debate run 5 or 10 minutes and then make the request.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield further so that I may make one brief observation?

Mr. JONES. I yield.

Mr. JOHNSON of Oklahoma. I think the Members on both sides of the aisle know that an effort is being made by all of us to finish the consideration of this bill today. I am simply trying my utmost to speed up the consideration of the bill, and, if possible, finish before 5:30 o'clock this afternoon. I do not want to cut off anyone who wants to speak; but, again, I wonder if we could not agree, perhaps, on 20 minutes' debate on this item.

Mr. JONES. Will the gentleman wait until I get through before submitting the request? I would like to present the amendment and then we will see whether it is necessary to submit such a request.

Mr. JOHNSON of Oklahoma. I withdraw the request, Mr. Chairman.

Mr. JONES. Mr. Chairman, this amendment will cut out the expenses of 13.2 man-years in the field at a cost of $37,291, and in the office at Washington 8 man-years at $16,840, and temporary help in the field of $1,000 originally provided by the Bureau of the Budget. That is what was requested, and it has been cut down by the committee to $45,000. I do not know how the man-years will stand with that sort of cut.

This paragraph provides funds for organizing Indian tribes into corporations. Most of the work has been done with the major organizations, and I refer to page 8 of the committee report, where it says:

Additional reductions under the heading "General items" are largely attributable to the need for economy in nondefense activities. In connection with the reduction of $26,260 in the estimate of $71,260 for expenses of tribal organization, the committee wishes to point out that it has advised the Bureau on numerous occasions that it expects this item to disappear from the bill in a few years, as it does not regard the organizing of Indians under the Indian Reorganization Act as a continuing or permanent activity.

I call attention to page 44, part 2 of the hearings, showing how we felt about this item in another day. Originally the statute authorized the expenditures to a maximum amount of $250,000 a year for this purpose. That was when we were hunting for work to do, hunting to give men a chance to work for the Government, and to get them off the streets. Read the hearings on page 45, and you will see the statement as to the amount of expenditures made heretofore in other years for this service. Then on page 50 you will notice a question and answer by the gentleman from Oklahoma [Mr. JOHNSON] and Mr. Greenwood, as follows:

Mr. JOHNSON of Oklahoma. That is what I have in mind. This committee has talked about it and has tried to discourage the promoting of these organizations. If the Indians voluntarily wish to do it, that is their business, but it does seem to this committee that it is not up to the Indian Service to go out to promote this kind of work.

Mr. GREENWOOD. Mr. Chairman, I think that pretty good evidence that we have not been engaging in promotion is the fact that out of 192 tribes that voted to accept the Indian Reorganization Act, there are still 106 tribes who have yet to organize; which means that only 86 tribes out of the 192 have actually adopted constitutions and bylaws.

On page 52 you will see what Mr. McCaskill reports, that most of the large groups have completed their organization. The committee thinks that this work should be curtailed. The difference between the committee and myself is that I think we should do it now, because it is not a necessary expenditure. It will not help get any more planes and guns and tanks to General MacArthur this year. I want to be able to go back home

when we finish this bill and say to the mothers whose sons are at the front, at Corregidor, the Philippines, and Australia, that I helped to do away with some of these nondefense expenditures and put the men employed in this type of nonessential work into production of machine tools and the production of equipment for guns and tanks and planes, so that they can help to protect these boys at the front. I ask that the amendment be adopted.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the sentiment expressed by me, as read by the distinguished gentleman from Ohio [Mr. JONES] at that time is the same sentiment that I have now, that this committee should curtail, and wind up this particular activity, within a few years, and that is exactly what the committee is doing. Despite the fact that the Indian Service wants more money for this particular activity, the committee has greatly reduced it, until it is now only $45,000. There are many tribes which are unorganized, and whether Members like it or not, many tribes of Indians are tremendously interested in this item. May I express the hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 34, noes 57.

So the amendment was rejected.

The Clerk read as follows:

Vehicles, Indian Service: Not to exceed $450,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation (including the exchange of necessary parts and accessories in part payment for new parts and accessories) of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, and the transportation of Indian school pupils, and not to exceed $225,000 of applicable appropriations may be used for the purchase and exchange of motor-propelled passenger-carrying vehicles, and such vehicles shall be used only for official service, including the transportation of Indian school pupils.

Mr. RICH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 20, line 9, after the word "exceed", strike out "$450,000" and insert "$350,000."

Mr. RICH. Mr. Chairman, I call attention to this paragraph in the bill, "Vehicles, Indian Service." It provides that not to exceed $400,000 for automobiles and motor-propelled vehicles and for transportation shall be available, and so forth. Do you not think that we could cut that down? You are not going to be able to buy automobiles. They will have to do more horseback riding, as we did in the good old days. I only offer this amendment for your consideration because I think it can be cut down, and then if we cut that down, we could prohibit the expenditure of the money which is stipulated in line 17, $225,000, for the exchange and purchase of automobiles. I think that could be cut down without any injury to the Indian Bureau, without any injury to anyone, and we will get along this year.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes.

Mr. CASE of South Dakota. Of course the gentleman understands that this provides for the transportation of Indian school pupils and the gentleman is aware of the fact that many of the schools are now of the consolidated type, and that it is necessary to operate busses.

Mr. RICH. I am not here to interfere with those schools. I am just thinking of the great number of people in the last few years that have had automobiles in the Department. I do not want to cut these Indian schools or the transportation of these children, but I do want to cut out the needless running around with these Government cars. If they have to economize a little, the Indian Bureau will demand of every automobile driver that he should not use the car except when it is absolutely necessary. I think the gentleman from South Dakota will recognize the fact that if we cut this down some, that will be the result.

Mr. CASE of South Dakota. I certainly am in favor of cutting down the travel of Indian Bureau employees, but I would like to know, as a matter of making a judgment on the gentleman's amendment, what amount was appropriated for this item last year?

Mr. RICH. I asked to cut this down $100,000. If you adopt that amendment, then I will offer an amendment, in line 17, to cut that down $100,000. That will not cut down the sum total, however. It will only take $100,000 off of this item.

Mr. CASE of South Dakota. Does this already represent a reduction from last year's figure?

Mr. RICH. Yes; a small reduction, not very large.

Mr. CASE of South Dakota. Can the gentleman give us the figure?

Mr. RICH. I do not just recall it. It is in the justification.

Mr. CASE of South Dakota. It is hard to tell how much to cut something that has already been cut.

Mr. LEAVY. Will the gentleman yield?

Mr. RICH. I yield.

Mr. LEAVY. The Budget estimate was $495,000.

Mr. RICH. That is right.

Mr. LEAVY. And the committee cut $45,000 from that. On the Budget estimate of $495,000, we were asked to allow $303,000 for the transportation of Indian children to school. We reduced that sum to $200,000; and if the gentleman's amendment is agreed to, you would leave the Indian Service with virtually half the money, and they could not render the service.

Mr. RICH. Let me say to my colleague, if you adopt this amendment, we will offer an amendment, on page 20, line 17, to cut that down $100,000, and that will take it out of "purchase of new automobiles." Then we will get along with that figure. That is what I am trying to do. I am trying to stop them from going out and getting new cars. Let us make these cars last a little longer. Service them a little more, and we can save that money.

Mr. LEAVY. We were told that they could not get new cars without the approval of the War Department and the Navy Department. We were told that they have already taken 200 army horses and are now using saddle horses to perform many of their duties. If you cut further, you cut to the point where they cannot render the service at all.

Mr. RICH. No. I differ with my colleague.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. TABER. According to the report, the appropriation for this purpose last year—supplies, purchases, and transportation—was $799,720. The Budget estimate was $800,000, and the amount appropriated, which includes this item and one or two others, was $799,000, or a cut of $720. So they are not going to be allowed these automobiles anyway. I think the gentleman is on the trail of something in suggesting that we cut this down, because there has not been any cut.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I am rather amazed at the statement of the gentleman from New York [Mr. TABER] that there has not been any cut in this item. The committee made a reduction of $46,000, as shown by the bill, on this item alone.

Mr. TABER. Where does that show in the report? The report shows that on this transportation item the cut is $720. This is on page 21 of the report.

Mr. JOHNSON of Oklahoma. The gentleman, I am sure, knows that it does not show in the bill, because it is not an appropriation—that it is an authorization to use funds in the bill available for this purpose.

Mr. TABER. But it should show in the report.

Mr. JOHNSON of Oklahoma. I am sure the gentleman does not contend that it would show in an authorization.

Mr. TABER. Oh, no. This is an appropriation of $450,000.

Mr. JOHNSON of Oklahoma. The gentleman's insistence convinces me he has not studied the bill. I stand on the statement that it is merely an authorization. The gentleman surely knows that if he has made any real examination of the bill.

Mr. TABER. Yes; that is right.

Mr. JOHNSON of Oklahoma. Alright, I am glad that is settled. Now, the gentleman from Pennsylvania [Mr. RICH] said he did not want to interfere with the schools, and I am assuming he is sincere in making that statement. Now here are the facts. There are 200 Indian schools which, if this amendment is adopted, will be seriously interfered with. Some of those schools are in widely scattered areas, 25 or 30 miles apart. I am sure the gentleman does not intend to do that, seriously cripple the hauling of Indian children to school.

For the benefit of those few on the minority side who are so fearful lest too much funds will be spent for cars, I will

read into the RECORD this part of the bill that has been mentioned several times before, so that there will be no further weeping, wailing, and gnashing of teeth about this item. Section 8, which appears on page 140 of the bill, reads as follows:

No part of any money appropriated by this act shall be used for the purchase or exchange of any motor-propelled passenger-carrying vehicle if such purchase or exchange interferes with the priorities or quotas for military and naval purposes as determined, respectively, by the Secretary of War and the Secretary of the Navy.

It is perfectly obvious that it will be impossible to spend money for this purpose unless it is certain it does not interfere with priorities established by the Secretary of War and the Secretary of the Navy.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

The Clerk read as follows:

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition (except salaries and expenses of employees), in accordance with the provisions of the act of June 18, 1934 (48 Stat. 985), $165,000: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, Colorado, New Mexico, and Wyoming outside of the boundaries of existing Indian reservations.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 22, line 12, after "(48 Stat. 985)" strike out "$165,000" and insert "0."

Mr. RICH. Mr. Chairman, this is only for the purpose of prohibiting the Indian Bureau from going out and buying lands to the value of $165,000. You will notice in this paragraph that in the States of Arizona, Colorado, New Mexico, and Wyoming we prohibit the Indian Bureau from going out and buying these lands because those States do not want them to buy any more.

The bill carries an item of $165,000 for the purchase of land. It is proposed to purchase this land in other States. A lot of people do not want this done. It is not necessary that it be done. Here is an opportunity to save $165,000 for the Treasury of the United States, if you do not want to take the bottom out of it, but I think it has dropped out already. They have got to find this $165,000 with which to purchase these lands. It is not right.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. LEAVY. In the first place, this $165,000 is not money belonging to the United States, it is money belonging to the Indians, and those who govern them feel it is a wise thing to spend it in the acquisition of land. Four States of the Union where there are Indian lands have said they do not want the lands purchased with tribal funds. The rest of the States do. It is not public money. The spending of this money would save the Government paying 4 percent interest on it. If you want to make a saving let them invest it in the land. It is their money.

Mr. RICH. The language of this paragraph does not say that it is money paid out of tribal funds. Even if it were I would advise against it because we have let them spend so many of their tribal funds that they are dependent on the Government when they ought to support themselves. They spend their funds and what do they do? They come back to us and we have to dig into our own Treasury to secure additional money. Five States have refused to permit them to buy land within their borders.

Mr. LEAVY. I want to say to my friend from Pennsylvania that I was in error on that, tribal funds are in the paragraph above.

Mr. RICH. The gentleman from Washington very seldom is in error, but there are a lot of fellows on that side of the House who are in error when they vote for the expenditure of all these moneys we do not have. Mr. Chairman, we can save this $165,000, let us save it now.

Mr. WHITE. Mr. Chairman, will the gentleman yield for an observation?

Mr. RICH. I yield.

Mr. WHITE. I would like to observe to the gentleman that this is to buy pasture land for the flocks and herds of the Indians, a most essential thing, that they may produce and be self-supporting.

Mr. RICH. You know, we have been pasturing every Indian in the United States for a good many years. We have been pasturing most of the people of this country until now it has come to the point where the people should get out of pasture and work. We want people to work, we do not want to pasture them any longer.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. JOHNSON] is recognized for 5 minutes.

Mr. JOHNSON of Oklahoma. Mr. Chairman——

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. RANKIN of Mississippi. From what is going on around here it looks as though we are having almost as much trouble withholding this country from the Indians as we had originally in taking it from them. Is that correct?

Mr. JOHNSON of Oklahoma. There may be food for thought in the gentleman's clever observation.

Mr. Chairman, I am very much surprised that the gentleman from Pennsylvania should make such a suggestion seriously to this House. The gentleman is one of the best businessmen in this body, whose word, I am sure, can be relied upon.

I am certain that if the gentleman made a contract he would carry it out in the spirit as well as to the letter of the contract, but now by this amendment he calls on Members of this House to repudiate and refuse to carry out a solemn contract made by the Congress of the United States. If Members will examine last year's law you will find it reads as follows:

Provided—

This is a contract authorization, an ironclad contract—

That in addition to the amount herein appropriated, the Secretary of the Interior may also incur obligations and enter into contracts for the acquisition of additional land not exceeding a total of $325,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the act of June 18, 1934, shall be available for the purpose of discharging the obligations so created.

If the gentleman wants to vote for his own amendment, he can accept the responsibility.

Mr. THOMAS F. FORD. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. THOMAS F. FORD. The gentleman from Pennsylvania says everybody has got to work. The spending of this money will enable the Indians to do more work and produce more things.

Mr. JOHNSON of Oklahoma. Certainly.

Mr. THOMAS F. FORD. Then the gentleman is simply repudiating his own statement that we ought to do more work.

Mr. JOHNSON of Oklahoma. That is correct.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe, if I may have the attentior of the membership of the House, including the author of this amendment, that anyone who fully understands the purpose of this particular appropriation will vote against the amendment. In the first place the argument of the gentleman from Pennsylvania was based upon a belief that certain States had asked not to have any of this money expended within their States. That is not the case. These States only sought to prevent expanding the boundaries of the reservations within those States. If you will read the proviso in the bill itself, it is stated:

Provided, That no part of the sum herein appropriated shall be used for the acquisition of land within these States: Arizona, Colorado, New Mexico, and Wyoming, outside of the boundaries of existing Indian reservations.

That limitation is not against spending some of this money in those States if it is within the boundaries of existing reservations, but only outside of those reservations.

In the second place, there seems to be a misunderstanding as to the purpose of this appropriation. It is not new cash; it is an item to pay contracts incurred under obligations authorized and contracted last year.

Within each Indian reservation you have an heirship land problem. When an Indian dies his land goes to probate. He may have many heirs. Then you have a very complicated problem. There

are estates in my district, for example, where there are several hundred heirs involved in a single quarter section of land. In an attempt to try to resolve that heirship land to a common denominator it has been sought to buy up certain tracts of land and get them so that the assets can be divided and the estates closed. You have instances where the lease fees, or the amount of lease fees going to an individual interest holder in some of these heirship lands amounts to only a fraction of a cent. It costs more to write a letter and write a check sending 2 or 3 cents to some of these heirship interest holders than is involved in the total amount of money itself. In one reservation over 30,000 acres of good land were idle a year ago simply because it cost more to divide and distribute the lease returns than they amounted to. This fund is used to buy up these fractional interests and make it possible to close these estates and put the land on a revenue basis.

Now then, with respect to this matter in the bill, last year there was a contract authorization for $325,000 for the purchase of this fractionated land. The funds here involved are to pay approximately one-half of that obligation. If you will turn to the hearings, page 64, you will find it clearly stated that "all" of the item carried in this bill "will be required to meet obligations incurred in accordance with the authority contained in last year's Interior bill. That bill carried $325,000 in cash and an equal amount in contract authorization." The Treasury impounded $160,000 of that $325,000 contract authorization. I repeat, there was cash $325,000 last year plus a contract authorization of $325,000. The Treasury impounded $160,000 of the $325,000 contract authorization, leaving $165,000 that could be contracted. Contracts for that land acquisition have been made. So, this appropriation is merely to provide the money to take care of the contracts made under the contract authorization last year which itself had been reduced one-half from the original authorization as approved by Congress.

Mr. Chairman, I ask for the defeat of the amendment.

Mr. RICH. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Pennsylvania.

Mr. RICH. Wherein was I mistaken?

Mr. CASE of South Dakota. The gentleman's words gave the House the impression that certain States would not have any money expended within the boundaries of those States. The language of the bill refers to the boundaries of existing reservations within those States. This money is available for settling this land problem within the boundaries of existing reservations in all States. The limitation is only against going outside the reservations in certain States.

Mr. RICH. We have had men from these States come to us and say that they did not want the Indians to buy any of this land.

Mr. CASE of South Dakota. They do not want the reservations expanded, but the gentleman will understand that within the boundaries of the reservations there are Indian lands, and there are also patented lands. The limitation and the objections are not against action within the reservations. This appropriation primarily is for the purpose of purchasing these Indian heirship lands already owned by Indians, but in such a complicated state of land ownership that it costs the Government more money to administer the heirship lands than it does to buy the land itself.

Mr. ANDERSON of New Mexico. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from New Mexico.

Mr. ANDERSON of New Mexico. May I say as one of the Representatives of the State mentioned that the gentleman from South Dakota is making an extremely fine statement. He is well informed on the subject, and I subscribe to everything he says.

Mr. MURDOCK. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Arizona.

Mr. MURDOCK. May I say as a Representative of the State of Arizona that the gentleman from South Dakota [Mr. CASE] occupying the Well of the House has stated the facts as they are in regard to this matter. I say this as a member of the House Committee on Indian Affairs, for I have noted these conditions. Also, let me emphasize that such lands purchased in Arizona must be within the boundaries of existing reservations.

Mr. RICH. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is it more important now to the winning of the war to spend this $165,000 for an airplane for MacArthur in Australia or to go out and buy this land and take the money out of the Treasury for that purpose?

Mr. CASE of South Dakota. That issue is not involved at all. The gentleman knows that we are going to appropriate all the money we can spend to get airplanes to MacArthur. This item is to satisfy contract authorizations already legally made.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

The Clerk read as follows:

Purchase of land for the Indians of the Round Valley Reservation, Calif. (tribal funds): The unexpended balance of the appropriation of $10,000, contained in the Interior Department Appropriation Act, 1941, for the purchase of land and improvements thereon for the Indians of the Round Valley Reservation, Calif., payable from funds on deposit to the credit of said Indians, is hereby continued available until expended.

Mr. RANDOLPH. Mr. Chairman, I move to strike out the last word, and I add to that request that I want to speak out of order for only 1 minute, and I ask unanimous consent to proceed out of order. If there is objection, I will not pursue it.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have made the statement that I would oppose anyone speaking out of order. I will not object in this instance, but I give notice now I certainly shall object in the future.

Mr. CARTER. Mr. Chairman, reserving the right to object, as I understand it, we are endeavoring to finish this bill today. While I am not going to object to the gentleman's request to speak for 1 minute out of order, I shall be constrained to object to any further request to speak out of order that may be made.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, I appreciate the courtesy shown to me by the gentlemen in charge of the pending legislation. I shall detain the Committee only a few moments. I rise at this time as a matter of personal pride and deserved recognition for the State in which I live.

Last night in Madison Square Garden, New York City, West Virginia University, participating in the finals of the national basketball tournament, defeated Western Kentucky State by a score of 47 to 45, thus winning this recognition for our State.

The coach of that great mountaineer team, Dyke Raese, of Davis, resides in my district. I pay tribute to those boys of the hills of West Virginia who defeated the splendid boys from the hills of Kentucky. The West Virginians, displaying their recognized fighting qualities, fought successfully against odds.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling and other expenses, and purchase of supplies and equipment, $693,180, of which not to exceed $10,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians, and not to exceed $30,000 may be used for the operation and maintenance of a sheep-breeding station on the Navajo Reservation, and not to exceed $5,000 may be used for defraying the expenses of Indian fairs, including premiums for exhibits.

Mr. JONES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 26, line 19, strike out all of line 19 and the remainder of the paragraph.

Mr. JONES. Mr. Chairman, this paragraph relates to the Agriculture Department of the Interior Department. A few weeks ago we spent considerable time getting through the appropriations for the Agriculture Department. Generally the people had the belief that that would finish all the agricultural work, but here is a provision for an expenditure of $693,180 for agricultural work among the Indians in the Interior supply bill. In addition to what they get under this program, the Department of Agriculture supplements Interior Department work with soil-conservation payments. Apparently some of the work of that Department converges with the work of the Interior Department.

I questioned representatives of the Department about this subject and they

denied that there is any overlapping of the program. Even should there be no overlapping of the program, I think all the agricultural work ought to be in one place, and the place to have it is the Agricultural Department.

Let me call your attention to page 117 of the hearings, which shows some of the work that is being carried on by this branch:

Home-extension work.

For Indians, now, mind you.

Improved living and better homes in cooperative communities summarize the many activities in which home-extension agents and home aids help Indians to attain more satisfying home life. Increased membership in farm chapters and women's clubs has meant a spread of ideas of self-help and definite progress in farm and home betterment.

Think of it; this is with Indian people.

The variety of activities conducted in home-extension work includes child care, including feeding and development.

Remember, we have a department of Government for child care that takes care of this sort of thing, and the Indian Service is duplicating the work.

Food; nutrition, including storing, canning, drying, brining, and smoking of meats; food production; nutrition studies.

All of these things are covered in pamphlets of the Department of Agriculture, and this does not feed Indians. It pays the fat salaries and traveling expenses of Indian Service bureaucrats:

Food preparation and serving; clothing for adults and children; better bedding; home improvements; sanitation; household pest control—

This does not mean their putting Indians to bed. The bureaucrats for a fat salary are telling the Indians how to do it.

Listen to this, for an Indian:

Tentmaking.

Think of it! A program of tentmaking! You might as well have a program of getting umbrellas for fishes as show Indians how to make tents. Yet tentmaking appears on page 118 of the hearings.

I suggest that this is a wild-eyed, socialistic scheme for the Indians that we could just as well get along without; and in view of the fact that there is some work done by the Department of Agriculture among the Indians, this could all very handily and very well be done by the Department of Agriculture, so that when we finish with that appropriation and supply bill we will have done with it for good.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rose first to ask a question but I have stood here in rapt amazement, or something of that sort, listening to the distinguished gentleman from Ohio in pathetic tones talk about doing some of these things for the In-Indians. He said:

Think of it, helping the Indians to have better homes. Think of it, helping the Indians to have child welfare and training in gardening and preservation of foods. Think of it, doing some of these other things for the Indians.

Why should this not be done for Indians if for the others you mention?

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Ohio.

Mr. JONES. Because we have a children's bureau in Washington, and they have pamphlets with beautiful pictures that show anybody how to do these things. Each Congressman sends them out to his constituents.

Mr. CASE of South Dakota. That is exactly the answer I expected the gentleman to make. Can the gentleman cite a single one of those pamphlets that is written in Sioux or written in any other Indian language? Can he assure me that the Indians who need this help the most are able to read, even if these pamphlets were printed in those languages? Has the gentleman ever been on an Indian reservation in his life or visited an Indian home, with its dirt floor and leaking sod roof? Has he ever seen an Indian home in winter?

Did he ever see the kitchen in a ration Indian's home—a corner in a miserable room, a can for the few pounds of flour or beans that were to feed the family for a month? The family—three generations, perhaps, an old man or a woman on whose face time had written the tragedy of a race, a father and mother who were trying to master a white man's economy, children who were trying to learn how to work a white man's way, and had yet to learn the white man would deny them jobs?

Tents? Help in making tents? Has the gentleman ever seen little Indian children freezing in winter because they did not have a decent tent? Would the gentleman deny them that?

Has the gentleman ever visited an Indian reservation and seen Department of Agriculture officials attempting to help them? No; they have had to depend upon the Indian Bureau. I admit and I feel that the Indian Service spends a lot of time and money traveling, too much in fact, and it has too much bureaucratic authority, perhaps, yet God knows that justice calls for doing something for these Indians, whose lands we took away.

They are not getting aid from the Department of Agriculture. Were the funds that are available to the Farm Security Administration available for Indian loans a few years ago? No. The Comptroller General or somebody said they were not available. The Indian did not come under that program. So we provided a little aid for him, a little leadership, a little help in growing gardens, a little help in canning and preserving foods.

The gentleman cannot correct the situation he mentions by denying an Indian help from money in this bill. If he would go back and correct the basic legislation of Congress and say that the Department of Agriculture shall have the responsibility for taking care of these people and providing for them, that would be something else. But after you have passed the agricultural appropriation bill—and the funds were cut down there—then to come along, when the Indians are already denied funds and help from the Agriculture Department, and in connection with the Interior Department appropriation bill to say, "We are going to cut this out of the Indian appropriations," is hardly fair.

I am sure that the gentleman from Ohio, for whose sincerity and for whose intelligence I have the utmost respect, if he were to visit an Indian reservation and see the Indians in actual life and see the conditions under which they live, would not talk this way. He might feel that we ought to have transferred some of the assistance in the agricultural bill, perhaps, and put it here, but he would not propose to deny this aid to the Indian people, people who cannot speak for themselves.

Mr. Chairman, I do not mean to be severe, I do not intend to be critical. But I have seen these people, the Indians. They get hungry. They grow cold. In a generation we have forced them to change from a hunter to a farmer, and a farmer on land that the white man did not want. Only those who live among them and have seen them in their homes and know the conditions can understand the importance of helping them to raise better livestock and better crops. Talk about economy, the best economy we can exercise in respect of Indian appropriations is to see that the Indians do have some help in raising better livestock and do have some help in raising more food so that it takes them off relief, so that it makes them independent and gives them a chance to be on their own. Do not deny the man who is down a chance to get on his own. That is what would be the effect of the pending amendment. And do not do it here just because you can and they are only Indians.

They are Indians. God made them Indians. The white conqueror made them what they are today. Let us give them a helping hand. We have no braver, truer fighters today than our Indian soldier boys.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. O'CONNOR. I want to congratulate the gentleman from South Dakota for describing so graphically an Indian home in this country and describing the manner in which his lands have been taken away from him, and the manner in which he has been neglected by this Government. I want to say that the American people owe the gentleman from South Dakota a debt of gratitude for explaining to the gentleman from Ohio [Mr. JONES] who has never seen an Indian home, what the conditions are.

Mr. ANDERSON of New Mexico. Mr. Chairman, I move to strike out the last two words.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield to me to submit a unanimous-consent request?

Mr. ANDERSON of New Mexico. I yield to the gentleman.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ANDERSON of New Mexico. Mr. Chairman, I, too, would like to pay tribute to the gentleman from South Dakota [Mr. CASE] for his very clear statement on the conditions of Indian life. This particular section of the bill deals with the development of Indian agriculture and is an extremely important section.

I desire to call the attention of this House to page 121 of the hearings on the Interior departmental appropriation bill, in which it is pointed out that the livestock on the Navajo Reservation, and elsewhere where this program has been in effect, have increased from 167,000 to 278,000 head. This Government and this Congress can be proud of the fact that the Indians have been improving in their economic status, that they are becoming self-sufficient, and that they are making physical progress at the same time.

I want to point out to you that at one of our Government ordnance depots, just constructed at Fort Wingate, N. Mex., near a Navajo reservation, 2,000 Navajos worked as common laborers on that job. Their labor brought forth the commendation of the contractors and the War Department.

I also want to say that when you can make a showing of this nature, where the race itself is increasing, where their herds of livestock are increasing, where they are becoming economically self-sufficient, you show democracy at work in the finest sense of the word, and you making a showing that appeals to the countries south of this Republic that have a large Indian population. The American Society of Indianists has approved of the work done under this program.

I do not want to take the time of the House, but I do want to commend the gentleman from South Dakota, and I do want to point out that the Government has officially recognized the value of this work which has produced an increase in the livestock of the Indians.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of New Mexico. I yield to the gentleman from Arizona.

Mr. MURDOCK. Coming from a neighboring State with a population of the largest portion of the 50,000 Navajo Indians, I can agree with the gentleman's statement concerning our Navajo Indians. I also want to commend the gentleman from South Dakota [Mr. CASE] for his statement. I want to add just this word, if I may:

The Navajo Indians are increasing in number by leaps and bounds. They are the most prolific tribe of Indians in our country, I believe. We talk about the vanishing red man. However, the Navajo Indians occupy a region along the tributaries of the Colorado River, and if we do not help them conserve the soil we are going to lose one of the greatest works of man on this continent. I refer to Boulder Dam or Lake Mead, which is filling up with silt. So I much prefer to see the Navajos helped in conserving their soil and making good farmers of themselves than to see anything done that would bring destruction to one of our greatest irrigation projects.

Mr. ANDERSON of New Mexico. I thank the gentleman from Arizona, and I assure this House that if the Members would visit the Navajo Reservation, would visit the Navajos in their homes, and see the progress that has taken place, they would be proud of the Congress, they would be proud of the Indian Service, and they would be proud of democracy at work. It is a fine thing in which we can all take pride.

[Here the gavel fell.]

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan is entitled to the floor.

Mr. HOFFMAN. Mr. Chairman, I suggest to the gentleman from South Dakota [Mr. CASE] that he is not the only one who has Indians in his district. We have Indians in my district, the Pottawatomies and the Ottawas, and the members of both tribes are taking care of themselves very nicely. They have not had very much from the Government. We have some Indians also in Cass County and in Van Buren County, in Michigan, and they are taking care of themselves. I know that every time we take up one of these Indian items, in which Members are interested, there is opposition to any cut, and I can appreciate that, but I try to go along and cut on everything that comes up that is not essential to the war effort, whether it affects my district or not. Does the gentleman from Ohio wish me to yield?

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. JONES. I may say, in answer to the gentleman from South Dakota, that it is a surprise to me, after hearing of the deplorable conditions among the Indians, that there were any here to meet our forefathers at Plymouth Rock. In the first place, this amendment strikes at a duplication of effort between the Agricultural Department and the Interior Department. In the second place, the gentleman talks about his Sioux not being able to read the child-care books that are being prepared in the Children's Bureau. I say to you that Nelson Rockefeller and his outfit have $18,000,000 in cash and contract authorizations of which a part is used to reprint into Spanish and Portuguese, for the Indians of South America, these Children's Bureau books. In God's name, if they have them for South America, what is the matter that they cannot get them to the Sioux in the same program? It is not my fault that the Sioux in the gentleman's State, and the Indians of the gentleman from Arizona and the gentleman from New Mexico get none of these pamphlets. It is not my fault; it is the fault of this administration, and I am not holding out by this appropriation any amount for the books that Mr. Rockefeller has that he could give to these people. Mr. Chairman, I hope that the amendment will be adopted.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. HOFFMAN. I am sorry that I cannot yield. The gentleman from Ohio [Mr. JONES] has spent days and nights working on this bill. He has made every effort along the line of economy; he has tried and is trying to cut out unnecessary items; and yet when he proposes to do something Members are absent from the floor, not here to vote, or they oppose his efforts. Such conduct is no incentive to work. While you are trying to do something for the Indians, why not give a little effort toward supporting the committee members when they put in their time and devote their efforts to giving us information on the bill, and offer intelligent and money-saving amendments from the floor? I do not want to hurt the Indians—I do not want to hurt anybody—but I am asking the membership to remember their own Republican committeemen, who are trying to do something and turn some of this tide of wrath, which is arising against Congress, against the Members of this House, who do not deserve it, back where it belongs, to the body at the other end of the Capitol, and on the President's doorstep. That is where it belongs; that is where it should rest.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. No, Mr. Chairman; I cannot.

Mr. BURDICK. Mr. Chairman, the whole difficulty that has arisen here about this appropriation comes from the fact that there is not any duplication in the agricultural effort. This $693,180 for the purpose of farm improvements among the Indians, is a deserving item. The gentleman from Ohio [Mr. JONES] may be right, but the difficulty is that we cannot get any help from the Agricultural Department. Practically all of these advantages go to the white people, and we are told, "these do not apply to the Indians at all." We had a most difficult time in North Dakota to permit the Indians to share in the sales tax, which is a relief measure, and although the Indians are paying the sales tax, it took about 4 months before we got an opinion that those Indians were entitled to any relief. They always say, "Go back to the Indian Bureau." I think it would be a mistake to cut out this section, because it is not a fact that is recognized in this country that the Agricultural Department has to take care of these Indians.

If we can help the Indians to get a start in livestock, good seed, gardens, and moisture conservation, we can, by so doing, prevent hungry Indian children, sick and emaciated adults, old and helpless Indians. Who is there who opposes this program? Those who oppose this provision certainly do not know the essential facts of the case.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 22, noes 29.

So the amendment was rejected.

Mr. RICH. Oh, let us try to have a quorum here. I think we should have at least 100 men on the floor. It seems

terrible to me that we should go ahead with a bill of this kind, when we are trying to save money for the Government and cannot get 100 men on the floor of the House.

The Clerk read as follows:

IRRIGATION AND DRAINAGE

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below, $193,275, reimbursable, together with $44,500 operation and maintenance collections, from which latter amount expenditures for any one project shall not exceed the aggregate receipts from such project covered into the Treasury pursuant to section 4 of the Permanent Appropriation Repeal Act, 1934:

Mr. STEFAN. Mr. Chairman, I move to strike out the last word.

Mr. STEFAN. Mr. Chairman, much is being said here about our American Indians by people who apparently know very little about them or know very little about the present conditions of our Indian wards.

I wish to tell the Committee that I have the honor to represent many Indians who belong to the Omaha, Winnebago, and Santee Tribes. They live in the Third District of Nebraska—a district which I represent in this Congress. Long before coming to Washington I learned much about the Indians who live in Nebraska. For many years I have known many of the individual members of the Omaha and Winnebago Tribes. Some of these individuals are and have been officers of the tribal councils, and many of them have been and are today among the prominent and outstanding citizens of our State. Many of them have served in the Spanish-American War, the first World War, and some of them are in the service of our country today. It was from some of these individual friends among these Indian tribes that I learned much about their problems. I visited them many times before coming to Congress, and since becoming their Representative in Washington I have visited them personally many times. I want to tell the membership of this House that the Indians in my district are among the most patriotic citizens in our land, and I for one can never bring myself to the position to allow them to be treated in any way other than other American citizens. When we pass legislation dealing with any portion of our citizens, I feel that there should be no thought of race, creed, or color and that all should be treated alike. I know that the Indians in my district are not asking for any better or any worse treatment than is accorded to any other citizen. All they ask is for equality. But I know, and many of you know—if you will be fair in your judgment on some of the Indian legislation offered here from time to time—that the Indian citizen and Indian legislation do not get fair treatment and impartial consideration.

It is true that some of our older Indian men and women do not read or write the English language. There are not so many of these older Indians left in my district. Many have gone to join their ancestors. But a majority of those who are still with us are intelligent. They do understand the English language and they do read and write. Many of them are highly intelligent and are numbered among the brightest scholars attending our schools. Many of them have attained high places in the world of learning; high places in the field of athletics and sports; high places in the field of agriculture. All of them are interested in what we do here and all of them are anxious for progress and advancement for all free Americans.

I wish to tell my colleagues that the Indians of the Omaha, Winnebago, and Santee Tribes are aware of the crisis which our country faces today and they are and will continue to do their part in saving this Nation and bringing about a victory. I do hope that it is well understood here that the Indians of the Third District of Nebraska can be depended upon to play their part with all other Americans in shouldering their responsibilities at all times as highly patriotic American citizens.

I have spoken here many times about the treatment which has been accorded our Indians. I only need to tell you briefly the story of the Winnebagoes who were driven from their homes at the point of bayonets and shipped away like animals. It is well known how they were robbed of their lands and how they were exploited. This story I have placed in the CONGRESSIONAL RECORD many times. It need not be fully repeated here today. But I say these few words merely to refresh your memory that the white man has not always been fair to the Indian and that he has not treated him with the equality to which the Indian is entitled.

We are considering a very important bill here today. It makes the annual appropriations for the Department of the Interior. In it are the regular items to conduct the affairs of the Indian Service. Many items have been cut because it is generally conceded that we must cut nondefense items in order that we can concentrate on the main objective of today—that of winning this war in the shortest space of time possible and with the least number of casualties. Our Indian people are agreeable to that. The committee has already cut the bill many thousands of dollars. The committee made those cuts after careful consideration and after many days of hearings. But it is proposed here to cut more deeply on items which are highly important to the life of the Indian people. I am glad the membership has joined in defeating the further cut in the item of agriculture. The proposal to eliminate all rehabilitation for the Indian must also be defeated. There are many reasons why these cuts must not be made. One is because the Indians in my district depend entirely for their lives on agriculture. It is our only origin for our food and life. You people from the big cities and from the East must realize that our Indians are among the best farmers in our country and that the land on which they live must produce for them the food to feed their families and livestock. You have already made a deep cut in the item but we must not wipe it out entirely. There are many unemployables among our older men and older women on the Indian reservations. Would you take away from them and give to others only? I wish I could take you over the Indian country in my district and show you some of the homes in which these Indians are forced to live. Women and children in my Indian country have slept on the icy ground many a night when the mercury hovered far below zero because they had no better place to sleep. Of course, our Indians live in tents many times. They have been forced to do that many years because they were discriminated against. The hardships they have suffered are indescribable.

On behalf of the membership of the tribal councils of the Omaha and Winnebago tribes, I wish to thank the committee for allowing to remain in the bill the items for utility work on the Winnebago Reservation, the item for the continued maintenance of the hospital at Winnebago, and the item to allow the Omaha council to purchase some land to provide a farm for an Indian or two. But that is a mere pittance so far as the real needs that are required out there.

I hope that the Commissioner of Indian Affairs will spread the appropriations contained in this bill so as to take care of the Indians on the Winnebago, Omaha, and Santee Reservations, in spite of the cuts made in the matter of road work and education. The road work has provided much work for our Indians, and certainly we must give our Indian children the same opportunity for education as is given the children of other Americans. The item of irrigation contained in this bill is of great interest to us. Many members of the Omaha Tribe home that someday we can have some of this work done on that reservation.

But temporarily, Mr. Chairman, I feel our Indians will forego some of the nonessentials in order that we can put all our strength into winning the war. But in making these decreases I hope there will be no discrimination against the Winnebagoes, Omahas, and the Santees when the time comes for the distribution of these funds. Our Indians have made many, many sacrifices in the past. They are willing to make more sacrifices in order that victory will come to us. The burden of this war must be shouldered by every American in an equal manner. The Indians of Nebraska—those of the Omaha, Winnebago, and Santee Tribes—have answered the call before. They are answering again today. They are great Americans. Give them equality.

The Clerk read as follows:

Eufaula, Okla.: For 140 pupils, $49,590; for pay of principal, drayage, and general repairs and improvements, $7,000; in all, $56,590.

Mr. CARTWRIGHT. Mr. Chairman, I move to strike out the last word. I ask

unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CARTWRIGHT. Mr. Chairman, Carter Seminary at Ardmore, Jones Academy at Hartshorne, and Wheelock Academy at Millerton are all in my congressional district in Oklahoma. These are old and established schools of the Choctaw and Chickasaw Tribes of Indians.

Our people in Oklahoma, and especially the Indians of the southeastern section of the State, are proud of each of these educational institutions.

I was amazed to learn that the Indian Service, as well as the Bureau of the Budget, favored closing of five Indian schools in the State. Wheelock Academy is one of those that has been definitely slated to go.

I congratulate the Committee in its far-sighted vision in retaining funds to continue Wheelock and the other schools involved. I merely rise now to plead again, as I did before the Committee, for the continuation of these Indian schools, and I wish to insert my recent statement before the subcommittee on appropriations, headed by my colleague the gentleman from Oklahoma, Hon. JED JOHNSON:

STATEMENT OF HON. WILBURN CARTWRIGHT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. JOHNSON of Oklahoma. The committee is pleased now to hear Hon. WILBURN CARTWRIGHT, my personal friend for many years, and chairman of the Oklahoma delegation in Congress. He is also chairman of the House Roads Committee, a true friend of the Indian, and an able and conscientious Member of Congress who is a credit to Oklahoma and the Nation.

Mr. LEAVY. I would like to add too that he is an intelligent and industrious member of this body who is always on guard, not only for the interests of his own State but of all the States.

Mr. FITZPATRICK. And of all the roads in the country.

Mr. CARTWRIGHT. Gentlemen of the committee, I am flabbergasted by such a wonderful introduction. I wish I could measure up to the possibilities and responsibilities which you have dedicated to me. But this is not a mutual admiration society. I understand that word has been passed out that five Indian schools in Oklahoma must be abolished. I appear here in opposition to such proposed action.

I am especially interested in the retention of Wheelock Academy for Choctaw girls at Millerton, Okla., in the heart of the old Choctaw Nation.

The total enrollment of this school averages around 145 per year. The average attendance is 132, consisting of 84 full bloods, 48 of one-half or more, and all others one-fourth or more degree of Indian blood.

Since 1933 approximately 375 girls have been enrolled. Some of these entered the primary grade and remained until the course was finished. A small number was enrolled for a year only. The time for the others averages 5 years.

Preference is given to restricted Indian girls, to those from broken homes, to total orphans, to half orphans, and to those not within reach of public or Indian day schools.

Most of the children come from needy homes and need the Government care they get at the school. Think how the State would object if this number were added to the already heavy load for relief.

The Choctaw people are deeply interested in this school and are greatly distressed at the proposal to close it.

The word "economy" was brought up here awhile ago. I appreciate that and want to go along with the economy program wherever it is reasonable and possible. But I cannot recognize economy to the extent of saving a few dollars at the expense of the poorest orphans in the country in doing away with their schools.

Wheelock Academy was established a little over a hundred years ago, when the Choctaw Tribe was brought from Mississippi to the Indian Territory, now Oklahoma. It has 160 acres of good land and 18 buildings in good shape; 13 of the buildings belong to the Choctaw Tribe and 5 belong to the Federal Government.

The Choctaw people are poor and they need all the help they can get from the Government. They have practically no oil and what little wealth there is does not go to the tribe, as it does in the case of the Osages, because the Choctaw land has been alloted to individuals. The only tribal property they have consists of coal deposits and they have received nothing from them for many years.

So I am unalterably opposed to abolishing these schools, and particularly this one school in my district.

Mr. JOHNSON of Oklahoma. As I understand your statement, Mr. CARTWRIGHT, the Wheelock Academy is made up of students who are either orphans or from broken homes.

Mr. CARTWRIGHT. Yes; that is correct.

Mr. JOHNSON of Oklahoma. And this school is more than 100 years old, and the Indians themselves are deeply interested in the school and are very much distressed about the proposal to close it.

Mr. CARTWRIGHT. Yes.

Mr. JOHNSON of Oklahoma. I also understand that the school has 160 acres, and that there is sufficient room for expansion of the school in case the Indian Service and the committee should ever be able to find funds to expand it. Is that correct?

Mr. CARTWRIGHT. That is right. It is situated in the Choctaw Nation.

Mr. JOHNSON of Oklahoma. It is my understanding that probably the poorest Indians in the country, so far as we know, reside in eastern Oklahoma. And I understand that, while you favor economy, you do not favor it to the extent of economizing a few pennies, comparatively speaking, at the expense of the poorest orphan children of the country, who are unable to help themselves.

Mr. CARTWRIGHT. That is right. And there are something over 130 orphan children there.

Mr. JOHNSON of Oklahoma. Are there any further questions? If not, we thank you for your statement. I might add that I shall later propose some real economies that will enable the committee to provide funds to retain this and other schools proposed to be abandoned—in the name of economy.

The Clerk read as follows:

For general support and rehabilitation of needy Indians in the United States, $1,000,000, of which amount not to exceed $1,000 shall be available for expenses of Indians participating in folk festivals, and not to exceed $45,000 shall be available for administrative expenses incident thereto, including personal services in the District of Columbia (not to exceed $35,000) and elsewhere.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 53, line 4, strike out "$1,000,000" and insert "$500,000."

In line 6, strike out "$45,000" and insert "$22,500."

Mr. DIRKSEN. Mr. Chairman, the amendment proposes to reduce the amount for needy Indians and Indian rehabilitation from $1,000,000 to $500,000. In the Budget for 1942 they had $1,150,000. That was scaled down $50,000 in the Budget estimates. Then the committee scaled it another $50,000, so that it is $150,000 below 1942.

You will notice on page 10 of the committee report this language:

The committee is of the opinion that war expenditures should open up means of obtaining employment to many Indians, and that this form of relief expenditure should be reduced to the minimum.

I think, in line with the general trend, that this item could well be reduced from $1,000,000 to $500,000, notwithstanding the representations that were made by those from the Indian Bureau who appeared before the subcommittee.

I was rather interested to see that they represented to the subcommittee that there were as many as 35,000 Indians on needy relief and that the equivalent of 25,000 of this number had to have on an average of 100 percent assistance. The singular thing about that is that on an examination of the census data you will find there are about 40,000 male Indians over the age of 35. So it would appear that if this amount is reduced and prorated over the heads of families, almost every male Indian over 35 in the United States is getting some kind of assistance. That is not very eloquent and persuasive testimony to the work that has been done in the Indian Bureau. It occurs to me that that item should be cut, because I honestly believe there must be abuse there somewhere if these figures stack up. You cannot make anything else out of it.

A portion of this money of course goes to rehabilitation funds. They originally estimated $425,000 for that purpose. Sewing and canning projects, water development, land development, buildings, barns, and chicken houses. They even built 41 garages and sheds out of that money in the last few years. That may be rehabilitation, but when you build a garage it presumes an automobile, and when you drive an automobile it certainly does not presume need.

Among other things, they set up five laundries in the last 4 or 5 years. They built 2,482 new houses. They repaired 4,540 other houses out of this rehabilitation fund. It is no difficult matter, I suppose, to get a bushel basket and fill it with a million dollars and just go about and broadcast this money, notwithstanding all the tearful appeals you have heard about Indian homes with dirt floors. I have been in some of them in the Osage capital and I have been in some of them in South Dakota when I used to sell books to the farmers to get enough money with which to go back to school. It seems to me if we are going to

be consistent in our attitude on this W. P. A. money, we will have to reduce the W. P. A. for the Indians as well. Take some of them off of the pay roll. When they tell us there are 35,000 who are on part-time relief and 25,000 on an average of 100 percent, it means that the equivalent of 50 or 60 or more percent of the male Indians over 35 years of age have been getting some kind of relief. How does that stack up with the recommendation in the report, about men who are going into the Army and finding their way into some productive industry? The committee recognizes that fact itself when they said in their report that they are of the opinion that war expenditures should open up means of obtaining employment to many Indians, and that this form of relief expenditure should be reduced to the minimum. If that means what I think it means, and in view of the fact that this appropriation does not become effective until July 1, 1943, you can well afford to support this amendment and reduce the amount from $1,000,000 to $500,000.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. JOHNS. I think it is proposed to cut the W. P. A. appropriations at least 50 percent.

Mr. DIRKSEN. I do not have the slightest doubt about it.

Mr. JOHNS. And in addition to that it is proposed to cut out entirely the N. Y. A. and the C. C. C. If we do that, then it would not be any more than fair that you should cut this down 50 percent.

Mr. DIRKSEN. I think the gentleman from Wisconsin takes a reasonable view of the situation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. O'CONNOR. Mr. Chairman, I rise in opposition to the amendment. This item of $1,000,000 is for two vital purposes. It is for relief and rehabilitation. The relief feature is to take care of people who are unemployable—the sick, the aged, the crippled. They cannot be employed. Another thing, your relief is going to become more intense among the Indians in the future than it has been in the past because the C. C. C. activities are sharply cut down. Likewise, the N. Y. A. and also the W. P. A., which furnished an avenue of work for some of these Indians, will now, in the main, be closed to them; consequently the relief factor will be higher, and, as I said a moment ago, more intense in the future than it has been in the past.

Miss RANKIN of Montana. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Miss RANKIN of Montana. Is it not true that with Indian men having to go to war and other Indians having to go so far to get work in industry, it leaves a great many women on relief, and that nothing will take care of them except direct relief? These are the most needy people in the whole country.

Mr. O'CONNOR. I thank the gentlewoman because she is just 100 percent right. I want now to refer to the question of rehabilitation. In the Great Plains country thousands of Indians still live in tents and in crude houses almost totally devoid of shelter. During the long drought period we have gone through the Indians lost over 50,000 head of cattle. In the drought section of the western country, like Montana, the Dakotas, and Wyoming, the Indians were almost cleaned of cattle, and this rehabilitation amount, which is 40 percent of the million dollars, or only $400,000, is going to be used for the purpose of purchasing cattle, livestock, and equipment with which the Indians will be able to take care of themselves. This item, Mr. Chairman, should not be cut a dime, as a matter of fact, it is much below what it has been heretofore. In 1939 it was $1,240,000, in 1941 it was $1,600,000, and in 1942 it is only $723,000. So you can see it has been markedly cut down by the committee.

The chairman of the Appropriations subcommittee handling this bill is perhaps more familiar with Indian affairs than any man in this House. I refer to the gentleman from Oklahoma [Mr. JOHNSON]. I think he has done an excellent job for the taxpayers of this country in cutting down this bill in every way in which it could be cut down. At the same time he and his committee have not overlooked the fact that we owe a duty to the Indian because he has involuntarily been subjected to the state of ward of the United States Government. He is our ward. You are not going to treat your wards in a different way than you would treat your neighbor across the street. The Government, if anything, owes these Indians something higher and beyond what we owe to each other.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. JOHNSON of Oklahoma. I may say to the gentleman from Montana that this item has already been reduced from the $1,700,000 carried in the bill 2 years ago to $1,000,000 in this bill for the fiscal year 1943, the bill now under consideration. It has been cut $700,000, and the committee thought this was a pretty drastic reduction. There are still a lot of unemployed Indians, especially amongst the older Indians whose lands, in many instances, have been practically taken away from them by the Government of the United States when, several years ago, many incompetent Indians were given what was called force patents by this Government. That is one of the dark pages in American history. Then, of course, in most other instances the Government has to take the lands in trust for the Indians.

Mr. O'CONNOR. The gentleman is correct. In other words, most of the Indians do not own any land at all. The United States Government holds title to the land in trust for the Indians. The Indian has not anything. His reservations have been taken away from him, and in lieu of that the Government has given him a deed of trust; and in many instances, just as the distinguished gentleman from South Dakota pointed out, these people are living in direst and abject poverty.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota as a substitute for the amendment offered by Mr. DIRKSEN: Instead of "$500,000", insert "$750,000." Instead of "$22,500", insert "$30,000."

Mr. CASE of South Dakota. Mr. Chairman, this is a small item. My amendment recognizes the principle that savings should be made but is not quite so drastic as the amendment offered by the gentleman from Illinois. I wonder if we cannot agree on a compromise between the committee figure and the gentleman's amendment, if we cannot meet the difference half way?

Mr. DIRKSEN. I may say that I personally would be agreeable to the compromise on condition that there is general agreement among the others that it is satisfactory. Otherwise I shall have to insist on a vote.

Mr. HULL. I think there are those on the floor who would object to either procedure.

Mr. ANDERSON of New Mexico. Mr. Chairman, I think the gentleman's amendment very much in order, and the suggestion of the gentleman from Illinois perfectly proper.

Mr. CASE of South Dakota. I have talked this over with several Members. As I say, we recognize that there is considerable sentiment for making a substantial cut on this item. It is argued that some of the Indian boys who were formerly in the reservations are now in the armed forces and are getting some pay. In some places a few of the Indians have obtained work in defense projects. That is not a large number, but admittedly it bears on the problem when we are all putting the war first. Yet I feel the gentleman's amendment goes too far. I am hoping that agreement can be reached on the compromise.

Mr. HULL. Mr. Chairman, I move to strike out the last two words.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. HULL. I yield to the gentleman.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON].

Mr. RICH. Does the gentleman mean on this paragraph?

Mr. JOHNSON of Oklahoma. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON].

There was no objection.

Mr. HULL. Mr. Chairman, we are all anxious to economize. I am anxious to economize. The difficulty is that we cannot all agree on just where economy ought to start. I happen to have a large band of Winnebago Indians in my district. They live only a few miles from my town, and I am quite familiar with their mode of life and with their very aggravated situation.

This tribe of Indians, had the white man kept his treaties with them, would

today own at least five counties in northeastern Iowa which were granted to them in perpetuity, over 100 years ago, "forever and ever"—the white man's usual language.

Today the remnants of that tribe are living on submarginal land about 5 miles from my city. They have a little settlement there of probably 300 people altogether, maybe more. Others are scattered throughout that section of Wisconsin. They have been deprived of everything that their ancestors had by the Federal agencies of our country. At one time there was established a trust fund for those Indians of $490,000. A number of years ago, more than 20 years, a law passed the Congress allowing division of that trust fund among those Indians. Agents went out from the Federal bureau and they squandered that money on every scheme that could be imagined, investing the funds in properties which soon were lost and leaving the Indians worse off than ever, leaving those Indians without a dollar.

Many of these Indians are now living in wigwams up there in cold Wisconsin, and it is especially cold there in the wintertime. We have a little school for them. This beneficent Government gives each school child a little bowl of soup, a half pint of milk, and a meager lunch, up in that great dairy country, every school day for 8 months of the year. That is a part of the relief funds which is proposed by this amendment to reduce.

Those people are sending their young men into this war. I happen to know of some of them. One is a marine down at Quantico and the other one is down in South Carolina. Still others are in other Army camps. They are making wonderful soldiers, just as they did in the World War. But at home are the old, the blind, the maimed, and the sick, and they are living under very destitute circumstances.

If you cut this amount down, what are you doing? You are going to compel some of those more destitute Indians to subsist more largely upon the taxpayers of our county, or else you are going to permit them to starve.

Let me call your attention to another angle of economy "as is." You people who want to save money in gobs instead of in driblets should realize that in a single 10 months our country sent to the people of Spain 200,000 tons of foodstuffs. We are sending thousands of tons of foodstuffs today to the French in Africa and to the French colonies in another part of Africa. Those nations are not our allies. In other words, we are feeding the poor and the needy in other sections of the world. Are you going to start economy in Federal expenditures by starving the poor Indian children and the poor old Indian folks out in the Middle West? I am not going to do that. This amendment should be voted down.

[Here the gavel fell.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from South Dakota [Mr. CASE] to the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 47, noes 12.

So the substitute was agreed to.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN] as amended by the substitute.

Mr. HULL. Mr. Chairman, I demand a division.

Mr. DONDERO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONDERO. Mr. Chairman, the amendment offered by the gentleman from Illinois was amended by the amendment offered by the gentleman from South Dakota; so what we are voting on now, as I understand it, is to confirm or approve the amendment offered by the gentleman from Illinois as amended by the substitute?

The CHAIRMAN. That is correct.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 45, noes 11.

So the amendment, as amended, was agreed to.

The Clerk read as follows:

Reindeer service: For supervision of reindeer in Alaska and instruction in the care and management thereof, including salaries and travel expenses of employees, purchase, rental, erection, and repair of range cabins, purchase and maintenance of communication and other equipment, and all other necessary miscellaneous expenses, $91,160, to be immediately available, and to remain available until June 30, 1944.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Montana is recognized for 5 minutes.

Mr. RICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Montana has been recognized.

Mr. RICH. Mr. Chairman, I offer an amendment to this paragraph.

Mr. O'CONNOR. Mr. Chairman, I have the floor.

Mr. TABER. Mr. Chairman, are not committee members going to be entitled to recognition when they are on their feet asking for recognition? I make the point of order.

Mr. O'CONNOR. I was on my feet before any member of the committee was on his feet.

Mr. TABER. The gentleman from Pennsylvania was on his feet at the same time.

Mr. RICH. I beg the gentleman's pardon. The gentleman was sitting down when I was on my feet.

Mr. O'CONNOR. I think the gentleman is mistaken about that.

Mr. CARTER. Mr. Chairman, I was sitting here beside the gentleman from Pennsylvania and I want to assure the Chair that the gentleman from Pennsylvania was on his feet seeking recognition.

Mr. O'CONNOR. Not at the time I got recognition.

Mr. CARTER. At the conclusion of the reading of the paragraph.

The CHAIRMAN. The Chair had recognized the gentleman from Montana, but the Chair thinks he should yield at this time. The Chair had recognized him.

Mr. O'CONNOR. Mr. Chairman, for the benefit of the distinguished gentleman from Pennsylvania [Mr. DITTER], for whom I have the greatest admiration, I want to correct a statement I made before today.

Mr. CARTER. Mr. Chairman, I make a point of order against the gentleman from Montana.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. The gentleman is speaking out of order and has not received the permission of the Committee to speak out of order.

Mr. O'CONNOR. I am speaking in order.

The CHAIRMAN. The gentleman will proceed in order.

Mr. O'CONNOR. With reference to the amount that William Penn paid the Indians, I said this morning that he paid the Indians $250.

Mr. CARTER. Mr. Chairman, I make the point of order that the gentleman is not in order.

Mr. O'CONNOR. I insist, Mr. Chairman, that I am in order.

Mr. CARTER. I ask that his amendment be reported.

Mr. O'CONNOR. The amendment was to strike out the last word.

Mr. COCHRAN. What is the last word?

Mr. O'CONNOR. About the reindeer.

Mr. CARTER. The last word is "1944."

Mr. O'CONNOR. It referred to the reindeer.

The CHAIRMAN. The gentleman will proceed in order and confine his remarks to the paragraph.

Mr. O'CONNOR. In connection with the bill and in connection with the Indian problem, and in connection with the whole matter, I want to correct what I stated to the distinguished gentleman this morning as to the amount that William Penn paid to the Indians. I stated it was $250.

Mr. DITTER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DITTER. I asked for the point of order so that if there is any confusion at the moment with reference to whatever my distinguished friend from Montana is saying, I hope the objection is withdrawn and that he is permitted every possible latitude to elaborate on the thought he had earlier in the day.

Mr. O'CONNOR. I thank the gentleman.

Mr. CARTER. Mr. Chairman, I decline to waive any right I have to make the point of order, notwithstanding the statement of the gentleman from Pennsylvania. He is not waiving my right to make a point of order here in this manner.

The CHAIRMAN. The gentleman will proceed in order.

Mr. O'CONNOR. On page 5757 of the CONGRESSIONAL RECORD of June 15, 1937, is a copy of the deed given by the Indians to William Penn, covering what is now the entire State of Pennsylvania, but no money is mentioned except 300 guilders, Dutch coins worth in our money about 41 cents each. Rum, beer, knives,

fishhooks, and so forth, and some clothing, were mentioned. The value of the articles set forth in the deed I do not find mentioned. I ask the gentleman to read that deed. It is a historic document.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Pennsylvania.

Mr. DITTER. I think it is very unfortunate that during the course of the consideration of this bill we should intrude this matter with reference to one single State. May I remind the gentleman, who is making a historical review, that William Penn was the one man who made a treaty with the Indians that was not under seal, that it was the only treaty that was never broken, and that Lord Chesterfield himself, in his letters to his son, commented particularly on the treatment accorded the Indians by William Penn. I do not care to detain the House any further on a subject that I know is so self-evident that it needs no elaboration.

Mr. O'CONNOR. I gladly admit that William Penn was the first in America in authority to recognize the ownership of land in the Indians. He recognized it when he bought this land from the Indians. But I repeat that they took the lands away from the Indians without any consideration whatever except a lot of inexpensive articles of personal property. I do not reflect at all upon the great State of Pennsylvania. The occasion is simply typical of how the Indians have been dealt with.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 53, line 17, change the period to a colon and insert: "*Provided*, That not less than $40,000 of said amount be used for exterminating wolves and coyotes."

Mr. RICH Mr. Chairman, I have two amendments prepared. One is to reduce this item of $91,160. However, after talking to the Delegate from Alaska, and in view of the evidence that was given in the committee to the effect that the handling of the reindeer situation in Alaska has been a failure, I wish to change the amendment. Just let me give you a few facts.

Several years ago, as you know, a bill was passed here to appropriate $2,500,000 to purchase the reindeer that were owned by certain corporations in Alaska. After a round-up and fighting this bill, the Interior Department did a good job. I congratulate them, because they bought all the reindeer in Alaska from these corporations for $720,000. As they figured, they got 84,000 reindeer for $720,000. Then we appropriated $91,000 to herd these reindeer.

Let me read from page 161 of the justifications:

There are now about 50,000 Government-owned reindeer in Alaska, including 6,000 due from native owners. These reindeer are worth $866,250 on the basis of the present wholesale price of 15½ cents per pound. As funds to finance an effective herding program have not been provided, 10,000 to 20,000 Government-owned reindeer have been killed by wolves, or died of starvation and exhaustion during the 12 months following purchase.

Now, does it not seem ridiculous for them to claim that 20,000 of these reindeer died during that one particular year, when that was the first year we ever spent $91,000 to look after them?

I want to make this further statement, and I believe I am correct when I say that all of the members of the committee feel that the purchase of these reindeer has been a failure. But whoever has charge of this matter is trying to herd these reindeer and keep the wolves and coyotes away from them. The only way you are ever going to provide an additional amount of reindeer meat in Alaska is to get rid of the wolves and coyotes, because they kill from 1 to 10 a night. So let us stop herding the reindeer, and kill the coyotes and wolves.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. JENSEN. I wonder if these wolves and coyotes do not carry guns, or at least a lot of them.

Mr. RICH. Certainly, the hunters kill some. In my opinion, we are not handling this reindeer situation properly. If you adopt this amendment it will provide about $40,000 for getting rid of the coyotes and wolves, and this will do more to save the reindeer than to have a lot of people in that vast territory trying to herd them together.

I now yield to the gentleman from Alaska.

Mr. DIMOND. May I invite the attention of the gentleman to the fact that although $720,000 was appropriated to purchase the reindeer owned by others than natives of Alaska, only about $446,000 was actually used for that purpose, and the remaining amount of $274,000 was not paid out of the Treasury.

Mr. RICH. After the fight we had I want to give the Department of the Interior credit because they certainly did a good job in making that purchase. Mr. Ickes, Mr. Burlew, and others. I congratulate them upon that.

The Delegate from Alaska has seen fit to try to help exterminate these wolves, and the gentleman from Alaska [Mr. DIMOND] claims, if I understand him correctly, that they kill from 1 to 10 reindeer a night, and that is the best way to increase the number of reindeer. Therefore, if you adopt this policy the Department will then see that at least $40,000 of this money is spent for the extermination of the wolves and coyotes. So I hope the committee will adopt the amendment.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. JENSEN. Does not the gentleman think he should include the hunters also?

Mr. RICH. If the hunters were brought there to kill the wolves and the coyotes that would help a great deal in extinguishing the wolves.

Mr. JENSEN. They are more apt to kill the reindeer than the wolves or the coyotes.

Mr. RICH. Let us kill both the wolves and the coyotes, and let each hunter have one reindeer, and we can increase our herd very rapidly.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

Members may recall that over a period of several years I opposed the proposal to purchase reindeer in Alaska, both before the Committee and on the floor of the House. It will also be recalled that at first it was proposed to spend $2,000,000 to buy the reindeer. The proposal was presented to the House on three separate occasions, and I opposed it each time it came up. I also opposed it actively in the committee. I remember the gentleman from New York opposed it very bitterly. Finally, there was a compromise worked out whereby a bill was passed authorizing $750,000 for the purchase of some 250,000 reindeer and equipment. When the reindeer were counted, it was discovered that there were only 84,000 for which the Interior Department paid only $450,000, and this sum included funds for the purchase of range improvements, and there were a lot of improvements of considerable value involved.

The Government now has invested $450,000, and there are now estimated to be 250,000 reindeer all told in Alaska. Reindeer meat is a primary food among the Eskimos and the Indians of Alaska. Its importance to the economic stability of Alaska cannot be overemphasized. If Congress, figuratively speaking, throws up its hands now and says, "We will have nothing further to do with it; it is a failure, and we are sorry about it, although we have $450,000 invested in Alaskan reindeer," then most of the reindeer will be exterminated by wolves or coyotes in the next year or two. I do not feel that it is the desire of Congress that situation be permitted to solve itself in any such fashion.

The question now is, What are we going to do about it? I am sure the Congress wants to handle the matter in the best way possible. I do not think Congress wants to eliminate the entire matter. The suggestion made by the gentleman from Pennsylvania is a suggestion that I made to the officials of the Department of the Interior when the matter came before the committee.

It will be recalled that I asked them in some detail about spending a goodly portion of this money for the trapping of coyotes and wolves, and the Department officials who happened to be there opposed it. Mr. Cooley, who has been in charge of agriculture for the Indians and has done a swell job, has now been placed in charge of the reindeer situation in Alaska, and he has consistently done a good job wherever he has gone. I do not pretend to say that a good job has been done in connection with this reindeer matter during the past year, but it does seem reasonable to suggest that

Mr. Cooley ought to be given an opportunity to build up this herd of reindeer in Alaska. We must do something about it. We cannot afford to permit this to be a failure. If it is necessary to spend additional funds for the trapping and killing coyotes and wolves, I shall not hesitate to urge that be done.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. RICH. Was it not stated in the committee that the greatest reason for the killing of these animals is because of the infestation of the country by wolves?

Mr. JOHNSON of Oklahoma. I am sure that is one of the main reasons; there are others. I think they must have herders if we are going to protect the interests that we have in Alaska.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. DONDERO. What is the opinion of the Delegate from Alaska in respect to this amendment?

Mr. JOHNSON of Oklahoma. I would be very glad to have the gentleman answer that question. The gentleman came before our committee, and his advice and counsel are always sought by our committee. So far as I am concerned, I am perfectly willing to abide by his suggestions in the matter.

Mr. DIMOND. Mr. Chairman, I move to strike out the last word. The subject that is now under discussion is one which is not only of great concern to the people of Alaska, but if the people of the United States generally knew about it, it would be of almost equal concern to them, because it relates to the use of about 200,000 square miles of land in Alaska which is more suitable for reindeer pasture than for anything else. To get the picture it is necessary for me to recite briefly some of the history of bringing reindeer to Alaska and of their maintenance there. We started with a "seed crop" of only 1,280 reindeer. They were brought to Alaska in installments between 1892 and 1902. Over the years that number increased, and, for most of the time under careful and assiduous herding by the Eskimos, it reached the number estimated, according to testimony in the hearings, of 641,000.

The herds grew from 1,280 to 640,000 in something less than 40 years. Then, through a combination of circumstances not necessary to go into, because it would take a long time, herding was discontinued upon the invitation of the Government, and so the wolves and coyotes multiplied, and there was some other illicit killing, and thus the herds were seriously depleted. The result is, we are told now, that there are only 205,000 reindeer in Alaska. Much of the difficulty arose through the purchase of reindeer by the white men and the conflict between the interests of the Eskimos and the whites; and Congress, in my judgment, in a statesmanlike manner, attempted to solve that by buying out all of the white men's reindeer and providing that the Eskimos from that time on should have and use and own all of the live reindeer. That purchase was completed about a year and a half ago. In the meantime, since herding was discontinued, the wolves and the coyotes have increased to such large numbers that it has not been possible yet to kill enough of them off to prevent them from killing vast numbers of the reindeer. It would be a tragedy to discontinue this work of protecting and caring for the reindeer, and I hope that the House will not eliminate the appropriation altogether or reduce it to some insignificant sum like $11,000, as has been suggested, or reduce it at all. At the same time, I must admit that I believe that the first thing to be done by the Government is to kill the coyotes and wolves, for then the reindeer will multiply as they did between 1900 and 1930, and if that is done the time is not so many years distant when we will have a million reindeer in Alaska, and they will again be an important source of food and clothing.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DIMOND. Yes.

Mr. JOHNSON of Oklahoma. I am sure that the members of the committee, and every Member of the House, have implicit confidence in the Delegate from Alaska and in his sincerity of purpose and desire to assist in this very important situation. I am wondering if the gentleman from Pennsylvania would be willing to withdraw his first amendment.

Mr. RICH. Oh, the first amendment I asked to have withdrawn, and I am only asking that we allocate $40,000 of this to the killing of these wolves and coyotes. As the Delegate said, that is the best way to help the reindeer.

Mr. JOHNSON of Oklahoma. As far as I am concerned, I am willing to accept the amendment if the Delegate thinks that it is desirable. I am willing to do that, or if it should be determined any other way, then I am satisfied with that—say a division of 50–50.

Mr. RICH. We ask for only $40,000 for that purpose, and I think it would help the reindeer situation very much.

Mr. DIMOND. It is entirely feasible at moderate expense to so reduce the numbers of wolves and coyotes in the reindeer regions that the reindeer will be again able to thrive and multiply. While some of the reindeer live in timbered country which affords shelter to the wolves and other wild animals, by far the greater number of them, perhaps 90 percent, graze in open country and never enter the timber. Thousands upon thousands of square miles of the reindeer pastures contain no timber whatsoever. During the winter season, when snow is on the ground, both reindeer and wolves can be readily seen from the air. I have flown over a reindeer herd consisting of some thousands of animals, and at one side of the herd, perhaps a quarter of a mile away, were three wolves readily visible from the air. At that moment it occurred to me that the way of eliminating the wolves and coyotes in Alaska was to hunt them with the use of airplanes. It would be impossible for these predatory animals to escape. Many wolves have been killed by hunters in airplanes using only shotguns and rifles. One can readily see that by equipping a plane with a machine gun it would be possible in a year or two to kill practically all the wolves in the reindeer country.

Some of them would, of course, escape, but the numbers could be so reduced that their depredations upon the reindeer herds would be insignificant, as was the case between 1900 and 1925 when the reindeer increased from 1,280 to more than half a million in number. At that time, the number of wolves in Alaska was relatively insignificant because for most of that period the reindeer were herded continuously day and night, and the herders were able to kill practically all the wolves which approached their herds. In those former days, too, there were no coyotes in Alaska. They came in in the 1920's, but they have increased prodigiously in number and are now said to be as destructive as the wolves.

As has been suggested by a question asked by the gentleman from Iowa [Mr. JENSEN] there has been some unlawful hunting and killing of reindeer, but the loss to the herds which occur in this manner has been of no material consequence.

The reindeer herds can be rebuilt not only to their former number but, in my judgment, to more than double that number. There is no reason in the world why Alaska cannot support in perpetuity a million reindeer unless it is considered the reindeer pasture is more valuable for other purposes. But in order to reestablish the herds and to so increase them, it is necessary, first, that the reindeer be herded as they were in the early days by the Eskimos, to some extent under Government supervision; that the tundra fires be prevented or kept under control because millions of acres of excellent reindeer pasture have already been destroyed by such fires; and, above and beyond all else, that the present enormous stock of wolves and coyotes in Alaska be hunted down and killed.

While it will never be possible to kill all the wolves and coyotes in Alaska, they can be kept under control so they will do comparatively little damage. In this connection, I suggest that a greater effort should be made to slaughter all the wolves and coyotes that can be found in Mount McKinley National Park. For many years they enjoyed in that area complete protection, and only in the last 3 or 4 years have orders been given to kill wolves in the park whenever they were encountered. It is my understanding that from three to seven wolves and coyotes have been killed each year in the park for several years past. A determined effort should be made to kill every wolf and every coyote in Mount McKinley National Park, as well as elsewhere in Alaska.

In this connection it is worthy of note that the Territorial government pays a bounty of $17.50 each on wolves and coyotes, and the hunters keep the pelts. This is a considerable drain on the Territorial treasury, but the Legislature of Alaska has thought it justified because without such a bounty the destruction of these predatory animals on the other wildlife

of Alaska would be even more appalling than it is. The Territory is really doing its part in paying this considerable bounty on wolves and coyotes.

The reindeer are really of more value than most people know. Not only is the meat truly excellent but the reindeer skins, with the hair left on, make the warmest garments of which I have any knowledge. They are invaluable for use as coats and parkas and particularly as sleeping bags, combining warmth with lightness.

The reindeer should be distributed more widely over Alaska, and particularly in the Aleutian Islands. From the hearings it will be seen that the reindeer now on St. Lawrence Island and Nunivak Island, some thousands in number, multiply and thrive because no wolf or coyote is to be found on either of those islands. The Reindeer Service should, at the earliest possible moment, also stock a number of other islands of Alaska, especially Unalaska Island and Umnak Island, the former, perhaps, 75 miles long and 20 miles wide, and the latter at least 50 miles long and 15 miles wide. These islands could easily support a great many thousands of reindeer and would be of immense benefit to the natives of that region. Many other areas in Alaska could be similarly so stocked, and they should be so stocked, with reindeer at the earliest possible moment. I realize that at the present time the serious lack of shipping for all purposes would prevent the transportation of reindeer by sea for any considerable distance.

As was suggested by the distinguished gentleman from Oklahoma [Mr. JOHNSON], the United States Government has a distinct and substantial stake in the maintenance and protection of the Alaska reindeer. As was indicated by the gentleman from Pennsylvania [Mr. RICH] and the gentleman from Oklahoma [Mr. JOHNSON], $720,000 was appropriated by Congress for the purpose of buying the Alaska reindeer owned by others than the natives of Alaska in 1939. Of this sum, approximately $446,000 was used for the purchase of the reindeer and of reindeer range equipment, and the balance, amounting to about $274,000, was not used and remained in the Treasury. The history of this transaction was set forth by the late great Hon. Edward T. Taylor, then chairman of the House Committee on Appropriations, in his remarks appearing in the CONGRESSIONAL RECORD of July 1, 1940. But even if the Government did not even have a cent invested in reindeer, it would still be the part of wisdom to protect and preserve the reindeer as a present and future food supply of Alaska, and in case of need of the Nation, and as the source of supply of clothing for military personnel and civilians for winter use in cold climates. To now abandon the reindeer would be short-sighted, indeed, because we know by past experience that under proper conditions Alaska can support so many hundreds of thousands of these valuable animals that they would constitute a real asset not only to Alaska but to the Nation.

Mr. DONDERO. Will the gentleman yield?

Mr. DIMOND. I yield.

Mr. DONDERO. What is the gentleman's opinion as to the amendment offered by the gentleman from Pennsylvania to allot $40,000 of this amount to the killing of the wolves and coyotes?

Mr. DIMOND. I hesitate to give a categorical answer to the gentleman, because I do not want to come into conflict with the Interior Department and with other people who are just as earnest and just as intelligent as I am, and just as desirous of saving the reindeer of Alaska. But if I were the administrator and had the disposal of the fund of $91,000 in the bill I think I would spend at least $40,000 of it to kill the coyotes and the wolves. I think, thereby, I would do the best possible thing to permit the reindeer to multiply and be thus sufficient to supply the needs of Alaska.

I do not want to be in the position of accepting this amendment or saying that I favor it, because I still believe that Mr. Cooley, of the Department of the Interior, mentioned by the gentleman from Oklahoma [Mr. JOHNSON], probably understands the condition just as well as I do, but he does not want to spend so much money for killing the wolves and the coyotes as I would. I should, on that account, desire to have this appropriation go through as written, but it would be better to adopt the amendment than to reduce the appropriation for care of the reindeer. At the same time I believe that the extermination of the wolves and coyotes is absolutely necessary to save the reindeer.

Let me tell you about the wolves and coyotes. They are more terrible than people realize. I talked with some Eskimos who at one time had a large reindeer herd in Alaska, in 1938. They told me that their herds had numbered a good many thousand and had finally been reduced to about 11,000. I asked the cause of it. They said the wolves killed them. I said, "Did the wolves eat all of those reindeer in the course of the winter?"

The Eskimo explained to me—he did not use this language, but he said, in effect, that the wolves are fussy about their diet—the wolves are epicures concerning their food. As long as they can get reindeer tongue they will eat nothing but the tongue. They will kill a reindeer and eat its tongue; then they will kill another reindeer and eat its tongue; and another one; and so on. The Eskimos in charge of this particular herd told me that they had lost more than 100 reindeer out of their herd in one night to one pair of wolves. So the wolves are an awful scourge to the reindeer, and unless the wolves and coyotes are controlled there is not much use appropriating money to the reindeer service. The wolves and coyotes can be controlled, if not exterminated. That job should be done without delay. Moreover, the reindeer must be herded; that, too, is indispensable. The tundra fires should be prevented. The reindeer should be distributed widely over Alaska and particularly on the islands. That is a sound program.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, after hearing the statement of the Delegate from Alaska, as far as the committee is concerned, we will gladly accept the amendment offered by the gentleman from Pennsylvania [Mr. RICH] and give the trappers an opportunity to show us what they can do. This Government has too much invested and reindeer meat is entirely too essential to the natives to permit our herds in Alaska to become extinct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was agreed to.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for 5 additional minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. CARTER. Mr. Chairman, reserving the right to object, I am wondering what the chairman of the subcommittee is going to do about this? I want to say to the gentleman from Oklahoma that we had an agreement earlier in the afternoon, and I am sure he was not on the floor at the time, in which I stated that, in conjunction with the chairman of the subcommittee, we would object to requests to speak out of order. We are endeavoring to finish this bill today. We are going to have to sit late in order to do it. It is a long bill. I trust the gentleman will withdraw his request at this time, because I stated on the floor some hours ago that we would have to confine the arguments this afternoon to the bill under consideration.

Mr. NICHOLS. I have only used 10 minutes' time on this bill in 2 days. I think I am going to address myself to something that is quite important. I have reduced it to writing so that I will not be wandering around and so that I can get it off with precision.

Mr. CARTER. The gentleman always makes an interesting statement. Had I not made that statement I would be glad to cooperate.

Mr. NICHOLS. I hope the gentleman will not object. It was not necessary for me to ask to speak out of order. I could have just gone ahead and done it.

Mr. CARTER. I might ask the chairman of the subcommittee if he desires to set aside that rule and allow Members to speak out of order. If he does, I am not going to object to setting aside that rule, but I think we ought to preserve the integrity of that understanding for this afternoon.

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, a liberal ruling will let the gentleman go ahead anyway.

Mr. JOHNSON of Oklahoma. There was such an agreement earlier and I have asked other members who have spoken to me about it to wait until later in the day. I have said that if we are able to finish this bill by 5 o'clock, which

I think it would be possible to do and which we are making a strong effort to do, that I would then be glad to revise and modify that agreement. Of course, I cannot object to the gentleman. I never have done so.

Mr. CARTER. Mr. Chairman, I would like to ask the gentleman if he would withhold his request for the present and renew it a little later.

Mr. NICHOLS. Yes. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. VINCENT of Kentucky. Mr. Chairman, I object.

Mr. CARTER. Mr. Chairman, reserving the right to object, has the gentleman been granted any time at the present time?

Mr. NICHOLS. Well, the gentleman has been recognized, I understand.

Mr. Chairman, I will withdraw my request and renew it at a later time, and will address myself to a different subject.

The CHAIRMAN. The gentleman withdraws his request. The gentleman is recognized for 5 minutes.

Mr. NICHOLS Mr. Chairman, I understand that this morning one of my colleagues, the gentleman from New York [Mr. ANDREWS], took the floor and questioned some of the statements I made on yesterday relative to a bid submitted by the Oklahoma Gas & Electric Co. for power to furnish Camp Gruber in my district. I understand that he said a bid of 5 mills per kilowatt-hour was not submitted by the Grand River Dam Authority, but that it was 7.2 mills. I am sure my friend was trying to straighten out what he thought was a misunderstanding, but my friend was incorrect.

The prime bid of the Grand River Dam Authority was 5 mills. What brought it to 7.2 mills was the line charge that would be made by the Grand River Dam Authority in delivering the power to Camp Gruber. I am not advised whether or not in the 10.8 mills bid by the Oklahoma Gas & Electric Co. the line charge was included, but for the sake of the argument let us agree that it was. There would still be a difference of 3.6 mills between the two bids. In this connection this morning I again called on the Army engineers and asked who it was in the War Production Board they talked to who advised them that they should give the bid to the Oklahoma Gas & Electric Co. at the higher figure. A general in the Corps of Army Engineers advised me that it was a man by the name of Mr. Kahler. I called Mr. Kahler on the telephone. He said, "No; I never advised them. I never heard anything about it at all until this moment." I said, "Will you send me a letter to this effect?" He said, "I will"; and I presume that letter is now in the mails to reach my office this afternoon.

I was further advised that the reason the bid was given to the Oklahoma Gas & Electric Co. was because it was said that if the bid were given to the Grand River Dam Authority, the Grand River Dam Authority would have to have priorities on material, so the bid was given to the Oklahoma Gas & Electric Co.; and then, after the Oklahoma Gas & Electric Co. got the bid, they had to have, and did get, priorities on exactly the same materials that the Grand River Dam Authority would have had to have had the Grand River Dam Authority got the contract at the lower bid. I still say that there is a lot of funny business in it. I have never seen as much ball-passing in my life as there has been on this. Nobody will agree that he did anything. He just "passes the buck" to somebody.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, last night's Evening Star carried an Associated Press dispatch which confirms what the gentleman from Oklahoma has said. In this article it states that General Manager Douglas Wright, of the Grand River Dam Authority, charges that the War Department consistently refuses to use this power for defense projects. The article goes on to quote him as saying:

> I have done my best to accomplish what the President wanted me to do; that was to make the Grand River power work for national defense. Apparently it cannot be done. It is impossible for me to get a contract with the Army.

I do not know anything about this or why the Army has taken this attitude, but I do know that the Army engineers are insisting that we commit ourselves to $87,500,000 for power projects in Arkansas and southwest Missouri. I refer to the Bull Shoals and Table Rock projects which you will have a chance to vote on tomorrow. What is the use of the Government putting up power projects if the Army is not going to use them for defense purposes? That is what the sponsors say they want them for. They have the Norfolk Dam that is being constructed now that will furnish power. Why have two additional ones in the neighborhood and commit this Government to the expenditure of $87,500,000 when the Army refuses to use the power? At least that is what the paper said and what the gentleman from Oklahoma said—the Army refuses to use it for national defense purposes.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. HOFFMAN. Is not that constructive criticism? I think it is.

Mr. COCHRAN. I think it is constructive criticism.

Mr. HOFFMAN. I do, too.

Mr. COCHRAN. Then what is the gentleman hollering about?

Mr. HOFFMAN. I am not hollering, as the gentleman terms my remarks. I just want to get it in the RECORD that it is constructive, so we can use it on the Democrats when they yell that similar remarks made by Republicans are sniping.

Mr. COCHRAN. The gentleman should be able to judge. He knows I am always constructive.

Mr. HOFFMAN. I am able to judge. What the gentleman from Missouri [Mr. COCHRAN] and the gentleman from Oklahoma [Mr. NICHOLS] have just said is constructive. Unfortunately, whenever like statements are made by others they are accused of partisanship—of playing politics.

The Clerk read as follows:

> Wisconsin: Keshena, $78,525, including $25,000, of which not exceeding $5,000 shall be available for general relief purposes and not exceeding $20,000 for monthly allowances, under such rules and regulations as the Secretary of the Interior may prescribe, to old and indigent members of the Menominee Tribe who reside with relatives or friends: *Provided*, That not to exceed $6,000 shall be available from the funds of the Menominee Indians for the payment of salaries and expenses of the chairman, secretary, and interpreters of the Menominee general council and members of the Menominee Advisory Council and tribal delegates when engaged on business of the tribe at rates to be determined by the Menominee general council and approved by the Commissioner of Indian Affairs.

Mr. KEEFE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. KEEFE: Page 55, line 7, strike out "$78,525" and insert "$83,725." And in line 8, after the word "which" insert: "$5,200 shall be available for compensation and expenses of an attorney or firm of attorneys employed by the tribe under a contract approved by the Secretary of the Interior and".

Mr. KEEFE. Mr. Chairman, this is an amendment which increases the amount stipulated in this paragraph by the sum of $5,200, but it is an amendment that does not cost the Treasury of the United States one single penny. I hope I may have the attention of the Members, because I consider this to be a rather important amendment from the standpoint of these Indians.

This amendment relates to the right of the Menominee Tribe, in Wisconsin, to employ in the protection of its own business its own counsel, to be paid for out of its own funds. The Menominee Indian Tribe has over $1,500,000 to their credit at the present time in cash in the Treasury of the United States. They have over $5,000,000 worth of other assets, among which are their sawmills at Keshena, Wis., which employ hundreds of Indians, has a large annual pay roll, and is doing a very large business at the present time. This year it will show a net profit to the Indians of over $150,000.

Their interests are frequently adverse to those of the Bureau of Indian Affairs. Their sawmill and all their logging operations are conducted under the direction of the Secretary of the Interior and the Bureau of Indian Affairs, and I think it should be perfectly obvious to any honest man that there are times without number—and, without going into detail, I can say now that there are occasions when the interests of the Bureau of Indian Affairs and the Department of the Interior are absolutely adverse to the rights of the Indians. There is a dispute pending at the present time, for instance, over the management of this sawmill operation by the manager appointed by the Bureau of Indian Affairs. They have continually lost money, and the Indians claim that the sawmills should have made a large profit. They want their own counsel to handle their own affairs, to be paid out of their own funds. Why, in the name of conscience, the committee

should have stricken this item from the bill is beyond my wildest imagination.

This item was in the bill recommended by the President and by the Budget. The committee has stricken it out, and the only justification appearing in the report is that they have adopted a general attitude of refusing counsel to the Indians of their own choice throughout the entire country and are compelling the Indians to accept their legal advice from the attorneys of the Bureau of Indian Affairs in the Department of the Interior. So when a question arises as between this tribe, involving their own property and their own affairs, and the Bureau of Indian Affairs and the Department of the Interior, they have not a dollar of funds with which they can employ their own counsel to represent them, but must be represented by counsel for the Bureau of Indian Affairs. If you can justify that sort of conduct, then it seems to me you are denying these wards of the Government, who are citizens of the United States, the inherent right that exists in every citizen that in matters involving his interest he has the right to be represented in litigation or in matters of business by attorneys of his own choosing.

Bear in mind we are not asking the Government for any money. We are simply asking to be permitted to spend our own funds in the sum of $5,200. The tribal council of the Menominee Tribe has engaged counsel, the same counsel that have represented them for a number of years very satisfactorily. They want to employ these attorneys and have unanimously voted in their tribal council for the appropriation of these funds. Why should they not be entitled to use their own money for this purpose? The contract which they enter into is subject to the approval of the Department of the Interior.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. KEEFE]?

There was no objection.

Mr. KEEFE. Mr. Chairman, I have checked into this matter. While these Indians are not in my district, I know a great many of them. They are splendid people, and they are doing a fine business. I have undertaken to advise them, and I have seen to it that they have had proper legal representation. They have accepted my advice. This is not a situation where some buccaneers are trying to steal the money of the Indians. The representation which they have is the very highest type of legal representation and the Indians want it.

Their attorneys, last year, spent 123 days working on the affairs of these Indians, besides handling a large number of personal injury actions, and a large number of workmen's compensation cases that have arisen through the operation of the sawmill on the Indian reservation.

Mr. CREAL. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Kentucky.

Mr. CREAL. If this should be allowed and the amendment should carry, would it go to services claimed to have been performed or for services yet to be performed?

Mr. KEEFE. It will go for services to be performed under contract to be entered into by the tribal council and the attorney, to be approved by the Department of the Interior.

Mr. DONDERO. Will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Michigan.

Mr. DONDERO. The thought has arisen in my mind as follows: Suppose the counsel for the Indians clashes with the counsel for the Interior Department, which one prevails?

Mr. KEEFE. I cannot say who prevails except that the Indians are entitled to representation. There are constantly matters arising as between these Indians. For instance, this committee has approved an item of over $6,000 to pay the expenses of the tribal representatives who come down here to Washington every year in the interest of this tribe and in their dealings with the Bureau of Indian Affairs. My experience has been since I became a Member of Congress that those people immediately are represented and guided and directed by counsel for the Indian Bureau. They need their own counsel to advise them in their dealings with the Bureau of Indian Affairs.

Let me call your attention to another thing. You observe in the report that the committee says:

> In connection with funds provided in the estimate for the employment of agents or attorneys for the purposes of rendering assistance to the tribes, the committee has recommended the elimination of all such requests, and it is the opinion of the committee that legal assistance and other aid should be available to the Indians from attorneys and other employees in the Bureau of Indian Affairs.

At least the committee, in providing legal assistance to the three tribes in Oklahoma, apparently did not follow that policy.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. There is not an authorization in this bill for any contract attorney. That is an altogether different situation.

Mr. KEEFE. I do not know anything about that, but I can say that in the bill there is provision for attorneys' fees, stenographers, and office expenses for attorneys for three tribes of Indians, the Choctaws, the Chickasaws, and the Osages, in the gentleman's State of Oklahoma. That is clearly in this bill. Anyone who can read can find it there. I submit that if anyone who has the bill in his hands will turn to that page, I

Mr. JOHNSON of Oklahoma. The gentleman does not mean to tell the House that the Choctaws and the Chickasaws and the other Indians who employ their own Indian attorneys and have employed them for the last 25 years have attorneys who are in the same category as the contract attorneys who in many cases—possibly not in this case; I agree that it is not the same in this case—run down to the different tribes and say, "The Government of the United States owes you money. Just hire us and we will collect millions of dollars from the Government." That is what our committee was getting at.

Mr. KEEFE. If I thought for one moment that there was any such thing as that involved in this request I would not be here.

Mr. JOHNSON of Oklahoma. I agree with the gentleman.

Mr. KEEFE. As far as I am concerned, they are only asking to do the ordinary legal affairs for this tribe, the same as the attorneys are doing down in Oklahoma, and the same as they have done for years. I do not see how you can make fish of one and fowl of the other.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Utah [Mr. ROBINSON].

Mr. ROBINSON of Utah. Mr. Chairman, it is not very often that I take the floor of the House, especially to oppose the members of this committee, with whom I have worked and for whose judgment and integrity I have the highest respect. However, this is a matter that I think goes to fundamental principles. I may say to the House that I have no interest at all in these Indians. They are not in my district. I am not involved in any way. But I have come to know just what has been done in this matter for about 4 years.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. The gentleman is stating that he is not interested. The gentleman would like to have an attorney for some Indians in whom he is interested? Is that the idea?

Mr. ROBINSON of Utah. Not in the least. I have no Indians in my district, and I do not care anything about who is appointed or anything of that sort.

Mr. JOHNSON of Oklahoma. If the gentleman will be kind enough to yield again, let me say that there is a fundamental policy, and the committee believes that that policy should be carried out.

Mr. ROBINSON of Utah. I believe that if the committee believes that policy should exist, it then owes a duty to this House to cut out the attorneys for the three tribes of Indians in Oklahoma.

Mr. JOHNSON oif Oklahoma. A situation like that has no connection at all with this.

Mr. ROBINSON of Utah. I am willing to submit to this House whether or not it has. Let us consider the facts about this tribe of Indians. The gentleman from

Wisconsin [Mr. KEEFE] has stated the facts with reference to the Wisconsin tribe. I know the facts as to another tribe of Indians, in Oregon, in the district of the gentleman from Oregon [Mr. PIERCE], the Klamath Tribe of Indians. Attorneys have represented them for 3 or 4 years. I am personally acquainted with the attorneys who represent them. They are high-class, fine, outstanding attorneys, and they have done a good job.

Last year the attorneys for the Klamath Tribe of Indians spent 150 days on the business of these Indians, and they get $4,500 a year. I talked to the Department to get the facts that I am stating. I talked to the assistant in the Bureau of Indian Affairs, and he said that the Klamath Tribe of Indians owns in its own right $20,000,000 worth of property, and these Indians are doing $1,000,000 worth of business every year. They come to Washington with hundreds of problems. To show you what has been going on, this year they had $82,000 of claims filed against them. What they ask Congress to do is this: They say, "Permit us to take from our tribal funds the funds we earn ourselves, our own funds, and employ an attorney to defend us in these particular matters." What right has the Congress to say, "You cannot do it"?

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield to the gentleman from Washington.

Mr. LEAVY. I believe the gentleman stated that the attorneys who represent the Klamath Indians spent 150 days in serving them?

Mr. ROBINSON of Utah. That is correct.

Mr. LEAVY. Does the gentleman know if any member of that firm in the last year was out on the Klamath Reservation?

Mr. ROBINSON of Utah. Yes; I happen to know that one of the members of the firm was out on the Klamath Reservation last year.

Mr. LEAVY. For how many days?

Mr. ROBINSON of Utah. I do not know, but I know he was there. That is just a red herring to drag across the trail, and it does not mean anything, because you know and I know and the gentleman from Washington [Mr. LEAVY] knows, as a lawyer, that the work the attorneys for the Indians have to do is done right here in Washington. They are Washington lawyers. They did not go out and seek this job. The Indians came here. The attorneys who did this work saved the Indians, on these claims, $82,000 this year.

Now, why should these Indians, when it comes to a matter of policy or a matter involving legal questions or a matter involving claims, be required to go to the Department of the Interior and rely entirely on the Department's lawyer? Why should they be required to do that? Is there any reason for that? Why should they not have a right to say, "We want to take our funds and hire a man that we think can represent us"?

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Washington [Mr. LEAVY] is recognized for 5 minutes.

Mr. LEAVY. Mr. Chairman, I have always opposed this type of expenditure, and it certainly cannot be because I want to do any injury to my own profession, the law, or the lawyers. I do not challenge the good faith or the standing of the lawyers who are thus retained but it is fundamentally wrong to spend the Indian trust funds in this manner.

I want you first to get this thought in mind. There are 200 Indian tribes in the United States, and it is a safe assertion that 75 percent of them have no funds of their own now held in trust by the United States. The 150 tribes, then, are just as much entitled to legal representation as the 50 tribes who do happen to have money, if it be sound in principle to employ private counsel to represent Indians who happen to have a cash credit in their trust account.

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. No; I regret I cannot. I want to make my own statement.

I assert it is not sound in principle. Any American Indian, I do not care who he is, or where he is, can spend his money, when he wants to, for attorneys or doctors or anything else, but what they here seek to spend is not the money of any individual Indian; they are trust funds that are sought to be spent. These are funds that are put into the Treasury of the United States, and Uncle Sam, by act of Congress, is made the trustee for the Indian tribe—not the individual, but the tribe—and it is his duty, unless he breaks faith with his ward, to look after the ward's interest and not approve an action indicating on its face that Uncle Sam is not doing his part by spending tribal funds to employ additional counsel to go out and resist the things that the guardian is doing.

The Solicitor's Office in the Interior Department has dozens of lawyers. These are Government lawyers, and they are employed to represent these Indians in all trust matters just as much as where a court appoints a guardian for an incompetent and then authorizes the guardian to select an attorney and permits him to pay the attorney under the supervision of the court.

What would you think of the court if it told a ward, who is recognized, to begin with, as an incompetent, to go out and employ an attorney in addition to the one provided by the court and then that court would take out of that ward's estate the money to pay this second attorney, whose sole business it would be to do the work of the guardian and the attorney provided by him?

Mr. KEEFE. Mr. Chairman, will the gentleman yield on that?

Mr. LEAVY. I regret very much that I have not the time.

Mr. KEEFE. I will correct you.

Mr. LEAVY. These Indians that are mentioned here are not the only ones who happen to have some tribal funds. Six years ago there were only 2 cases where it was sought to spend money in this manner. This year it had grown to 10 tribes that seek to spend their trust funds in this manner.

The history is, and it is a sad history, that when the Indians exhaust their tribal trust funds, then they become gratuity Indians and we are asked to provide for them out of direct appropriations made from the Federal Treasury. I have Indian tribes in my district. They are also giving heed to the alluring suggestion, that if they seek counsel like other tribes, in addition to that provided by law, that great riches can be gotten for them.

Now if there is something wrong with the Indian Bureau, if there is something wrong with the management of these Indian trust funds, let us correct it by legislation, but let us not use this method of employing private attorneys simply because there is money in the fund that can be drawn upon.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I do not have time to yield.

I want to make this further statement. Not a single attorney in the 6 years I have been on this committee has ever appeared before it and made a showing of anything except in one instance, and that was a typewritten page or two showing they had written some letters today and a letter written yesterday and another letter written a month ago.

None of these attorneys proposed to be employed represents the tribe on any pending legislation; none is retained to appear in an issue that is a justiciable issue, but they merely draw an annual salary, some of them as much as $7,500. I know of one instance where they were drawing $6,000 and they admitted they had never been near the Indian reservation, from which tribe they had been drawing money for year after year. I say if you adopt this amendment you do something that is fundamental, you adopt a policy that virtually says to every tribe, whether it be a pauper tribe or whether it be a tribe with $1,000,000. You are entitled to employ attorneys, not to handle pending litigation but merely to have them on an annual retainer.

[Here the gavel fell.]

Mr. KEEFE. Mr. Chairman, I ask unanimous consent that the gentleman may have 3 additional minutes so he may yield for questions.

Mr. LEAVY. My time has expired.

The CHAIRMAN. All time has expired. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. KEEFE) there were—ayes 23, noes 53.

So the amendment was rejected.

The Clerk read as follows:

For construction, improvement, repair, and maintenance of Indian reservation roads under the provisions of the acts of May 26, 1928 (25 U. S. C. 318a), as supplemented and amended, and September 5, 1940 (Public, No. 780), $1,148,000 to be immediately available and to remain available until expended: *Provided*, That not to exceed $10,000 of the foregoing amount may be expended for personal services in the District of Columbia: *Provided*

further, That not to exceed $90,000 of this appropriation shall be available for lease, construction, or repair of structures for housing road materials, supplies, and equipment, and for quarters for road crews, but the cost of any structure erected hereunder shall not exceed $5,000.

Mr. RICH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 59, line 21, strike out "$1,148,000" and insert "$1,000,000."

Mr. RICH. Mr. Chairman, I shall not take 5 minutes in a discussion of this item. Here is an item for improvement, construction, and so forth, of roads in Indian reservations amounting to $1,148,000. I merely offer an opportunity to the committee to save $148,000. I hope the committee will agree with me and adopt the amendment. Certainly we can reserve this road building until after the war is won.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment. This amount has been drastically cut. It has been cut $52,000 below the Budget estimate, and that is considerably below the amount expended last year. As stated in my opening statement with reference to this important road item, we have expended from year to year up to four or five million dollars. Only 2 or 3 years ago we spent $4,000,000 for this item. The chairman of the Committee on Roads, the gentleman from Oklahoma [Mr. CARTWRIGHT] is present in the Chamber, and will bear out the statement that for years we have kept around 10,000 to 12,000 unemployed Indians at work with this road item. The committee recognizing the fact that there are fewer unemployed Indians at this time than there were last year, has drastically reduced this item. I again remind the committee that this item has been reduced from $4,000,000 2 years ago to $1,148,000. It seems to me that the committee has gone a long way in offering to cooperate in the war efforts. The building of roads, after all, is an important factor in the national-defense program. I doubt whether any money to be expended in this bill would be of greater importance, in seeing to it that if necessary our troops could be transported over these roads. This money will put unemployed Indians to work, and will build roads that ought to have been built a long time ago. The committee has reduced drastically and has again reduced it, and it seems to me that the amendment should be rejected.

Mr. JONES. Mr. Chairman, I rise just to take just a moment or two. It seems to me that the amount brought in by the Committee, $1,148,000 for roads and bridges for the Indians might be cut this additional $148,000, as suggested in the amendment offered by the gentleman from Pennsylvania [Mr. RICH]. It is again a question of whether to put steel in roads, remotely disconnected from strategic necessary highways, for the transportation of our troops, or to use this construction steel to make guns and tanks for the protection of our armed forces. True, $148,000 would not buy very much steel, but it will be a start in that direction, and I think that Congress would be much prouder of itself, of its work in this Interior Department appropriation bill, if it can say that every time it had a chance it spent money for steel for MacArthur's forces.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I mentioned a few moments ago that the Chairman of the House Committee on Roads, the gentleman from Oklahoma [Mr. CARTWRIGHT] is in the chamber, and now ask that gentleman this question. Is it not true that it is not proposed to spend any of this money for steel or concrete, and that this money will be used primarily for gravel roads?

Mr. CARTWRIGHT. That is true. In fact, it is my understanding that this money will all be required for maintenance, and that no new construction can be undertaken with this greatly reduced appropriation. The funds will all be used to keep the existing Indian roads in serviceable condition and protect the investment of approximately $30,000,000 in them. This item does so much, and it is so little for the large number of Indians benefited and the important areas served in about 25 States that I am surprised that the gentleman from Ohio [Mr. JONES] would even suggest that it be cut. Some of the Indian roads are the only access to strategic war materials, and some are used extensively for the transport of troops and military supplies. Some Indian reservations are in strategic areas, near military posts and international border lines.

Mr. TABER. Mr. Chairman, I move to strike out the last two words.

Mr. JOHNSON of Oklahoma. Will the gentleman yield to me?

Mr. TABER. I yield.

Mr. JOHNSON of Oklahoma. I ask unanimous consent that all debate on this amendment and amendments thereto be concluded in 10 minutes.

The CHAIRMAN. Does the gentleman mean this amendment or this paragraph?

Mr. JOHNSON of Oklahoma. This paragraph and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. TABER], the gentleman from Kansas [Mr. REES], the gentleman from Wisconsin [Mr. GEHRMANN], and the gentleman from Michigan [Mr. HOFFMAN] will be recognized within the 10 minutes.

Mr. TABER. Mr. Chairman, this cut is only $148,000. It makes a cut below the Budget estimate of $200,000 out of $1,200,000. It is a very moderate cut. It is an item for regular construction and repair of bridges and roads, and there is absolutely no reason why they cannot get along with this amount. It is more in proportion than is allowed the Bureau of Roads for construction of general highways throughout the country. I think we ought to show common sense and adopt the amendment and cut out $148,000 at this time.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Kansas [Mr. REES] is recognized.

Mr. REES of Kansas. Mr. Chairman, I realize we do not seem to accomplish very much in attempting to cut these huge figures down. This item is for $1,148,000 and is for Indian reservation roads only. None of it outside Indian reservations. It should be cut deeper, but we are only asking that you agree to reduce it a little more than 10 percent. This is entirely separate and apart from the regular road program.

In order to tie this in to the war program they say some of these roads and trails might be used for military purposes, yet the chairman of the Roads Committee says that these roads will be gravel roads. These are not military roads at all. They are just roads and trails that have to do with these Indian reservations. These are not intended as regular military roads. You have a program that has to do with military roads separate and apart from this one.

But let us get down to brass tacks. You have got $1,148,000. Do we not have the courage to just trim this a little bit, just 10 percent, just 10 cents out of every dollar, and save $148,000? I agree the committee has done a fairly good job, but certainly you can go that much further. Does not $148,000 mean anything any more? We can afford to let the construction of some of these roads go a little while and get into fighting the war a little more, then take care of the Indian roads a little later on. You have got $1,000,000 to keep these roads in general repair. That is all you need, because you do not have the unemployment now that you had in the past. A great deal of this kind of road building was done in order to give these Indians employment. You do not have that acute unemployment problem now. Here is a chance to save a little money. Why not offer a little encouragement to the people of this country by showing a little additional economy?

As a matter of fact our citizens would be shocked if they knew this Congress was spending $1,148,000 for repairs and bridges on Indian trails when we need the funds so much for the prosecution of the war. I just hope you will have the courage to get up and support amendments to reduce items in this bill in line with our needs and not in line with the things we would like to have.

Mr. JOHNSON of Oklahoma. Will the gentleman yield to me?

Mr. REES of Kansas. I will be glad to yield to the distinguished chairman from Oklahoma, in charge of this legislation.

Mr. JOHNSON of Oklahoma. In my statement I said it could be used to assist in the military situation in this country. Let me give you an example. At Fort Sill, Okla., there is a gravel road that goes right up to the fort, and it is over an Indian reservation.

Mr. REES of Kansas. Oh, yes, but how long is that part of the road that

may be used by the Army? Not much, and that part of the road is built. Certainly will not a very great part of a million dollars do that? Besides a big fund is provided for military roads.

Mr. JOHNSON of Oklahoma. There are several such instances where a gravel road is adjacent to the fort, and therefore it could be used for military purposes.

Mr. REES of Kansas. Infinitesimal, and a very small part of these Indian trails and roads will be used for military purposes. In the light of the need of funds for airplanes and guns and supplies for our fighting forces, I trust you will go along and reduce this item $148,000. You ought to do it.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Chairman, I believe in economy, but this is the worst kind of economy, to me it is wasting and throwing away previous investments. We spent hundreds of millions of dollars to build these roads and now if we cannot keep them up we will let them go to pieces and will have to rebuild them again. We talk about them being Indian trails. In my section every one of these roads that goes through an Indian reservation is used by the mail route, by the school busses, and also by the general public. Wherever a road crosses an Indian reservation, whether it is a State or a Federal road, maintenance comes out of the money appropriated for the Indian Bureau. It will force counties or States to use their meager highway income to keep these roads passable to get the mail and the children to school. We have lost practically all of our Federal aid for highways. We have hundreds of millions of dollars invested in our roads. Now we are going to let them go to pieces so that they cannot be traveled. Is that economy? I think that is the worst kind of economy. Would it be economy to build a $15,000 home and then not spend any money to keep it in repair? We have been economizing on the rural mail routes, and I am swamped with letters, and so will the other rural Members be when the new year comes around. They are consolidating our rural routes, as much as 65 miles to one mail carrier. Our roads are going to pieces. Are not our rural people just as much entitled to service as the people in the cities? They have not foregone any of their service. The farmers out in the country can walk to town to get their mail, or they can go 2 or 3 miles to a mail box, because the mail routes have been consolidated. Where they had four or five out of one post office, now there are only one or two rural mail carriers, with routes as much as 65 miles long. That may be all right in certain sections of the country, but not in my country. With snowdrifts in winter, frost boils, and sink holes for months in spring no mail carrier can service a route over 35 miles long. That is economy, but the rural people are paying for it.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. GEHRMANN. I yield.

Mr. JOHNSON of Oklahoma. Is it not true that many rural routes run through Indian reservations, but the roads are almost impassable?

Mr. GEHRMANN. Absolutely. They had crushers in there the last few years, and they have been graveled. Now, of course, if you cannot keep them up, they are bound to go to pieces—after all, $1,000,000 scattered over thousands of miles of roads on all the Indian reservations is so little that you cannot even run over them with a road grader once a year. How are you going to keep them up? I think it is a ridiculously small amount when you figure the territory we have got to cover with $1,000,000.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN] for 3 minutes.

Mr. HOFFMAN. Mr. Chairman, Churchill just announces that the battle of the Atlantic is going against him, yet we are talking about appropriations for trails and roads.

I feel terribly sorry for those fellows up in Wisconsin. In my district there are five applications for every vacancy on a rural route. If one of those mail carriers does not like his job, there are five others who will take it.

Mr. GEHRMANN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I am sorry, I cannot.

Listen to this from page 2954 of yesterday's RECORD:

> Last night my own son (and the son is in the Army) was required to turn in two of the four cotton shirts issued by the Government because they did not have sufficient shirts to dress the boys in the line.

Now we are talking about building trails and roads. Down there in my own country of Allegan, Mich., they built trails along a trout stream so fishermen could get to the fish so they could be caught easier.

Mr. JOHNSON of Oklahoma. Who did?

Mr. HOFFMAN. That was the W. P. A., but you do the similar things up in the Indian district. I will tell you what else they did: They went out in an open field—you know these scrub-oak groves, cut-over pine land with oak openings where there are no trees—they went out there and—I will bring a picture of it over to you if you want to see it—a picture where they built brush piles for rabbits to crawl in. My God! When you cannot get shirts for the boys in the Army, what do you want to spend money to build trails and roads for? How can you justify it?

Mr. JOHNSON of Oklahoma. The gentleman does not charge that to the Department of the Interior, does he?

Mr. HOFFMAN. No. That is just a sample of the waste. It seems to me we should draw the line some place when we do not have shirts for the boys who are doing the fighting, and when the battle of the Atlantic, as Churchill said, is going against us.

Mr. JOHNSON of Oklahoma. Is it not true that the committee has already reduced the item from $4,000,000 several years ago to $1,000,000 in this bill?

Mr. HOFFMAN. I do not care if there is not one red cent left in it. I would rather that our soldier boys had shirts than to build roads and trails some place in the wildnerness, or any other place.

Mr. JOHNSON of Oklahoma. Does the gentleman not know that the Congress has appropriated enough money for the Army to buy 10 years' supply of shirts and other clothing? If sufficient shirts have not been bought, it is not the fault of this Congress.

Mr. HOFFMAN. I do not want to say it is the fault of the executive department or the gentleman would send that committee that is after the snipers, as he calls them, after me. I am glad when the gentleman, a Democrat, calls attention to the fact. You may have money enough for 10 years' supply of shirts, but the administration cannot or will not give the boys the four they need.

Mr. JOHNSON of Oklahoma. I do not know who is at fault, but I do know that sufficient funds have heretofore been allowed by our committee for clothing and materials to supply a mighty big army for a mighty long time.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Michigan has expired, all time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 47, noes 64.

So the amendment was rejected.

The Clerk read as follows:

> Winnebago, Nebr.: Improvements to utilities, $15,000;

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes, and to proceed out of order.

Mr. RICH. Mr. Chairman, reserving the right to object, I refer this to the majority side. I thought they wanted to get through with the bill today.

Mr. NICHOLS. I thought I had an agreement with the gentleman or I would not have asked for this time.

Mr. RICH. If the gentleman had an agreement, then, so far as I am concerned, he may go ahead.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 5 additional minutes and to proceed out of order. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes, to proceed out of order.

Mr. NICHOLS. Mr. Chairman, 1 year ago this month House Resolution 125 created a select committee to investigate air accidents. For 12 months this committee has been making an intensive study of the causes and contributing causes of air accidents to commercial aircraft. We have interviewed experts in every branch of aviation; we have, therefore, necessarily become familiar with the most im-

portant factors involved in the successful operation of all aircraft.

When my committee was appointed the Congress was aroused because of the death of Congressman Byron in an air crash in Atlanta. I think you again have every reason to be concerned. Since December 7, 1941, when Japan made its cowardly attack at Pearl Harbor, we have witnessed a tremendous increase in military aviation in the United States. This Congress has been called upon to appropriate billions of dollars toward the war effort. We have all voted without hesitation to increase the armed forces of the United States and particularly the aviation branch of the Army and Navy to an extent which no one of us could have dreamed possible 2 or 3 years ago. We have poured out the money of our citizens and will continue to pour out their money until Japan has been vanquished. I am sure that I bespeak the conviction of every Member of the House when I say that the Congress of the United States will see to it that the armed forces of America are provided with the financial sinews of war to defeat Hitler and the Mikado's horde of yellow rats who threaten the civilization of the world.

But, ladies and gentlemen, during the past year the members of my committee—the gentleman from Texas [Mr. KLEBERG], the gentleman from Tennessee [Mr. PEARSON], the gentleman from Illinois [Mr. DIRKSEN], and the gentleman from California [Mr. HINSHAW]—have learned something about aviation. We have not dilly-dallied with this question of safety. We have made an intensive study of the causes of air accidents. We know something about the subject, and it makes our blood run cold when every day over the radio or in the public press we learn of the wastage in life and property which is occurring in our armed forces before the boys have a chance to meet the enemy. We expect to lose planes in battle. We expect to lose some of our aviators in fighting the enemy, but it makes me sick when I see our boys killed and our aircraft destroyed through the utter foolishness and incompetence of unskilled Army personnel who apparently have but little appreciation for meteorology and who send men and machines, and who order pilots to fly machines in weather which civilian pilots with thousands of hours of flying experience would not think of attempting to negotiate. Just the other day the president of one of the air lines told our committee that recently, in one of the cities served by his air line, his company had four or five ships grounded because they were advised by their meteorologists that it was unsafe to fly due to icing conditions.

While these ships were grounded in that city an Army bomber flew over its airport bound for the east, and in a few minutes five members of the crew were forced to jump in their parachutes and a $100,000 bomber was completely destroyed. This is one of the few instances in which the crew lived to tell the story. In the last few days I know of a commercial airliner which left the city of Washington and went to Pittsburgh, where the air-line officers grounded it. A short time after that in the same vicinity five airplanes were sent into the air by the Army to face weather conditions which the air lines with their more experienced personnel would not attempt to navigate, and four of these pilots were needlessly killed and their planes destroyed. Recently it has been estimated by an expert in air accidents that better than $2,000,000 in military airplanes have been cracked up on the west coast alone. It is reported to me that there are 15 accidents a day to military aircraft on the west coast.

From my experience, and knowledge of air accidents, I say to you that the military leaders owe a duty to the people of the United States to protect our military airplanes until they have reached the battlefield, and that they owe a greater duty to the boys of our country who have volunteered as aviators to see that they have a chance to give their lives in battle rather than to be destroyed on a bleak mountainside.

Another thing that burns me up is the fact that we have an existing agency, to wit: the Safety Bureau of the Civil Aeronautics Board, which is manned by experts who have devoted years to the study of the causes of air accidents and who are qualified to investigate and to determine the real causes of air accidents, and yet these men are not being utilized by the military authorities to assist them in investigating and eliminating the causes of the many tragedies which are occurring in our armed forces. If I were a father, and had a son in the aviation service, and he should be killed in combat fighting against the Japanese or Germans, I would take that loss with pride and some degree of satisfaction. But, if I had a son who had had only 300 to 500 hours of aviation experience and he was ordered to fly a bomber on a peacetime mission in weather which was so bad that the pilots of the air lines, having an average of 10,000 hours of flight experience, were either grounded or refused to fly; then I should want to know who the officer was that ordered my son to fly in such weather. I would also want to know why such an officer should be permitted to destroy the property of the Government and the life of my son before either of them were permitted to serve our country's cause.

On Sunday, March 15, my committee had before it representatives of 16 of the 18 air lines in the United States. This hearing started at 10:30 in the morning and ran until 5:45 p. m. Its purpose was to discuss with the air lines how they, as organizations, could best serve the military requirements. As a result of this hearing, my committee will tomorrow lay before the proper governmental agencies a plan charted, and in complete detail, containing an offer by the air lines and a suggestion by the committee, wherein the air lines propose to furnish their facilities for the advanced training of pilots, mechanics, radio operators, meteorologists, and other services to be rendered by them for the military, and all upon a no-profit basis. This is being done with a twofold purpose: First, so that they may continue to perform their basic function of providing transportation by air of both passengers and cargo; and second, to enable the Government to obtain from them the maximum amount of service for the war effort. There is one more thing which my committee would like to suggest to the military authorities: Study and experience of the past year have convinced us that the navigation of the air is a science which requires the united wisdom of many experts in different fields of human knowledge. No matter how skilled a pilot may be, it is nothing less than manslaughter for any person to order a pilot to undertake a routine flight in weather which skillful meteorological forecasters have predetermined as unsafe for flight.

Ladies and gentlemen, I propose that the War Department use the personnel of the Safety Bureau of the Civil Aeronautics Board, and have these experts inquire into the causes of these accidents, and if possible, find ways to eliminate them.

As I have said before, there are many capacities in which civilians can serve their country. There are thousands of men with special talents who stand ready, willing, and able to assist in the utter destruction of the Axis Powers. So, ladies and gentlemen, my committee asks your cooperation in assisting us to see that the armed forces utilize those agencies of our Government, those men of special training—such as the Safety Bureau of the Civil Aeronautics Board—to save the property which your appropriations have made possible, and the lives of our finest young men who are the potential heroes of our Republic.

By unanimous consent the pro forma amendment was withdrawn.

The Clerk read as follows:

The appropriations available for expenditure for the benefit of the natives of Alaska may be used for the payment of traveling expenses of new appointees from Seattle, Wash., and from any point within Alaska, to their posts of duty in Alaska, and of traveling expenses, packing, crating, and transportation (including drayage) or personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior.

Mr. DITTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, one of the outstanding newspapermen here in Washington is the author of a book that I believe should have the careful reading of every Member of the Congress. It should be read by every American. Mr. Carlyle Bergeron has written "Confusion on the Potomac." I think he should add a new chapter to this splendid work. I would suggest that the new chapter be titled "Confusion in the Interior Department."

I hold in my hand the Official Bulletin of the United States Travel Bureau, Department of the Interior. The cover page carries the picture of the distinguished Secretary of the Interior. That in itself gives it an air of officialdom that cannot be ignored. Secretary Ickes urges civilian travel for relaxation to aid health and morale. This booklet is dedicated to the Secretary's insistence that America must travel if it is to be fit. I would like the distinguished gentlemen on the other side of the aisle to clear up for me a disturbing problem. How do you reconcile

this outburst of enthusiasm on the part of the Secretary of the Interior for a traveling America with his scare headlines on tires and gasoline? There seems to be some confusion. I understand that gasoline is now being rationed under order of the Secretary. I understand that all of the gas stations are closed certain hours of the day and on Sundays. And yet the Secretary in this pamphlet tells America to travel. As folks start to travel will they be able to get home? In one breath the Secretary calls for a traveling America and in the next breath he takes away the means to travel. Again I say, there is some confusion.

I see on the inside of this delightful brochure—and, remember, this is paid for by the taxpayers—the heading, "Nomads given the green light." That means that the gypsies, the rovers, the wanderers are given the go sign, the right-of-way in these days of difficulty, peril, and danger. That means that, despite the acute shortages in rubber, shortages that require rationing, and shortages in gasoline, the Secretary suggests roving for relaxation, wandering for morale. Again I say, there is some confusion.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Is there a date to that?

Mr. DITTER. I was hoping the gentleman would ask me that question. That is exactly why I brought this copy with me to the floor. The pamphlet speaks for itself as to date of issuance. It reached my desk on the 5th day of March 1942, and it is headed "January-February 1942." That means it is current. In other words, it is not a bit of antiquity that I have gone back into the files and pulled out. It is the latest word from the Department that I have found on morale building. It certainly appears to be up to date on its face. It is what the Secretary is presently advising, if we are to take any stock in what his publicity experts say. There may be another edition in preparation or on the press, in the minds of the propaganda specialists but, to the best of my knowledge, it has not been distributed up to this time. It may be that more confusion is coming.

I am concerned about the folks who follow the Secretary's suggestion to travel, how the nomads who are to be given the green light, how the gypsies from here, there, and elsewhere, under the suggestion of the Secretary of the Interior, are to get gasoline and tires. One effusion from the Interior Department pushes America out on the highways and byways to relax, while the next outburst pulls us up peremptorily to a halt, where we are to be restricted rather than relaxed. The green light and the red light are flashed simultaneously. In one and the same breath we are told to march and told to halt. Again I say, there is some confusion.

Mr. TABER. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from New York.

Mr. TABER. Is it possible that the learned Secretary was thinking of the 500 gallons of gas in that tank that he is supposed to have had in storage when the gasoline shortage was on?

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. DITTER]?

There was no objection.

Mr. DITTER Mr. Chairman, my regard for the Secretary of the Interior would not permit me to attribute to him any motives that were purely personal or selfish. Of course, I have no information as to what he may have at hand to minimize the confusion which he is creating.

The thing that concerns me is the confusion which is caused by this pathetic conflict—these go and stop commands.

Our people are worried over the threat made by Mr. Henderson that private tires are to be seized. He has said rubber requirements will not allow "a single pound of crude rubber for new tires or for recapping" of any of the 30,000,000 passenger cars in the United States. He urges a reduction in recreational driving. The situation is acute. It is a serious condition. Mr. Henderson, at least, considers it so. If our people are to have their tires seized from them, will they be seized while they are doing the nomad act around the country, or will the seizure be made when the automobile is in the garage? Shall we follow the suggestion of Mr. Ickes or heed the commands of Mr. Henderson? Confusion worse confounded.

What are we to believe? Are we to follow Mr. Ickes and travel or are we to heed Mr. Henderson and stay at home? Are we to conserve rubber and gasoline under Mr. Henderson's restrictions or are we to use rubber and gasoline under Mr. Ickes' relaxation? "To be or not to be, that is the question."

Mr. Henderson says a 25-percent cut in the civilian use of rubber for the United Nations has been put into immediate effect, and suggests the advisability of another 25-percent reduction. That is the Price Administrator's program. But Mr. Ickes counters with the urge, according to this current Department magazine, that relaxation and morale require us to indulge in travel, to become nomads, rovers, wanderers. "Consistency thou art a jewel."

It is high time that the Secretary of the Interior and the other bureaucratic chieftains bring a little order out of chaos, a bit of conformity in orders and regulations. Carlisle Bargeron, despite his entertaining style and informative ability, should not have the opportunity to add another chapter to "Confusion on the Potomac." We have had entirely too much confusion. It is time that we have some consistency and common sense in the executive branch of the Government. The confusion on the Potomac is not in Congress; it is in the bureaucracies that flourish here.

Mr. SCRUGHAM. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Nevada.

Mr. SCRUGHAM. I would like to present the gentleman with a piece of rubber that has been made from rabbitbrush. I wish to ask the gentleman if that will do something to solve the problem.

Mr. DITTER. I know anything that the distinguished gentleman from Nevada presents me with has intrinsic value. I would prefer to have his opinion on its value as rubber rather than to venture an opinion of my own. I am not at all informed as to what rabbitbrush may mean in the manufacture of rubber. But one thing is crystal clear to me, and that is no matter how much rabbitbrush there may be at hand or how much rubber it will make, something more is needed to bring order out of chaos, to bring consistency out of inconsistency, to clear up the confusion on the Potomac. What we need and sorely need is a very generous supply of common sense, clear thinking, and genuine cooperation on the part of the bureaucrats here in Washington.

The Clerk read as follows:

General investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extensions of existing projects, and studies of water conservation and development plans, including Colorado River Basin investigations, such investigations, surveys, and studies to be carried on by said Bureau either independently, or, if deemed advisable by the Secretary of the Interior, in cooperation with State agencies and other Federal agencies, including the Corps of Engineers, National Resources Planning Board, and the Federal Power Commission, $250,000.

Mr. JONES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 73, line 15, after the second comma strike out "$250,000" and insert "$150,000."

Mr. JONES. Mr. Chairman, I call the attention of the Committee to the fact that we appropriated $1,700,000 last year for investigations of reclamation projects in the Colorado fund, in the reclamation general fund, and in the reclamation fund itself. The results of the investigations to date may be found on page 325 of the hearings. On that page you will see completed and ready for construction projects in the total sum of $454,197,784. If it is our view that we need to have a backlog for postwar work, it seems to me that this presents enough of a backlog for that type of work.

We are in a struggle to win a war. We need to preserve all the manpower, all the technical engineers, all the help we can to assist the War Department and the Navy Department to win that war. Let us release some of these employees.

This amendment does not cut out all of the investigations. It is a moderate cut. It still permits them to go further and investigate the most necessary things for irrigation and for power for national defense. They still can do the most necessary things.

I have not asked to cut out the whole amount, although I believe that $454,197,000 worth of projects is enough to keep us busy after the war. I sincerely hope the members of this Committee will not be divided along partisan lines and can look at it from the standpoint of doing the most good for our country, and stand up in unison to release the personnel this amendment will release for the national defense effort. Why can we not cut $100,000 from this investigation under the reclamation fund and preserve it for guns and planes and tanks for MacArthur?

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 8 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I trust that a substantial majority of the membership will support this amendment. I realize, as other Members do that the expenditure of this money has value. I do think some of it is expended extravagantly, but I say again I think we must measure this thing in the light of the situation as we find it today.

Someone in defending this expenditure of $250,000 will suggest, of course, that this money will be returned because of rents that are received from Government land. But we will still get the rent even if we do not spend any of this particular item, as I see it. Just because there is some revenue from the use of this land is not an excuse for spending more money than you would otherwise. If such were the case, you would want to increase rather than decrease it. Such is not the case.

I agree with the gentleman from Ohio [Mr. JONES]. I think this item ought to be cut deeper, but we ought to cut at least this much of it. The legislation says it is for making investigations, surveys, and studies. Reduce the item by $100,000 and you will still have $150,000 for that purpose.

On yesterday we tried to reduce an item of $600,000, and it was suggested then that all that money was needed for surveying and for investigation purposes, and that it was connected, of course, with our war effort. Now you have that $600,000 you said in your discussion was needed for surveying and making investigations. We go over to another portion of the bill and find an item of $250,000. A little later on there is another one for $500,000 for further investigations. I just wonder how much money is really needed for investigations.

This is just a moderate cut. I sincerely believe that this is one place where you can try to help save just a little share of these huge expenditures that are being made this afternoon. I hope the membership will use a little independent judgment this afternoon. Of course, we should listen to those who are spending this money, but that is not the entire reason why we should follow them every time. We have got to weigh this expenditure in the light of absolute need. Furthermore, Mr. Chairman, the individuals who may be employed by the use of this money could well be rendering their services in far more important places in the war effort.

This money is needed for the prosecution of the war, and part of the surveying and investigating could wait until this cruel war is brought to a close. It should be observed that this money is for proposed projects. Part of them can wait, especially in view of several hundred thousand dollars included in this bill, in addition to this item of $250,000.

But right now our country is in peril. In the light of that situation, this is one chance to save just a little money, only $100,000, which is not very much compared to the total amount of money being expended in this bill, but it will help a little, and it will at least show a turn in the minds of the Members of the House. It will indicate a definite determination to practice a little economy without injury to anyone. Do not forget this is not really a war measure. The people throughout the Nation are asking us right here and now to economize wherever we possibly can, and cut to the core. Let us join together for once, both sides of the aisle, and cut out this $100,000. I am so sure we ought to do it.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Ohio, who has spent so much time and energy on this legislation.

Mr. JONES. It is not so much a question of whether we will get the money back—even a banker sometimes refuses to make loans, and in this case we are acting somewhat as a banker for these people who use the reclamation fund—it is a question of releasing the manpower to do the necessary things to win victory sooner.

Mr. REES of Kansas. I appreciate the gentleman's statement and contribution.

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Utah.

Mr. ROBINSON of Utah. May I ask the gentleman if any money is involved here at all? This money comes out of the reclamation fund.

Mr. REES of Kansas. There it goes. That is the same old story. Just because there is some revenue in the way of rentals and income from the land owned by the Government, it is deemed proper to be a little more free with its expenditure. That is the difficulty of it. Certainly if we can get money out of the reclamation fund and save it, we should do it. Let us save this manpower and effort, and also save $100,000. As I said awhile ago, if spending more money on this item increases the income, the committee would not have cut it at all in the first instance.

Mr. ROBINSON of Utah. It is already cut down.

Mr. REES of Kansas. I understand; but why did you reduce it then? Why did you not make the item $350,000 instead of $250,000, if your reasoning is correct? I just do not believe you can show that the expenditure of this particular money will increase the revenues in the Federal Treasury, especially with all the other money you will have appropriated to use for this purpose. Let us save another $100,000 while we are at it.

I realize that Members who have reclamation projects in their districts have a deep interest in this matter and do not want to cut the items. They would like to keep the men on the job and have the surveys continued. I do not blame them for it. But I am talking to you about the situation as we find it this afternoon. In the light of that critical condition, I say that this is a chance to save $100,000 needed so badly for planes and guns and other war necessities. Let us get busy and strike out this $100,000 and save just that much money. If you have the courage of your convictions and nerve to do it, I feel you will support the amendment. I just do not believe your reasons against it are good, under the circumstances as they are this afternoon.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Washington for 3 minutes.

Mr. LEAVY. Mr. Chairman, I, too, hope that there will be no division down the aisle on this item. Let me give you the facts concerning it. The Budget approved an estimate of $500,000. The committee cut that half in two, reducing it to $250,000, and I believe even the ranking minority member of the committee [Mr. RICH] thought that we had made an ample cut there. This money goes not only for general investigation, but the seven southwestern States entered into a solemn compact concerning the division of the waters of the Colorado River. A goodly amount of it must be used for this work. This involves an enormous amount of surveys and also investigational work that must be carried on.

The money, as has been pointed out, is not money coming out of the Federal Treasury never to return, because it comes from the reclamation fund, and is paid back into that fund from construction charges. My young friend the gentleman from Ohio [Mr. JONES] simply does not have a conception of what reclamation means, not to the West alone but to America as a whole. Our population increase has been 14 percent out there in the last 10 years, against something like a 7-percent increase in the Nation as a whole.

More than 1,000,000 soldiers are out there now. The West is going to be the place from which our armies must move. They must be fed, they must be clothed, and this must be done by food and fiber raised upon lands that are watered by the hand of man. This $250,000 leaves merely a skeleton organization to carry on a work that is the life of the western half of the United States. This amendment represents the worst sort of mistake and the most foolish type of economy that could be conceived. Some reference is made to the number of planes this so-called savings here would build. There is no shortage of battleships and planes, because we irrigate

lands in the West or because we produce crops on those lands or because we try to feed the Nation in part.

We are now in the western half of this country scarcely meeting 60 percent of our agricultural needs because of the limitation on the use of water. In the billion acres of land comprising the West we have only another 20,000,000 acres that can ever be brought into productivity by water. Yet you say you are going to cut this item so that the Reclamation Bureau can render no service or even care for the projects we have there.

Mr. Chairman, I hope the amendment will be rejected.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. JONES].

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 27, noes 58.

So the amendment was rejected.

The Clerk read as follows:

Lugert-Altus project, Oklahoma, $99,975.

Mr. THOMAS F. FORD. Mr. Chairman, I note with deep disappointment that the $5,000,000 item, so essential to the prompt completion of the transmission lines and steam stand-by plant for the Central Valley project have been omitted from this bill, although it was included in the Budget.

It seems strange to me that the California members of the Subcommittee on Appropriations for the Interior Department should have permitted this appropriation to be cut out, particularly since the power to be derived from this project is so essential to the great shipbuilding and other essential war industries in the State.

The Central Valley project is an important power factor for the winning of this war. This House should not permit that appropriation to be eliminated. What is it going to profit the Nation if, in order to please the private power interests of California we lose the use of this power in this critical time?

True, if we fail to supply these facilities, the private power interests may, to their own private profit, force the Government to sell them the electric energy generated at these plants at a ruinously low price, a price which will not and cannot produce sufficient revenue to enable the Treasury to collect a sufficient amount to reimburse the Government for its outlay.

The two items which are eliminated from the appropriation on line 10 of page 78 of the bill—the steam plant and transmission lines—will make or break the financial success of the project. Without them the project's future is anyone's guess.

Conflicting evidence was presented to the committee—

Says page 12 of the committee report—

as to the necessity for the construction of a steam plant at Antioch, Calif., for which $5,000,000 was requested under an estimated total cost of $20,000,000.

That diffident little sentence is the committee's only explanation for its action. The real reason for the constant opposition to the project is to be found in the attitude of some selfish interests, concerned only with profit to themselves.

Now what was this conflicting evidence?

The committee says:

Evidence given by one witness was to the effect that an existing power agency in that area would be willing to purchase the entire supply of power generated at Shasta Dam at a fair profit to the Government, thus obviating the necessity of the Government constructing transmission lines or installing a steam plant.

This statement implies that the Pacific Gas & Electric Corporation, the power monopoly of central California, would buy Shasta power and allow the Government, the people, us, a fair profit.

Would you call the $60,000,000 difference the steam plant will make to the project's revenue a fair profit? What of the profit to the Pacific Gas & Electric Corporation on the transmission of power for irrigation pumping which the irrigation will have to pay if the Government turns Central Valley power over to this company.

I could speak all afternoon on the fight this very company put up against construction of the Central Valley project in the first place; on its assertions 10 years ago that it had idle plants, that no additional power was needed in the area. In its opposition to any power development but its own it would have deprived the Sacramento Valley of flood control; the San Francisco Bay area of water for irrigation and industry, and the farmers of San Joaquin Valley of sorely needed relief from heavy pumping costs and lowering water tables. The Pacific Gas & Electric Corporation's only concern has been and always will be its own pocket. That company has outdone itself today.

The committee failed to give due consideration to the facts, the clearcut evidence offered by the Government.

First, supporting this $5,000,000 item was the recommendation of the Bureau of the Budget transmitted by the President of the United States.

Second, came the Commissioner of Reclamation who said:

It would be of substantial advantage to install the steam plant at Antioch.

Why did the President or Commissioner Page recommend these items? As I read Mr. Page's testimony on pages 450–451, he showed that the steam plant would be a financial advantage not only to the Government but to the water users and other beneficiaries of the Central Valley project. He showed that operation of the steam plant by the Bureau would yield net revenues of $549,000 annually in excess of the offer of the Pacific Gas & Electric Corporation. In 40 years, $61,960,000 could be applied to the construction costs of the project and unless this income was received, this huge amount would be borne by the taxpayers of the United States or by the water users of the San Joaquin Valley and Contra Costa area or other beneficiaries.

The third voice in favor of the steam plant was the War Production Board. It advised the committee that the Antioch steam plant was an essential part of the ultimate development of the Central Valley project. The War Production Board was unable to say "at this time when priorities could be made available for steam-station equipment to proceed with construction." Obviously the War Production Board could not commit itself on priorities in advance of an appropriation by the Congress for a steam plant or an application by the Bureau of Reclamation for the necessary rating. The War Production Board, or its predecessor, the O. P. M., gave Shasta Dam power plant a rating of A-1-E to assure equipment because of the need for power in northern California. That need for power today is even more urgent. It is unthinkable that an adequate rating for a steam plant would not be forthcoming.

And on top of this impartial evidence, in itself emphatic enough to make me marvel at the failure of the Appropriations Committee subcommittee to recommend the $5,000,000 needed, is the statement of the Federal Power Commission. It warns of the imminent shortage of power in northern California. On page 935 of the hearings Chairman Olds says of the proposed steam plant:

I think it is wise for the Government to build the steam plant.

On page 929 Director Tate, of the National Defense Power Division, also warns of critical power shortages in the Central Valley region. Despite the increases in capacity by Shasta and Keswick Dams, the shortages will be:

	Kilowatts
1943	285,000
1944	105,000
1945	215,000
1946	245,000

The Central Valley project was conceived and authorized as a means of improving navigation, providing flood protection, supplying supplemental irrigation water for hard-pressed farmers, municipal and industrial supplies, and "for the generation and sale of electric energy as a means of financially aiding and assisting such undertakings and in order to permit the full utilization of the works constructed to accomplish the aforesaid purposes." The Congress has appropriated $110,950,000 toward the construction of the project, estimated to cost $264,990,000.

The steam plant is essential to the economic operation of the project. Because of the fluctuating flow of the Sacramento River, stand-by facilities are necessary to make the output available at all times and more valuable. Transmission lines are required to carry the power to the Delta region for irrigation pumping as well as to load centers in the San Francisco Bay region. These transmission lines will have to be built to market this power. There is not sufficient transmission capacity now to carry the Shasta power. The only question is whether they should be built by and for the Pacific Gas & Electric, or by and for the people and their Government, who own the project.

Mr. Chairman, this appropriation item is vitally necessary for the continuation of work on the Coachella branch of the All-American Canal in order to assure

the continued existence of Coachella Valley and to protect the millions which the United States has already invested in this canal and also to protect American water right in the Colorado River, which will be lost, so far as California is concerned, to Mexico or some other State unless they are put to beneficial use in the Coachella Valley.

This project is directly connected with vital war activities in that the 20,000 acres now under cultivation if assured a continuing supply of water will produce between $3,000,000 and $4,000,000 of food products needed in the southern California defense industry areas. The project when completed will release 20,000,000 kilowatt-hours of electricity now being consumed annually in pumping 1,200 wells. In addition the canal will produce, at two power drops, 50,000,000 kilowatt-hours annually. This 70,000,000 kilowatt-hours saved and produced is needed in the war industries of Los Angeles and San Diego areas. In addition the project will furnish 80,000 acres of land admirably suited in soil and climate to the growing of guayule, the rubber plant vitally necessary to supplying the natural crude rubber now cut off from the East Indies.

All of the foregoing finds ample support in the testimony of Commissioner Page, of the Reclamation Service, pages 388 to 392, Mr. Lee Anderson, Director of the Coachella Valley County Water District, pages 1026 to 1031; and Phil D. Swing, a former Member of the House, pages 1031 to 1037, before the House Appropriations Committee.

The early completion of this Canal has recently been urged by the California State Legislature, the Colorado River Board of California, and numerous other official and civic bodies.

(Mr. THOMAS F. FORD asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. SHEPPARD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am simply taking this time for the explicit purpose of calling the gentleman's attention to page 110 of the hearing, a statement which is signed by Donald Nelson, who is in charge of the construction of all plants in the United States at this particular moment. I will ask the gentleman to read that statement, if he will, and reach his own conclusions as to why that particular provision was stricken from the bill.

The pro forma amendment was withdrawn.

Mr. WICKERSHAM. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WICKERSHAM: On page 78, line 14, after the comma, following the name "Oklahoma", strike out "$99,975" and insert "$600,000".

Mr. WICKERSHAM. Mr. Chairman, this amendment is not offered for the purpose of spending the public funds but for the purpose of protecting the funds that you and I have invested in this project. This is the only irrigation and reclamation project in the State of Oklahoma. It is in my district. I know every foot of the ground, and in this connection I desire to quote from two letters just received day before yesterday and yesterday from the Department of the Interior and the United States Department of Agriculture.

I will now read these two letters:

UNITED STATES DEPARTMENT
OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, March 24, 1942.

Hon. VICTOR WICKERSHAM,
House of Representatives.

DEAR MR. WICKERSHAM: In response to your telephone call regarding the progress of construction of the Lugert-Altus Project in Oklahoma, you are advised that the appropriation of $99,975, contained in the Interior Department appropriation bill, 1943, will provide for a very restricted program. Unless a larger amount is made available it will be necessary to reduce considerably the number of employees.

At the present time there are no war activities or industries in the immediate locality which would interfere with the labor supply. Construction is being performed by Government forces, and local labor is used.

The problem of obtaining priorities for critical materials would not be serious because the construction of the dam and canals will require only a small amount of materials, supplies, and equipment.

The purposes of the project are irrigation, domestic water supply, and flood control. Irrigation water will be supplied to 20,000 acres of land unsuccessfully dry farmed, and a partial water supply will be provided for 50,000 acres additional. In all, 500 to 700 farms will be benefited. The city of Altus will obtain a supplemental domestic water supply, and has contracted to repay a part of the project costs.

At present the project lands are sparsely settled and dry farmed. The soil is rich, and if an acute food shortage should develop, the land could be brought into use rapidly. I anticipate the project will be devoted almost wholly to dairying and livestock feeding.

Construction at the present rate of progress would require an appropriation of $600,000 in addition to the $180,000 for flood control to be furnished by the War Department.

Very truly yours,
JOHN C. PAGE, *Commissioner.*

UNITED STATES DEPARTMENT
OF AGRICULTURE,
AGRICULTURAL ADJUSTMENT
ADMINISTRATION,
Washington, D. C., March 26, 1942.

Hon. VICTOR WICKERSHAM,
House of Representatives.

DEAR VICTOR: I have been informed that there is some talk of not having sufficient funds to complete the Lugart irrigation project at this time. As you know, I still own and operate the farm west of Altus, where I was born and reared, and I am familiar with the entire farming area in Jackson and adjoining counties. While my farm is not located in the area to be serviced by the water from this project, I am interested in seeing this completed because there is a need for more diversified farming in the area than is practical to carry out without being assured of an adequate water supply during dry periods.

As you know, this project has been approved by a vote of the farmers and is to be self-liquidated by increased taxes. It would be very unjust to the farmers in the area to be serviced by this project if completion is delayed or suspended. A considerable amount of money has already been spent on the dirt fills which would be washed away by floodwaters if further construction is suspended. Most of the machinery and equipment is now on the ground, and there will be very little additional machinery or strategic material required, since this project is mainly of earthen construction, using very little concrete or steel.

There are 70,000 acres of very fertile land which requires no fertilizer and would be devoted largely to the production of food and feed crops. This land is well adapted to the production of fruit, vegetables, dairy products, and livestock which is needed in the food-for-freedom program. It would be very unjust for the farmers to pay the increased taxes for the amount of money already spent on this dam and then be deprived of the additional income from the crops which are needed in our war efforts.

On behalf of the farmers which will be served by this project, I urge you and the committee to do everything possible to secure the appropriation of $800,000 necessary to further this work.

Sincerely yours,
C. D. WALKER,
Assistant Director, Southern Division.

I did not ask for $800,000. I have asked for $600,000, which is a fair request. It will protect the funds already spent by the farmers, and also the funds that have been loaned to them by the Government, and also the $180,000 which the War Department is going to expend. If this is not constructed, it is like constructing a railway bridge half way across a stream, and then letting the engine run on that and run off into the creek.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. RICH. Will the gentleman tell us where we are going to get the money?

Mr. WICKERSHAM. The money is coming from my farmers.

Mr. RICH. Does the gentleman mean that the gentleman's farmers would loan that money to the Government to do this work before we start it?

Mr. WICKERSHAM. No; but my farmers are buying defense bonds, and they are willing to pay this money back. I urge that the amendment be supported.

Mr. LEAVY. Mr. Chairman, this project, like many others, has much to recommend it, but it would be impossible for us to support this amendment at this time. I submit the proffered amendment to the House for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last two words. It is not my purpose to offer an amendment. If I were to offer an amendment at this time—the point has already been passed in the reading of the bill—it would be on page 78, line 5. There I notice an appropriation for the Gila project, $250,000. That is about one-fourth of what we have been appropriating for that project. I understand that the committee has cut every part of this bill to the bone, taking all facts into consideration, and I understand perfectly well their logic in so doing.

However, I feel I would be remiss in my duty as a Representative from the State of Arizona if I did not call attention

to some very important facts in connection with this Gila project. Let us look at this proposition for a moment, and I leave it to your serious calculation. We have now spent about $9,000,000 on this project.

It involves the Imperial Diversion Dam on the Colorado River and the Gila Canal, which is about 21 miles in length, and which brings the water from the Colorado under the Gila River through a syphon to the very edge of the desert which we intend to irrigate. At the former rate of progress, we, of course, will be several years in completing this great irrigation project, whereas even in peacetimes we should have speeded up the work, so as to minimize the loss of water rights to Mexico. The coming of the war situation has put another face on the matter. For war purposes, it could be made highly and vitally profitable almost immediately, though not as originally intended. The gentleman from Oklahoma [Mr. WICKERSHAM] said a moment ago that a certain proposition would be like building a bridge halfway across a river and not putting in the final span. We find ourselves now somewhat in this predicament regarding the Gila project. We have spent $9,000,000 in the past 7 years and today are at a point where an extra million dollars would enable the water to be placed on 70,000 acres upon this mesa, because the power plant is about finished, the necessary pumping plant is finished, the equipment already to install, and they are now putting in the distribution system upon the level desert mesa.

Someone may ask what would be the advantage if that could be done within a few months. Mr. Chairman, that land could produce vast quantities of food. Seventy thousand acres could be put under irrigation within a year's time. In a section where alfalfa grows 365 days in the year and where six cuttings are had annually, think what 70,000 acres could produce of food for our Army and Navy so near San Diego, Los Angeles, and other Pacific coast points.

But, perhaps, better still, there is in southern Arizona, the soil and climate and all the physical set-up suitable for the growing of the guayule plant for rubber production. Here is the most splendid opportunity of any place I know of for the war effort to be furthered, through the production of home-grown rubber. It would require but a small extra expenditure just at this point in its development.

I am not offering an amendment, but I do want to impress upon the House today that here is a small expenditure that would yield mightily in a short time in our war effort toward the winning of the war.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

General investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extensions of existing projects, and studies of water conservation and development plans, including Colorado River Basin investigations, such investigations, surveys, and studies to be carried on by said Bureau either independently, or, if deemed advisable by the Secretary of the Interior, in cooperation with State agencies and other Federal agencies, including the Corps of Engineers, National Resources Planning Board, and the Federal Power Commission, $500,000;

Mr. DIRKSEN. Mr. Chairman, I offer an amendment:

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 79, line 7, strike out line 7 and the remainder of the paragraph down to and including line 18.

Mr. DIRKSEN. Mr. Chairman, the amendment on the desk proposes to strike out all funds for general investigations. I have another amendment to the second paragraph on that page to strike out the administrative expenses also. This would provide a saving of $950,000, but that $950,000 is quite infinitesimal compared to the potentialities of this paragraph.

You will note by a close reading of the language on page 79 that this money is for engineering and economic investigations of proposed Federal projects, those that are still in the future, and for extensions of existing projects and studies of water conservation and development plans, either independently or in conjunction with any other agency. It is a considerable chore to dig out all of these totals, but let me summarize this whole business for you.

At the present time there is authorized or under construction projects that total about $1,355,000,000. That includes $148,000,000 for Boulder Dam, $65,000,000 for the All-American Canal, $55,000,000 for the Big Thompson, $24,000,000 for the Palisades Dam, $23,000,000 for the Marshall Ford, $55,000,000 for the Valley Gravity Canal, $435,000,000 for Grand Coulee, and a number of smaller projects.

In the report to the subcommittee, as evidenced in the hearings, in addition to the $1,355,000,000 authorized or under construction, they have completed engineering surveys and data on still another 29 projects, including 8 steam plants and 8 hydroelectric plants that will cost $281,000,000, and the day that they throw the first shovel of earth on those various projects this Congress is committed to another $281,000,000.

But that is not the whole story. This particular language and the appropriation of $950,000 will be the beginning of new proposed Federal projects in the future. They have 285 projects at which they are going to look and on which they are making preliminary reconnaisance surveys. There are 9 in Arkansas, 5 in California, 13 in Colorado, 10 in Idaho, 6 in Kansas, and 11 in Texas, and so on.

When they first came before the Budget Bureau they asked for 388 persons for this particular activity, although that will be cut down somewhat because the committee reduced the funds. But the point is that if you leave this engineering and survey money in the bill, they will start in to find likely projects out of the 285 potential possibilities, and when they get through the $1,355,000,000 already authorized or under construction will be like so much chicken feed.

There is only one way to stop it, and that is to stop it now. They say that tall oaks from little acorns grow. I might paraphrase that and say that tall aches from little toe corns grow. This little toe corn from which the ache will grow will cost billions unless we stop these reconnaisance and survey items at this time when the Nation is at war.

I want to get this to the committee: The subcommittee struck out the steam plant and two transmission lines for the Central Valley, amounting to some $13,000,000. When the Central Valley was first presented to Congress by the California engineers they estimated the cost at $170,000,000. The Bureau of Reclamation revised that cost up to $234,000,000. They testified before JED JOHNSON's subcommittee that the estimate now is $264,000,000. So they missed it by $94,000,000, or more than 55 percent. Some of the boys who are interested in the St. Lawrence waterway had better take that figure to heart, because if the engineers cannot do a better job getting close to an estimate, the $264,000,000 preliminary estimate will probably run up to five or six hundred million on the basis of the kind of guessing that the engineers did on the Central Valley in the first instance.

But here is $950,000 for investigations and surveys of proposed Federal projects. They state to the subcommittee that they number some 285. If you want to commit this Congress to an expenditure that will fairly imperil the Treasury, all you have to do is to let this money stay in the bill and the reclamation engineers will do the rest.

I commend to your good judgment this amendment and to strike out that authority and the money for these surveys in the future.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I wonder if we cannot reach an agreement as to time on this paragraph. Would 30 minutes be sufficient?

Mr. JOHNS. Mr. Chairman, I would like 5 minutes myself.

Mr. LEAVY. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 35 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that all debate on this paragraph and all amendments thereto close in 35 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The following gentlemen have indicated a desire to be recognized: Messrs. JOHNS, HINSHAW, CASE of South Dakota, WHITE, MURDOCK, JONES, CURTIS, and LEAVY, eight Members. Each will be recognized for 4 minutes, the last 5 minutes to be used by the gentleman from Washington.

Does the gentleman from Idaho desire recognition?

Mr. WHITE. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Idaho [Mr. WHITE] is recognized for 4 minutes.

Mr. WHITE. Mr. Chairman, for a gentleman who comes from the great State of Illinois, the gentleman who just addressed us did pretty well. My only regret is that he did not explain what he meant by "these projects."

What we need at this time, Mr. Chairman, is food. We need production from the existing irrigation districts. It is generally recognized that there is a shortage of water on these large irrigation districts of the West that are all equipped. The railroads are there, the facilities are there, the farms are there, the people are on the land, but the water fails along in the middle of the summer and production is curtailed. The only way this need can be supplied is for the Bureau of Reclamation, with its engineering force to go into the field and make investigation of the available water supply and plan new projects that will produce the supplemental water. This has been our trouble in the irrigation districts of the West, and particularly in the State of Idaho. The engineers of the Bureau of Reclamation, through their investigations, have found that there is available water that can be utilized by establishing supplemental projects—and do not forget that word "supplemental."

Mr. GWYNNE. Mr. Chairman, will the gentleman yield for a question?

Mr. WHITE. I yield.

Mr. GWYNNE. Cannot this all be postponed until after the war?

Mr. WHITE. Yes, if we can postpone supplying our Army and Navy with food, sure, we can postpone it; but our job today is to supply the military forces of the United States with food from these irrigation districts; and, Mr. Chairman, do not forget that the theater of our military activities is going to be largely on the Pacific coast, and the source of supply of the Pacific coast is largely confined to these rich, fertile but semi-arid valleys where we must put water on the land; and the only means by which we can do so is to ferret out the supply of water in the several districts and to devise, engineer, and put in operation plans that will supply this supplemental water. These are not new projects, if you please. This does not have to be confined strictly t new projects. All we want is to utilize existing facilities, the railroads, the processing plants, the creameries, the dairies the packing houses and other utilities that are on these projects, utilize them to full capacity. The only way we can do this is to put water on the land by providing supplemental projects such as we have at Anderson Ranch where by storing up water that otherwise would escape to the sea and using it in the later months they increase very greatly the productivity of the land. I cannot understand this idea that we want to hamper and hamstring the policy and plan of the Bureau of Reclamation and the Government in supplying the food that is so vital to win this war, supplies for our Navy, Army, and military forces.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Wisconsin [Mr. JOHNS] is recognized for 4 minutes.

Mr. JOHNS. Mr. Chairman, I had an amendment at the desk not to strike out all of this fund, but just a portion. The gentleman from Illinois, however, has introduced an amendment to strike out the whole fund, and I think after you examine the bill itself you will find he is not far out of the way. I would like to have the attention now of every member of the committee who is on the floor, and there are not very many here at the present time. May I say to you that some of these seats that are temporarily vacated here now will be permanently vacated later on unless we pay more attention to these appropriation bills and what comes before the committee.

I call attention to the language on page 79:

> This general investigation is to enable the Secretary of the Interior through the Bureau of Reclamation to carry on engineering and economic investigations of proposed reclamation projects, surveys for reconstruction, rehabilitation, or extension of existing projects.

Let us turn back. We have just appropriated $250,000, and this is the language used on page 73, the exact language used on page 79:

> To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extensions of existing projects and studies of water conservation and development plans, including Colorado River Basin investigations.

I call your attention to page 74, to the Colorado River development fund:

> For continuation and extension of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system. $250,000.

Mr. Chairman, here is an opportunity to strike out $950,000 without injuring anybody. There is no use of going out now and spending and investigating as to where we can spend it. We are going to have plenty to spend money for without going out and hunting some place to take the taxpayers' money at this time. Here is a place where we can save without injuring anybody because you have a fund here of $400,000 that, as I have pointed out to you, can be used for this purpose.

You will find as you go on reading the balance of this bill that a great deal of the amount that is to be appropriated is for investigations of some kind. It is not for anything that we actually need now for war or for anything that will relieve humanity, and in all the talk that we have had here this afternoon about these appropriations, nobody has said anything about where we are going to get not only the money but the people to carry out these projects. They are going into the war and the number are going to be reduced like the appropriations here should be.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, the question is often raised on the left side of this aisle, "Where are you going to get the money?" That was answered a moment ago, but I fear the answer was not heard by all.

In many cases this money comes out of a reclamation fund, which is a revolving fund set up 40 years ago by the Newlands Act of 1902. This fund is functioning in a most marvelous fashion in all the western reclamation States.

Here is a thing I want to call attention to in regard to this item. I am a little bit surprised at my friends on both sides of the aisle who are lawyers for not calling attention to it. I am not a lawyer. Time after time I hear men in this House say that we must regard the sanctity of contracts, with which I agree, and I recall, too, that there is a provision in the Constitution of the United States regarding the sanctity of contracts.

I call your attention to a thing here that seems to me to partake of the nature of a contract, in that part of the appropriation to provide engineering investigations in the Colorado River Basin.

As a member of the Reclamation Committee of this House, I recall that in the last Congress we passed a bill, which was a complicated bill, and we had considerable difficulty getting it through. It involved a readjustment of rates for power produced at Boulder Dam. Boulder Dam power is produced not by the Government but by private utilities. These private utilities were willing to sharpen their pencils and get right down and figure hard, cold mathematical facts. They agreed to certain power rates which they were willing to pay for the valuable privilege of getting power from falling water at Boulder Dam. That money was to go into the Treasury. I look upon this law as a binding contract. As a part of the consideration involved in that law, some of the money was to be spent for investigational purposes. As the money is paid into the fund some of it must be spent for that purpose along the Colorado River, and this is an agreement with the States of the Colorado River Basin, a binding contract, just as much so as a promissory note or a financial bond.

Part of that money was to be spent for investigational purposes. We did not say in the law that so much should be spent in any one particular year, but that is immaterial. I think we would break faith with the law that we passed here last Congress, I think we would break faith with the seven States of the Colorado Basin, if we did not continue this investigation as originally planned.

Of course, you may say this is not immediately needed. It is needed. I go on the assumption that it is imperatively needed, because I feel that all the marvelous work that has been done thus far is but a start of that which we ought to expect in years to come. Because we are in a war now and need food and raw materials, which are produced so abundantly on irrigated acres, is no reason why we should turn those acres back to the desert or confine to the desert those which are now in a desert condition. It is just as necessary to provide food and fiber for our war effort as to build ships, planes, and guns.

I want particularly to call the attention of my friends who are of the legal fraternity to the fact that the money

provided in the last three items for engineering investigations in the Colorado Basin has been virtually guaranteed out of private funds to the Colorado River States.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, my amiable, able, and distinguished friend from Illinois, and my very good friend from Wisconsin also, probably has had the opportunity of going to the West where the arid countries are a great expanse of territory. I appreciate his desire and I go along with his desire to save the Government money, but I would like to call the gentleman's attention to the fact that the money he is discussing cutting out by his amendment is not Government money in the sense that it is appropriated from the general taxpayers. That money is being paid into a special fund in the Treasury by the water and power users and the real property taxpayers of the cities of Los Angeles, Pasadena, Glendale, Burbank, and several other cities in the metropolitan water district and elsewhere for the use of water and power. It is being paid under the terms of a contract or compact between them and the Colorado River Basin States.

We do not take a single dime from the Federal Government for this project as a gift. We have obtained a loan, for which we have signed our bond.

We are repaying that loan to the Federal Government with interest and a profit, which in turn, by agreement, is being allocated to certain of the States for investigation and development of their own areas by the use of water. Anyone who says that this is going to cost the Federal Government money is evidently incorrect.

Mr. DIRKSEN. Is the gentleman referring to only one project of all of the 235 that are included?

Mr. HINSHAW. I am referring to any project which comes under the Colorado River Basin compact.

Mr. DIRKSEN. This does not relate to the Colorado River Basin as a particular item at all, it relates to all the surveys of proposed projects in the future.

Mr. HINSHAW. I speak particularly of the Colorado River Basin, and some of the development funds referred to here come from those sources, I know.

Mr. DIRKSEN. My colleague is under a misapprehension about it.

Mr. HINSHAW. I do not know the particulars of the other projects, but I do know that practically every reclamation project and every water-use project in the West is being paid for by the users of the water and of the power that arises therefrom. These are not gifts to us. We borrow the money, sign our bond, and repay the money with interest and sinking fund.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from California.

Mr. THOMAS F. FORD. One of the principal factors in the Colorado River project is the metropolitan water system.

Mr. HINSHAW. Certainly.

Mr. THOMAS F. FORD. That is being carried by the taxpayers of that system.

Mr. HINSHAW. By the taxpayers and the water users and power users in that area. It has nothing to do with the United States except as a lender.

Mr. THOMAS F. FORD. The United States does not have a cent invested in it.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from California.

Mr. VOORHIS of California. Does not the gentleman feel that in view of the very great need that might arise in the future for additional production of food and for the additional production of power and all these other things, it may well be that these investigations are quite as important, for example, as the investigation to determine the location of minerals might be?

Mr. HINSHAW. That is quite possible. I do not know how far in advance we should go of the time when these projects are needed, and I am not willing to state whether or not this development fund is necessary for these purposes now, because it may be that we have enough things prepared in advance for the time being; but I would not be willing to have anyone carry the inference on the floor of this House that these funds are coming from the taxpayers of the United States. They are not. They are coming from the people who use the property and use the water and use the power.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Iowa.

Mr. GWYNNE. Cannot some of this food we may need be raised on the good land of the country that the Government is now paying to have lie idle?

Mr. HINSHAW. I am not in favor of allowing good, fertile lands to lie idle and meantime struggle and pay out huge sums in an attempt to successfully farm poor land that never should have been turned over. I do know that in our part of the country our fertile lands do not lie idle any more than we can help, because our population is very rapidly increasing and we need all the food we can raise. We import great quantities of corn and wheat and dairy products from the great Middle West to supplement our own production, while we export the surpluses of those foods which are peculiar to our soil and climate.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. JONES].

Mr. JONES. Mr. Chairman, I think this amendment is one which the friends of reclamation and those you designated as the enemies of reclamation can join in adopting. I say this because this paragraph provides for investigations of projects in the future. We have already a backlog of $454,000,000 worth of such projects.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. JONES. I cannot yield.

Mr. CURTIS. There is no backlog whatever of new projects.

Mr. JONES. The statements in the hearings speak for themselves at page 325, and the gentleman can take opportunity to refer to them. I think my statement is correct.

Now, there has been the argument made that we need to have more projects investigated in order to get more food for the country. Out in that territory you have to have a half section of land in order to graze one cow, I am informed, and besides that, the Department of Agriculture and the A. A. A. have put 50,000,000 acres of productive land out of cultivation on a scarcity of production program. In addition to that, as the chairman of our subcommittee pointed out a few days ago, when we were considering the Department of Agriculture appropriation bill, that many people were drawing $10,000 per farm in A. A. A. checks for not tilling the soil, on large farms in the South, and at the same time their unemployed tenants were migrating to the West. The A. A. A. has made the first American gypsies.

Now, you gentlemen from the West who are interested in reclamation claim a 14-percent increase in population as a reason for these projects, yet it is brought about by your agricultural program that is throwing those tenants out of work and putting them into Farm Security-operated communal camps. I reassert, and I ask you now to read the testimony of your own witness, Mr. Page: With all the funds that had been supplied for 1942 for reclamation projects only 50,000 acres were brought into production—50,000 acres which does not begin to compare with the fertile lands of Wisconsin, Ohio, Iowa, Illinois, or Indiana, where we can raise many bushels of grain to the acre instead of a few bushels to the acre on this semiarid land. This is the land your Agriculture Department is paying three-quarters of a billion dollars to take out of production in Ohio, Indiana, Illinois, and Iowa. How many millions will you have to spend for investigation, and how many billion dollars' worth of projects will you have to construct in order to duplicate the production of the land that is put out of production by the Department of Agriculture, another branch of the same administration of the Federal Government?

I submit, Mr. Chairman, that this amendment should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. LEAVY] to close debate on this amendment.

Mr. LEAVY. Mr. Chairman, I think if I were recommending a very much needed law so far as Members of Congress are concerned, it would be that no Member should be permitted to serve in this House, at least not a second term, until he has traveled over the United States to a certain degree, and, certainly, he should not be permitted to serve on the Interior Subcommittee of Appropriations until he has gone out into the great West and has seen what it is.

My genial and capable colleague from Ohio talked about western irrigated lands stating 100 acres are required to support a single cow. Why, we have single acres out there that last year produced $160 worth of products. No irrigated area

that is not producing from $30 to $50 per acre in crop production annually in normal years can be considered a successful project.

Now, if I may use a slang expression; unfortunately, there seems to be a hangover from the feeling that existed in the Mississippi Valley States during the period of the depression in reference to bringing a competitor into the field of farm crops, and there developed then a sort of psychology or prejudice against western reclamation. There was a fear that we would be producing crops beyond those which the Nation needed and thus depress prices. I regret that my friends have not shifted positions a little and seen the change that has come into this Nation in the last 6 months.

We were told by the Secretary of Agriculture a short time ago that this year was a critical year in the production of every type of agricultural crops except wheat, and next year is going to be worse. We imported in the last 7 or 8 years crops that now we cannot import and we must now produce.

Coming now to the items in question here, this item came into this bill the first time last year and it was $1,000,000. It was submitted to us at $750,000 and we cut it to $500,000. I do not want in any way to mislead any Member of the House. Some of the Members on the left of the aisle here spoke for this and said that this comes from the reclamation revolving fund.

This is one place in the reclamation appropriation where there is a direct appropriation. This is a direct appropriation that is not repayable, but it is justified a thousandfold. It came first before us a year ago because we had the Case-Wheeler Act placing new duties upon the Bureau. We are making it possible for thousands and thousands of families along the one-hundredth meridian, and west thereof, in the Dakotas, Nebraska, Kansas, Texas, Oklahoma, and those States, to get their projects engineered, and it likewise reaches all the rest of the country.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield to the gentleman.

Mr. CASE of South Dakota. The gentleman has brought out two points that I wanted to touch on. Unfortunately, I was called away to answer a long-distance telephone call, or I would have taken my time on this provision in the bill.

This represents a cut of one-half of what the appropriation last year was and $250,000 below the estimates.

The other point is that this does not come from the Treasury, but on these water-conservation projects, under the Case-Wheeler Act, there is no money in this bill for those projects.

Mr. LEAVY. No; I did not mean to infer that, either; but some of this money goes to the engineering of those projects. Let me show you how important it is that the engineering work be done. These reclamation projects are necessarily giant projects. Some of them go to two or three hundred million dollars. They are not commenced until they are sound financially and engineeringly feasible. The Reclamation Bureau is perhaps one of the most thorough, most efficient, and capable agencies in the United States. We made an initial appropriation 3 years ago of two and a half million dollars for a project. The Reclamation Service stated that they had not completed the engineering detail on it. The next year they reported back that they had not spent any of the money; that it is a 30-million-dollar project, and that they would not undertake it until they had done the engineering. Now, the project is under way in another section of the State on the same river. The place selected as the first site proved to be one where failure was sure to follow construction. The amendment should be voted down, and it will be if we base our votes upon reason and the best interests of our Nation and not upon sectionalism or prejudice.

The CHAIRMAN. The time of the gentleman from Washington has expired. All time has expired. 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 26, noes 61.

So the amendment was rejected.

Mr. JOHNS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNS: Page 79, line 18, strike out "$500,000" and insert "$350,000."

The CHAIRMAN. All debate upon this paragraph is exhausted. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. CASE of South Dakota. Mr. Chairman, I make the point of order that this question has already been settled under the previous amendment, which was to strike out the entire amount.

The CHAIRMAN. This amendment seeks to insert a different amount. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

For administrative expenses on account of the above projects, including personal services (not to exceed $200,000) and other expenses in the District of Columbia and personal services and other expenses in the field, $450,000.

Mr. JOHNS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNS: Page 79, line 23, strike out "$450,000" and insert "$350,000."

Mr. LEAVY. Mr. Chairman, will the gentleman from Wisconsin yield to me for a unanimous-consent request?

Mr. JOHNS. Yes.

Mr. LEAVY. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments to this paragraph close in 8 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNS. Mr. Chairman, I am not going to take the 5 minutes allotted to me. I realize that we have considerably more to read in the bill. I have already called attention to page 73 and page 74 where we have appropriations of $450,000 for this purpose, and if we cut down $100,000 in these expenses, and we ought to be able to cut down some, because many of these men will be called into service, then we can spend this amount of money on essential things. Here is an opportunity to cut out $100,000, and I hope the Democrats on my right will see to it that we do cut down this $100,000.

Mr. LEAVY. Mr. Chairman, I submit the amendment for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

Total, general fund, construction, $70,317,970.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last word. The total which has been just read on construction for the Reclamation Bureau in my judgment, if sound policy had been followed, would have been $86,140,000, so that it might have included two items for the Central Valley project in California, without which the beneficial effect of that project to the people of our State and its financial soundness, from the standpoint of the Federal Government, will be seriously impaired. One of these items should have been $10,723,000 for completion of a transmission line already started; the other should have been $5,000,000 for the starting of a steam plant to firm the power and make possible efficient operation of the project. On page 999 of the hearings there is a paragraph from the report of the Federal Power Commission in which they granted to the Pacific Gas & Electric Co. permission to build two new power plants on the Feather River, in which they said that in their judgment it was necessary to grant these licenses, because this additional electrical capacity is vitally necessary, but in which they also said that the earliest possible completion of the Central Valley project, including a proposed steam plant at Antioch, was absolutely necessary if a serious power shortage is to be avoided.

The committee, however, struck from the bill not only the money for the steam plant, but also the money for the transmission line to carry the power from the dam to the markets where it can be used and where much of it must be used for war industries. As a matter of fact, at this very same time, because we are denied the opportunity to begin construction of a public steam plant, the Pacific Gas and Electric Co. has to build one of their own, yet one of the arguments advanced against the public steam plant was that they could not get priorities. Where is the P. G. & E. going to get theirs?

Another reason advanced for cutting out this item is that the P. G. & E. has made an offer to buy this power at the dam. I do not have any doubt of it in the world, for the one thing that this monopoly private power company of northern and central California wants to do is to protect that monopoly. The

main reason they have opposed this Central Valley project from the beginning, and the main reason they are willing to take the entire supply of this publicly generated power is because they are afraid the Central Valley will bring electricity to the people of that area at what it is worth and will make it possible for the farmers to have their water and the power connected with it, at a reasonable cost.

The city of Sacramento at this hour is attempting to establish a municipally owned plant. The Pacific Gas & Electric Co. knows that if Central Valley has its own transmission line they can supply the city of Sacramento and save the people of that community many millions of dollars. It is no wonder P. G. & E. is willing to make an offer for this power. But that offer provides that Central Valley must deliver a certain number of kilowatt hours of electricity throughout the year. This will make it entirely uncertain whether the Central Valley project can operate effectively in supplying water for irrigation, for salinity control, and adequate flow of the river. For the terms of such contract would have to be fulfilled and delivery of the stipulated amount of power to P. G. & E. would take precedence over all other features of the project.

The War Production Board said that this project was needed; that the steam plant was needed. Mr. Page, of the Reclamation Bureau, said it was needed. The only testimony against it comes from the Pacific Gas & Electric Co., so far as I know.

For my part, it seems to me it is poor economy to tie up the expenditure of $264,000,000 of the people's money in a situation where it can only find one market outlet, in a situation where there is not any transmission line to carry the power; where a private power company has to build a transmission line on its own account, and thus leave the people of California without the possibility of the benefits really coming to them, and the Federal Government in a position where it cannot economically or efficiently market this power to the direct consumers, as it should be.

[Here the gavel fell.]

Mr. BUCK. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCK. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. BUCK. I think the gentleman's remarks are in accord, for the most part, with my own views, but I notice he made one statement which I think he should delete from his remarks. No matter who buys the power or where it is delivered, the water will flow down and wash out the salinity just the same.

Mr. VOORHIS of California. Oh, of course. Let me explain to the gentleman what I had in mind. I am glad the gentleman brought it to my attention. The point is that if you made a contract with the Pacific Gas & Electric for the delivery of a certain amount of electrical energy to them, and if you need, on a certain occasion, to use that water for some of the other purposes, you might be in a position where you could not do it. You might have to store water to be able to live up to your contract when the water was badly needed for irrigation, salinity control, or stream regulation. If Central Valley had its own steam plant such dangers would be completely avoided.

Mr. BUCK. But the water will generate the power at the source of the dam and then it will flow down and wash out the salinity, and you cannot overcome that, as a fact. I want to make your remarks correct. That is all. You can delete everything I have said, but correct yourself.

Mr. VOORHIS of California. I do not want to delete anything the gentleman has said.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. THOMAS F. FORD. Is it not true that the State of California some years ago undertook to establish what is known as the State power and water authority?

Mr. VOORHIS of California. That is right.

Mr. THOMAS F. FORD. And is it not true that the Pacific Gas & Electric, according to the State railroad commission, spent $500,000 to defeat that measure?

Mr. VOORHIS of California. That is right. And it bears out the point I made at the beginning of my speech. I thank the gentleman very much.

I would like to say further, in answer to my colleague the gentleman from California [Mr. BUCK], that it is true, if you are compelled to deliver a certain amount of power you may have to hold the water back when you should let it go down to meet other needs.

The committee, in the report, advises that it has eliminated from the bill the Budget estimate of $5,000,000 for the installation of the steam plant for the Central Valley project and $10,723,000 for the construction of transmission lines for the project.

From the wording of the report, there appears to be a disregard of the weight of evidence in favor of these two items which are the backbone of the financial stability of the Central Valley project and of the need for additional power for war industries in northern California. The report says:

> That conflicting evidence was presented to the committee as to the necessity for the construction of a steam plant at Antioch, Calif., for which $5,000,000 was requested under an estimated total cost of $20,000,000.

What is this conflicting evidence?

In support of its action in eliminating these vital items, the committee gives only this citation:

> Evidence given by one witness was to the effect that an existing power agency in that area would be willing to purchase the entire supply of power generated at Shasta Dam at a fair profit to the Government, thus obviating the necessity of the Government constructing transmission lines or installing a steam plant.

This reference is to a general suggestion by the Pacific Gas & Electric Co., which monopolizes the power market in northern California and would squelch all competition, public or private. I could speak all afternoon on the antagonistic attitude of this company to the construction of the Central Valley project; on its assertions 10 years ago that no additional power was needed in the area; that it had idle plants. In its opposition to public power development it would have deprived the Sacramento Valley of flood control; the Contra Costa of water for irrigation and industrial uses; and the irrigators of San Joaquin Valley of solely needed relief from heavy pumping costs and lowering water tables. I shall have more to say of its offer in a few minutes.

In any event this is the sole voice against the constructive proposals to assure an adequate supply of power for war industries through a steam plant.

The transmission system for which an initial appropriation has already been made will be necessary regardless of whether or not the steam plant is installed. Otherwise power from Shasta and Keswick Dams will be bottled up and subject only to the mercies of the Pacific Gas & Electric Co. The line is needed to carry power to the Delta region to pump water for irrigation to the San Joaquin Valley. It would be a serious matter if the Bureau of Reclamation were to have to depend on a hostile private utility to transmit power to operate the facilities of the Central Valley project itself.

But here is evidence without qualification that supports the proposed appropriation for the steam plant and the transmission lines, which it seems has been disregarded.

First, supporting these two items was the recommendation of the Bureau of the Budget transmitted by the President of the United States.

Second came the Commissioner of Reclamation who said, "'It would be a substantial advantage to install the steam plant at Antioch."

Why did they recommend these items? Mr. Page's testimony, on pages 450–451, shows that the steam plant would be a financial advantage not only to the Government but to the water users and other beneficiaries of the Central Valley project. The operation of the steam plant by the Bureau would yield net revenues of $1,549,000 annually in excess of the offer of the Pacific Gas & Electric Co. In 40 years it would mean that $61,960,000 could be applied to the construction costs of the project and unless this income was received, this huge amount would be borne by the taxpayers of the United States or by the water users of the San Joaquin Valley and Contra Costa area or other beneficiaries.

There was another voice supporting the steam plant. It was the War Production Board. It held that the Antioch steam plant was an essential part of the ultimate development of the Central Valley project. Although unable to say "at this time when priorities could be made available for steam-station equipment to proceed with construction," the War Production Board held the plant necessary. The War Production Board was, of course, unable to commit itself on priorities in advance of an appropriation by the Congress for a steam plant or an ap-

plication by the Bureau of Reclamation for the necessary rating. Previously Shasta Dam power plant was given a rating of A-1-E to assure equipment because of the need for power for war purposes in northern California. Today that need for power is even more urgent.

This evidence, in itself emphatic enough to make me marvel at the way the Pacific Gas & Electric Co. has pulled the wool over our eyes, is given still more weight by the Federal Power Commission itself. The Commission warns of the imminent shortage of power in northern California. On page 935 of the hearings Chairman Olds says of the proposed steam plant:

I think it is wise for the Government to build the steam plant.

Director Tate, of the National Defense Power Division, on page 929, also warns of critical power shortages in the Central Valley region. Although he counts additions to capacities from Shasta and Keswick Dams, he shows the shortages will be:

	Kilowatts
1943	285,000
1944	105,000
1945	215,000
1946	245,000

You and I know that the Central Valley project was authorized as a means of improving navigation, providing flood protection, supplying supplemental irrigation water for hard-pressed farmers, municipal and industrial supplies. and—

For the generation and sale of electric energy as a means of financially aiding and assisting such undertakings and in order to permit the full utilization of the works constructed to accomplish the aforesaid purposes.

There has been appropriated $110,950,000 toward the construction of the project estimated to cost $264,990,000.

I emphasize that the steam plant is essential to the economic operation of the project. Because of the fluctuating flow of the Sacramento River stand-by facilities are necessary to make the output available at all times and more valuable.

This seems to be a last-ditch fight on the part of the Pacific Gas & Electric Co. to block the United States Government in the exercise of its rights to market the power of the Central Valley project as intended by the Congress when it reauthorized this project in 1937. The company has consistently opposed the Central Valley project when it threatened to invade its monopolistic domain in northern California. It has supported the project only with a string to any concessions it has made.

It now offers what is termed a fair profit to the Government on all of the power Shasta Dam will produce.

But from the statement of Commissioner Page, it would seem that the United States Government is being asked to hand over to the Pacific Gas & Electric Co. more than $60,000,000 over a period of 40 years. For that is the amount of additional revenue that will be derived by the project if the steam plant and power line are built. Not only that, but it does not say what its profit will be from transferring the Government's own power from Shasta Dam to the pumping system for the San Joaquin Valley.

For my part if there is to be any profit to anyone in the Central Valley power operations, I prefer that it should go to the United States Treasury and to relieve the hard-pressed farmers of the San Joaquin Valley of heavy water charges. Without the net revenue which will come from operation of the steam plant and transmission lines by the Bureau of Reclamation, the costs of the Central Valley project must be borne by the United States Treasury or by the water users and other beneficiaries.

The belated offer of the Pacific Gas & Electric Co. to give the Government a profit on Central Valley power is, in my judgment, prompted primarily by the company's desire to prevent the people of the city of Sacramento and other communities from operating their own electric distribution systems and using Shasta Dam power for this purpose.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

Fort Peck project, Montana: For commencement of construction of transmission lines, substations, and other facilities as may be required by the Bureau of Reclamation for proper reception, handling, transmitting, and dispatching of electric energy produced at the Fort Peck project, as authorized by the act approved May 18, 1938, entitled "An act to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes," (52 Stat. 403), $499,475, to be immediately available and to remain available until expended, which amount shall be available for personal services in the District of Columbia (not to exceed $10,000) and for all other objects of expenditure as specified hereinbefore in this act under the heading "Administrative provisions and limitations" appearing under the caption "Bureau of Reclamation," but without regard to the amounts of the limitations therein set forth.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question. This amount, as I understand it, is entirely for the purpose of keeping a contract authorization that was passed in the bill last year.

Mr. JOHNSON of Oklahoma. The gentleman is correct.

Mr. TABER. As I understand it the obligations are expected to be incurred before the end of the fiscal year.

Mr. JOHNSON of Oklahoma. Again the gentleman is correct.

Mr. TABER. And it is not new money or a new project?

Mr. JOHNSON of Oklahoma. That is true.

Mr. O'CONNOR. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the item just referred to makes provision for building and constructing transmission lines from Fort Peck Dam to as far east as Williston, N. Dak., and as far south as Glendive, Mont. The civil functions War Department bill recently passed by the Congress carried the sum of $1,300,000 for the purpose of building generators. The generators will, of course, serve no useful purpose without these transmission lines. It is now known that we have large deposits of strategic minerals, notable among them chromite, in the southern part of Montana. It is necessary that power be developed at Fort Peck just as quickly as possible to the end that these deposits may be made use of during this war period, and I am mighty grateful to the committee for including this amount in the bill.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. LEAVY. Let me say that the gentleman has faithfully, carefully, and conscientiously guarded the interests of the State of Montana and this particular item of the Fort Peck Dam and the transmission line, and he has brought it to the attention of the House so much, and I think we understand it so completely, that he need have no fear it is going to be defeated.

Mr. O'CONNOR. I thank the gentleman.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RICH. Is not this Fort Peck Dam the one they had so much difficulty finishing because a part of it washed out?

Mr. O'CONNOR. That is right.

Mr. RICH. If they further increase the size of the dam and raise its height, what is the likelihood that some day another part of it will wash out, causing great destruction and loss of property?

Mr. O'CONNOR. It is, of course, the largest dirt dam in the world; the longest, the highest, and the widest. There is always the possibility that anything might happen, but very little probability. It is just as likely that some other type of construction will go out. This is one of the best built dams in the world, and I believe there is no danger whatever.

Mr. RICH. It went out before, and they claim it is likely to go out again.

Mr. O'CONNOR. When it went out before it was under construction.

I have actively supported the requests for reclamation appropriations because I feel that only through increased use of western land resources by means of irrigation can the Western States be built into their just place in the national economy.

The contribution of our Western States to the war, in an agricultural sense, is largely dependent upon irrigation. In the matter of sugar beets alone, irrigated agriculture represents 75 percent of the total crop. Montana's sugar-beet acreage could be doubled with adequate irrigation water and with the necessary increase in refining facilities.

The program of developing western land and water resources must be continuously prosecuted in all stages, from the first preliminary investigation to fruition in the form of the projects ready for actual settlement.

Because I realize the significance of long-time planning for reclamation, I regret indeed that a reduction of $550,000 has been made in the Interior supply bill item covering investigative work of the Bureau of Reclamation. I know, for instance, how critical is the need for investigative work in my own State of Montana. The selection of storage sites that will provide dependable water supplies to irrigated lands, generate some power, and yet be feasible in an economic sense is a

complex job. It requires not only the physical scientist's skills in hydrology and engineering, but also the combination of these skills with the reasoning of economists and the experience of agriculturalists, if the project is to accomplish the objective of scund community building. Initial investigations are but the beginning of the job, and yet that beginning has been curtailed. How, I ask, is it proposed that the Bureau of Reclamation prepare itself for a full-scale program after the war, if we limit its authority for laying the groundwork now? We are going to need the work of the Bureau of Reclamation in post-war years. We will need it not only for the continued, progressive job it has been doing in building western agriculture and industry, but perhaps even more for the opportunity it will provide for a soundly conceived public-works program. A public-works program to fill dinner buckets, gentlemen.

Montana has not been particularly favored by the Federal Government in its reclamation work. In fact, we have some reason for a statement that we have been sadly overlooked. Fort Peck is the only Federal dam of any size in the State, and its purpose so far has been power production.

I should like to see irrigation pushed, just as far as the supplies of critical materials will let us go. We cannot abandon irrigated agriculture permanently for battleships, even in war. The battleships and planes must be manned, and men have to eat. Irrigated agriculture is an essential link in the chain of agricultural supplies, a link that must not be permitted to wear through if we are to win the war.

By unanimous consent the pro forma amendments were withdrawn.

The Clerk read as follows:

Labor and services of enemy aliens and of all American-born Japanese who are under the control of the War Department or other Federal agency may be utilized by the Secretary of the Interior in the construction of water conservation and utilization projects under such regulations and conditions as the War Department or other Federal agency exercising said control may prescribe and in accordance with the provisions of section 2 of the act of October 14, 1940 (54 Stat. 1119).

Mr. FITZPATRICK. Mr. Chairman, I ask unanimous consent to consider as read that portion of the bill beginning at the top of page 81 and ending with line 10 on page 104.

Mr. TABER. Mr. Chairman, reserving the right to object, I have never permitted, when I have been on the floor, an appropriation bill, or any part of it, to be considered as read.

Mr. FITZPATRICK. These are two items to which the committee agreed.

Mr. TABER. I have no doubt but that there will be no amendments, but I think we will get along faster to do it in the regular way.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. TABER. Mr. Chairman, I object.

The Clerk read as follows:

Production of alumina from low-grade bauxite, aluminum clays, and alunite (national defense): For all expenses necessary to the conduct of investigations and research on processes for production of alumina from siliceous bauxites, aluminum clays, and alunite, including all necessary laboratory research; maintenance and operation of small subcommercial plants; procurement of necessary materials and ores; construction and equipment of a building to house testing and subcommercial plant units; engagement by contract or otherwise, and at such rates of compensation as the Secretary of the Interior may determine, of the services of engineers, architects, or firms or corporations thereof, that are necessary to design and construct the building and plant units; purchase of supplies and equipment; travel expenses; purchase of furniture and equipment, stationery and supplies, typewriters, adding and computing machines, professional and scientific books and publications; purchase of special wearing apparel or equipment for protection of employees engaged in their work, $93,925: *Provided*, That section 3709 of the Revised Statutes shall not be construed to apply to this appropriation.

Mr. WILSON. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WILSON: Page 97, line 4, after the word "aluminum" insert the words "and alumina."

Line 7, after the word "alumina" insert the words "and aluminum."

Line 11, after the word "of" strike out the words "a building" and insert the word "buildings."

Line 22, after the word "work" strike out "$93,925" and insert "$743,925 to be immediately available."

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. WILSON. Mr. Chairman, I have offered this amendment because of the well-known and acknowledged shortage of aluminum for our national defense purposes. Some of our plants are only operating at about 35 to 50 percent capacity, due to the shortage of aluminum. We are at present dependent to a great extent for our aluminum supply on the bauxite of South America. We are all aware of the difficulty this country is experiencing now in getting that bauxite transported to our shores through the Caribbean waters.

The Bureau of Mines has requested that we increase this appropriation in order to explore all the possibilities of producing aluminum from low-grade ores, of which I am informed we have quite an abundance.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. Did the Bureau of Mines approve this amendment the gentleman has offered?

Mr. WILSON. The Bureau absolutely has approved it and are recommending it. It has been recommended by members of the War Production Board, whom I cannot quote at this time because I have not been able to get in touch with them this afternoon in order to get permission to quote them.

Mr. CARTER. Will the gentleman yield?

Mr. WILSON. I yield to the gentleman from California.

Mr. CARTER. Will the gentleman produce for the committee's enlightenment the communication from the Bureau of Mines?

Mr. WILSON. Yes; I have it before me now.

Mr. RANKIN of Mississippi. This is a very important amendment and one which I think should be thoroughly considered.

Mr. WILSON. Mr. Chairman, upon reading this bill and noting the allowance in the bill for experimental work, and knowing of the aluminum shortage, I want to call to the attention of this body some large deposits of very rich aluminum ore. I know of an area of 78 square miles in my district which has been recommended by the Geological Survey as an area under which there is a vein of kaolin from 4 to 15 feet thick, and I have been informed by a reliable authority that this vein of kaolin will yield about 50 percent alumina. There is power available on the site for extracting the alumina from this ore.

We do not know how long we are going to be able to provide our defense plants with even a fair amount of aluminum, so I went to the Bureau of Mines and asked them if the amount of money provided in the bill was sufficient to carry on the necessary experimentation to explore these sources and develop the chemical processes and do the research work necessary to extract this aluminum, and the Bureau said, "Absolutely not."

Since I have had about 70 hours of science and have done a lot of research work, I know the amount of time and work required to carry on research. I also know that we may waste millions of dollars exploring raw-material sources and in producing defense materials by some inferior means, means that have not been thoroughly experimented with and developed. If we can foresee this thing and develop better processes and establish the most efficient chemical processes for extracting alumina from low-grade ores, we may be better able to arm our men and perhaps save our country millions of dollars.

Mr. RICH. Will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Pennsylvania.

Mr. RICH. We would have been grateful if the gentleman had come before the committee and offered this testimony so we could have included it in the bill, if it is essential.

Mr. WILSON. I am sorry but I did not have an opportunity, since I did not know of it in time.

Mr. RICH. What has the gentleman from the Bureau of Mines?

Mr. WILSON. I have a statement I could read, but I will not have time to read it.

Mr. RICH. Was it a recommendation from the Bureau of Mines?

Mr. WILSON. It is a statement by the Bureau in answer to a letter which I addressed to them yesterday.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Mississippi [Mr. RANKIN] is recognized.

Mr. RANKIN of Mississippi. Mr. Chairman, I hope the committee will accept this amendment. I have been working on this proposition for a long time and I talked to the Bureau of Mines about it several times.

We have not enough high-grade bauxite in this country to last for 2 years and if the high-grade aluminum ore in South America were shut off today, we would soon find ourselves out of aluminum. It is a very serious situation.

We do have large deposits of low-grade bauxite and large deposits of aluminum-bearing clay. They all have to be worked by a different process from that now used in processing the high-grade bauxite in Arkansas. I took this matter up with the Bureau of Mines and introduced a bill providing for $100,000, but they came back and said that was not enough, that they would need a great deal more than that, that they would have to have pilot plants; probably two of them, one to extract alumina from clay and one for the low-grade bauxite. They have found those formulas and are now ready to use them.

We are having our vessels sunk today all around the coast of South America. What is called the Dragon's Mouth in between the West Indies islands and the coast of Venezuela has been virtually closed now. If the Windward Passage should become closed and then the Florida Strait, we might be entirely shut off from this bauxite supply in South America.

The Bureau of Mines is extremely anxious to have this increase. The reason I did not offer this amendment was that I thought it was too late, and we would have to get the item placed in the bill in the Senate. But I do hope the committee will accept this amendment. If I did not think it was necessary, and vitally necessary, I would not have risen to support it. The situation is serious, and the administration knows it is serious. This is our only chance to replenish our supply of alumina in case our supply in South America should be shut off. So I trust the committee will accept the amendment and that the House will adopt it.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Nevada [Mr. SCRUGHAM].

Mr. SCRUGHAM. Mr. Chairman, I may say to the gentleman from Indiana that the committee is sympathetic with his desire to furnish an additional source of alumina, but the customary method of handling appropriations is first to have an item recommended by the Bureau that will do the work, second, to have it presented to the Budget, which goes over the detail, and third, to send it to the committee, which carefully examines the pros and cons as to making the appropriation.

In this particular case, I suggest to the gentleman that he get a recommendation from the Bureau of Mines, which I believe he already has, then present it to the Budget, and then take it over to the Senate and have it incorporated in the bill during the Senate hearings. That is the orderly, systematic procedure. If we followed any other method, we would have more or less chaos and confusion by attempting to write an appropriation measure on the floor without having previous investigation.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from Ohio.

Mr. JONES. The gentleman is a mining engineer and he was responsible for this provision being put in the appropriation bill in the first place; was he not?

Mr. SCRUGHAM. To a large degree.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from Indiana.

Mr. WILSON. In the gentleman's opinion, should we carry on more research work and do it immediately to find out some efficient method for extracting this low-grade ore?

Mr. SCRUGHAM. I am entirely sympathetic with the objective, and I think it will be done.

Mr. WILSON. Does the gentleman believe the amount in the bill is sufficient?

Mr. SCRUGHAM. The amount in the bill is sufficient for the skilled personnel which is now available.

Mr. RANKIN of Mississippi. The Bureau of Mines says not.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was rejected.

The Clerk read down to and including line 10 on page 104.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and Mr. McCORMACK having assumed the chair as Speaker pro tempore, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the Department of the Interior appropriation bill, 1943 (H. R. 6845), had come to no resolution thereon.

PRODUCTION OF WINES, BRANDY, AND FRUIT SPIRITS

Mr. BUCK submitted a conference report and statement on the bill (H. R. 5802) to amend certain provisions of law relative to the withdrawal of brandy for fortification of wines and production of wines, brandy, and fruit spirits so as to remove therefrom certain unnecessary restrictions.

CASES UNDER THE EXPEDITING ACT OF FEBRUARY 11, 1903

Mr. McLAUGHLIN submitted a conference report and statement on the bill (H. R. 6005) to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress.

WAR DEPARTMENT CIVIL FUNCTIONS APPROPRIATION BILL

Mr. COCHRAN. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. SNYDER], I ask unanimous consent that the subcommittee handling the War Department civil functions appropriation bill have until midnight tonight to file a conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand that when we come in at 11 o'clock tomorrow we are going on with the consideration of the bill we have had under consideration today.

Mr. COCHRAN. Either that bill or the conference report on the War Department civil functions appropriation bill.

Mr. JOHNSON of Oklahoma. That is my understanding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short article from the Reclamation Era.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DWORSHAK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief statement I made before the appropriations subcommittee and also to include a letter from Commissioner Page and a letter from Secretary Ickes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

LEAVE OF ABSENCE

Mr. PLOESER. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Missouri [Mr. BENNETT] may be given an indefinite leave of absence on the advice of the physician at the Capitol, due to illness.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. WASIELEWSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include a letter I have addressed to Mr. Nelson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. REES of Kansas. Mr. Speaker, on today I have a special order to address the House for 15 minutes. I ask unanimous consent that on tomorrow, after the regular business of the day has been transacted, I may be permitted to address the House for 15 minutes, in lieu of the special order I have for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

EXTENSION OF REMARKS

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a guest editorial by Ralph E. Ammon, director of the Wisconsin Department of Agriculture, appearing in the Wisconsin State Journal.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a table of profits of individual corporations for 1940 and 1941, showing the percentage of increase for 1941.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FOLGER. Mr. Speaker, I ask unanimous consent that on tomorrow, after the regular business of the day and following any previous special order, I may address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein two letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GORE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a letter to me from Maxey Jarman, president of the General Shoe Corporation, and my reply thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial in the magazine The Cross and the Flag.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Also, Mr. Speaker, I ask unanimous consent to extend the remarks I made a week ago yesterday.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include short newspaper articles.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ELLIS. Mr. Speaker, I have two requests, in each of which I ask unanimous consent to include a newspaper article.

The SPEAKER pro tempore. Is there objection?

There was no objection.

JEWISH ARMY IN PALESTINE

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, in an apprehensive statement, Prime Minister Churchill told the united forces today that "we are likely to lose the war unless we use our combined overwhelming strength and use the multiplying opportunities that will present themselves to us." I want to call to the attention of the Prime Minister the fact that the Committee for a Jewish Army has pointed out repeatedly that there is in Palestine and other Middle East countries a manpower capable of supplying an army of approximately 200,000 Jews ready to fight with the valor that is characteristic of those who are defending their homelands. The immediate mobilization of these people must suggest itself as a wise course to all who want to see America win this war quickly. Many of our generals and our admirals tell us that such an army is essential to the protection of the Suez Canal. I do not know whether or not we are sending any men into that section of the globe now, but I venture to assert that it is only a question of a few weeks when American boys will be sent to Palestine to protect that region. Obviously there is an available army there now; a fierce army of traditional soldiers, for the Jewish people have, throughout the history of their existence, been a fighting people. Why not use it? The Jews were the first victims of Hitler. They want to fight. Why not let them fight, and in that way reserve our men for other important sections?

For some reason the United Nations have failed to take advantage of this ready manpower. Therefore I respectfully suggest that the President of the United States, at the earliest possible date, negotiate with the British Government in an effort to utilize this manpower. And I further suggest that he assign an American general to the task of effectively using this army, in the hope that military considerations will prevail and that we may drive on to victory and realize in the shortest possible time the complete destruction of the despotic forces that we are called upon to fight.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that I be permitted to yield back the 10 minutes of the special order granted to me today.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MR. STEPHEN RAUSHENBUSH

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore. The Chair suggests there are other special orders on the Calendar that must first be taken care of.

Mr. RANKIN of Mississippi. Then, Mr. Speaker, I ask unanimous consent, in view of the attacks made yesterday on Mr. Raushenbush, to extend my remarks in the RECORD and include a letter from him written to me today, and also a letter from Senator BENNETT CHAMP CLARK, written to Secretary Ickes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks and include a very interesting and informative article in yesterday's Washington Star relative to the pending measure.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PRODUCTION OF WAR MATERIALS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Michigan [Mr. WOODRUFF] is recognized for 8 minutes.

Mr. WOODRUFF of Michigan. Mr. Speaker, the country is hearing a great deal from administration spokesmen these days about how production of war machines and munitions is being stepped up. There are also charges of slowdowns here and there. A grave danger—grave because it is insidious—confronts this country. It is time that it be pointed out. The technique of the bureaucrats, in those months when they should have had production and were not getting it, was to emphasize in all of their propaganda in the press, over the radio, through the motion pictures, and from the platform, the tremendous sums being appropriated and authorized.

The effort was made to convince the country that in some way appropriations and authorizations meant what only actual production could accomplish, and what was not being accomplished at the time.

We are now hearing much about production. If we are getting the production administration spokesmen say we are, the country can thank God for that. It still remains a fact, however, that reputable observers in Washington say it takes as much as 2 weeks in many cases for orders issued by the War Production Board to reach the governmental agencies which are to carry out those orders although, in many instances, the agencies are not two blocks away. That, however, is only a part of the grave danger which confronts this Nation. The rest of it is this:

Appropriations are only a preliminary step, necessary as they are. Authorizations are only a preliminary step, necessary as they are. Specifications are only a preliminary step, necessary as they are. Letting of contracts is only a preliminary step, necessary as that is. Production is the most important step in that succession of steps, but production is not the final step. The final, absolute, vital step which effectuates all of these previous steps is the delivery of these machines and munitions of war to our fighting men, and the fighting men of our allies, at the points where those machines and munitions are needed, and to get them there in time and in ample quantity.

If this final, vital step fails, if the machines and implements of war are not delivered to our fighting forces at the points needed in time and in sufficient quantities, all these previous steps of appropriations, authorizations, specifications, contracts, and production become ineffective and meaningless.

The evidence is accumulating in Washington that these machines and munitions are not being delivered at the points where they are needed by our fighting forces and our allied fighting forces in time and in sufficient quantities.

The administration has had all the money it has asked for. The Congress has appropriated billions piled upon billions. To date, Mr. Roosevelt has asked the American people, through Congress, for more than $160,000,000,000 to spend on this war. The President has been the recipient of powers piled upon powers. Twenty-two months have passed. The American people are demanding to know, and well may they demand to know, Where is the production? Why are the machines and munitions not being delivered to the points where they are needed, desperately needed, in time and in sufficient quantities?

America cannot defeat her enemies with words, propaganda, appropriations, authorizations, specifications, contracts, or production, so long as those machines and implements and munitions remain in warehouses in the United States. The people of America must demand with an insistence unending that the delivery of these machines and munitions be accomplished forthwith.

We have General MacArthur's warning that too little, too late, means betrayal and death for the boys in the fighting lines and defeat and enslavement for America.

America demands, and America will get, that delivery of enough in time, or they will know the reason why. The American people are now determined that no bureaucrat, that no partisan political consideration—nothing—shall stand between this Nation and its security, and between civilization and the threat of its extinction by brutal, ruthless, murderous marauders.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WOLCOTT. Mr. Speaker, on behalf of my colleague the gentleman from California [Mr. HINSHAW], I ask unanimous consent that he may be granted permission to extend his own remarks and include two newspaper articles and a letter addressed to the Attorney General.

The SPEAKER pro tempore (Mr. COSTELLO). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. LUDLOW] is recognized for 20 minutes.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a table and a number of letters I have received from members of the Cabinet and chiefs of various governmental activities.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ECONOMY IN NONDEFENSE ITEMS A VITAL NECESSITY—NATION'S PRINTING BILL A GOOD PLACE TO START

Mr. LUDLOW. Mr. Speaker, I have asked for this time in order that I might present a progress repor on an effort I am trying to initiate to cut the enormous printing and binding costs of the United States Government. This is only one of innumerable places where the economy knife must be inserted deeply if we are to do our duty and carry out the wishes of the American people. But it is a good place to make a beginning.

A general, all-around reduction of nondefense expenditures has become not only a duty but a necessity. There is no use blinking at the facts and trying to convince ourselves that we can have all of the comforts and conveniences, the frills, and pet schemes and extravagances of peacetime and total war at the same time. They simply do not mix.

We are in a desperate war to preserve human freedom and the American way of life. Personally, I think it is going to be a long war. There is certainly nothing to indicate otherwise, with Japan entrenched in the Far East and Hitler in possession of Europe's "bread basket." As it continues it will draw more and more on America's vital resources. Our debt has mounted spectacularly until with existing commitments it is around $125,000,000,000. The last official estimates we have place the total wealth of the United States between $250,000,000,000 and $300,000,000,000. Since those estimates were made several years ago, our wealth has grown and the increase might now conceivably bring the total up to around $375,000,000,000. If in less than 4 months of war our national debt already amounts to one-third of the national wealth, what in Heaven's name will we be using for money to carry on the war 10 years from now?

CONGRESS NOT YET ECONOMY CONSCIOUS

As a Member of Congress trying to grasp the realism of the thing, I believe our national lawmaking body is not yet conscious of the cutting that will have to be done in our nondefense expenditures. I believe it has not yet even begun to be conscious of the drastic curtailments which are bound to come and which we will be compelled to put into effect in every kind and character of appropriation not associated with the war effort. I think that we in Congress will have to be shaken into a realization that we cannot have nondefense appropriations as usual and total war at the same time, and I believe the American people are about ready to do the shaking. My conclusion that the Congress is not aware of what it is up against in this respect is strengthened when I behold the numerous nondefense bills now pending to drain the United States Treasury of resources which must be conserved to carry on the war effort. Conspicuous among these is the rivers and harbors bill, carrying nearly a billion dollars, with a prospect that hundreds of millions more will be added to it if it ever reaches the stage of amendment in the House and Senate. This bill includes the indefensible St. Lawrence seaway scheme and the grandiose project to bisect the State of Florida with a ship canal, and various other ancient and fantastic measures to breach the Treasury. It is unthinkable to me that in the present state of our national finances and with the drain that war places on the Nation, such a squandering of money for nondefense, nonessential projects should even be considered for a moment, and yet we find it before us backed by a favorable committee report. When I see the big crop of nondefense Treasury tapping measures budding and flowering as usual and asking to be watered by American dollars, I wonder if we have really awakened to the fact that we are at war.

FIFTY-ONE UNOPENED GOVERNMENT PUBLICATIONS

My purpose in arising, however, was not so much to call attention to the general picture of war financing and needed economies as to advise the Congress and the country of my inquiry into the cost of printing and binding by governmental departments and the savings which I hope may be effectuated in that particular line of economy. We are all familiar with the Gargantuan outpouring of Government documents of every imaginable variety and description, some modest and others ornate, printed on costly calendered paper and embellished with illustrations. Some of these publications have been printed in colors, which adds largely to their cost. One Government official, who is opposed to this waste, told me about an acquaintance of his, a businessman who, on examining the contents of a wastebasket in his office, found 51 Government publications, all in their original wrappers. At this point I desire to submit for printing in the RECORD a statement showing the amounts expended for printing and binding by the executive departments and agencies and Congress during the fiscal years 1939, 1940, 1941, and the first 6 months of the fiscal year 1942, as follows:

	1939	1940	1941	First 6 month 1942
Congress	$2,700,000.00	$2,987,378.23	$3,557,568.21	$2,110,867.99
The Federal Register	120,000.00	112,621.77	162,431.79	78,189.40
Code of Federal Regulations		88,147.05	125,283.45	
Private orders by Members of Congress:				
Documents, reports, bill, etc	20,338.23	12,815.12	26,621.07	5,751.04
Speeches	60,488.47	97,820.99	77,752.00	23,296.07
Other private orders	1,797.44	4,771.01	2,553.27	469.16
Superintendent of Documents	727,986.55	850,181.66	1,198,259.33	561,622.14
Library of Congress	468,536.23	542,168.15	550,885.07	236,174.70
Agriculture	1,447,208.19	1,950,909.85	2,433,426.86	960,792.12
Commerce	534,740.84	1,065,234.84	1,022,895.28	672,324.52
Interior	861,599.48	662,429.63	778,322.86	236,982.73
Justice	403,675.07	434,112.69	712,094.58	297,636.16
Labor	603,222.36	412,575.18	488,806.54	182,057.88
Navy	714,731.04	1,002,814.31	2,158,284.18	1,344,088.45
Post Office	1,881,791.91	2,046,122.52	2,213,324.63	1,074,878.85
State	215,092.82	204,219.23	259,048.55	102,183.58
Treasury	1,521,430.92	1,552,932.87	2,044,042.26	1,794,259.03
War	733,390.64	1,129,732.64	5,244,316.58	3,442,136.93
Administrative Office, Export Control				7,810.25
Administrative Office, U. S. Courts			34,858.43	29,481.01
Advisory Committee for Council of National Defense		326.92		
Agricultural Adjustment Administration	538,877.76	100,834.25	1,462.26	
Alien Property Custodian	(1)	(1)		
Alley Dwelling Authority	550.75	1,146.94	2,138.12	953.70
American Battle Monuments Commission	22,019.29	239.50	2,878.95	2,526.51
Benjamin Harrison Memorial Commission		18.39		
Board of Governors, Federal Reserve System	2,584.16	1,092.52	1,328.36	3,422.82
Board of Investigation and Research				178.55
Board of Tax Appeals	30,383.63	31,218.00	36,697.20	18,983.30
Bureau of the Budget	38,277.04	44,946.31	50,901.93	2,611.65
Canal Zone Biological Laboratory				1.58
Central Statistical Board			1,468.63	147.15
Civil Aeronautics Authority	41,605.63	89,565.52	24,169.10	1,369.93
Civil Service Commission	128,732.36	155,315.91	353,364.70	181,557.73
Civilian Conservation Corps	40,030.18	9,565.47	2.28	
Commission of Fine Arts	406.20	351.48	197.86	247.51
Commodity Credit Corporation	59,531.05	19,712.52		
Coordinator of Information				6,099.43
Council of Personnel Administration		26.35		
Court of Claims	27,211.75	29,110.81	24,037.06	10,953.20
Court of Customs and Patent Appeals	5,733.63	6,029.77	6,407.32	7,248.67
District Court of the United States for the District of Columbia	264.72			
District of Columbia government	83,900.54	78,394.76	75,959.63	27,849.42
Economic Defense Board				136.48
Electric Home and Farm Authority	587.04	2,482.33		
Employees' Compensation Commission	41,412.71	30,605.38	32,326.41	9,906.50
Export Control			3,874.27	
Export-Import Bank of Washington	308.18	263.06		
Farm Credit Administration	104,424.25	131,784.76	131,456.21	60,040.19
Farm Security Administration	158,536.49	161,373.46	195,275.00	107,265.52
Federal Alcohol Administration	12.00	12.00		
Federal Board for Vocational Education	(2)	(2)		
Federal Communications Commission	42,360.59	40,063.35	58,809.20	12,543.18
Federal Coordinator of Industrial Cooperation			11,836.99	
Federal Deposit Insurance Corporation	8,942.77	8,786.90	8,945.49	2,608.92
Federal Emergency Administration of Public Works	134,250.44	26,121.50		
Federal Emergency Relief Administration	50.70			
Federal Home Loan Bank Board	14,238.56	4,821.33		
Federal Housing Administration	306,389.47	87,235.38		
Federal Loan Agency		247,452.57	376,219.01	158,518.94
Federal Power Commission	39,563.14	75,720.92	58,494.33	13,123.68
Federal Savings and Loan Insurance	1,343.48	17.41		
Federal Security Agency		465,935.09	853,109.48	387,821.10
Federal Surplus Commodities Corporation	16,784.90	10,684.94		
Federal Trade Commission	62,872.31	83,376.06	70,905.08	24,524.79
Federal Works Agency		411,021.94	450,505.04	215,910.71
General Accounting Office	101,002.96	103,108.88	110,895.34	67,340.65
Geographic Board	(2)	(2)		
George Washington Bicentennial Commission	13,103.42			
Home Owners' Loan Corporation	44,813.69	12,425.56		
Inland Waterways Corporation	18.50	497.29		
Interstate Commerce Commission	209,920.77	245,207.83	245,360.95	109,442.98
Maritime Labor Board	493.32	388.37	2,576.49	4.44
National Academy of Science	187.10	191.02	299.09	
National Advisory Committee for Aeronautics	19,199.55	25,031.36	26,797.11	9,716.69
National Archives	12,476.92	19,395.05	13,100.69	5,222.86
National Bituminous Coal Commission	36,002.66	12,007.50	9,439.66	
National Capital Park and Planning Commission	73.18	27.92	63.49	31.99
National Emergency Council	38,870.95	1,429.37		
National Forest Reservation Commission	797.03	696.03	680.00	52.51
National Gallery of Art	743.38	424.36	4,935.43	6,281.57
National Labor Relations Board	91,423.78	157,015.01	135,299.54	56,146.64
National Mediation Board	2,669.80	2,117.73	2,874.46	770.10
National Railroad Adjustment Board	36,117.73	380.16	1,108.07	50.05
National Resources Planning Board		2,984.10	19,157.55	9,038.42
National Unemployment Administration	23,193.14			
Northwest Territory Celebration Commission	4.25			
Office for Emergency Management			125,050.57	328,884.29
Office of Government Reports		20,010.82	43,750.49	20,220.26
Office of Production Management			78,331.66	108,357.11
Pan American Union	27,701.24	36,095.92	31,806.39	16,429.39
Panama Canal	6,679.82	14,096.44	20,524.33	9,570.64
Patent Office	789,740.72	873,767.22	908,171.25	343,361.75
Prison Industries Reorganization	45.09			
Public Buildings and Public Parks	(2)	(2)		
Puerto Rico Reconstruction Administration	2,900.65	2,850.36	501.87	177.68
Railroad Administration	33.51			
Railroad Retirement Board	27,751.88	113,210.09	100,464.40	53,279.73
Real Estate Commission, District of Columbia		14.34		
Reconstruction Finance Corporation	160,374.24	76,234.43	16,535.30	
Resettlement Administration	.50			
Rural Electrification Administration	74,665.08	23,505.90	7.95	
Securities and Exchange Commission	100,930.90	135,415.36	131,103.56	56,996.96
Selective Service System			286,164.62	71,515.41
Shipping Board	(3)	(3)		

[1] In Justice. [2] In Interior. [3] In Commerce.

	1939	1940	1941	First 6 months 1942
Smithsonian Institution	$56,463.03	$58,576.79	$65,194.56	$37,832.02
Social Security Board	256,633.89	81,247.63	7,214.34	
Supreme Court, United States	10,949.56	6,357.92	8,290.29	6,147.94
Tennessee Valley Authority	57,775.70	45,587.25	44,991.27	19,197.29
Thomas Jefferson Memorial Commission	315.99	298.11		
United States Committee for the Celebration, 200th Anniversary, Birth of Thomas Jefferson				98.68
United States Commissioner Paris International Exposition				
United States Constitution Sesquicentennial Commission	1,425.03		5,435.00	
United States Coronado Exposition		32.52		
United States Court of Appeals for the District of Columbia	1,754.27			
United States Customs Court		21.32		
United States Golden Gate International Exposition	953.94	197.46		
U. S. Housing Authority	39,895.06	10,226.96		
U. S. Maritime Commission	39,170.09	45,516.17	43,009.74	30,517.32
U. S. New York World's Fair Commission		1,569.26		
U. S. Tariff Commission	25,665.07	19,769.36	16,489.50	15,941.00
Veterans' Administration	131,967.54	143,594.77	155,741.58	60,837.43
War Finance Corporation		14.95		
White House	5,552.45	5,699.91	7,372.33	3,672.45
Works Progress Administration	817,902.04	240,176.32	2,787.62	
Commodore Perry Commission	114.00			
Grand total, printing, binding, and blank paper	18,238,045.10	20,150,203.72	28,593,638.71	15,864,603.65

OVER-ALL PRINTING COSTS

This table shows graphically how the cost of printing and binding has grown from $18,238,045.10 in 1939 to $28,593,638.71 in 1941, an increase of over $10,000,000 in 2 years, with a prospect of a further increase to about $32,000,000 in the fiscal year 1942.

But this does not begin to tell the story of the financial obligation on the Government incurred on account of printing and binding. The various documents that are printed have first to be written and edited and a large personnel is required in their preparation. This entails a cost equal to or greater than the cost of printing and binding. Then there is the amount of postage that is lost by reason of the fact that these documents are mailed free to the four corners of the earth. The amount of postage lost on penalty—departmental—mail in the fiscal year 1941 was $49,020,190.

That is to say, if postage on this matter had been collected at the usual rates, the amount would have been $49,020,190; but it is only fair to explain that the actual cost of handling the penalty mail, according to cost ascertainment figures, was $19,717,000 in that year. It is reasonable, I think, to assume that the cost of preparing and editing manuscripts intended for printing, the actual cost of the printing and binding and the cost of the handling of departmental and congressional printed matter under frank is in excess of $85,000,000 a year.

MILLION DOLLARS A YEAR FOR HEARINGS

It will surprise the general public and, I think, many Members of Congress to learn that the cost of printing and binding of congressional hearings is a million dollars a year. To be exact, the estimate of this item for the fiscal year 1942 is $1,055,000, and the actual cost for the fiscal year 1941 was $968,316.

This is the sheer printing and binding cost and does not include the pay of the stenographers who report the hearings or any other incidental charges. The cost of one hearing, that of the Civil Liberties Committee, was $296,000. Think of it. A vast amount of the testimony taken down by the official stenographers and printed in committee hearings is repetitious and inconsequential. How to reduce the cost of committee hearings is a problem. One suggestion is that competent clerks be employed to make a condensation or syllabus of important parts of the testimony and that such syllabus only be printed. But there the human factor enters, and what one person would regard as important enough to be printed another might omit altogether.

Another suggestion is that hearings be taken down by stenographers and transcripts of the testimony be placed on file with the committee and made accessible to everybody, but that the printing of the hearings be dispensed with. This would cut down the cost of congressional committee printing at least 90 percent, but it would do away with the general and widespread publicity of committee proceedings, which is believed to be in the public interest.

LETTER TO HEADS OF DEPARTMENTS

On February 12 last, I sent to every member of the Cabinet and the head of every important United States Government activity the following letter:

DEAR MR. ———: As a member of the Appropriations Committee, still interested in economy notwithstanding the colossal overshadowing expenditures that are necessary for national defense, I am writing to invite your attention to a matter which, while seemingly of relative unimportance, bears possibilities, I believe, of substantial dividends in national morale, as well as in actual savings.

Everywhere the people are expressing a willingness to bow their backs to any tax impositions that may be necessary to win the war, but they are not only insisting but demanding that waste and extravagance in every conceivable form shall be eliminated from our national expenditures.

I am writing respectfully to request that you make a study of the paper and printing needs of your establishment to see if it will not be possible to effectuate worth-while savings in your paper and printing bill. One Government commission has been able to save thousands of dollars by changing its press releases from a daily to a weekly basis, printing on both sides of the paper and adopting other similar reforms to conserve paper and reduce printing costs.

If this example were followed generally throughout the Government, the saving in money would be substantial, but more important still would be the heartening effect on public morale. The people would construe this conservation effort as an indication that the practice of economy is not a lost art in Government operations and they would be cheered and encouraged.

I will be most appreciative if you will advise me whether it will be possible for you to make such a survey as I have suggested.

Very sincerely yours,

LOUIS LUDLOW.

Mr. Speaker, the replies to this communication have been most gratifying. My suggestion that printing and binding costs be overhauled and that a critical study be made to ascertain how the same may be reduced has met instant and favorable reaction from all of those to whom the letter was sent. Without exception, sincere and complete cooperation is promised to bring down these costs. I believe that the spirit of cooperation which is being manifested should soon result in a saving of many millions of dollars a year to the taxpayers.

The replies I have received from heads of governmental activities and accompanying data in support of a real economy move to cut down the Nation's printing and binding bill would fill one whole issue of the CONGRESSIONAL RECORD. Obviously I can submit only a small fraction of them for publication. The following communications are presented to show the fine spirit of cooperation manifested by the heads of all departments and agencies.

SECRETARY HULL

DEPARTMENT OF STATE,
Washington, February 18, 1942.

The Honorable LOUIS LUDLOW,
House of Representatives.

MY DEAR MR. LUDLOW: I have your letter of February 12, 1942, expressing your interest in the possibility of effecting worth-while savings in the Federal Government in expenditures for paper and printing.

In this connection you may be assured that I shall be very glad to cooperate with you in making a survey with a view to effecting economies wherever possible. In fact, I might add that such a survey with respect to the use of paper and other stationery supplies is now under way in the Department, and I expect within the next few days to inaugurate certain procedures which will aid materially in keeping expenditures for these items to a minimum.

Sincerely yours,

CORDELL HULL.

SECRETARY JONES

THE SECRETARY OF COMMERCE,
Washington, March 3, 1942.

Hon. LOUIS LUDLOW,
House of Representatives,
Washington, D. C.

DEAR MR. CONGRESSMAN: We are in hearty accord with the suggestion contained in your letter that war economy and public morale demand a critical check of Government paper and printing needs. The economies suggested as well as additional curtailments were put in force throughout the Department some time ago.

The Department's publications committee, representative of each bureau, division, and other issuing agency, made a comprehensive study of all printing, processing, and use of paper, and other supplies. All publications not considered essential in the face of the present emergency are being eliminated. All production must conform to a rule of strict economy in the use of paper and other supplies and man-hours required. All distribution which has no bearing on the war effort is being eliminated, and all lists have been carefully checked. Consolidation and other savings are being effected as rapidly as possible. Last September we emphasized the saving of paper by use of both sides and single-spacing of the typing. All files have been checked and where not deemed of immediate or historic value were recommended to the Committee of Congress on Disposition of Executive Papers for disposal. This will not only conserve paper but release space.

Your interest and courtesy in writing are appreciated.

Sincerely yours,

JESSE H. JONES,
Secretary of Commerce.

MR. KEYSERLING

FEDERAL WORKS AGENCY,
UNITED STATES HOUSING AUTHORITY,
Washington, February 23, 1942.

Hon. LOUIS LUDLOW,
House of Representatives.

MY DEAR CONGRESSMAN LUDLOW: In reply to your letter of February 12, I wish to assure you that I am wholly in agreement with the thoughts expressed therein, and you are advised that a survey such as you suggest, looking toward worth-while savings in our paper and printing bill, will be made.

Since the beginning, economy has been and must of necessity be the watchword of the United States Housing Authority because it is constantly striving to reduce construction and operating costs, as well as administrative expenses, in carrying out its low-cost housing program.

Under what is known as our waste-control policy, we have been and are continually finding ways and means to eliminate administrative expense. For your information in this connection we are enclosing copies of memoranda issued during the past few years. This year, because of the emergency, we have established unusually tight budget controls over all administrative expenses with the object of eliminating every item of expense that is not absolutely essential to the efficient operation of the Authority.

Before any office memoranda, office forms, pamphlets, technical notes, office manuals, etc., are printed or reproduced for use or distribution, approval must first be obtained from our Budget and Planning Division, which takes into consideration such things as the purpose to be served, quantity to be ordered, method of reproduction used, distribution, present need, number of pages, and the possibility of combining two or more forms, for example, so as to reduce and improve upon the number of forms in use.

At present, wherever possible, we use both sides of the paper for printing. We have also reduced the number of editions of publications issued throughout the year. To cite one example, a publication issued as a weekly during the fiscal year 1941 was changed to a monthly and two special editions during the fiscal year 1942. As the year progressed, however, we have found it possible to reduce that number still further, so that only nine publications will be issued. The savings on that publication alone in paper, printing, and cost of distribution is approximately $7,000.

Because of our waste-control policy, under which we are constantly striving to eliminate waste and extravange, it is going to be somewhat difficult to effect very large savings; but you can count upon us to do our best to effect further savings in the survey which is being undertaken.

Very sincerely yours,

LEON H. KEYSERLING,
Acting Administrator.

PAUL V. M'NUTT

FEDERAL SECURITY AGENCY,
Washington, February 20, 1942.

Hon. LOUIS LUDLOW,
House of Representatives,
Washington, D. C.

DEAR LOUIE: I have your letter of February 12, 1942, asking my cooperation in making a survey to the end that economies may be effected in our paper and printing needs.

May I say at the outset that I am in complete agreement with the objectives you suggest, and for sometime past we have been trying to cut corners wherever possible. Specifically, we have established the policy of not only using both sides of the paper but also single spacing every duplicating job except, of course, in particular instances where this is not feasible. I have had established in my office for several months a central printing and duplicating committee whose responsibility it is to review each request for duplicating or printing service submitted by not only the constituent organizations of this Agency, but also the members of my immediate staff, with a view to determining whether or not the material is absolutely essential to the efficient operation of our business. Also, though it might seem a small item from a conservation standpoint, instructions have been issued to the entire staff that rewrites of letters are to be ordered only when absolutely necessary to insure clarity or correct misstatements, and in such cases only the originals are rewritten with changes made in ink on all carbon copies. In this connection, too, it has been ordered that the individual offices survey their correspondence procedures to the end that as many copies as are not absolutely necessary to the proper function of their office be eliminated.

Other than the above you no doubt are familiar with the fact that the Government Printing Office has recently asked the cooperation of the Federal departments and agencies in adopting several different sizes of letterheads, it being their idea that half-sized sheets be used for short letters, thus conserving the paper supply. I need not tell you that we are extending our every cooperation, and further than this we are also adopting similar-sized sheets for our interoffice correspondence.

As can be seen from this explanation, we are pursuing every effort to economize on this phase of our operation, but so far as showing an actual saving in dollars and cents, I am doubtful that this can be done at the present time on account of the fact that the war effort has considerably increased the load of our duplicating facilities. An economy actually does not exist by virtue of these measures we have adopted, although they might not be readily reflected in our appropriation figure for this function. Let me assure you that we are giving this matter very careful attention and those compiling our budget are keeping this uppermost in their minds.

Sincerely yours,

PAUL V. MCNUTT,
Administrator.

COMPTROLLER GENERAL WARREN

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, February 19, 1942.

Hon. LOUIS LUDLOW,
House of Representatives, the Capitol.

DEAR MR. LUDLOW: Your letter dated February 12 did not reach me until the 17th. I read it carefully and let me assure you I am wholly in accord with your position that economy should be observed in Government operation whenever and wherever possible.

Referring to our printing and paper expense, let me say that already we have moved to conserve paper in any way possible. We make only one carbon when that will suffice, and have instructed that one envelope carry more than one letter or document sent from one of our divisions to another division, whenever possible. We are located in 18 buildings and the necessity of sending papers from one building to another daily is very great. Also, I wish to emphasize the fact that the General Accounting Office has no daily, weekly, or any other kind of press releases. Not in the whole history of the Office has a penny been spent for that purpose, nor has the Office ever submitted an estimate for funds to be used for such a purpose.

With continued high regards, I am,

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

SECRETARY PERKINS

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 14, 1942.

The Honorable LOUIS LUDLOW,
Member of Congress, House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LUDLOW: This will acknowledge your letter of February 12, requesting a survey of the paper and printing needs of this Department with a view to effectuating "worth-while savings" in expenditures for these items. You may be assured that we shall be very glad to comply with this request.

* * * * *

With appreciation of this opportunity to cooperate with you, believe me,

Sincerely,

FRANCES PERKINS.

ATTORNEY GENERAL BIDDLE

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 19, 1942.

Hon. LOUIS LUDLOW,
Committee on Appropriations,
House of Representatives,
Washington, D. C.

DEAR MR. CONGRESSMAN: This will acknowledge your letter of February 12, 1942, relative to creating economies, particularly in our paper and printing bills.

I am pleased to advise you that the Department initiated a survey along these lines a short while ago. We have issued circulars to our divisional and bureau heads and to our field offices to make a survey of all supplies and equipment they have and to return any excess over their immediate needs to the Department with a view to conserving these supplies and distributing them in an economical manner. We have also requested that all obsolete forms be used for scrap paper and that both sides of paper be used wherever it is possible.

To create further savings, we are using, where suitable, a very small type for mimeograph work, which will permit us to have many more words on the page, thus conserving paper. To reduce our printing costs, we are using a varityper wherever possible, so that the far less expensive offset printing method may be used. We are also taking steps to reduce, if possible, printing costs for

briefs and records by the use of this special form of printing.

You may be interested to know that the Department does not issue daily press releases. In fact, the only information we issue is on matters of specific public interest, and then only when absolutely necessary.

You may be assured that the Department is exploring every possible means to conserve paper and reduce printing costs. Your suggestions and interest are greatly appreciated.

Sincerely yours,

FRANCIS BIDDLE,
Attorney General.

SECRETARY STIMSON

WAR DEPARTMENT,
Washington, March 4, 1942.

Hon. LOUIS LUDLOW,
House of Representatives,
Washington, D. C.

DEAR MR. LUDLOW: Your letter of February 12, 1942, relative to economy in the use of paper by the War Department, is acknowledged.

You are advised that various measures have been put into effect along these lines. War Department Circular No. 214, dated October 10, 1941, directed all concerned to exercise the strictest economy in the use of paper of all kinds by (1) utilization of both sides of mimeograph paper, if possible; (2) reduction of margins to a minimum; (3) economic arrangement of subject matter; and (4) strict adherence to brevity. Circular No. 253, of December 11, 1941, amplified the earlier circular by including measures such as the careful planning as to the minimum number of copies of orders and training schedules needed and the revision of mailing lists to eliminate those uninterested.

You are assured that a continued study will be given to this problem, and suggestions for further economy will receive immediate consideration.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

SECRETARY KNOX

NAVY DEPARTMENT,
Washington, February 19, 1942.

The Honorable LOUIS LUDLOW,
Committee on Appropriations,
House of Representatives,
Washington, D. C.

SIR: At the present time a definite effort is being made in the Navy Department to effectuate a savings in paper and printed matter. In the Publications Division, Office of the Secretary of the Navy, a study is being made on standardization and consolidation of Navy Department forms and in this connection a definite attempt has been made to conform to standard sizes.

Furthermore, in an effort to eliminate waste and extravagance in paper and printing, a reduction in the use of rag-content paper has been made and the number of copies ordered has been curtailed. Material, insofar as it is advisable, is being printed on both sides of the paper.

You may be sure that the Navy Department will do everything possible to cooperate in the effort to conserve paper and reduce the cost of printing.

FRANK KNOX.

GEN. FRANK T. HINES

VETERANS' ADMINISTRATION,
Washington, February 20, 1942.

Hon. LOUIS LUDLOW,
House of Representatives,
Washington, D. C.

MY DEAR MR. LUDLOW: I am in receipt of your communication of February 12, 1942, relative to effecting economies in expenditures for paper and printing needs of the Veterans' Administration.

Expenditures of this nature receive the continuous attention of this Administration, and as an example of what has been accomplished our cost of printing and binding during the fiscal year 1941 was approximately $149,000 as compared with $228,500 for the fiscal year 1923, notwithstanding the large increase in the activities of the Veterans' Administration during this period. Our appropriation for printing and binding for the current fiscal year is $144,250 and it may be well to state that our expenditures for the fiscal years 1941 and 1942 are considerably above our normal requirements due to the costs involved in printing insurance applications, policies, and other forms required in connection with the new National Service Life Insurance.

Regarding the cost of press releases and other issues of this character, you are advised that we have a Press Relations Section, consisting of three employees. This section prepares a biweekly news bulletin and the total cost of stationery and supplies used for all purposes, including reference books and subscriptions, approximated $258 for the last fiscal year.

Your interest in effecting economies in operation is appreciated, and you may be assured of the continued cooperation of the Veterans' Administration in this important and necessary function.

Very truly yours,

FRANK T. HINES,
Administrator.

CHAIRMAN MILLIS

NATIONAL LABOR RELATIONS BOARD,
Washington, D. C., March 4, 1942.

Hon. LOUIS LUDLOW,
Committee on Appropriations,
House of Representatives,
Washington, D. C.

DEAR MR. LUDLOW: I agree with you in your letter about the importance of conserving paper and money in restricting printing.

The Board does no promotional printing. It must finance its briefs, records, appendices, etc., in connection with litigation under the act. Similarly it is required by statute to issue an annual report. It must also issue its decisions so that they may be available to the public. The only other printing is that for elections, which consists of notices of elections, ballots, etc., and the usual miscellaneous items of stationery, forms, etc. These are all kept at a minimum.

I hope that this is fully explanatory, and know that if it is not, you will feel free to call upon me for further advices.

Sincerely yours,

H. A. MILLIS.

POSTMASTER GENERAL WALKER

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 23, 1942.

Hon. LOUIS LUDLOW,
House of Representatives.

MY DEAR MR. LUDLOW: This will acknowledge your communication of February 12 concerning the study to be made of the paper and printing needs for the Post Office Department.

I am now having made an extensive study on these needs which will be completed within the next week. Upon completion of this survey, I will write you fully concerning the Post Office Department's needs.

Very truly yours,

FRANK C. WALKER,
Postmaster General.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 14, 1942.

Hon. LOUIS LUDLOW,
House of Representatives.

MY DEAR MR. LUDLOW: Further reference is made to your communication of February 12, concerning the study to be made of the paper and printing needs of the Post Office Department and to my reply of February 23, wherein it was stated that such a study was being made and that you would be advised further on the completion of this study. I am now in a position to give you at length the results of this study.

Prior to January 20, when this Department appeared before the Committee on Appropriations with a deficiency request in the appropriation for printing and binding for the Post Office Department, I instructed the responsible officers to explain to the committee in detail the problems confronting us concerning this appropriation. After their return from the hearing I further instructed that a detailed complete investigation concerning this appropriation for the last 15 years be made and a report submitted. I am attaching herewith a copy of that report, with exhibits, and sufficient copies for distribution to all members of the committee if you see fit to so distribute them.

I believe that the report, with the exhibits, clearly sets forth the problems confronting the Post Office Department regarding this appropriation. In substance it discloses that the expenditures to a great extent are beyond the control of anyone in the Post Office Department, except as to the following:

1. Is the material ordered absolutely essential to the Postal Service?

With respect to this there is an itemized list submitted of every order and an investigation of this list will show that the material ordered is absolutely necessary to the conduct of the business of the Post Office Department.

2. Is proper check continually maintained on the quantity of forms used?

This subject is clearly covered in paragraph 3 on page 3 of the report. While you may have other ideas concerning this feature, I believe that we are now expending from other appropriation items all the money that should be spent to safeguard this feature. I am further of the opinion that the methods used are adequate and that we do not order or use more material than is absolutely necessary.

3. Is the absolute necessity for each form or other printed material ascertained?

With reference to this feature, on every occasion when a new form is ordered or a reprint of an old form is necessary, the unit ordering the form must submit an explanation as to its necessity, and before the form is printed it is passed on by a special committee on forms, attached to my office. This is covered in paragraph 4 on page 3 of the report.

4. Are the forms or other printed material made up in the most economical manner?

The committee on forms has always watched this very closely, and every known device is used to curtail expenses in the make-up of this material. A saving of $669,651 has been made during the last 8 years. This is covered in the continuing paragraph on the top of page 4 of the report.

I dislike very much for the Department to have to go before the Bureau of the Budget and the Appropriations Committee for deficiency appropriations, and have instructed all officers of the Department to submit their estimates with a view to eliminating the necessity for such requests. However, if you will read from paragraph 3 on page 5, through paragraph 6 on page 6 of the report, you will note that we have very little control over the necessity for such requests.

I am more than anxious to cooperate with the Appropriations Committee in every way possible, not only in this appropriation, but in all other appropriations of the Post Office Department. If, after reading the report of the investigation and this letter, you or the committee have any suggestions to offer I would be very glad to have them, and I assure you that such suggestions will receive my personal attention.

Very truly yours,

FRANK C. WALKER,
Postmaster General.

CHAIRMAN HENDERSON

RECONSTRUCTION FINANCE CORPORATION,
WASHINGTON, *February 18, 1942.*

Hon. LOUIS LUDLOW,
House Office Building,
Washington, D. C.

MY DEAR MR. LUDLOW: Your letter of February 12th, suggesting that a survey be made for the purpose of determining what savings could be made in our paper and printing needs, was brought to my attention today upon my return to the office after an absence of several days.

You may be assured that we shall be pleased to cause such a survey to be made promptly, which will include the Reconstruction Finance Corporation and all affiliated agencies.

Sincerely yours,
CHARLES B. HENDERSON.

LEON HENDERSON

OFFICE OF PRICE ADMINISTRATION,
WASHINGTON, D. C., *March 4, 1942.*

The Honorable LOUIS LUDLOW,
House of Representatives.

DEAR MR. LUDLOW: This will acknowledge your letter of February 20, 1942, relative to a definite plan for conservation of paper, as well as a reduction in our printing costs.

I was indeed glad to have your views on this matter because I share wholeheartedly your opinion that such savings are necessary, both from a standpoint of national resources, as well as one of public morale, and had already asked my staff to make the necessary surveys with that objective in mind. I am unable at this time to say just when there will be anything of significance to report, but a survey of the nature you suggest is, and has been, on our schedule and will be completed just as quickly as the present load of work will permit. At such time I will let you know the results of our findings.

May I assure you that I appreciate your concern in this matter and that I shall welcome any further suggestions you may wish to submit along this line.

Very truly yours,
LEON HENDERSON,
Administrator.

SECRETARY WICKARD

DEPARTMENT OF AGRICULTURE,
Washington, March 3, 1942.

Hon. LOUIS LUDLOW,
House of Representatives.

DEAR MR. LUDLOW: Your letter of February 12 raises a question which has been undergoing careful consideration in this Department for some time. One phase of the printing and paper problem, namely the use of printed forms, was the subject of intensive study by our Administrative Council during the past year. Its study pointed in the same direction as did a recent circular issued by the Bureau of the Budget which directed all departments, in the interest of economy and efficiency, to review, eliminate where possible, and standardize its several types of printed forms. Consequently I issued on February 7, 1942, a memorandum (No. 976) instructing the several Administrators, Chiefs of Bureaus, and Directors of Offices to take proper steps to accomplish this purpose. I am enclosing a copy of that memorandum.

* * * * *

We are just now winding up a survey of all the printed and duplicated periodicals of the Department as a basis for cutting down the number of pages, frequency of issue, number of copies issued wherever possible, and in some cases for eliminating periodicals completely. There'll be considerable saving, we believe, in the printing of periodicals as a result of this survey and the following action.

However, much of our publication of periodicals and of single bulletins is more necessary in wartime than ever before since they carry information that farm people must have in order to produce the food and fiber that the Nation must have to carry on the war. Also, changes in the Department's programs help farmers get their wartime job done and necessitate considerable increase in the printing of forms, certificates, blanks, etc., as new activities are undertaken to meet the wartime needs. Our effort is to make sure that the printing funds that are available are put to purposes that will forward the Nation's war program.

I can assure you and your fellow committee members that we shall make strenuous efforts to meet the wartime necessities for the economical and effective use of our paper and printing resources.

Sincerely yours,
CLAUDE R. WICKARD,
Secretary.

JAMES M. LANDIS

OFFICE OF CIVILIAN DEFENSE,
Washington, D. C. March 1, 1942.

The Honorable LOUIS LUDLOW,
House of Representatives.

MY DEAR MR. LUDLOW: This Office is well aware of the national shortage of paper and the economies that can be effected by careful planning of all mimeographing and printing work.

One of the most fundamental duties of this Office is to give the general public through State and local defense councils the best possible advice in all matters relating to civilian defense. To that end we have had to reproduce more than 50 different items. Insofar as possible, we have utilized newsprint paper. Our mimeographing is always put on both sides of the sheet.

It may well be that further economies can be effected and to that end I have instructed the staff to be vigilant at all times.

Sincerely yours,
JAMES M. LANDIS,
Director.

JAMES G. ROBINSON

WAR PRODUCTION BOARD,
Washington, D. C. March 4, 1942.

Hon. LOUIS LUDLOW,
House of Representatives,
Washington, D. C.

DEAR MR. LUDLOW: Your letter of February 20, requesting that we study our paper and printing needs with a view to effectuating worthwhile savings in our paper and printing bills, as part of the larger program of eliminating all waste and extravagance from our national expenditures, has been referred to this office.

We are continuously studying our paper and printing needs, prescribing ways and means of saving paper and printing, and enforcing adherence to standards and instructions. * * *

Our studies will be continued in this and other directions in order to effect such economies as are possible and practicable under existing conditions.

Your letter is very much appreciated and will serve as an aid to our efforts to effect further savings.

Sincerely yours,
JAMES G. ROBINSON,
Administrative Officer.

Mr. Speaker, among the many other governmental heads who have written to me, evincing a highly cooperative spirit, I would like to acknowledge my debt of gratitude to the following: E. K. Burlew, Acting Secretary of the Interior, who wrote that "the Department of the Interior takes very seriously the problem about which you wrote, and we are doing something effective about it"; Clyde B. Aitchison, Acting Chairman of the Interstate Commerce Commission; Harry B. Mitchell, president of the United States Civil Service Commission; W. N. Thompson, Administrative Assistant to the Secretary of the Treasury; C. J. Durr, Acting Chairman of the Federal Communications Commission; Ganson Purcell, Chairman of the Securities and Exchange Commission; Oscar B. Ryder, Acting Chairman, United States Tariff Commission; and Leland Olds, Chairman of the Federal Power Commission. Mr. Olds concludes his letter with the heartening assurance that "the Federal Power Commission shares your interest in these matters."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PACE for March 25 and 26, on account of illness.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until tomorrow, Friday, March 27, 1942, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Subcommittee on Petroleum of the Committee on Interstate and Foreign Commerce will hold a meeting at 10 a. m. on Friday, March 27, 1942, to hear Mr. Elliot E. Simpson, director of the Drexsage Rubber Co., of New York, in respect to rubber.

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:

1534. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 22, 1941, submitting a report, together with accompanying papers, on a review of reports on Cleveland Harbor, Ohio, with a view to modifying that part of the recommendation which provides that local interests shall defray all costs of the modification or rebuilding of bridges, bulkheads, and other structures and submarine crossings, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on August 1, 1940; to the Committee on Rivers and Harbors.

1535. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, U ited States Army, dated December 31, 1941, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of the Conewango Creek and Davis Brook in Chautauqua County and Cattaraugus County, N. Y., authorized by the Flood Control Act, approved on August 28, 1937 (H. Doc. No. 685); to the Committee on Flood Control and ordered to be printed, with an illustration.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. PITTENGER: Committee on Claims. H. R. 5496. A bill for the relief of Cecile McLaughlin; with amendment (Rept. No. 1946). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5658. A bill for the relief of James Warren; with amendment (Rept. No. 1947). Referred to the Committee of the Whole House.

Mr. KLEIN: Committee on Claims. H. R. 5854. A bill for the relief of Madeleine Hammett, Olive Hammett, Walter Young, the estate of Laura O'Malley Young, deceased, and the legal guardian of Laura Elizabeth Young; with amendment (Rept. No. 1948). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5910. A bill for the relief of Randolph and Emma Treiber; with amendment (Rept. No. 1949). Referred to the Committee of the Whole House

Mr. JENNINGS: Committee on Claims. H R. 5966. A bill for the relief of Louis H. Deaver; without amendment (Rept. No. 1950). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 6365 A bill for the relief of Commander Cato D. Glover; with amendment (Rept. No. 1951). Referred to the Committee of the Whole House.

Mr. WEISS: Committee on Claims. H. R. 1540. A bill for the relief of Harry Tousey; with amendment (Rept. No. 1952). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DICKSTEIN:

H. R. 6858. A bill relating to the statues of certain natives and inhabitants of the Virgin Islands; to the Committee on Immigration and Naturalization.

By Mr. HENDRICKS:

H. R. 6859. A bill for the relief of dealers in certain articles or commodities rationed under authority of the United States; to the Committee on Banking and Currency.

H. R. 6860. A bill for the relief of dealers in certain articles or commodities rationed under authority of the United States; to the Committee on the Judiciary.

By Mr. BENDER:

H. R. 6861. A bill relating to the voting rights of persons in the land and naval forces of the United States; to the Committee on Military Affairs.

By Mr. SWEENEY:

H. R. 6867 (by request). A bill to amend title 39, United States Code; to the Committee on the Post Office and Post Roads.

By Mr. HOBBS:

H. J. Res. 298. Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 6862. A bill authorizing the naturalization of Thomas P. Prendergast; to the Committee on Immigration and Naturalization.

By Mr. LANE:

H. R. 6863. A bill for the relief of Thomas W. Dowd; to the Committee on Claims.

By Mr. MANSFIELD:

H. R. 6864. A bill for the relief of Mrs. Vola Stroud Pokluda; to the Committee on Claims.

By Mr. PITTENGER:

H. R. 6865. A bill for the relief of Andrew Stenman; to the Committee on Claims.

By Mr. SWEENEY:

H. R. 6866. A bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the United States Parcel Post Building Co., of Cleveland, Ohio; to the Committee on Claims.

PETITIONS, ETC.

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

2612. By Mr. KRAMER: Petition of Walter C. Peterson, city clerk of Los Angeles, Calif., urging the United States Senators from California and the Members of the House of Representatives from California to exert every effort to resist or modify the crippling effect of House bills 6617 and 6750; to the Committee on Ways and Means.

2613. By Mr. GILLETTE: A letter from the Chamber of Commerce of Dushore, Pa., favoring the elimination of certain nondefense governmental agencies; to the Committee on Expenditures in the Executive Departments.

2614. By Mr. LYNCH: Resolution of the Legislature of the State of New York, requesting the Congress of the United States to effect any necessary changes in our laws and regulations between United States and Canada so that unnecessary restrictions may be removed and movement of persons and products facilitated for the purpose of promoting harmonious, efficient, and victorious prosecution of the war; to the Committee on Ways and Means.

2615. By Mr. ROLPH: Resolution of the Builders Exchange of San Francisco, Calif., adopted March 16, 1942, for the stepping up of war production; to the Committee on Military Affairs.

SENATE

FRIDAY, MARCH 27, 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:

O Thou whose Providence doth always make provision for us, if not according to our fancied wants, yet according to our inmost needs: Quicken and quiet the spirit in us for worship and for praise, and, from the sanctuary of Thy holiness, do Thou compose our thoughts and renew our strength. Unclose our inward ear for hearing, and do Thou give to us the earnestness of soul that has no time to waste on anything that furthers not a sense of duty to God and Country, for the establishment of righteous dealing among men and the nations of the world.

We bless Thee for the lives of self-denial all about us, for the experiences which bring to us their lessons, leaving us chastened and tempered to a wiser spirit, and if there be in our heart today a song of thankfulness, and mingled with the song a prayer of upward aspiration, do Thou in Thy mercy receive the song and answer Thou the prayer according to the Divine pleasure of Thy will; 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 Thursday, March 26, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting several nominations in the Army was communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

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

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

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. BUNKER], and the Senator from New Jersey [Mr. SMATHERS] are necessarily absent.

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

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

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

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