effectively the obligation of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes; with amendment (Rept. No. 2528). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 7621. A bill to amend the District of Columbia Unemployment Compensation Act; without amendment (Rept. No. 2529). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT of California: Joint Committee on the Disposition of Executive Papers. House Report No. 2530. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

Mr. ELLIOTT of California. Joint Committee on the Disposition of Executive Papers. House Report No. 2531. Report on the disposition of records by sundry departments of the United States Government. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MARTIN J. KENNEDY:

H. R. 7684. A bill to authorize the use for war purposes of silver held or owned by the United States; to the Committee on Ways and Means.

By Mr. KLEIN:

H. R. 7685. A bill to grant Government employees who are members of certain military units leaves of absence for periods of active service; to the Committee on the Civil Service.

By Mr. McGEHEE:

H. R. 7686. A bill to amend the District of Columbia Unemployment Compensation Act to provide for unemployment compensation in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMITH of Wisconsin:

H. R. 7687. A bill to amend section 1 (C) of Public, 198, Seventy-sixth Congress, approved July 19, 1939; to the committee on World War Veterans' Legislation.

By Mr. PLOESER:

H. R. 7688. A bill to continue the base pay of veterans of the present war for limited period after separation from the service in order to provide an opportunity for readjustment and rehabilitation; to the Committee on Mility Affairs.

By Mr. SUMNERS of Texas:

H. R. 7689. A bill to amend the Criminal Code so as to punish anyone injuring a party, witness, or juror on account of his having acted as such; to the Committee on the Judiciary.

By Mr. FISH:

H. J. Res. 349. Joint resolution providing for aviation training of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. FULMER:

H. J. Res. 350. Joint resolution to provide for the training of nonfarm rural youth for farm labor, and for other purposes; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOLEY:

H. R. 7690. A bill for the relief of certain claimants against the United States who suffered personal injuries, property damage, or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N. C., on March 7, 1942; to the Committee on Claims.

By Mr. DINGELL:

H. R. 7691. A bill authorizing the President to present a Congressional Medal of Honor to Pvt. Leo Joseph Lopacinski; to the Committee on Military Affairs.

By Mr. HOWELL:

H. R. 7692. A bill for the relief of Charles Fred Smith; to the Committee on Claims.

By Mr. O'BRIEN of Michigan:

H. R. 7693. A bill to provide for the restoration to active duty of Capt. Walter S. Strange, United States Army, retired; to the Committee on Military Affairs.

SENATE

TUESDAY, OCTOBER 13, 1942

Rev. Frederick Brown Harris, D. D., Chaplain of the Senate, offered the following prayer:

May I begin my ministry in this office, to which in this crucial hour of the Nation's life you have graciously called me, with a prayer offered where I now stand by my princely predecessor, Dr. ZeBarney T. Phillips, when the Senate was mourning the loss of a distinguished Member. The petitions which fell from his lips then we thing of today as applying to him and to his dear ones, and as still linking us to him and to his glorious service as Chaplain of this body across beautiful years. Let us lift our hearts as we offer the prayer of Chaplain ZeBarney Phillips:

PRAYER

"Father of Mercies, whose never failing love alone can heal our wounds, be with us now. Be very near, dear Lord, in this sad hour wherein we pause in loving tribute to the memory of him, our friend, so late our gallant comrade. Vouchsafe him peace and joy in the Paradise of God, and may he go from strength to strength in that life of perfect service. Deal tenderly with her whose love hath ever been to him the earnest of Thy love, that through the shadows Thy staff may be her stay, Thine everlasting arms her sure refuge. Grant unto us who are still in our pilgrimage that purity of intention which sets the seal of a supernatural distinction upon the humblest life, and gird us with prudence and restraint, the holy armor of knights dedicated to a divine adventure.

"When on my day of life the night is falling,
And in the winds from unseen spaces blown,
I hear far voices out of darkness calling
My feet to paths unknown.
Thou who hast made my house of life so pleasant,
Leave not its tenant when its walls decay.
O Love Divine, O Helper ever present,
Be Thou my strength and stay.
Suffice it if my good and ill unreckoned
And both forgiven through Thy abounding grace,
I find myself by hands familiar beckoned
Unto my fitting place."

Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, October 10, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on October 9, 1942, the President had approved and signed the act (S. 2584) to permit appointment of White House police, in accordance with the civil-service laws, from sources outside the Metropolitan and United States Park Police forces.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2442) to authorize the Secretary of War to approve a standard design for a service flag and a service lapel button.

The message also announced that the House insisted upon its amendments to the bill (S. 2471) to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. HOBBS, and Mr. GWYNNE were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the bill (S. 2655) to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. WALTER, and Mr. GUYER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7378) to provide revenue, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. COOPER, Mr. BOEHNE, Mr. DISNEY, Mr. TREADWAY, Mr. KNUTSON, and Mr. REED of New York 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. 7556) authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 174. An act for the relief of Lyle L. Bressler; and

S. 2203. An act for the relief of Bayard M. Atwood.

HOUSE BILL REFERRED

The bill (H. R. 7556) authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ADDRESS BY THE PRESIDENT ON OCTOBER 12, 1942

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the address delivered on October 12, 1942, by the President of the United States in a Nationwide broadcast.

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

As you know, I have recently come back from a trip of inspection of camps and training stations and war factories.

The main thing that I observed on this trip is not exactly news. It is the plain fact that the American people are united as never before in their determination to do a job and to do it well.

This whole Nation of 130,000,000 free men and women and children is becoming one great fighting force. Some of us are soldiers or sailors, some of us are civilians. Some of us are fighting the war in airplanes, 5 miles above the continent of Europe or the islands of the Pacific—and some of us are fighting it in mines deep down in the earth of Pennsylvania or Montana. A few of us are decorated with medals for heroic achievement, but all of us can have that deep and permanent inner satisfaction that comes from doing the best we know how—each of us playing an honorable part in the great struggle to save our democratic civilization.

Whatever our individual circumstances or opportunities—we are all in it, and our spirit is good, and we Americans and our allies are going to win—and do not let anyone tell you anything different.

That is the main thing that I saw on my trip around the country—unbeatable spirit. If the leaders of Germany and Japan could have come along with me, and had seen what I saw, they would agree with my conclusions. Unfortunately, they were unable to make the trip with me. That is one reason why we are carrying our war effort overseas—to them.

With every passing week the war increases in scope and intensity. That is true in Europe, in Africa, in Asia, and on all the seas.

The strength of the United Nations is on the up-grade in this war. The Axis leaders, on the other hand, know by now that they have already reached their full strength, and that their steadily mounting losses in men and material cannot be fully replaced. Germany and Japan are already realizing what the inevitable result will be when the total strength of the United Nations hits them—at additional places on the earth's surface.

One of the principal weapons of our enemies in the past has been their use of what is called "The War of Nerves." They have spread falsehood and terror; they have started fifth columns everywhere; they have duped the innocent; they have fomented suspicion and hate between neighbors; they have aided and abetted those people in other nations—even our own—whose words and deeds are advertised from Berlin and Tokyo as proof of disunity.

The greatest defense against all such propaganda is the common sense of the common people—and that defense is prevailing.

The "War of Nerves" against the United Nations is now turning into a boomerang. For the first time, the Nazi propaganda machine is on the defensive. They begin to apologize to their own people for the repulse of their vast forces at Stalingrad, and for the enormous casualties they are suffering. They are compelled to beg their overworked people to rally their weakened production. They even publicly admit, for the first time, that Germany can be fed only at the cost of stealing food from the rest of Europe.

They are proclaiming that a second front is impossible; but, at the same time, they are desperately rushing troops in all directions, and stringing barbed wire all the way from the coasts of Finland and Norway to the islands of the eastern Mediterranean.

Meanwhile, they are driven to increase the fury of their atrocities.

The United Nations have decided to establish the identity of those Nazi leaders who are responsible for the innumerable acts of savagery. As each of these criminal deeds is committed, it is being carefully investigated; and the evidence is being relentlessly piled up for the future purposes of justice.

We have made it entirely clear that the United Nations seek no mass reprisals against the populations of Germany or Italy or Japan. But the ring leaders and their brutal henchmen must be named, and apprehended, and tried in accordance with the judicial processes of criminal law.

There are now millions of Americans in Army camps, in naval stations, in factories, and in shipyards.

Who are these millions upon whom the life of our country depends? What are they thinking? What are their doubts and what are their hopes? And how is the work progressing?

The Commander in Chief cannot learn all of the answers to these questions in Washington. That is why I made the trip I did.

It is very easy to say, as some have said, that when the President travels through the country he should go with a blare of trumpets, with crowds on the sidewalks, with batteries of reporters and photographers—talking and posing with all the politicians of the land.

But having had some experience in this war and in the last war, I can tell you very simply that the kind of trip I took permitted me to concentrate on the work I had to do without expending time, meeting all the demands of publicity. And, I might add, it was a particular pleasure to make a tour of the country without having to give a single thought to politics.

I expect to make other trips for similar purposes, and I shall make them in the same way.

In the last war, I had seen great factories; but until I saw some of the new present-day plants, I had not thoroughly visualized our American war effort. Of course, I saw only a small portion of all our plants, but that portion was a good cross section, and it was deeply impressive.

The United States has been at war for only 10 months, and is engaged in the enormous task of multiplying its armed forces many times. We are by no means at full production level yet. But I could not help asking myself on the trip, Where would we be today if the Government of the United States had not begun to build many of its factories for this huge increase more than 2 years ago—more than a year before war was forced upon us at Pearl Harbor?

We have also had to face the problem of shipping. Ships in every part of the world continue to be sunk by enemy action. But the total tonnage of ships coming out of American, Canadian, and British shipyards, day by day, has increased so fast that we are getting ahead of our enemies in the bitter battle of transportation.

In expanding our shipping, we have had to enlist many thousands of men for our merchant marine. These men are serving magnificently. They are risking their lives every hour so that guns and tanks and planes and ammunition and food may be carried to the heroic defenders of Stalingrad and to all the United Nations' forces all over the world.

A few days ago I awarded the first Maritime Distinguished Service Medal to a young man—Edward F. Cheney, of Yeadon, Pa.—who had shown great gallantry in rescuing his comrades from the oily waters of the sea after their ship had been torpedoed. There will be many more such acts of bravery.

In one sense my recent trip was a hurried one, out through the Middle West, to the Northwest, down the length of the Pacific coast, and back through the Southwest and the South. In another sense, however, it was a leisurely trip, because I had the opportunity to talk to the people who are actually doing the work—management and labor alike—on their own home grounds. It gave me a fine chance to do some thinking about the major problems of our war effort on the basis of first things first.

As I told the three press-association representatives who accompanied me, I was impressed by the large proportion of women employed—doing skilled manual work running machines. As time goes on, and many more of our men enter the armed forces, this proportion will increase. Within less than a year from now, there will probably be as many women as men working in our war-production plants.

I had some enlightening experiences relating to the old saying of us men that curiosity—inquisitiveness—is stronger among women. I noticed that, frequently, when we drove unannounced down the middle of a great plant full of workers and machines, the first people to look up from their work were the men—and not the women. It was chiefly the men who were arguing as to whether that fellow in the straw hat was really the President or not.

Having seen the quality of the work and of the workers on our production lines—and coupling these first-hand observations with the reports of actual performance of our weapons on the fighting fronts—I can say to you that we are getting ahead of our enemies in the battle of production.

Of great importance to our future production was the effective and rapid manner in which the Congress met the serious problem of the rising cost of living. It was a splendid example of the operation of democratic processes in wartime.

The machinery to carry out this act of the Congress was put into effect within 12 hours after the bill was signed. The legislation will help the cost-of-living problems of every worker in every factory and on every farm in the land.

In order to keep stepping up our production, we have had to add millions of workers to the total labor force of the Nation. And as new factories come into operation we must find additional millions of workers.

This presents a formidable problem in the mobilization of manpower.

It is not that we do not have enough people in this country to do the job. The problem is to have the right numbers of the

right people in the right places at the right time.

We are learning to ration materials, and we must now learn to ration manpower.

The major objectives of a sound manpower policy are:

First, to select and train men of the highest fighting efficiency needed for our armed forces in the achievement of victory over our enemies in combat.

Second, to man our war industries and farms with the workers needed to produce the arms and munitions and food required by ourselves and our fighting Allies to win this war.

In order to do this, we shall be compelled to stop workers from moving from one war job to another as a matter of personal preference; to stop employers from stealing labor from each other; to use older men and handicapped people and more women, and even grown boys and girls, wherever possible and reasonable, to replace men of military age and fitness; to train new personnel for essential war work; and to stop the wastage of labor in all nonessential activities.

There are many other things that we can do, and do immediately, to help meet the manpower problem.

The school authorities in all the States should work out plans to enable our high-school students to take some time from their school year and to use their summer vacations to help farmers raise and harvest their crops or to work in the war industries. This does not mean closing schools and stopping education. It does mean giving older students a better opportunity to contribute to the war effort. Such work will do no harm to the students.

People should do their work as near their homes as possible. We cannot afford to transport a single worker into an area where there is already a worker available to do the job.

In some communities employers dislike to employ women. In others they are reluctant to hire Negroes. In still others older men are not wanted. We can no longer afford to indulge such prejudices or practices.

Every citizen wants to know what essential war work he can do the best. He can get the answer by applying to the nearest United States Employment Service office. There are 4,500 of these offices throughout the Nation. They are the corner grocery stores of our manpower system. This network of employment offices is prepared to advise every citizen where his skills and labors are needed most and to refer him to an employer who can utilize them to best advantage in the war effort.

Perhaps the most difficult phase of the manpower problem is the scarcity of farm labor. I have seen many evidences of the fact, however, that the people are trying to meet it as well as possible.

In one community that I visited a perishable crop was harvested by turning out the whole of the high school for 3 or 4 days.

In another community of fruit growers the usual Japanese labor was not available; but when the fruit ripened the banker, the butcher, the lawyer, the garageman, the druggist, the local editor and, in fact, every able-bodied man and woman in the town left their occupations and went out, gathered the fruit, and sent it to market.

Every farmer in the land must realize fully that his production is part of war production and that he is regarded by the Nation as essential to victory. The American people expect him to keep his production up, and even to increase it. We will use every effort to help him to get labor; but, at the same time, he and the people of his community must use ingenuity and cooperative effort to produce crops and livestock and dairy products.

It may be that all of our volunteer effort—however well intentioned and well administered—will not suffice to solve the problem. In that case we shall have to adopt new legislation. If this is necessary, I do not believe that the American people will shrink from it.

In a sense every American, because of the privilege of his citizenship, is a part of the selective service.

The Nation owes a debt of gratitude to the selective-service boards. The successful operation of the Selective Service System and the way it has been accepted by the great mass of our citizens give us confidence that, if necessary, the same principle could be used to solve any manpower problem.

And I want also to say a word of praise and thanks for the more than 10,000,000 people, all over the country, who have volunteered for the work of civilian defense—and who are working hard at it. They are displaying unselfish devotion in the patient performance of their often tiresome and always anonymous tasks. In doing this important neighborly work they are helping to fortify our national unity and our real understanding of the fact that we are all involved in this war.

Naturally on my trip I was most interested in watching the training of our fighting forces.

All of our combat units that go overseas must consist of young strong men who have had thorough training. A division that has an average age of 23 or 24 is a better fighting unit than one which has an average age of 33 or 34. The more of such troops we have in the field the sooner the war will be won, and the smaller will be the cost in casualties.

Therefore I believe that it will be necessary to lower the present minimum age limit for selective service from 20 years down to 18. We have learned how inevitable that is, and how important to the speeding up of victory.

I can very thoroughly understand the feeling of all parents whose sons have entered our armed forces. I have an appreciation of that feeling, and so has my wife.

I want every father and every mother who has a son in the service to know—again from what I have seen with my own eyes—that the men in the Army, Navy, and Marine Corps are receiving today the best possible training, equipment, and medical care. And we will never fail to provide for the spiritual needs of our officers and men under the chaplains of our armed services.

Good training will save many, many lives in battle. The highest rate of casualties is always suffered by units comprised of inadequately trained men.

We can be sure that the combat units of our Army and Navy are well manned, and well equipped, and well trained. Their effectiveness in action will depend upon the quality of their leadership and upon the wisdom of the strategic plans on which all military operations are based.

I can say one thing about our plans: They are not being decided by the typewriter strategists who expound their views in the press or on the radio.

One of the greatest of American soldiers, Robert E. Lee, once remarked on the tragic fact that in the war of his day all the best generals were apparently working on newspapers instead of in the Army. That seems to be true in all wars.

The trouble with the typewriter strategists is that, while they may be full of bright ideas, they are not in possession of much information about the facts or problems of military operations.

We, therefore, will continue to leave the plans for this war to the military leaders.

The military and naval plans of the United States are made by the joint staff of the Army and Navy, which is constantly in session in Washington. The chiefs of this staff are Admiral Leahy, General Marshall, Admiral King, and General Arnold. They meet and confer regularly with representatives of the British joint staff, and with representatives of Russia, China, the Netherlands, Poland, Norway, the British Dominions, and other nations working in the common cause.

Since this unity of operations was put into effect last January, there has been a very substantial agreement between these planners, all of whom are trained in the profession of arms—air, sea, and land—from their early years. As Commander in Chief I have at all times also been in substantial agreement.

As I have said before, many major decisions of strategy have been made. One of them, on which we have all agreed, relates to the necessity of diverting enemy forces from Russia and China to other theaters of war by new offensives against Germany and Japan. An announcement of how these offensives are to be launched, and when, and where, cannot be broadcast over the radio at this time.

We celebrate today the exploit of a bold and adventurous Italian—Christopher Columbus—who with the aid of Spain opened up a New World where freedom and tolerance and respect for human rights and dignity provided an asylum for the oppressed of the Old World.

Today the sons of the New World are fighting in lands far distant from their own America. They are fighting to save for all mankind, including ourselves, the principles which have flourished in this New World of freedom.

We are mindful of the countless millions of people whose future liberty and whose very lives depend upon permanent victory for the United Nations.

There are a few people in this country who, when the collapse of the Axis begins, will tell our people that we are safe once more; that we can tell the rest of the world to "stew in its own juice"; that never again will we help to pull "the other fellow's chestnuts from the fire"; that the future of civilization can jolly well take care of itself insofar as we are concerned.

But it is useless to win battles if the cause for which we fought these battles is lost. It is useless to win a war unless it stays won.

We therefore fight for the restoration and perpetuation of faith and hope throughout the world.

The objective of today is clear and realistic. It is to destroy completely the military power of Germany, Italy, and Japan to such good purpose that their threat against us and all the other United Nations cannot be revived a generation hence.

We are united in seeking the kind of victory that will guarantee that our grandchildren can grow and, under God, may live their lives, free from the constant threat of invasion, destruction, slavery, and violent death.

PLANTING OF GUAYULE AND OTHER RUBBER PLANTS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2775) to amend the act of March 5, 1942, relating to the planting of guayule and other rubber-bearing plants, which were, on page 2, line 19, to strike out "subsection" and insert: "subsections"; and on page 3, after line 2, to insert:

(f) The Secretary may lease at reasonable rentals structures erected by the Government with essential facilities for such periods as such structures and facilities are not required for the purposes of this act; and any part of land or structures with essential facilities acquired by lease, deed, or other agreement pursuant to this act, which

are not required or suitable for the purposes of the act during the period the United States is entitled to possession thereof may be leased or subleased at a reasonable rental; and any surplus water controlled by the United States on land owned or leased by the United States for the purposes of this act may be disposed of at reasonable rates.

SEC. 7. Section 2 (a) of such act is amended by inserting after the words "as amended." the following new wording: "(Secs. 321 to 324, inclusive, and section 325a of title 40 of the U. S. Code (1940 ed.), shall not apply to any nursery, planting, cultivating or harvesting operations conducted pursuant to this act.)"

Mr. DOWNEY. Mr. President, I wish to move that the Senate concur in the amendments proposed by the House of Representatives. I may say, for the benefit of Senators, that the amendments proposed by the House are consistent with the recommendations of the Department of Agriculture, are merely perfecting amendments, and apply only to some very minor matters. The amendments are rather technical, but I have here a letter from the Department of Agriculture explaining exactly their effects. I ask that the letter be printed in the RECORD as a part of my remarks.

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

UNITED STATES DEPARTMENT
OF AGRICULTURE,
FOREST SERVICE,
Washington, October 9, 1942.

Hon. SHERIDAN DOWNEY,
United States Senate.

DEAR SENATOR DOWNEY: I should like to explain to you the purpose of the additional amendments by the House to S. 2775.

The first includes new language in the latter part of section 2 (a) referring to sections 321–324, inclusive, and section 325 (a) of Title 40 of United States Code. The principal purpose of this amendment is to enable us to make contracts with farmers under which they will do a considerable part of the ground preparation and subsequent cultivation and harvesting of guayule on lands leased from them. Negotiations with farmers have shown unwillingness on their part to enter into such arrangements because of the fear that they might be liable under the 8-hour law of 1912 as amended in 1940 for the payment of overtime where the length of day exceeds 8 hours. It appears that the long standing arrangement on California farms is for a straight 10-hour workday. This, I believe, is consistent with the exemption of agricultural workers in the Fair Labor Standards Act, but there seems to be enough of a question involved so as to make it desirable to have this amendment in the guayule bill. It does not in any way affect the rates of pay which have to be those prevalent in localities involved. The same rule, of course, would apply to persons employed by us directly on these activities.

The amendment embraced in section 2 (f) is to authorize us to enable some use to be made of facilities for which we do not at the time have use. We recently had a request for use of some of our structures by lettuce farmers which we could have permitted, but for which we found there was no legal authority.

We are, of course, very anxious to have this legislation brought to final enactment as soon as possible, and I am sure you share that desire.

If there is any further information you need in relation to the above amendments or any other questions, please let me know.

There is one other point. The deficiency appropriation bill, which passed the House yesterday carrying an item of $19,000,000 for guayule, has in it a provision for raising the acreage limitation by 25,000. This was inserted by agreement with the House Appropriations Committee so as to be safe in case, for any reason, the amendments to the act of March 5, 1942, were materially delayed.[1]

The simplest thing to do now is to let that language stay as it is because our legal advisers here tell me that when the basic act is amended the new 500,000-acre figure will prevail, but even if this is not the case, we will not want to plant as much as 100,000 acres in the fiscal year 1943, to which this $19,000,000 appropriation is limited. If something should arise later to change this situation, we would no doubt have no difficulty in getting the necessary change in appropriation language should that be required.

Very sincerely yours,
C. M. GRANGER,
Acting Chief, Forest Service.

Mr. DOWNEY. Mr. President, unless the majority leader or the minority leader wishes a further explanation, I move that the Senate concur in the House amendments.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

DRAFT OF PROPOSED PROVISION AFFECTING AN APPROPRIATION OF THE DEPARTMENT OF AGRICULTURE (S. DOC. NO. 269)

A communication from the President of the United States, transmitting a draft of a proposed provision to authorize the acquisition, by the Forest Service of the Department of Agriculture, of additional land for the forest-products laboratory at Madison, Wis. (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE—JUDICIAL ESTABLISHMENT (S. DOC. NO. 270)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1943, amounting to $75,000, for the judicial establishment (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

DRAFT OF PROPOSED PROVISION PERTAINING TO THE APPROPRIATION FOR OFFICE OF PRICE ADMINISTRATION (S. DOC. NO. 271)

A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriation for the Office of Price Administration, fiscal year 1943 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

DRAFT OF PROPOSED PROVISION PERTAINING TO THE APPROPRIATIONS FOR DEFENSE AID (S. DOC. NO. 272)

A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriations for defense aid, fiscal year 1943 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, FEDERAL SECURITY AGENCY (S. DOC. NO. 273)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Security Agency, fiscal year 1943, amounting to $4,500 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

COORDINATION OF FORWARDING AND SERVICING OF WATER-BORNE EXPORT AND IMPORT FOREIGN COMMERCE

A letter from the Administrator of the War Shipping Administration, transmitting, pursuant to law, a report of action taken to provide for the coordination of the forwarding and similar servicing of water-borne export and import foreign commerce of the United States for the period ended October 13, 1942 (with an accompanying report); to the Committee on Commerce.

SMALLER WAR PLANTS CORPORATION

A letter from the Chairman of the War Production Board, transmitting, pursuant to law, a report of his operations under the Smaller War Plants Corporation Act for the period ended October 11, 1942 (with accompanying papers); to the Committee on Banking and Currency.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury, War (5), and Navy (2); Federal Security Agency (5), Executive Office of the President (Office of Civilian Defense), The National Archives (2), The Panama Canal, and the Federal Security Agency, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking toward their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS

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

By the VICE PRESIDENT:

A letter in the nature of a petition from the chairman of Social Security of Puerto Rico, Santurce, P. R., praying for the enactment of House bill 7175, to extend Titles I, IV, and X of the Social Security Act to Puerto Rico; to the Committee on Territories and Insular Affairs.

A telegram in the nature of a petition from Bart Phillips, president, Local 2443, U. S. A., Congress of Industrial Organizations, and Thomas Graham, recording secretary, Local 2443, U. S. A., Congress of Industrial Organizations, Crum Lynne, Pa., praying for the enactment of legislation providing adequate taxes for the prosecution of the war; ordered to lie on the table.

By Mr. KILGORE:

Petitions, numerously signed, of sundry citizens of the State of West Virginia, praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

CONSERVATION OF BUTTER FATS—RESOLUTION OF WISCONSIN CHEESE MAKERS' ASSOCIATION

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by the Wisconsin Cheese Makers' Association at Fond du Lac on October 8, 1942.

There being no objection, the resolution was referred to the Committee on

[1] We have so advised the clerk of the Senate Appropriations Committee, who inquired about it.

C. M. G.

Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas our all-out war effort of necessity will compel many changes in our economic, industrial, and agricultural life; and

Whereas available supplies of fat is now demanding attention and rumored plans for conserving fat includes the reduction of the fat standards of cheese and butter: Therefore be it,

Resolved by the board of directors of the Wisconsin Cheese Makers' Association, hereby records its opposition to the reduction of the butterfat in cheese and butter which will result in the production of an inferior product; be it further

Resolved, That if and when the fat supply requires conservation then we recommend the rationing of the various dairy products.

RELINQUISHMENT OF EXTRATERRITORIALITY RIGHTS IN CHINA

Mr. THOMAS of Utah. Mr. President, believing that the more differences between the Allies which are settled during the wartime the easier will be the peace, on August 17 I suggested that it would be timely for the United States and Great Britain to renounce their rights of extraterritoriality in China. That has been done, according to an announcement from each Government. Therefore, Mr. President, I ask that an editorial appearing in the Washington Post of October 12, 1942, may be made a part of my remarks and printed in the RECORD.

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

[From the Washington Post of October 12, 1942]

EXTRALITY

This is the awkward derivative of a ten-dollar word in the language of international relations, extraterritoriality. Yet the word itself is not half so awkward as what it connotes. Extraterritoriality means the principle whereby foreigners are exempt from civil and criminal prosecution under the laws of the country of their residence or sojourn. In other words, they are subject only to the jurisdiction of their own courts—established for this purpose in the country of the foreigner's stay.

The implications of this system for the affected country is imaginable by thinking of what it would mean in America. Imagine British residents in the United States immune from American jurisdiction. Of course, we would not tolerate such an invasion of our sovereignty. Yet China—our great ally in the Far East—has been forced under treaties going back a hundred years to permit foreign courts on her soil for dealing with foreigners residing in China.

Understandably enough, therefore, extrality is a sore point with the Chinese. They have dubbed the treaties conferring this privilege on foreigners as "unequal," as they undoubtedly are. They have described themselves as relegated to a semicolonial status in the family of independent and sovereign nations, and there is warrant in the statement. To be sure, there was a realistic reason for extorting the concession in the nineteenth century. Without extrality, which protected foreigners from the anti-foreignism characteristic of imperial China, western commerce, with its attendant exploitation, with the East could not have thriven. In other words, extrality was a one-way safeguard. But there is no such justification today, especially since we are fighting a war of freedom, for the maintenance of the system. Indeed, as long ago as 1934 the United States expressed a willingness to relinquish extrality in China when conditions should be favorable therefor; that was to say, when China erased the anarchy arising out of the struggle between the nationalists and war lords.

That has now been accomplished, and, with China's emergence as a great power, extrality has ceased to exist in any de facto sense. Moreover, both Great Britain and the United States have accepted China as a full and equal ally in the war against the Axis. Thus the new treaty which, it is announced, will soon be negotiated with the Chinese providing for the end of the extraterritorial regime, would merely accept and legalize an already accomplished fact.

SENATOR NORRIS, OF NEBRASKA

Mr. HATCH. Mr. President, at this time——

The VICE PRESIDENT. Is there objection to the Senator from New Mexico making an address during the morning hour?

Mr. McNARY. Mr. President, the Senator spoke to me a few moments ago, and I understand his remarks are to be very brief.

Mr. HATCH. They are to be very brief.

Mr. McNARY. Ordinarily I should object, of course, because speeches before the morning business is concluded are a violation of the rule, but I have no objection to the Senator from New Mexico proceeding.

Mr. HATCH. I thank the Senator from Oregon.

Mr. President, at this time I desire to say a few words which I believe will express the thought of practically every Member of this body. I also am confident that what I shall say today will express the hope and wish of thousands of men and women residing in every State of this Union. While it may seem that the matter I shall discuss is of a political nature, certainly it does not concern partisan politics to any extent whatever.

The State of Nebraska, Mr. President, throughout the years past has contributed much to the political thought and life of America. Three times she gave to my own party its nominee for President of the United States. Many of her illustrious sons have served our Nation well and honorably in high and important positions of government. Nebraska does have an enviable record in political matters, and, because she has, I trust the suggestion I make today will not be taken amiss but will be received as a reflection of the progressive political life of that great State.

Today, I think Nebraska has a wonderful opportunity to display again to the people of America her nonpartisanship and her concern for the welfare of the Nation. At least, that State does have an opportunity to show that in this time of war, politics—as to one office anyway—has been completely adjourned.

Mr. President, I have met only casually Mr. May, the Democratic nominee for United States Senator from Nebraska. I have not met the Republican nominee. From what I have seen and heard, I must assume that both men are capable and worthy of the office to which they aspire. Certainly all of us here in this Chamber will agree that ambition to sit in this body is a worthy and laudable ambition.

It happens, however, that this year there is a third—or, rather, I should say a first—candidate in Nebraska for the office of Senator. Only recently, in response to many requests and petitions, Hon. GEORGE W. NORRIS at last consented to make the race again for United States Senator. He runs, as all Senators know, as an independent, and not under any party organization or emblem.

It is not necessary for me to attempt any eulogy of Senator NORRIS. His long and distinguished record in both Houses of the Congress pays far greater tribute to him and to his career than any words of mine could possibly pay. It is not with thought of his own personal welfare that I speak today. Perhaps it would be better for his own happiness that he retire with the great honors which are already his, and enjoy his remaining years freed from the heavy burdens and responsibilities of public office. Therefore, I am not thinking so much about him personally—although I confess that out of the respect and affection I hold for him, I should gladly aid in his return to this body if I could—but I am thinking more particularly now of our country. America needs Senator NORRIS in the Senate. His vigorous mind, his great ability, and his wise counsel, are needed today, in time of war; but they will be needed far more when peace treaties come before us and the post-war period begins. Our country needs his courage, his proved integrity, and his wealth of experience.

It is true that Senator NORRIS is past 80 years of age. It was in 1903 that he first came to the House of Representatives. In 1913 he began his career in this body. It is true the sands of life are swiftly running for all of us, but Senator NORRIS remains strong, active, and a powerful influence in this body. Those of us who are younger may well run the errands; we can hew the wood and carry the water if we may continue to have the benefit of his ripe judgment and his long experience.

What a wonderful thing it would be, Mr. President, if both the Democratic and Republican nominees in the State of Nebraska would withdraw from the race and let Senator NORRIS be returned to this body without opposition. What a fine and fitting tribute that would be for a great State to pay to a great and distinguished citizen. Truly, Nebraska does have now a splendid opportunity to serve herself and the Nation, as well as to reward a faithful servant who has given his life to the welfare of the people of his State and to his country.

Americans everywhere, regardless of party affiliation, will watch with deep interest the results of the November election in Nebraska. I know thousands of them are hoping—and many of them are praying—that in this hour of greatest need for unselfish patriotic statesmanship, America and the world will not lose the services of one whose entire public career has been devoted to the welfare of man, and to liberty and freedom for all the peoples of the world.

Mr. PEPPER. Mr. President, the peculiar character of our Federal system accounts for peculiar incidents. Under

the terms of the Constitution the Senate is made the judge of the qualifications of its own Members. When one is elected by a State and takes the oath as a Senator he is not only an ambassador from that State, and a representative of its citizenry, but he is a part of the Government of the United States as well. I believe, therefore, we would not be considered as committing an impropriety if, in our capacity as partners in the Federal scheme of government, we should express a word of appreciation concerning a fellow Member and a colleague.

I am not ashamed to be a proud member of a great party. I believe in the party system. However, Mr. President, I should regret to see the time ever come when our policies and our personnel were determined only by considerations of party and partisanship. I believe, therefore, that today the whole Nation turns its eyes upon the State of Nebraska, because it has a very keen interest in the choice which Nebraska will make in the future concerning its senior senatorship.

Mr. President, one of the distinctions of being a Member of this great body is not only that of having a seat in it but in having the privilege of association with the great minds, great hearts, and great characters who constitute this body. The United States Senate has gained its recognition not alone by the power it possesses, but principally by the strength of mind and spirit of those who have been honored to sit and to speak here.

We all know that there is no name higher on the roster of honor and distinction in the country's estimate than that of Nebraska's senior Senator, the venerable, the good, and the great GEORGE W. NORRIS. To recite a record of his achievements as a legislator and as a statesman would be merely to recount the record of progressivism in America; for over a generation he has been allied with or has been the impulse of nearly every progressive cause which has come to the consciousness of and received subsequent approval by our people. He is one who has been big enough to rise above the restraints of interest, either in behalf of himself or his State.

Many of us have been keenly gratified as we have seen in Senator GEORGE W. NORRIS a realization of the aspirations of the framers of the Constitution, a United States Senator who was a man worthy to be a Senator, a man who has exhibited statesmanship in his daily conduct, and has honored the high office of United States Senator.

Mr. President, I venture to say that upon reviewing the record in this body of Senator GEORGE W. NORRIS, his unselfish service to his country in peace and in war, as a citizen and as a patriot, we know that no other could be found in all the citizenry, not only of Nebraska but of America, who could so honor the office of senior Senator from Nebraska. Therefore, as an ardent Democrat, as one who believes in the Democratic Party and in the party principle, I say that there is no Democrat who is big enough or good enough to succeed Senator GEORGE W. NORRIS in his lifetime.

I would not vote for the President of the United States to oust that man from his illustrious seat and service while God shall spare him for other great contributions to his country in war and in peace.

I hope, therefore, Mr. President, that I have committed no impropriety, as a fellow Senator and a colleague, in expressing, humbly, words of appreciation for one who more than any other Member of this body, if I may say it without being misunderstood, gives character and integrity to the United States Senate. This good man, who has grown "in wisdom and in stature and in favor with God and man," will, I hope, continue to be, as long as he may be spared, the senior Senator from Nebraska.

AUTHORIZATION FOR COMMITTEE ON APPROPRIATIONS TO REPORT A BILL

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Committee on Appropriations may be allowed to report an appropriation bill during the recess of the Senate, if it should recess over from today until a later day.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I may or may not object. Of course, if consent is given, and the bill shall be reported, it can be brought up for consideration Thursday by motion, if we take a recess to Thursday at the conclusion of business today. At that time probably the report of the hearings will not be printed. If the bill were then laid before the Senate for immediate consideration, no opportunity would be given to study the bill and the hearings. I should join in the consent requested if it were provided that the bill should go over for 1 day, or until Monday, if Senators desired to have time to study it.

Mr. McKELLAR. I think that is perfectly reasonable.

Mr. McNARY. Then, with the understanding that the Senator may have permission to file the report, and upon the request of any Senator not familiar with the record or the bill, it may go over until the next session of the Senate, I shall not object.

The VICE PRESIDENT. With that understanding, it is, without objection, so ordered.

THE DRAFTING OF MEN 18 AND 19 YEARS OF AGE—NOTICE OF HEARINGS

Mr. REYNOLDS. Mr. President, I wish to announce for the benefit of the members of the Committee on Military Affairs, that tomorrow morning, at 10:30 o'clock, we will begin hearings on the bill interesting itself in the drafting of men 18 and 19 years old, the bill being, one might say, in addition to the selective service law under which we are now operating. Tomorrow these hearings will begin. They will be public hearings. Likewise we shall consider proposals for manpower legislation. There are several bills dealing with that subject now before us, and they will be taken up as soon as we can possibly reach them.

Mr. President, the subject of the drafting of young men 18 and 19 years old, as we know, interests itself in the subject of manpower, and I merely wanted this opportunity to notify all the members of the Military Affairs Committee that there are to be hearings held and conducted by the full committee, and not by a subcommittee, and that the hearings will be open. Of course, from time to time the committee members will decide about executive sessions.

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

Mr. REYNOLDS. I yield.

Mr. BARKLEY. I presume so far as the draftsmanship of the measure is concerned it will be a very simple matter. It simply reduces the minimum age from 20 years to 18 years.

Mr. REYNOLDS. Yes; that is correct.

Mr. BARKLEY. That is a simple matter, so far as the legislative draftsmanship of the measure is concerned. Of course, the question of policy is one about which the committee will want to have hearings.

Mr. REYNOLDS. That is quite true.

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

Mr. REYNOLDS. I yield.

Mr. McNARY. My attention was temporarily diverted. Was it the purpose of the Senator from North Carolina to hold hearings on the plan to draft boys 18 and 19 years of age?

Mr. REYNOLDS. Yes; that is correct.

Mr. McNARY. And is it the purpose of the Senator to report the bill and ask for action immediately?

Mr. REYNOLDS. Of course, we assume that it will take some time for the examination of the witnesses who will from time to time or from day to day be called before the committee. As to how long it will take to complete the hearings I have not now the slightest idea, because I have not been advised by the author of the bill, the Senator from South Dakota [Mr. GURNEY] as to how many witnesses he proposes to have come before the committee. Furthermore, as in other cases, no doubt members of the committee will receive communications from heads of organizations who will want to be heard as representatives of their organizations, and appear for or against the policy enunciated, so to speak, in the bill.

Mr. McNARY. Oh, yes. Mr. President, that hardly answers my inquiry. I think it is very important that we have some understanding, in view of the remarks made by the able Democratic leader the Senator from Kentucky [Mr. BARKLEY] a few days ago. A number of Members of the Senate of the Republican faith have conferred with me, and I have said, in view of what has occurred here, that I did not assume any major legislation would come before the Senate in the next 2 weeks. Upon the strength of that assertion, which was made on the basis of reliable information, indisputable information, many Senators have departed from the city. If we are now going to take up a matter so important as the drafting of young boys, I want to know it now. I am addressing my remarks to the chairman of the committee who will more or less have the decision with respect to when the proposed legislation will be considered by the Senate.

Mr. REYNOLDS. Mr. President, I am rather of the opinion that the hearings will be somewhat extensive, for the reason that the subject of drafting 18- and 19-year-old men enters primarily into

the very broad subject of manpower. I am, therefore, of the personal opinion that many of the members of the committee will wish to direct inquiries to the witnesses from time to time along the lines of manpower. We have now several bills before our committee pertaining to the broad subject of manpower, one introduced by the Senator from Ohio [Mr. TAFT], one by the Senator from Alabama [Mr. HILL], and one by the Senator from Vermont [Mr. AUSTIN]. As to when the hearings will be completed, it will be absolutely impossible to provide the able Senator from Oregon with a definite answer.

Mr. McNARY. I appreciate that. The Senator is now covering the identical ground I had in mind. I should suppose the committee would treat the subjects of manpower and the drafting of young men in a comprehensive way. Both subjects come within the comprehension of the larger term. That is what I want to know. If it is going to be the manpower bill which is to be formulated, I have every reason to imagine that it will not be brought up for some weeks, but if the Senator is going to isolate the bill to the drafing of boys 18 and 19, apart from the manpower bill, and bring it before the Senate within a few days, I want to know about it.

Mr. REYNOLDS. Of course, as I stated at the outset, we will begin hearings on the subject tomorrow, but naturally, in view of the fact that the matter of the drafting of boys 18 and 19 years old interests itself in the broad subject of manpower, members of the committee will, as a consequence thereof, I assume, direct inquiries to the witnesses upon the point of considering the drafting of boys 18 and 19 years old as a part of the subject of manpower.

Mr. McNARY. Mr. President, I should think the chairman of the committee, able as he is, would have something more definite to offer than what he assumes Senators will do. What is the purpose and policy of the chairman of the committee?

Mr. REYNOLDS. The meetings will be held for the purpose of considering now the bill providing for the drafting of boys 18 and 19 years old.

Mr. McNARY. With the idea of bringing in a bill separate and apart from the manpower bill?

Mr. REYNOLDS. Yes; I assume that to be the idea at the present time.

Mr. McNARY. Is that the Senator's purpose?

Mr. REYNOLDS. That is my purpose.

Mr. McNARY. And to have the bill before the Senate next week, if the Senator can?

Mr. REYNOLDS. Oh, no; I cannot say that. I imagine it will take several weeks to hear all the witnesses. I rather surmise it will take 3 or 4 weeks to hear all the witnesses. A great many witnesses will be called.

Mr. McNARY. Mr. President, I do not discuss matters on the floor which are childish and puerile. I am trying to act in the capacity of advising faithfully, honestly, and wisely, as I have always tried to do, the Members who confer with me. I want to know if the Senator intends to bring this bill into the Senate next week or the week following. If so, I shall make different arrangements and give different advice to the Senators who are here and to those who have absented themselves.

Mr. REYNOLDS. Mr. President, I am of the opinion that it will take several weeks to hear all the witnesses who will be called and the witnesses who will desire to be heard. Then it will be necessary to get all the members of the Military Affairs Committee together finally to cast a vote in executive session as to whether they favor the measure or oppose it.

Mr. McNARY. What is the Senator's present attitude and purpose?

Mr. REYNOLDS. My present attitude and purpose is to give those in favor of the bill and those opposed to the bill an opportunity to be heard, after which we shall endeavor to have a vote in executive session on the question of whether Senators favor the measure or oppose it.

Mr. McNARY. Mr. President, the Senator from North Carolina is treating the matter very flippantly. I like the chairman of a committee to answer a question seriously with the idea that he may or may not inconvenience Members of the Senate. I assume that the Senator does not know what he wants to do or what he intends to do. I should like him to be perfectly frank and open and candid with me in respect to an inquiry which involves a policy and the convenience of Members of the Senate.

Mr. REYNOLDS. I will say to the Senator that it is our purpose to have hearings exclusively on the question of drafting men 18 and 19 years old. That is the desire of the author of the bill, the Senator from South Dakota [Mr. GURNEY], and I told him this morning that I would be glad to come here and join him tomorrow morning.

Mr. McNARY. When does the Senator, as chairman of the committee, expect to have the bill on the floor of the Senate for consideration?

Mr. REYNOLDS. I should say within 4 or 5 weeks.

Mr. McNARY. And not earlier?

Mr. REYNOLDS. Hardly earlier than that.

Mr. McNARY. And not earlier?

Mr. REYNOLDS. Not earlier than that.

Mr. McNARY. I thank the Senator. [Laughter.]

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

Mr. REYNOLDS. I yield.

Mr. BARKLEY. The question of manpower legislation and of lowering the draft age has been one which has been booted around for quite a while in the press, and in talks on the floor of the Senate, and speeches elsewhere. Personally I do not think the two questions are necessarily connected so far as legislation is concerned.

I realize that the reduction of the age limit from 20 to 18 years is connected with the manpower situation; but the President in his address last night announced that he was going to try the voluntary system of solving the manpower question for a while yet, and that if it could not be solved in that way, he would then ask for legislation dealing with the matter.

Mr. President, the President has now announced that young men from 18 to 20 years of age should be subject to selective service, and I think that is what we have been waiting for, because we felt that as Commander in Chief of the Army and Navy we ought to consult him, and at least give him an opportunity to advise the Congress of what his views are upon that subject. I assume we are going to pass a law on the subject. I have stated repeatedly that, so far as I am concerned, whenever the President of the United States, following the advice given him by his military and naval advisers, recommends the lowering of the draft age, I shall feel it my duty to support it, and that it would be no doubt the purpose of Congress to support it. I still adhere to that view. I do not believe it is necessary to couple a bill on that subject with a bill on the subject of manpower, because, while they are connected in a way, they are not necessarily connected legislatively.

Last night the President made a very cogent argument in favor of the reduction of the draft age. I accept that view. I think the country will accept it. That being true, in my judgment, the sooner we put the law on the statute books the better. To be perfectly frank, I see no reason for delaying consideration of that bill until after the election.

It seems that everybody is afraid to mention the word "election," tiptoeing around it as though it were thin ice which might break through. We are at war; and I do not believe Congress ought to have its mind on the election, so far as any necessary legislation is concerned. It may be that in the very nature of things, if there were no election in prospect, and if we did not have to consider it or think about it under the Constitution, as we are required to do, 3 or 4 weeks might be required for the committee to hold hearings on the bill to reduce the age and bring the bill before the Senate. I do not know why it should take that long to consider the mere question of reducing the age limit by 2 years.

Nevertheless, it is not my province to suggest how long the committee should take. However, I think it would be most unfortunate for the Congress, the country, and everyone concerned for the committee deliberately to postpone consideration of the bill and try to hook it up with another subject which, according to the President's address last night, is not yet ready for legislation, merely because an election will occur in the next 3 or 4 weeks. I do not believe the Senator from North Carolina had that in mind.

The other day I announced that I did not know when the President would ask for legislation on the subject of manpower. I was acting upon information which I then had—or lack of information. I had received no information about any recommendation for lowering the age limit. Therefore I could not tell how long Members who felt called

upon to absent themselves could be assured that there would be no important legislation before us. Last week I expressed the view that it would be 3 or 4 weeks before important legislation would be brought before the Senate. I appreciate the desire of Senators to know about the situation.

I realize that Members who live far away from Washington and take advantage of a lull to go home would like to know, and have a right to know, if possible, approximately when they may be called back. I realize that it is impossible now to fix a day on which they should be called back, if necessary, to vote on the bill in question.

Mr. REYNOLDS. Mr. President, I should like to make myself clear——

Mr. BARKLEY. I think that the sooner the committee can decide when it will report the bill so that it may be taken up on the floor of the Senate, the better it will be for everybody. I am perfectly willing to abide by the decision of the committee and its chairman on that subject. I am sure there is no purpose on the part of the Senator from North Carolina to withhold information.

Mr. REYNOLDS. None whatever. I do not know how many witnesses will appear. I do not know how many witnesses the author of the bill wishes to call. The Senator from South Dakota [Mr. GURNEY] is the author of the bill. I do not know how many witnesses he will present or how long a time their testimony will require.

Speaking for myself, I am willing to vote tomorrow on the question of drafting boys of 18 and 19. No one can say that I am trying to evade the issue. I have made up my mind what I shall do about it. I should like to state my opinion now. I will vote to draft boys 18 and 19 years old because the Army says we must have them. The President says we must have them. I am putting all my confidence in our military leaders. If we do not put our confidence in the men upon whom we rely to win the war for us, we may as well quit.

Mr. BARKLEY. I agree with the Senator.

Mr. REYNOLDS. The President said he wanted to draft boys of 18 and 19. The Army has said that it wants them. I am willing to vote tomorrow to draft boys of 18 and 19.

Mr. BARKLEY. I appreciate the Senator's frankness. I take the same position. While this matter has been under discussion we have been waiting for weeks to hear, through the Commander in Chief, the views of the Army and Navy. We now have them. I am ready to vote. I do not have to have any hearings.

Mr. REYNOLDS. I am willing to vote tomorrow. At the same time, I can very well appreciate the inquiry of the leader of the minority, in view of the situation.

Mr. BARKLEY. I do, too.

Mr. REYNOLDS. Let me say to the Senator from Oregon that whatever the Committee on Military Affairs does is perfectly agreeable to me. I always endeavor to abide, and do abide, by the majority decision of the members of the committee. As every member of that committee will no doubt testify, I have always tried to lean over backward to please every member of the committee. I do not wish to say that the bill will be before the Senate tomorrow or next day without first talking with the Senator from South Dakota, the author of the bill, and finding out how many witnesses he wishes to call. Unfortunately, the Senator from South Dakota is not now present. He is absent on official business. This morning he talked with the Senator from Alabama [Mr. HILL] and myself and other members of the Military Affairs Committee, and, as author of the bill, requested that I take the floor today and announce that we shall begin hearings tomorrow.

Mr. BARKLEY. Mr. President, I should like to make an additional statement. The President has asked for legislation reducing the draft-age limit. He has not asked for legislation dealing with manpower. Therefore, I do not believe that the legislation for which he has asked ought to be delayed because of some other legislation for which he has not asked, although the two subjects may be related in the final adjustment of the war program. I think it would be most unfortunate to delay the bill for which he has asked, waiting for one for which he has not asked.

Mr. REYNOLDS. In that connection, it had been the intention of the chairman to suggest to members of the Military Affairs Committee that immediately after completing consideration of the bill before us dealing with the proposed reduction of the draft age, we take up the Hill bill, the Austin bill, and other bills.

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

Mr. REYNOLDS. I yield.

Mr. McNARY. I think probably I should make a further observation. I am not appealing to the chairman of the committee to defer action. I simply wish to know approximately when action will be undertaken. I am ready to vote now. I am just as brave as are other Senators. I have never seen any reason to retreat from the question. All I wish to know is something positive and definite. Upon that I insist. I am not asking that the bill be made a companion or first cousin of the manpower bill. The two bills embrace one large subject. The question of manpower is related to the question of taking men from civilian life and placing them in the Army. Manpower is a civilian question. The whole subject should be explored. I do not mean by that that the whole subject should be comprehended in one bill, or that one bill should immediately follow the other. However, a committee which wishes to do a good job must consider the whole economic, social, and political question involved in manpower and the draft.

I always try to cooperate with the very eloquent and distinguished majority leader. He assured our colleagues that 2 or 3 weeks would elapse before any legislation of importance would be undertaken. On the strength of that advice, and my statement on the floor, several of my colleagues have left for their homes. All I want to know is, Shall I call them back? Have we changed our plans? I shall not criticize if the plans have been changed. I want something definite and certain. I think I have obtained a final and definite answer from the very handsome, clever, but sometimes elusive Senator from North Carolina.

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

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. REYNOLDS. I yield the floor.

Mr. VANDENBERG. I wish to ask the Senator a question.

Mr. REYNOLDS. I yield for a question.

Mr. VANDENBERG. I wish to suggest to the able chairman of the Military Affairs Committee that the question of drafting men down to 18 years of age is more or less inextricably related to the general subject of how large an army the ultimate objective is to be. I find a great deal of public uncertainty on the subject, and a great deal of public anxiety over stories that we are aiming at an army of from 10,000,000 to 15,000,000 men. I find a great deal of perplexity in the public mind as to the necessity or wisdom of an effort of such magnitude. I wish to suggest to the able chairman of the committee that, for the sake of an intelligent public opinion in relation to the draft problem, and in behalf of a more willing acceptance of this very difficult decision to reach down into the juvenile years for our soldier manpower, in the course of the hearings, so far as may be possible without the disclosure of necessary military secrets, the country should be given as much of the truth as possible regarding the total military prospectus which is being planned.

Mr. REYNOLDS. I thank the Senator.

Mr. GURNEY subsequently said: Mr. President, I am sorry I was not in the Chamber at the start of the session today; as a result I have only a second-hand knowledge of the debate previous to my entering the Chamber, when the question of lowering the selective-service age of those liable for military service was under discussion. I understand my bill, which is now before the Senate Committee on Military Affairs, was mentioned.

Personally, I do not believe anyone can at this moment predict accurately when the committee may be able to conclude the hearings on the bill. I sincerely believe that everyone who, by any stretch of the imagination, has any worth-while information on which the committee could base its judgment, should be invited to give testimony to the committee. I feel that we should give plenty of time to the representatives of the armed services, the Selective Service Board, and any other Government bureau which is working on the manpower question.

Certainly no one should hold up the report of the committee to the Senate any longer than is absolutely necessary. I am sure that, in view of the President's radio address last evening, we are all now quite certain that time is of the essence

and that the Congress should expedite consideration of the subject and act just as rapidly as possible. I am hoping that will be the case.

EXTRAVAGANCE AND WASTE IN NATIONAL DEFENSE PROJECTS

Mr. WHEELER. Mr. President, a constituent of mine has asked that I place in the RECORD a copy of a letter which he wrote to the Hon Frank Knox, Secretary of the Navy. The letter calls attention to the extravagance and waste occurring at the Farragut Naval Training Station in northern Idaho. The letter is typical of other letters and reports which have come to me from various places in the country where such projects are being carried on. I know that the Truman Committee has investigated many such projects, and I think it has done an excellent job; but I am sure that the scope of its investigation has been limited by time, and probably by resources.

At this time I desire to read to the Senate a portion of the letter:

DEAR MR. SECRETARY: I wish to call to your attention some quaint (very quaint) customs and conditions existing at the Farragut Naval Training Station in northern Idaho. I gathered this information while serving there as a painter recently.

The only boss painter in the project who insisted on the men working was fired while I was there.

I was socially ostracized by the other painters because I insisted on working. The idea seems to be to make the job last as long as possible, and to hell with the war.

The paint is a powder base first cousin to kalsomine disguised as a lead base paint by adding clay and sand in order to bring the weight up to standard. One investigator told me: "This paint has so much sand in it that it ruins a saw to saw a board that has been painted with it."

The brushes flare out like a whisk broom as soon as they become wet. One investigator (there are evidently hundreds of them) examined my brush under a microscope and then said, "How do you do it?" I said, "How do I do what?" He said, "Paint with the end of a horse's tail on a stick."

The writer of the letter further said:

Soldiering is not confined to the painters. The landscape and road crews make a regular practice of building roads and parade grounds and then plowing them up and starting all over again.

When I first went to work we painted the window sash before it was installed, but this method was too fast. Now they first install the sash. Then remove them and paint them, and then reinstall them.

Then the writer of the letter proceeds to describe living conditions at the training station.

Another paragraph of his letter reads as follows:

The day I quit I had the flu from living in unheated quarters and was too ill to go to the office and stand in line for hours for my check so came on home and have been trying to collect my wages ever since. My letters are ignored. This is another established Butler custom.

Apparently the company is the Butler company.

One man tried to quit and get his money 3 days in succession but there were so many others standing in line trying to quit that he had to abandon the idea and go back to work for the duration.

* * * * *

P. S.: Due to dust and living conditions many people have died and hundreds have lost their health for life from working at Farragut. Nails lay over the ground everywhere and good building material is wasted and burned while the workers freeze in tents, trailers, etc.

Mr. President, I ask that the entire letter be printed in the RECORD.

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

THOMPSON FALLS, MONT., *October 5, 1942.*

Hon. FRANK KNOX,
Secretary of the Navy,
Washington, D. C.

DEAR MR. SECRETARY: I wish to call to your attention some quaint (very quaint) customs and conditions existing at the Farragut Naval Training Station in northern Idaho. I gathered this information while serving there as a painter recently.

The only boss painter in the project who insisted on the men working was fired while I was there.

I was socially ostracized by the other painters because I insisted on working. The idea seems to be to make the job last as long as possible, and to hell with the war.

The paint is a powder base first cousin to kalsomine disguised as a lead-base paint by adding clay and sand in order to bring the weight up to standard. One investigator told me: "This paint has so much sand in it that it ruins a saw to saw a board that has been painted with it."

The brushes flare out like a whisk broom as soon as they become wet. One investigator (there are evidently hundreds of them) examined my brush under a microscope and then said, "How do you do it?" I said, "How do I do what?" and he said, "Paint with the end of a horse's tail on a stick." I told him that painting was a gift with me. I could paint with anything and then I was descended from a long line of painters with sticks on the end of a horse's tail or painters with the end of a horse's tail on a stick. He assured me that they were paying good prices for these horse's tails on the end of sticks.

The vigilance of the guards is astounding. Although they are supposed to check the identification badges of each worker when they enter the grounds, one morning a guard stood in the door of my bus which was packed with about 50 men, flashed his light over the passengers in the front seats and said, "Well, I see at least a half dozen of you son-of-a——— have badges," and told the bus driver to roll along.

Soldiering is not confined to the painters. The landscape and road crews make a regular practice of building roads and parade grounds and then plowing them up and starting all over again.

When I first went to work we painted the window sash before it was installed, but this method was too fast. Now they first install the sash. Then remove them and paint them, and then reinstall them.

The Butler Co. is evidently not interested in transportation problems. Thousands of cars leave and enter each day with one or two passengers, while hundreds of workers have to quit as I did because they cannot get transportation. The woman at the Signal gas station in Sandpoint, Idaho, who has the franchise for furnishing transportation, does not fulfill this obligation but spends most of her time trying to look as much like Hedy Lamarr as possible, and insulting everyone who asks a civil question. To her the workers are Bayview bums just looking for a soft place to light.

The cafe owners in Sandpoint should be hanged for the prices they charge and kind of service they render.

The condition of the short-cut road between Sandpoint and Farragut is absolutely criminal and could be put in good condition in a few days with proper equipment, but neither Butler nor the Idaho State Highway Department are interested.

The merchandising system is the same now that about 20,000 workers have arrived, as it was when Athol and Bayview were wide places in the road. Mail lays in the rustic post offices for days or weeks before it is delivered. The stores are always sold out of most everything. One morning when I went into the store in Bayview the only thing they had in stock was cabbage, so I went to Athol and bought an artichoke for my lunch. The reason I did not try to buy my lunch at one of the area lunch counters is because they are made and operated on a plan designed to serve about 200 men instead of 2,000. All I ever got out of trying to buy a lunch there was bunions and flat feet from standing in line for hours, only to find when I finally reached the counter that they were sold out of everything but Smith Brothers cough drops. They are supposed to contain vitamins according to the label, but they do not make a satisfactory lunch. Although the eating and transportation problems could be cleared up in 3 days, nothing is done about it.

The occupants of the trailer camps cannot obtain fuel, and scarlet fever and typhoid are said to be rampant, but that is O. K. too. One inmate told me that the only thing he had got out of working for Butler was a total loss of confidence in democracy and a lot of hair on his chest from living in a hollow log without food, heat, or shelter. In short, conditions in these camps are beyond description. I am sure great care was taken to shield the President's sensitive vision from these eyesores. While all this is going on dozens of buildings are vacant on the project. One of the barracks was fixed up for living quarters. They made chicken-netting beds for which they charge $5 per week, and the victim has to walk 1½ miles each morning and night to eat, provided he can get anything to eat after he arrives.

Among some of the other good old American customs is the custom of forcing everyone to join a union. The unions have collected enough from Farragut workers to finance their own government for 50 years, and given nothing in return.

The day I quit I had the flu from living in unheated quarters and was too ill to go to the office and stand in line for hours for my check, so came on home and have been trying to collect my wages ever since. My letters are ignored. This is another established Butler custom. One man tried to quit and get his money 3 days in succession, but there were so many others standing in line trying to quit that he had to abandon the idea and go back to work for the duration.

By far the quaintest and most profitable custom of Mr. Butler is to deduct 10 percent from the workers' weekly pay for War bonds and then refuse to deliver the bonds until the victim threatens to murder the paymaster. Some of these men have not drawn a bond for months. I presume Mr. Butler (the great mental giant and building genius, the great farsighted American, etc.) cleans up with this money he withholds, even if he only gets 2 percent.

Hoping you and Mr. Butler will some day have bunions and flat feet from standing in a bread line, I am,

Yours truly,

BEN BAKER,
Thompson Falls, Mont.

P. S.—Due to dust and living conditions, many people have died and hundreds have lost their health for life from working at Farragut. Nails lay over the ground everywhere

and good building material is wasted and burned while the workers freeze in tents, trailers, etc.

Mr. WHEELER. Mr. President, I also desire to refer—and I have called this matter to the attention of the junior Senator from Missouri [Mr. TRUMAN]—to conditions in a camp in Wyoming generally known as "Little Tokyo." Just before I left Montana, I talked with a newspaper man. He told me that four or five men from the little town of Red Lodge went to work at the camp known as "Little Tokyo." They were there 5 or 6 days before they could be put to work, because they had no lumber. Eight box cars of lumber were supposed to come in. When they came in, all of them were sealed, and were marked "lumber." In the absence of the boss, or whoever was in charge, the boys broke the seals and opened the lumber cars. The newspaper man who spoke to me said that of the eight cars, only four had lumber in them; the others had not a stick of lumber in them. He said that of four more cars which came in, only two had lumber in them. He also told of the extravagance and waste occurring. He said that nails were being dumped on the ground by workers who wanted nails of a different size. Lumber was being wasted, as well; and all that was a result of having work done on the basis of cost-plus-a-reasonable-fee.

If the instances of which I have spoken were the only two of that sort which had been called to my attention, I should hesitate to mention them on the floor of the Senate. The man who spoke to me said he had written to the Department of Justice describing what was going on in "Little Tokyo," and saying that someone should be prosecuted. He told me that up to the time he saw me nothing had been heard from the Department of Justice. He said he had taken up the matter with Mr. Hoover, and that Mr. Hoover said it would be turned over to the Criminal Division, but that he had heard nothing further.

When I was in Montana, I was told of similar experiences and instances in northern Idaho—cases of the payment of exorbitant prices for rental of trucks and busses. One instance was so extreme that it seemed almost impossible; but I was given assurance that it was true—an instance of paying for several months $800 for the use of a truck with a tank on it, used as a stationary water wagon. Subsequently the rental was cut down to $400. The truck was not moved. The man in charge started up the engine when he came on shift, then shut off the engine, and merely stayed there; and the next man who came on shift likewise started up the engine and then stopped it again.

As I said to the Senate once before, an Army officer drove all the way from California to Montana in order to buy trucks. He purchased for $700 one second-hand truck which had been driven 7,000 miles, and had cost $875, according to my information. That would not have been so bad, perhaps; but he called my attention to the fact that at an old C. C. C. camp which had just been closed approximately 30 trucks of all types were lying idle—some of them large trucks. I could hardly believe that, but I went there and counted them. There were 35 trucks.

Some of them were large trucks, others were small, and some had pick-up bodies; but they were standing in the open, in the rain and sleet, and at about the time when snowfall begins in that region. They had simply been left there; no use was being made of them.

Those are instances of things which are breaking down the morale of the people of the country more than would be done by anything else that could happen. Unless such things are stopped we shall have a break-down of morale. After all, the little things that people see are the things that impress them. They cannot and do not visualize a billion dollars, but they can see things of the kind I have mentioned happening right under their noses. Those are the things which impress them and make them say, "Why should we buy bonds, why should we buy stamps, when this waste and extravagance is going on right under our noses?"

That is the reason why so many working men in the country "soldier" on jobs when they see the extravagance and waste their bosses are causing. They say, "After all, the Government is paying for it, and the boss is making more money because of the fact that the job takes longer, and why should we worry about it?" So the "soldiering" process starts, and goes down the line.

I do not know who is responsible for such conditions; but certainly there is a lack of coordination between the various departments, and certainly a tremendous amount of waste and extravagance is occurring from one end of the country to the other—waste and extravagance which have aroused the people of the country to such an extent that they are beginning to wonder whether those who are in charge really want to win the war, or whether they are doing everything they can to sabotage our defense efforts and to prevent us from winning the war.

Mr. GUFFEY. Mr. President, will the Senator from Montana yield for a question?

Mr. WHEELER. I yield.

Mr. GUFFEY. Let me ask whether the Senator from Montana is a contractor or a carpenter?

Mr. WHEELER. No; I have never been in the contracting business or in the carpentry business.

Mr. GUFFEY. Then, if the Senator wanted to build a house, he would not know how to do so. Let me point out that a moment ago reference was made to painting window sash before it was fitted, not afterward. Does not the Senator know that it is quite common practice among good carpenters and builders to fit the sash, take it out, paint it, and put it up again? If that is not done, a considerable amount of extra work is required.

Mr. WHEELER. I do not know.

Mr. GUFFEY. But the Senator is referring to that as bad management.

Mr. WHEELER. Yes; I am.

Mr. GUFFEY. In the carpentry and building trades it is quite customary to do the work in that way. That is all I wanted to point out.

Mr. WHEELER. I am not a carpenter nor a painter, and I do not know anything about the matter; but the man who wrote the letter I read is a contractor and a painter, and has been a painter all his life. Because I know that he is a painter and contractor, I assume that when he writes to me, his criticism is a valid one. He is an old-time contractor and painter, and has been in the business much longer, and knows much more about it, I am sure, than does the Senator from Pennsylvania. He has had actual experience. He has not merely seen such work from car windows, but he has been at it all his life, and has done nothing else all his life. His father, before him, was a painter and contractor. Not only that, but I think that his grandfather was a carpenter, painter, and a contractor. So, he should know something about it.

Mr. GUFFEY. That is immaterial to me; but I should like to tell the Senator from Montana that every year for 18 years I had a building program under my direction, and I am familiar with the common practice of building and fitting window sash, the practice which the Senator is so anxious to criticize on the basis of information coming from a contractor. Of course, the fact that I was an oil contractor and builder has nothing to do with the illustration.

Mr. WHEELER. What the Senator has said about his experience in the building business somewhat reminds me of a Russian who talked to the Senator from Kentucky [Mr. BARKLEY], former Senator Cutting, and me, when we were visiting in Russia in 1930, as I recall.

We went into a community where there was a large manufacturing industry. A man who had formerly lived in Montana was the consulting engineer there. He told us that one of the workers in the factory would like to speak to us. One of the first questions he asked was what was our business before we went to the Senate of the United States? The Senator from Kentucky spoke up and said, "I was a farmer boy." The Russian said, "I suppose like Leo Tolstoy," meaning "a gentleman farmer." Of course it was impossible for him to conceive how a farmer boy raised on a farm, as the distinguished Senator from Kentucky was, could ever get to the United States Senate; he thought he had to be a gentleman farmer.

Mr. BARKLEY. Many people in this country do not yet understand it. [Laughter.]

Mr. WHEELER. I think there are many people in the country beginning to wonder how any of us got here so far as that is concerned. [Laughter.] But I am afraid the Senator from Pennsylvania in the contracting business building houses and having them painted was a good deal like the gentleman farmer, Tolstoy, was to the Russian.

Mr. GUFFEY. Mr. President, I should like to say, for the Senator's information, that I started in as an office boy at the office of a natural gas company at

$5 a week, and came up the hard way; and I love to talk about it.

Mr. BARKLEY. Mr. President, in order that the morning hour may not be taken to show how little Senators may know about painting and similar matters, I call for the regular order.

The VICE PRESIDENT. Reports of committees are in order.

Mr. TRUMAN. I have a letter which I should like to have read into the RECORD, but I presume this is not the proper time.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2826. A bill for the relief of Capt. Richard Rothwell, United States Marine Corps; without amendment (Rept. No. 1638).

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

S. 2818. A bill to provide for payment of certain travel costs of dependents of military and civilian personnel of the Army and the War Department on a mileage basis in order to promote efficiency and economy in such payments; without amendment (Rept. No. 1639).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation three lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on October 9, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 2275. An act to amend section 10 of Public, No. 360, Seventy-seventh Congress, to grant national service life insurance in the cases of certain Navy or Army flying cadets and aviation students who died as the result of aviation accident in line of duty between October 8, 1940, and June 3, 1941; and

S. 2679. An act to authorize the transportation of dependents and household effects of personnel of the Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, incident to secret or confidential orders, and for other purposes.

PRINTING OF ADDITIONAL COPIES OF SENATE AMENDMENTS NUMBERED PRINT OF THE REVENUE ACT

Mr. HAYDEN, from the Committee on Printing, reported an original concurrent resolution (S. Con. Res. 33), authorizing the printing of additional copies of the Senate amendments numbered print of the bill (H. R. 7378) to provide revenue, and for other purposes, which was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 3,500 additional copies of the Senate amendments numbered print of the bill (H. R. 7378) to provide revenue, and for other purposes, of which 1,000 copies shall be for the use of the Senate document room, 1,000 copies for the use of the House document room, 500 copies for the use of the Committee on Ways and Means of the House of Representatives, and 1,000 copies for the use of the Committee on Finance of the Senate.

PERMISSION TO COMMITTEE ON PATENTS TO FILE REPORT

Mr. PEPPER. Mr. President, yesterday the Senate Committee on Patents held an important hearing wherein the committee was considering certain legislation with respect to patents urgently recommended by the War Department. I think that the report of the Committee on Patents will be ready today or tomorrow, and I ask unanimous consent that the report on the bill (S. 2794) to provide for adjusting royalties for the use of inventions for the benefit of the United States, and for other purposes, may be received by the Senate during the recess if it is available at that time, so that it may be on the calendar for Thursday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED

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

By Mr. PEPPER:

S. 2844. A bill to further amend the National Service Life Insurance Act of 1940; to the Committee on Finance.

By Mr. PEPPER (for himself and Mr. ANDREWS):

S. 2845. A bill to amend the Federal Crop Insurance Act to include citrus fruit and trees; to the Committee on Agriculture and Forestry.

By Mr. REYNOLDS:

S 2846. A bill to amend the Railroad Retirement Act of 1937 so as to provide for an annuity for disability after 10 years' service; to the Committee on Interstate Commerce.

By Mr. REYNOLDS (for himself and Mr. DOWNEY):

S. 2847. A bill to authorize the President to acquire vehicles and other transportation equipment and supplies necessary for the successful prosecution of the present war, and for other purposes; to the Committee on Military Affairs.

By Mr. TRUMAN:

S. 2848. A bill to provide for the establishment of the George Washington Carver National Monument; to the Committee on Public Lands and Surveys.

By Mr. BAILEY:

S. 2849. A bill for the relief of certain claimants against the United States who suffered personal injuries, property damage or other loss as a result of the explosion of a munitions truck between Smithfield and Selma, N. C., on March 7, 1942; to the Committee on Claims.

SUSPENSION OF ENFORCEMENT OF CERTAIN OBLIGATIONS AGAINST OPERATORS OF GOLD AND SILVER MINES

Mr. MURRAY submitted amendments intended to be proposed by him to the bill (S. 2802) to provide for suspending the enforcement of certain obligations against the operators of gold and silver mines who are forced to cease operations because of the war, which were referred to the Committee on Banking and Currency and ordered to be printed.

AMENDMENT TO SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATION ACT, 1943

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

To be inserted at the proper place:

"FOREST SERVICE

"Forest products: Not to exceed $30,000 of the appropriation for experiments, investigations, and tests of forest products at the Forest Products Laboratory, or elsewhere, fiscal year 1943, shall be available for the acquisition of additional land adjacent to the present site of said laboratory at Madison, Wis."

MOBILIZATION OF THE TECHNOLOGICAL RESOURCES

Mr. KILGORE submitted the following resolution (S. Res. 303) which was referred to the Committee on Military Affairs:

Resolved, That the subcommittee on technological mobilization of the Military Affairs Committee is authorized and directed to study the possibilities of better mobilizing the technological resources of the United States, for the more efficient prosecution of the war. The subcommittee shall report to the Military Affairs Committee at the earliest practicable date the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purpose of this resolution, the subcommittee is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and succeeding Congresses, to employ such clerical and other assistants, to borrow from Government agencies and departments such special assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, in addition to the cost of stenographic services to report such hearings, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

HOSPITAL NEEDS AND FACILITIES IN THE DISTRICT OF COLUMBIA AND ADJACENT AREA

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day which will be read.

The legislative clerk read the resolution (S. Res. 302) submitted by Mr. McCARRAN on October 10, 1942, as follows:

Whereas the Federal Government, by concentrating its tremendous war activities in the city of Washington and the metropolitan area surrounding the District of Columbia, has brought a vast increase in population estimated at over a million persons within the area; and

Whereas the public utilities and public services to accommodate this vast army of persons has not kept pace with that increase; and

Whereas one of the major and most important fields of service, vital to the health and well-being of the community which has failed to meet the enlarging demands upon it because of inadequate housing, personnel, materials, and equipment, is that of local hospitalization; and

Whereas the number of physicians, surgeons, dental surgeons, nurses, and other

practitioners of the healing arts available to the public and to institutions is steadily decreasing by the call to service in the armed forces of the Nation; and

Whereas the crowded conditions, and in many instances in many parts of the area the unsanitary living accommodations, the complete upheaval of the normal economic and civic life of the city caused by the enormous problem of keeping the war effort at a maximum of efficiency, are the source of a serious menace to the health of the area; and

Whereas such a menace might easily become an epidemic; and

Whereas in the opinion of many leaders of this community such an epidemic might easily become a reality; and

Whereas not only the health and the life of the entire populace, civilian and military, will be endangered, but the war effort will come to a virtual standstill if such condition obtains; and

Whereas the need for additional buildings, nurses' homes, nurses, student nurses, sterilizing and surgical equipment, ambulances, and hospital beds has been forcibly brought to the forefront on numerous occasions by the Senate Committee on the District of Columbia through public meetings, personal conferences and contacts with officials of the Federal Security Agency, Federal Works Agency, the Public Health Service, the District Commissioners, and other Government agencies and officials, and through correspondence, telegrams, and other modes of communication, which conferences and contacts and correspondence have demonstrated the urgent need for such expansion of hospital facilities, and at the same time has brought forth no definite or tangible results; and

Whereas it would appear that notwithstanding all of the apparent need and emergency, nothing has been done to assure against possible epidemic and growing inadequacy: Now, therefore, be it

Resolved by the Senate of the United States, That the Federal Works Agency, the Public Health Service, the District Commissioners, and other Government agencies and officials, charged with the responsibility of providing the people of Washington and its environs with adequate hospital facilities, prepare and submit to the Senate a report, within 10 days from the adoption of this resolution, setting forth plans and specifications which have been adopted, and those which are under study and consideration as to their feasibility, possibility, and availability, together with the present status of each project, actual or contemplated, and giving in detail the type of accommodations and facilities which are considered necessary to meet the situation existing and to rectify the conditions prevailing, including the supplies and equipment of all kinds necessary to an immediate carrying out of the program in full.

This resolution is intended to apply to all Government agencies, Federal and municipal, whose powers and authority embrace the final action required to actually put the necessary buildings, structures, and requisite personnel into operation, as well as to those agencies whose powers and authority require the giving of approval or sanction to obtain the necessary labor, materials, and supplies, to the end that the projects may, without delay, become an operating reality.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BARKLEY. Mr. President, is that the resolution submitted by the Senator from Nevada?

Mr. McCARRAN. It is my resolution, and I ask that it be modified by increasing the time within which a report may be made from 10 days to 15 days.

Mr. BARKLEY. That is on page 3, line 7, instead of 10 days the Senator would make it 15 days?

Mr. McCARRAN. I would make it 15 days.

Mr. BARKLEY. I have no objection.

Mr. McNARY. Mr. President, I inquire, What is the resolution?

Mr. McCARRAN. The resolution requests various Federal authorities having to do with the construction of hospital facilities in the District of Columbia to make a report to the Senate as to what progress, if any, they either are making or contemplate making.

Mr. McNARY. Is the Senator asking for the present consideration of the resolution?

The VICE PRESIDENT. The resolution is before the Senate, having been carried over from a preceding day.

Mr. McNARY. So it comes up automatically.

The VICE PRESIDENT. It comes up automatically.

Mr. LA FOLLETTE. Mr. President, I inquire, What was the amendment the Senator from Nevada proposed?

Mr. McCARRAN. The original resolution provided that the report should be made within 10 days. I now ask to modify the resolution so that the report may be made to the Senate within 15 days.

Mr. LA FOLLETTE. Does the Senator think it necessary to increase the time another 5 days?

Mr. McCARRAN. It was thought that perhaps some of the agencies could not prepare their report within the time originally specified. Five days does not mean anything compared to the time which has already been wasted.

Mr. LA FOLLETTE. The point I make is that this program was authorized months ago, and the money was made available for it. If they have not got their program ready to report by this time, I do not think 5 days will do them any great good. I am sorry the Senator is being so lenient about it.

Mr. BARKLEY. Mr. President, I think it ought to be said that the Senator from Nevada is making the change at my suggestion, because I was not certain that the various authorities, the Commissioners and the whole list of those who have been dealing with the subject, would be able to make their report within 10 days.

Mr. LA FOLLETTE. The Senator realizes that this report was authorized and the money made available many months ago. The city is in dire need of hospital facilities, and, unless something is done about it, there will be created here a situation which will be shocking to the entire country.

Mr. BARKLEY. My only object was that I did not want these agencies to come in at the end of 10 days and say they had not time to make the report.

Mr. LA FOLLETTE. Let them come here in 10 days and say they have not had time. They have been working upon this matter for 10 months, and it is time they had some action to report.

Mr. McCARRAN. I am glad to have the Senator from Wisconsin support our position, because he is entirely right.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified by the Senator from Nevada.

The resolution, as modified, was agreed to.

The preamble was agreed to.

REPORT TO THE FARMERS OF AMERICA—STATEMENT BY SENATOR THOMAS OF OKLAHOMA

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a statement in the nature of a report to the farmers of America, which appears in the Appendix.]

ADDRESS BY JAMES G. PATTON ON FARMERS IN THE WAR

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an address entitled "Farmers and the War," delivered by James G. Patton, president, National Farmers' Union, at a meeting of the Iowa Farmers' Union at Des Moines, Iowa, September 29, 1942, which appears in the Appendix.]

ADDRESS TO THE WOMEN OF GERMANY BY MRS. LORNA FARRELL

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address to the women of Germany, delivered on September 27, 1942, by Mrs. Lorna Farrell, editor in chief of the magazine the Woman, which appears in the Appendix.]

PRAYER BY SGT. CONLEY M. ABBOTT

[Mr. KILGORE asked and obtained leave to have printed in the RECORD a prayer by Sgt. Conley M. Abbott, of Hemphill, W. Va., now stationed in New Caledonia, which appears in the Appendix.]

The VICE PRESIDENT. The routine morning business is concluded.

INVESTIGATION OF CERTAIN AIRPLANE ACCIDENTS

Mr. KILGORE. Mr. President, I should like at this time to read for the RECORD a prepared statement from the Committee on Military Affairs. The statement is very short.

Mr. President, there was inserted in the RECORD on September 25 by the Senator from New Hampshire [Mr. BRIDGES] a petition from Mr. Joseph Leib urging action on Senate resolution 234, together with some letters, a newspaper item, and copy of the resolution.

In reading this insertion in the RECORD anyone may arrive at the conclusion that the resolution was reported by the Military Affairs Committee, that $25,000 had been provided for an investigation of airplane accidents, and that no action had been taken by the committee.

For this reason I desire to make a statement to clarify the record and to show that a subcommittee of the Military Affairs Committee had been active in the matter.

At this point I wish to repeat a statement which appears on page 3308 of the CONGRESSIONAL RECORD of April 3, 1942:

Mr. KILGORE. Mr. President, day before yesterday I reported from the Committee on Military Affairs Senate Resolution 234 erroneously, and asked for the reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. I thought at the time that the resolution had been approved by the Committee on Military Affairs. I have since ascertained that I was mistaken. I therefore ask unanimous consent that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of the resolution, and that it be referred to the Committee on Military Affairs for their approval before being referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the change of reference will be made.

Mr. President, Senate Resolution 234 was not introduced and was not reported to the Senate as a result of committee action. It was introduced only in order that the subcommittee of which I was chairman might hold hearings and to enable the committee to determine what disposition should be made of the question.

Hearings were held and the matter of airplane accidents thoroughly studied by the subcommittee.

On yesterday, October 12, the full committee considered Senate Resolution 234 and, after very careful consideration, issued the following statement:

Appearing before the Committee on Military Affairs today were Lt. Gen. Henry H. Arnold, commanding the Army Air Forces, and Col. S. R. Harris, Army Air Forces, who has specialized in the investigation of airplane accidents and has charge of the special force of inspectors which makes these investigations.

For over 6 months this committee has been considering airplane accidents.

From the confidential information previously given the committee by experts in the field of Army aviation, all of which has been confirmed by General Arnold today, the committee is of the opinion that the investigations of airplane accidents have been and are now being conducted thoroughly and expeditiously by Army Air Force experts, and that the causes of accidents developed by investigations are being disseminated to all activities concerned in training and production with a view of obviating similar accidents as far as practicable.

This committee is assured that the accident rate is smaller than we had a reason to believe it would be, due to the tremendous increase in flying hours. We were further convinced on evidence presented that in no accidents has there been proven evidence of sabotage.

SHORTAGE OF FARM LABOR

Mr. CAPPER. Mr. President, I have just received a statement from the United Dairy Committee, representing 23 States and 9 national associations, which met in Chicago last week.

"Unless speedy action is taken to insure dairy farmers of a reasonable supply of skilled help," Secretary Buskirk of this committee, writes me, "production of dairy products in 1943 will fall sharply below the present year, or even 1941."

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks the statement from this committee addressed to the President, General Lewis B. Hershey, Director Paul V. McNutt, and Secretary Claude R. Wickard.

While I have the floor I desire to call attention to some of the facts brought out in this letter. All over the country dairy herds are being sold—and all too frequently the cows are slaughtered—because the dairy operator cannot get skilled help, or any help, to aid him in continuing production of milk.

In Wisconsin, dairy production in August was nearly 10 percent below what it was in August 1941. Increase in slaughter of dairy cows was 20 percent higher than a year ago. In Kansas, as I pointed out to the Senate while we were debating the so-called anti-inflation bill, dairy herds are being dispersed and the cows slaughtered at a most distressing rate.

The United Dairy Committee has worked out a 10-point program, to which I invite the attention of the Senate. It is set forth in the letter which I send to the desk for insertion in the RECORD at this point.

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

UNITED DAIRY COMMITTEE,
Chicago, Ill., October 9, 1942.

The Honorable ARTHUR CAPPER,
United States Senate,
Washington, D. C.

SIR: Under the sponsorship of the United Dairy Committee, which committee represents the entire dairy industry in matters of general interest, a meeting was held in Chicago, Friday, October 2, to discuss the very serious situation with reference to farm labor, particularly that among dairy farmers.

The enclosed resolutions are the carefully considered position taken by the dairy industry with reference to this matter. They are worthy of the most careful attention you can give them.

Unless speedy action is taken to insure dairy farmers of a reasonable supply of skilled help, production of dairy products in 1943 will fall sharply below the present year, or even 1941.

Yours truly,
M. G. VAN BUSKIRK,
Secretary.

[Enclosure]

The PRESIDENT OF THE UNITED STATES,
Gen. LEWIS B. HERSHEY,
Director PAUL V. MCNUTT,
Secretary CLAUDE R. WICKARD:

The fact that we have passed the peak of production of dairy products; the sharp decrease in production which in Wisconsin reached 9½ percent in August, as compared with August of 1941, in spite of the best pasture and feed conditions on record; the increase in the slaughter of dairy cows, which was 20 percent higher on the Milwaukee market in August than in 1941; together with similar conditions on other markets; the startling number of farm-dispersal sales; and the definite, personal reaction of more than 1,000 dairy farmers from the chief dairy producing States—Wisconsin, Minnesota, Iowa, Kansas, Missouri, Illinois, Indiana, Michigan, and Ohio—and the expressed judgment of representatives of all phases of the industry from these 9 States, assembled in Chicago on this date, October 2, 1942, prompted the passage of the following resolutions.

A few points stand out with startling clearness. The production of dairy products will continue to decrease with increasing momentum as a result of the increasing shortage of farm labor due to industrial wages wholly out of proportion to the farmers' ability to pay and to the induction into the armed forces of irreplaceable, skilled agricultural workers so essential to the maintenance of agricultural production.

We assume, and we believe correctly, that the production of dairy products is one of the first essentials of the war program. This fact, together with those enumerated above, make mandatory certain adjustments in our present food-for-victory program. The continued production of the volume of dairy products necessary to the maintenance of full vigor of our armed forces, the supplying of food to sustain the general health of all our people, and to supply the demands of the lend-lease program hangs in the balance. The responsibility for making the necessary corrections and for setting up such programs as will maintain this necessary volume of dairy products rests squarely upon the policy-making authorities in Washington.

1. Winning the war: The first obligation of every American is to do his full share toward winning the war. To that end the dairy industry pledges its full and complete cooperation in every respect.

2. Production of food: The production of food is a first essential of our war effort. This must be faced fully and carefully and definite allocation of labor made to the production of essential farm products.

3. Critical defense areas: Conditions existing in critical defense areas where abnormal food consumption exists must be studied and definite allocations of manpower made so as to produce as much of the essential agricultural products as possible and thus meet transportation congestion.

4. Equality of manpower: A study of the equality of manpower on the basis of production in the total war effort is essential to efficient operation of the selective service, Manpower Commission, and the allocation of the necessary labor to the production of food, particularly dairy products.

5. Assurance to dairymen: Immediate action must be taken to assure dairy farmers of an adequate supply of skilled and competent labor to stop the sharp decreases in dairy production.

6. Balance: A complete over-all picture of the all-out war program in the allocation of manpower is necessary with definite relation to needs of the armed forces, their equipment, and to the necessary food supply.

7. Prices and wages: Industry and agriculture are out of balance. Agricultural commodity prices and industrial wages must be put into, and kept in, balance if maximum production of agricultural products is to be had.

8. Industrial wages, time, and effort: Industrial wages, time, and effort put forth must be set on a basis of all-out production. Present disparity of effort and return between agriculture and industry must be adjusted. Labor is patriotic and should be allowed to put forth full powers and time into the maximum effort rather than on the basis of a 40-hour week. The war effort cannot be prompted to the fullest extent if either industry or agriculture operates on a 40-hour week.

9. Voluntary enlistment: Voluntary enlistment in all armed services should be halted at once. This should be followed by a definite allocation of manpower to all war needs.

10. Recognition of essential service: Some form of recognition of the essential nonmilitary service being rendered, and to be rendered, by farm labor and keymen in the dairy industry should be made. We recommend serious consideration of the definite assignment of manpower to the essential food industries, possibly through the formation of an agricultural corps.

The united dairy committee has repeatedly offered its services to the United States Department of Agriculture. It now offers the services of the best minds of the dairy industry to all branches of the Federal Government concerned therewith in helping to solve these tremendously vital problems.

Respectfully submitted,
UNITED DAIRY COMMITTEE,
R. E. AMMON, *Chairman.*
M. G. VAN BUSKIRK, *Secretary.*

ADMINISTRATION OF PRICE CONTROL ACT

Mr. REED. Mr. President, I rise for another purpose, but before proceeding in that regard I wish to express my concurrence with the statement made by the senior Senator from New Mexico [Mr. HATCH] regarding our distinguished colleague, GEORGE W. NORRIS. At a later date, in my own time and right, I expect to say a few words about Senator NORRIS, and express the hope that for the benefit

of the United States as a whole he will be retained in the Senate so long as he lives.

Like the distinguished minority leader, the Senator from Oregon [Mr. McNARY], I, too, am ready to vote on the question of lowering the draft age to 18 years. I have been ready to vote for a long time, whenever the Commander in Chief and the high command of the Army determine what they desire.

Mr. President, I wish to proceed now to the question which I rose to discuss. Ten days ago, after the end of a historic debate, we passed what was popularly known as the anti-inflation bill. It was passed after 2 or 3 weeks of debate in the Senate. I was one of those Senators the majority leader was kind enough to mention by name as having contributed to the result. The Senator from Michigan [Mr. BROWN], who was in charge of the bill, was also kind enough to give me some credit. I mention that merely in order that there may be no misunderstanding in relation to what I am about to say. I have approached this question without bias or prejudice or partisan feeling.

Throughout the debate, Mr. President, there constantly ran a current of lack of confidence in the administration of the law if and when the bill were enacted. On the floor of the Senate, in the cloakrooms, in the lounge, in the reading room, 10 or 20 Senators said to me that they doubted whether the Price Administrator would fairly administer the law, no matter how plain the directions were, and some Senators went even to the extent of expressing a lack of confidence not only in the Price Administrator but, perhaps, in authority higher than the Price Administrator.

Unfortunately, the soundness of the basis for that lack of confidence has already been demonstrated. I say that with regret, not with any satisfaction. I shall not detain the Senate very long, but there is no subject before this body and before the country more important right now than whether clearly expressed mandates of the Congress, written into law, shall be carried out.

First, Mr. President, I wish to refer to the President's Executive order, paragraph 2 of title IV, appearing on page 7873 of the Federal Register for October 6. In that paragraph the President directs as follows:

> In establishing, maintaining, or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity—

Mark this language, Mr. President—

> appropriate deductions shall be made from parity price—

for certain payments.

Mr. President, I challenge the authority of the President lawfully to use that language, because, under the clear direction of the law, there are no appropriate deductions which can be made from the parity price.

On Monday of last week, following the President's order on Saturday, the senior Senator from Alabama [Mr. BANKHEAD] and I had breakfast together, and we freely discussed the language of the President's order and the position taken. Since that time the senior Senator from Alabama has made a very definite public statement, which was published in the newspapers, expressing the same thought I have expressed here, namely, that under the language of the act no power has been given the President to make the deductions he apparently has in mind.

Mr. President, the question of deductions from the parity price will doubtless arise later. There is a more immediate and urgent question presented by an order of the Price Administrator affecting wheat and flour which immediately concerns the wheat-producing States. The principle of the order concerns everyone. The application of it concerns immediately and importantly the wheat-growing States, and Kansas happens to be the leading State in the production of wheat as well as in the milling of flour.

I desire to read, as briefly as I can, the language of the law. I read now from a print of the bill as reported from the conference, which appears on page 7719 of the CONGRESSIONAL RECORD for October 2, 1942. I shall refer to only a few sentences. I now read from section 3:

> No maximum price shall be established or maintained for any agricultural commodity under authority of this act or otherwise below a price which will reflect to producers of agricultural commodities the higher of the following prices, as determined and published by the Secretary of Agriculture. * * *

The bill states in subparagraphs (1) and (2) what those prices shall be. Subparagraph (1) refers to the parity price as determined by the Secretary of Agriculture. Subparagraph (2) refers to "the highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942."

Mr. President, the only lawful price which can be used by the President, the Price Administrator, or the Director of Economic Stabilization, is the higher of those two prices, and nowhere in the law is anything stated about deductions from those prices.

I now come to the question of the first order issued by the Price Administrator. On October 3, 1942, the day after the approval of the law, Mr. Henderson issued an order which appears on page 7914 of the Federal Register for Tuesday, October 6, 1942. It is carried under the following heading:

> Part 1351—Foods and food products.

It then states that the ceiling price of flour shall be the highest price prevailing "during the 5 days prior to the date of the issuance of this regulation." Those 5 preceding days would be September 28, 29, 30, October 1 and October 2, or perhaps one more day in September and one less day in October.

Mr. President, the price of wheat upon which the flour price was based during those 5 days was $1.02 a bushel on the farm. The parity price was $1.34. Mr. Henderson directly violated the clear mandate given to him in this law, so recently enacted, when he fixed the ceiling upon flour prices at 76 percent of the parity price of wheat.

Let me read the section of the law which pertains to this matter. In this connection I will state to the Senators who are interested in cotton, hogs, rice, tobacco, or any other commodity, that they will probably be confronted with this very question. By a coincidence, so far as I know, wheat happens to come first under the consideration of the Price Administrator, and this is what he did to us over our protests. The law provides:

> No maximum price shall be established or maintained under authority of this act or otherwise for any commodity processed or manufactured in whole or in substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in clauses (1) and (2).

That is the law. That is the direction by the Congress to the President and to the Price Administrator. There is the clear mandate given by the legislative branch of the Government to the executive branch.

Mr. President, there have been informal conferences held between Senators interested in these questions, and we have prepared a letter addressed to Mr. Henderson. The letter is dated yesterday. Signatures of Senators began to be attached to the letter yesterday. They are still being attached. Some 15 or 16 signatures are now attached to the letters. I shall read a portion of the letter, and then ask that the entire letter be made a part of the RECORD. From the letter, which is addressed to Mr. Henderson, I quote:

> We desire to call your attention to the following provisions of the act of Congress approved on October 2, 1942, entitled "An act to aid in stabilizing the cost of living."

I shall skip over parts of the letter which quote directly portions of the law which I have already quoted and which are in the RECORD. The letter goes on to say:

> The prices of flour prevailing in the period mentioned were based upon the current prices of wheat. * * * The price of wheat on the farm was reported by the Secretary of Agriculture on September 15, 1942, as averaging $1.026 per bushel for the United States, and stated by the Secretary to be 76 percent of the parity price for wheat, which is $1.344 per bushel.

Mr. President, these are figures supplied by the Secretary of Agriculture under direction of the law. I continue to read from the letter:

> There has been little change in the market since September 15, and this figure may be accepted as representing the farm price of wheat upon which the ceiling prices of flour were based.
>
> * * * * *
>
> It seems to us that this amounts to a violation of section 3 of the act approved October 2, 1942.

We conclude the letter with this paragraph:

> In order that we may consider possible future action with regard to these matters, we ask to be informed at your earliest convenience of your reasons for departure from the clear provisions of this act.

Mr. President, in addition to my own signature, that letter at this time bears the signatures of the senior Senator from Alabama [Mr. BANKHEAD], the senior

Senator from Nebraska [Mr. NORRIS], the distinguished minority leader, the Senator from Oregon [Mr. MCNARY], the senior Senator from Kansas [Mr. CAPPER], the senior Senator from Colorado [Mr. JOHNSON], the senior Senator from South Dakota [Mr. BULOW], the junior Senator from Idaho [Mr. THOMAS], the junior Senator from Nebraska [Mr. BUTLER], the senior Senator from Iowa [Mr. GILLETTE], the senior Senator from Oklahoma [Mr. THOMAS], the senior Senator from Montana [Mr. WHEELER], the junior Senator from Illinois [Mr. BROOKS], the senior Senator from Minnesota [Mr. SHIPSTEAD], the senior Senator from Idaho [Mr. CLARK], the senior Senator from New Mexico [Mr. HATCH], the junior Senator from South Dakota [Mr. GURNEY], the junior Senator from Arkansas [Mr. SPENCER], the junior Senator from Minnesota [Mr. BALL], the junior Senator from Colorado [Mr. MILLIKIN], the junior Senator from Indiana [Mr. WILLIS], and the junior Senator from Oregon [Mr. HOLMAN].

Perhaps before the letter is mailed today additional signatures will be added, and if they should be, Mr. President, I ask permission to add the additional signatures to the letter, which I wish to have printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Without objection, it is so ordered, and the letter will be printed in the RECORD.

(The letter is as follows:)

OCTOBER 12, 1942.

MR. LEON HENDERSON,
Administrator, Office of Price Administration, Washington, D. C.

DEAR MR. HENDERSON: We desire to call your attention to the following provisions of the act of Congress approved on October 2, 1942, entitled "An act to aid in stabilizing the cost of living."

"SEC. 3. No maximum price shall be established or maintained for any agricultural commodity under authority of this act or otherwise below a price which will reflect to producers of agricultural commodities the higher of the following prices, as determined and published by the Secretary of Agriculture—

"(1) The parity price for such commodity (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials), or

"(2) The highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942 (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials).

"And no maximum price shall be established or maintained under authority of this act or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in clauses (1) and (2) of this section."

We also call attention to the following provisions in part 1351 (foods and food products) in temporary maximum price regulation 22:

"In accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the act of Congress approved October 2, 1942, entitled "An act to aid in stabilizing the cost of living" (H. R. 7565), Seventy-seventh Congress, second session, and under the authority of the Emergency Price Control Act of 1942, the Price Administrator, after consultation with the Secretary of Agriculture, hereby issues this Temporary Maximum Price Regulation No. 22 establishing as the maximum prices for certain essential food products not heretofore subject to price control the prices prevailing for those products during the 5 days prior to the date of issuance of this regulation.

"1351.801 (8). Flour: All flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soybeans, and potatoes, and combinations thereof, including bleached, bromated, enriched, phosphated, and self-rising flours."

The prices of flour prevailing in the period mentioned were based upon the current prices of wheat (in many instances on lower wheat prices obtaining in July, August, or September, by reason of forward sales). The price of wheat on the farm was reported by the Secretary of Agriculture on September 15, 1942, as averaging $1.026 per bushel for the United States, and stated by the Secretary to be 76 percent of the parity price for wheat, $1.344 per bushel, reported by him at the same time. There has been little change in the market since September 15, and this figure may be accepted as representing the farm price of wheat upon which the ceiling prices of flour were based. It follows that the ceiling prices ordered by the Administrator are the equivalent of 76 percent of the current parity price for wheat.

It seems to us that this amounts to a violation of section 3 of the act approved October 2, 1942.

Manifestly, a flour price based on $1.026 a bushel does not square with the provisions of the act requiring that no maximum price shall be established or maintained under authority of this act or otherwise below the price which will reflect to the producer of this commodity, a price equal to the higher of (1) the parity price of such commodity ($1.344) or to the highest price received for such commodity between January 1, 1942, and September 15, 1942.

The supplemental order issued by you on October 8, as we understand it, protects the millers possibly to the extent of 8 or 10 cents a bushel, but does not change the fact that the maximum flour prices set do not reflect parity price to producers, as required in the act of October 2, 1942.

In order that we may consider possible future action with regard to these matters, we ask to be informed at your earliest convenience of your reasons for departure from the clear provisions of this act.

Respectfully,

Clyde M. Reed, Kansas; John H. Bankhead, Alabama; G. W. Norris, Nebraska; Chas. L. McNary, Oregon; Arthur Capper, Kansas; Edwin C. Johnson, Colorado; W. J. Bulow, South Dakota; John Thomas, Idaho; Hugh Butler, Nebraska; G. M. Gillette, Iowa; Elmer Thomas, Oklahoma; Burton K. Wheeler, Montana; C. Wayland Brooks, Illinois; Henrik Shipstead, Minnesota; D. Worth Clark, Idaho; Carl A. Hatch, New Mexico; Chan Gurney, South Dakota; Lloyd Spencer, Arkansas; Joseph H. Ball, Minnesota; E. D. Millikin, Colorado; R. E. Willis, Indiana; Rufus C. Holman, Oregon.

Mr. REED. Mr. President, a news item appeared in a Washington newspaper dated October 11, under the headline—

Grain prices slump; uncertainty over ceilings blamed.

Then follows an Associated Press dispatch from Chicago beginning with these words:

Grain prices slumped 1 to 2 cents a bushel today to lows for the past month or longer in a general liquidation movement which brokers blamed on uncertainty as to price ceilings.

Mr. President, after giving much consideration to this matter, I prepared a memorandum on October 7 for the information of my associates and colleagues, which sets out as concisely as I know how all the facts which I have here discussed. I ask that the memorandum be made a part of the RECORD at this point in my remarks.

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

OCTOBER 7, 1942.

I

The anti-inflation bill was approved October 2, 1942. On October 3 the President issued an Executive order providing, among other things, that "the prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity should be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942," and further it was provided:

"2. In establishing, maintaining, or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions should be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies" (title IV).

On the same day the President addressed a letter to Leon Henderson, Administrator, Office of Price Administration, directing him, after consultation with the Secretary of Agriculture, to establish ceiling prices for various foods, including flour, and in that letter said:

"In line with my recent message to the Congress, you should consider present governmental payments to agricultural producers, and subsidy payments in arriving at the minimum ceiling prices."

On the same day the President issued a statement with reference to the statute in which he said:

"It leaves the parity principle unimpaired."

II

On the same day (October 3, 1942) Leon Henderson, Administrator, Office of Price Administration, issued an order, Temporary Maximum Price Regulation No. 22, establishing maximum prices for certain food products, including flour, corn meal, hominy, and hominy grits, to continue for a period of 60 days, after which permanent ceilings are to be ordered for the same commodities.

The maximum prices ordered are the sellers' highest prices charged during the period September 28, to October 2, 1942.

III

The prices of flour prevailing in the period mentioned were based upon the current prices of wheat (in many instances on lower wheat prices obtaining in July, August, or September, by reason of forward sales). The price of wheat on the farm was reported by the Secretary of Agriculture on September 15, 1942, as averaging $1.026 per bushel for the United States, and stated by the Secretary to be 76 percent of the parity price for

wheat, $1.344 per bushel, reported by him at the same time. There has been little change in the market since September 15, and this figure may be accepted as representing the farm price of wheat upon which the ceiling prices of flour were based. It follows that the ceiling prices ordered by the Administrator are the equivalent of 76 percent of the current parity price for wheat.

IV

The Anti-inflation Act contains the following:

"No maximum price should be established or maintained under authority of this act or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in Clauses (1) and (2) of this section" (sec. 3).

Clause 1 prohibits any maximum price for any agricultural commodity below a price which will reflect to producers the parity price for such commodity.

V

It appears from the above that the Administrator, acting upon instructions from the President, has established ceiling prices for flour which reflect to the producers of wheat prices substantially below the parity price for wheat and, therefore, contrary to the express provisions of the Anti-inflation Act. Flour is a commodity processed in whole from wheat and, therefore, clearly within the provisions of the statute.

This statement can only be challenged if parity is determined to be subject to the deductions mentioned in the Executive order. The statutory provisions for parity negative any such theory.

VI

The Anti-inflation Act provides that the minimum ceiling for any agricultural commodity shall be "the parity price for such commodity" (sec. 3, clause (1)). This act is an amendment to the Emergency Price Control Act of 1942, which provides: "For the purposes of this act, parity prices shall be determined and published by the Secretary of Agriculture as authorized by law" (sec. 3 (b)).

The Secretary of Agriculture publishes such parity prices on the 15th day of each month, and the last such publication, dated September 15, 1942, reported a parity price for wheat of $1.344 per bushel.

If parity prices are subject to the deductions mentioned in the Executive order the current parity price for wheat would be $1.11, as follows:

The reported parity price is	$1.344
Deductions:	
Conservation payment	.099
Parity payment	.135
	.234
	1.11

Public Law 74, Seventy-seventh Congress, approved May 26, 1941, provided for loans to producers of wheat at 85 percent "of the parity price." The loan actually made on the 1942 crop was at the rate of $1.14 per bushel, 85 percent of the established parity price of $1.34.

The Agricultural Adjustment Act of 1938 defines parity as follows (sec. 301 (a) (1)):

"Parity, as applied to prices for any agricultural commodity, shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period * * *."

Note the use throughout of the word "prices." Price is defined in the Emergency Price Control Act of 1942 (sec. 302 (b)) as meaning "the consideration demanded or received in connection with the sale of a commodity."

VII

The 1942 wheat loan is based upon a price on the farm of $1.14 per bushel equivalent to 85 percent of parity. The ceilings on flour are the equivalent of $1.026 per bushel, or 76 percent of parity. Clearly this policy violates both the letter and the spirit of the act recently passed.

No ceiling should be fixed for flour at less than a price based on parity price for wheat of $1.344 per bushel, plus "a generally fair and equitable margin" for processing, as required by section 3 of the Anti-Inflation Act.

The policy announced in the President's order, and as followed in the order of Price Administrator Henderson, must have one of three results, namely:

(a) The farmer will have a base price of $1.026 per bushel for his wheat, which is 76 percent of parity, or

(b) The Federal Government must subsidize the miller to the extent of any amount above $1.026 per bushel he pays for wheat, or

(c) The Federal Government must take over and operate the flour-milling business.

Mr. REED. Mr. President, the Price Administrator, Mr. Henderson, issued a supplemental regulation some days after his original regulation. That helped the miller, but it did not help the farmer with respect to his wheat prices. I have dealt with that matter also in a memorandum dated October 12, 1942, in which I have tried to set out the facts. I ask unanimous consent that the memorandum be printed in the RECORD as a part of my remarks at this point.

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

OCTOBER 12, 1942.

On October 3, 1942, Price Administrator Leon Henderson issued temporary maximum price regulation No. 22, in which he established maximum prices for "certain essential food products," including flour. Such maximum prices were fixed upon the level of the seller's maximum price charged by him during the period September 28 to October 2, 1942, inclusive. The term "highest price charged during the base period" was defined to mean the highest price which the seller charged for the product delivered by him during the base period.

On October 8, 1942, Mr. Henderson issued amendment No. 1 to temporary price regulation No. 22 to provide that "in the case of a seller of flour from wheat * * * in bulk and packaged in quantities greater than 3 pounds, 'highest price charged during the base period' means the highest price at which seller * * * contracted to sell for immediate or future delivery * * *."

Thus the maximum price was changed from the basis of the price for flour delivered in the base period to the basis of the price for flour contracted in the base period.

The reason for the amendment was that flour millers complained that the flour delivered in the base period had been contracted at earlier dates when the wheat market was lower and that the prices for such flour did not reflect the present wheat market with reference to which they would be obliged to contract new sales.

The effect of the original regulation can be determined from the following table:

Wheat prices (per bushel) on every Saturday, July 3, 1942, to Oct. 10, 1942, inclusive

Date	Chicago futures prices	Kansas City futures prices	Prices of cash wheat No. 1 Hard, 13.50 percent protein, at Kansas City	
July 3, 1942	$1.17⅜	$1.08⅞	July	$1.09⅞
11, 1942	1.19¾	1.11⅞	do	1.10
18, 1942	1.16	1.09	do	1.05¼
25, 1942	1.19⅞	1.12¼	September	1.12¼
Aug. 1, 1942	1.16⅜	1.09⅝	do	1.09⅝
8, 1942	1.17⅝	1.10¾	do	1.12
15, 1942	1.18⅞	1.12⅝	do	1.15
22, 1942	1.17⅞	1.11¾	do	1.13¼
29, 1942	1.19⅝	1.13⅞	do	1.15⅞
Sept. 5, 1942	1.23¾	1.17½	December	1.19
12, 1942	1.25⅞	1.19½	do	1.20½
19, 1942	1.27⅝	1.21⅜	do	1.23
26, 1942	1.28½	1.22⅜	do	1.24½
Oct. 3, 1942	1.27⅝	1.21⅞	do	1.24
10, 1942	1.23¾	1.18¼	do	1.20¾

It is a common practice in the milling business to contract for flour at harvest time for long periods in advance—even as long as 6 months, and most sales are made well in advance of delivery. Allowing for time in transit and other factors, practically no sales could be made and delivered in a 5-day period, therefore, the original ceiling was in practical effect based on the earlier sales when the wheat market was lower.

On October 3 the price of cash wheat as shown above was $1.24 per bushel, but during August it ranges from $1.09⅝ to $1.15⅞, hence the statement by the Administrator that the amendment increased the ceiling price on flour from 10 to 15 percent. It did increase the ceiling price on flour but did not have any effect on the price of wheat.

The amended ceiling, approximately $1.24 per bushel, basis Kansas City, therefore, is not greatly different from the prices prevailing in September. The Department of Agriculture reported the average price of wheat on the farms as of September 15 as being $1.026 per bushel. It follows, therefore, that the amended flour ceilings represent approximately that price for wheat.

If a generous allowance be made for a lag in time it would hardly exceed 10 cents per bushel, which assumption would bring the average farm price of wheat to $1.13 per bushel. The 1942 loan rate on wheat is $1.14 per bushel (farm average). The loan rate fixed at Kansas City is $1.27 per bushel. Compare the table above.

The September parity price for wheat is $1.344 on the farm. The amended ceilings represent a farm price of $1.026 or possibly a little above that figure. Wheat is still selling below the loan price of $1.14. Obviously, the ceilings may represent a wheat price somewhat over $1.026—it most certainly cannot exceed $1.14. In the most liberal view that can be taken, the ceilings reflect a wheat price in excess of 20 and probably 25 cents per bushel less than parity.

The millers are afforded some temporary relief by the amended order. However, as the supply of free wheat offered by farmers diminishes the demand will increase the price. An increase of 5 cents in the wheat market means 25 cents per barrel. Much less of an advance will seriously affect most millers and cause them to refuse flour sales. The effect upon the wheat market is obvious.

Mr. REED. Mr. President, the question of good faith is involved in this matter. The Congress wrote certain things plainly into the law. All the way through the debate on the measure there constantly arose expressions of lack of con-

fidence in its administration. I happen to be one of those Senators who helped to persuade the doubters to accept the bill and go along. I confess, not with pride, but with regret, that those fears were well founded. I say here and now that the President's order contained some things which are without any foundation in law, and that the first act of the Administrator in undertaking to deal with these articles processed from agricultural commodities is a direct, flagrant violation of the law, and I for one shall use my position and my voice in the Senate at least to make an effort to see that the President, highly placed as he is, and the Price Director, shall conform to the law.

Mr. BUTLER. Mr. President, I should like to endorse the remarks made by the distinguished Senator from Kansas [Mr. REED] with reference to what I would call the bungling way in which the price law has thus far been administered, at least with reference to too many commodities which originate with the farmer. What the distinguished Senator from Kansas has had to say as to the wheat order and how it affects directly the producer of wheat can be said with respect to what will result from the anticipated order in regard to meat. If what we hear suggested should happen, the meat producers will be affected far more seriously than the producers of wheat.

I sincerely hope that the rumor which has reached us may be false, for it has resulted in a great disservice to the country in this way: One feed yard which annually finishes as prime beef 35,000 head of cattle is empty today because of the confusion, because of the doubt which surrounds the industry. Most feed yards which have cattle in them do not have to exceed 50 percent of the number ordinarily to be found there at this time of the year. We are going to find ourselves in a most serious situation, one which few persons can visualize at this moment. I spoke of this months ago. I have spoken a number of times on the subject, so I need not detain Senators longer at this moment.

Mr. President, I have not burdened the RECORD with many telegrams and letters which I have received on this and kindred subjects, but I shall ask the Senate to bear with me while I read one telegram which I received this morning from the president and the State director of the National Reclamation Association, an organization which is now in session in the city of Denver. It is dated yesterday, is addressed to me, and reads as follows:

DENVER, COLO., *October 13, 1942.*

Hon. HUGH BUTLER:

Shortage labor irrigated farming, particularly sugar beets, dairying, livestock; acute and alarming. Production program vital, war crops in West imperiled. Under average weather conditions, substantial percentage 1942 sugar beets will be frozen in ground unless additional workers supplied immediately. Montana 1,800, Utah 2,000, Idaho 2,500, South Dakota 800, Colorado will advise number Wednesday, Wyoming 500, Nebraska 500, North Dakota and Minnesota 300, Oregon 500. Before Members return home for election campaigns urge efforts remedial measures, such as deferment labor engaged beet, dairy, livestock production; stabilizing farm workers present jobs; more intensive efforts recruiting evacuee, alien, prison camp labor, procurement Mexican workers.

O. S. W RDEN,
President, National Reclamation Association.
H. D. STRUNK,
State Director.

Mr. President, any one of us could read to the Senate hundreds, if not thousands, of messages which tell the same story. So I am sincerely hopeful that the administration—those in authority and in charge of handling of the labor problem—will take this matter under serious consideration at the earliest possible moment; otherwise it will be too late. The war program does not consist entirely of drafting men, arming them, and sending them to the battle front. The war program includes the production of food to maintain those at the front.

The size of the Army we are preparing has been the subject of discussion a number of times on the floor of the Senate. I am not one of those who believe that we are going to lose the war. We are going to win the war; but we shall win it much more quickly if we proceed along a reasonable line with reference to the enlistment of an army. I do not believe that we need an army of 10,000,000 or 13,000,000. Others, who are possibly better informed, may differ with me; but my opinion is that if we attempt to take from the farms and industries of the country an army of even 10,000,000, we shall break down in part of the war production program at home. At this time the production of food is just as essential as is the winning of battles.

EFFECTIVENESS OF THE WAR EFFORT

Mr. CHANDLER. Mr. President, I wish to make the basis of my remarks an article written by Mr. David Lawrence, which appeared in the Washington Evening Star, published in Washington, D. C., on Thursday, October 8.

I agree with my distinguished friend from Nebraska [Mr. BUTLER] that the prophets of gloom who go about the country telling the people that for one reason or another we are going to lose the war do not contribute to winning the war. I never saw a people, a team, or an individual engaged in a contest of any kind helping themselves by fighting a losing game. I think it is perfectly proper to say to the people that certain things are necessary and ought to be done in order to make our side more effective in the cause in which it finds itself engaged. However, I do not like to see the prophets of gloom seize upon isolated instances, or things which may be in the nature of "gripes." All of us have "gripes." The "gripe" is a great American institution. Everyone, whether he is in the Army or is a civilian, has a right to "gripe" about anything; and we make full use of that privilege. If it is only a "gripe" we soon get over it; but if it reaches such a point that it handicaps either the civilian or the military effort, it becomes so serious that some notice should be taken of it.

I am sorry the Senator from Montana [Mr. WHEELER] is not present. The "gripe" of his friend was so important that he referred to it for the second time in the past 8 or 10 days. I do not know how important it is whether sash are painted before they are installed or afterward; but I doubt whether that factor would make much contribution to winning the war.

Recently, in company with the Senator from Oregon [Mr. HOLMAN], the Senator from Washington [Mr. WALLGREN], and the Senator from Ohio [Mr. BURTON], I made a visit to some of the military establishments, both within and outside the continental United States. We went to the Aleutian Islands, bare islands with no trees, rising out of the Bering Sea and the Pacific Ocean, with mountains rising from their shores. There young Americans are getting up at 4 o'clock in the morning and working until 10 o'clock at night, asking nothing except a letter from home, a package of cigarettes, and a bar of candy. If other Senators could make such a trip and see what we saw, it would immediately occur to them that there is something to this war besides a "gripe" at home about an isolated instance which, of course, we all regret.

Mr. Lawrence says that he has been making an investigation of the set-up of the Military Establishment of the United States. He says:

> Perhaps the most important thing for Government to acquire and retain in wartime is the confidence of the people—confidence that the men at the top whose moves are necessarily cloaked in the utmost secrecy are operating solely with the idea of winning the war, irrespective of any other consideration.

Mr. Lawrence says—and I agree with him—that those at the top in the Military Establishment of the United States today are men who have won their positions through sheer merit, and who are entitled to the positions they occupy. If supported by the people of the United States, they will be successful sooner than if they are opposed by any considerable number of the people of the United States. To quote Mr. Lawrence again:

> The war is being managed by the men who know war best, the men who have spent a lifetime in the armed services and have come to their places in the high command through sheer merit and outstanding performance.

Broadly speaking, for us the strategy of making war is in the hands of the President of the United States, as Commander in Chief; for the British it is in the hands of Mr. Winston Churchill, Prime Minister of the British Empire; the Russians and our other allies have men designated by them to represent them in the Inter-Allied Council. They have adopted a plan of strategy. We are fighting all over the world. This is a

global war; and while we recognize that certain things ought to be done in certain localities, none of us wishes to have those things done at the expense of some more important sector of the war.

These men execute the war policies. Mr. Lawrence says:

> It can be stated unequivocally that President Roosevelt has given to the members of the United States chief of staff his fullest support and that he has really followed meticulously the policy of noninterference in military matters.
>
> The significance of this analysis is that if the high command of the United States decides upon secrecy with respect to past engagements or future plans or operations the public may rest assured that the reasons motivating such a decision bear relation only to necessary deception with respect to the enemy and the safeguarding of troops or materials in transit. The American people can have the utmost confidence in the high command which has emerged as the management staff of military and naval operations.

Mr. President, in order to win this war, we must have the finest trained army that we have ever had in the history of the country. We are about to obtain such an army. We have been training an army for a comparatively short time. A full year is required to train a young man to be a member of the Air Corps, the Artillery, or one of the other important services in the Army of the United States. If we give our young men such training, they will have a better chance to survive than they would have if we were to put them into battle after 6 months' training, as we have been forced to do in other wars.

During the war 25 years ago young men were frequently sent into battle after being in a quiet sector for a short time following only 6 months of training.

I think it is time to stop listening to the so-called armchair strategists, the before-the-war military experts, who told us that nothing would happen to us, that all we had to do was to fold our arms and stay on this side of the ocean; that the oceans would protect us, that nothing would happen to us, and that no nation or combination of nations could whip us or threaten us.

I have no quarrel with them for making a mistake. Anyone is likely to be mistaken about what may happen in a world such as that in which we live today. In many instances that mistake prevented the people of the country from being as well prepared as they would have been if they had followed the leadership of the President of the United States, who continually implored both branches of Congress to make sufficient appropriations to meet eventualities and emergencies if and when they should occur.

It should be repeated that the President did not want this war. No citizen of this country wanted the war. Many of us were so anxious to avoid the war that we did not take the pains to do what we should have done in order best to equip and prepare ourselves for this terrible catastrophe. Now that it is here, and we have been in it for less than a year, we are about to seize the offensive all over the earth. In doing so, we shall keep the war away from the United States, and away from its people.

So far, except in a few isolated instances, the people of this country have not suffered the tortures of war, as have the people of almost every other country on earth. The President and the military leaders are right in carrying the war to the enemy, because if we do not carry the war to the enemy, ultimately we shall have no choice except subjugation to his wishes. In other words, if we do not carry the war to him he will carry the war to us; and we cannot win the war on the defensive.

Mr. President, I wish I could tell the things which, as a member of the Committee on Military Affairs, I have an opportunity to know. It is not that we do not want the people to know these things but, if the newspapers get the news, the people get the news, and the enemy gets the news, the result may be the loss of thousands of American boys who would otherwise be saved.

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

Mr. CHANDLER. I yield.

Mr. ROSIER. This morning I read in the newspaper that Secretary Stimson had ordered an Army officer who was on the program of the Town Meeting of the Air not to appear and not to discuss the matter which he proposed to discuss on that program.

I am wondering about the wisdom of such a policy. I understand that the Army officer who was to appear on that program is a very ardent supporter of air power as a means of winning the war. The Secretary advanced as a reason for prohibiting that speech that a speech of that nature on a program so widely heard would create disunity. Are we to understand that there is intense rivalry among the various departments of defense, such as the Air Corps, the Navy, and the Army?

A few days ago I went to a news-reel theater, and I was disturbed more than I have been in quite a long time. A General Somervell—I had heard of him—had gone into a motion-picture studio and had produced a news reel; in other words, he made a speech which was reproduced in a news reel. I presume that that news reel is circulated all over the United States—probably in hundreds, if not in thousands, of theaters. The general said, first of all, that we have failed on every front in this war. That was the first part of his remarks. He said—and these were his very words—

> We have failed on every front in this war.

I should not dispute his authority for making that statement. Perhaps he knows more about how we are getting along in the war than I do, but the thing I resented was the second part of his speech. He had a right to speak on military matters, although if we are losing the war it is his fault and the fault of his colleagues and associates, because certainly the Members of the Congress have furnished all the support they have been asked to furnish, and if we are not winning the war it is the fault of the men in charge of our armed forces, to whom we have given every support. I resented particularly the second part of the general's speech, in which he discussed elections. I wish to say that if civilians have no right to pass judgment on military matters, I take a similar position regarding the right of military men to pass judgment upon political matters, and I say that military men should stay out of politics. I make that statement very positively. I gathered from the second part of the general's speech that he did not think we should have any elections, that he thought that elections were a general nuisance, and that we should forget them. I do not think that was any of his business; I do not think that he, as a military man, has any business discussing the elections in this country, because, certainly, elections are a vital part of our American way of doing things. We have had elections from the beginning of the Government, and in elections we have the process of democratic government. We had elections during the Civil War; we had them during the first World War. I resent having a general deliver a screen speech in which he ridicules the people of the country for being bothered by elections or for paying any attention to them. That is none of his affair.

In recent weeks there has been much said about there being too much talk. I think that if the military men will attend to their own affairs, and will keep their hands out of the political affairs of the country, they will be in much better order. It seems to me that there are too many generals running around the country talking at banquets and declaring what is wrong with the country in a civilian way. I suppose it is no more than right that we should do a little talking about what is wrong with them. [Laughter.]

Mr. CHANDLER. Mr. President, I should like to say to my friend the Senator from West Virginia that I am so anxious that we succeed in winning the war that I do not like to see us spend so much time fighting each other. We are so busy fighting each other that it is no wonder that sometimes we fail to whip the enemy.

If the Secretary of War wants to prevent an Army colonel from delivering a speech which, in his opinion, would be hurtful to the cause, I think he is justified in doing so; because when a man is in the Army—and let me say that I have been in the Army, and that I now hold a Reserve officer's commission—he has to obey the instructions of his superior; otherwise it would be impossible to run an army.

Mr. McCARRAN. Mr. President, from the Senator's statement I am wondering whether he would go so far as to say that there should be a suppression of a fact which, if known to the country, might inure to the benefit of the war effort?

Mr. CHANDLER. No. I think it is true in this country and in every other free country that any citizen has a right to criticize. I think the Senator from West Virginia has a right to criticize General Somervell, and I think General Somervell has a right to criticize the Senator; but I think all of us should give up that right, because we have a dangerous enemy to fight, and if we fight each other we shall not whip the enemy.

Both the Senator and the General have a right to criticize each other, but they should not do so. General Somervell is one of the best officers who has been developed in the Army of the United States. I do not know how capable he is as a politician. He may be a bad politician, but he is a good soldier; and in a short time he has risen in rank from lieutenant colonel to lieutenant general in charge of supplies. He has a way of getting things done, and that is what I am interested in. I should be willing to have him fuss a little at me about elections if he arranges to whip the Japs and the Germans, although I say that I wish he would not take part in any fussing.

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

Mr. CHANDLER. I yield.

Mr. McCARRAN. With reference to the Senator's remarks about General Somervell, let me say that I recall that at the time when the general was promoted, statements appeared in the newspapers to the effect that he was not only a good general but a good politician.

Mr. CHANDLER. That may be; he may be both. However, I think the important thing to us is that he be a good general. I think he is a good general.

Of course, if the Members of the House of Representatives and the Members of the Senate who think they are good military strategists and military geniuses want to conduct the war, and if the generals in command of the Army want to play politics, my judgment is that we shall be in a most unhappy predicament in a short time. [Laughter.]

We want to win the war. The Senator from West Virginia says that if we lose the war the responsibility for losing it will be upon the general and his military associates. I do not think so. I think that the job of the American people is to produce the things which the military forces need. Some of us tried to do it. Some did not try to do it, but I do not censure them. The fact remains that before the war came we should have been working to provide the things necessary for the defense of our country.

I say that the record shows that we made the most phenomenal progress in supply and production and training that ever has been made by any country in the history of the world. We are not losing the war. We are winning the war. It does not do any good to say that we are losing the war, because that is not so.

Mr. ROSIER. General Somervell said in his speech that we were losing it.

Mr CHANDLER. That might be his idea about it; and certain persons might make such a statement in order to cause someone else to do more than he was doing, and to lend greater assistance in helping to get the job done. I do not know the general's reason for making the speech. However, it is my conviction that the American people do not have to be told fairy stories or bedtime stories. They want to be told the truth. Wherever it is necessary to withhold the truth from them because it is not prudent that the information be furnished the enemy it should be withheld.

In a democracy processes are slow, much slower than in a country controlled by a dictator, who goes out in the morning and says, "You do this, you do this, and you do this," and there is no election about it, because if they do not do what they are told their heads are cut off. In such countries there is no argument, because if the people do not do what they are told they are destroyed and someone else is called upon to do the work.

In our country we are about to have an election. It is none of a general's business whether we have an election. The people of the United States want to have an election; they want to have a chance to vote for the men whom they prefer to have in office. In my opinion, they will vote for men who by their actions have demonstrated that they know this is one world, that we are in this war, and that they are willing to see far enough ahead not only to win the war, and to do whatever must be done in order to win it, but also to do whatever must be done in order to make sure that 25 or 30 years from now there shall not be another war in which the little children and babies of today would have to fight.

I am willing to do whatever is necessary to be done, regardless of the consequences. Frequently men in public office make mistakes, and cast votes that their constituents do not approve, with the result that their constituents turn them out of office, as they have a right to do. However, frequently the people have said later on, "We know now that we made a mistake in turning you out, and that we should not have done what we did." Then a man grows in stature in the opinion of the people.

Mr. President, it cannot be assumed that one American is more anxious than another that our Nation win the war. Of course, we have Army and Navy football games; jealousy between the services. Of course there is, but we do not want it to go to extremes.

I have had an opportunity to visit the boys in the Aleutians and in the Northwest Territory, and I have had an opportunity to see them in Alaska, and to realize the hardships they endure with smiles on their faces. All they want to know is that back home we know what is going on up there, and that we know what they are doing. They ask very little.

All the instances that are picked out—the isolated instances I have seen fit to call "gripes"—are relatively unimportant; although if they are magnified and added to, much harm might be done. One citizen might lay such great stress on an isolated instance that the whole war effort would be handicapped.

I say to the Senate that at this moment we have a finer army and a better trained army than we have ever had at any time in all our history. We are improving our position everywhere in the world. If we continue to give our support to the men in our armed forces and to the President and his officers—his high command—we shall win the war. If we do not win it with them, we shall not win it with anyone else, because we do not have time to wipe out the past and start over again.

I understand that the man who has been criticized has not always been a supporter of the President or of his administration. However, a careful investigation has been made, and it has been found that the present set-up is not only effective but efficient—controlled by men of merit who know the military situation. If they came to me and said—and if I believed what they said, and I do believe it—"Senator, it is necessary that this be done in order to get the job done," I should not hold back a thing they asked for, because I do not know what is needed, and I do not think any considerable number of the people of the country know, or that any considerable number of the Members of the Senate or Members of the other House know. When those in charge tell us, "We need this and we need that for the armed forces," I think all of us should get together and should give all we can give to help the country defeat our dangerous and treacherous enemies.

Mr. President, I close with this word: In view of the statements which have been made by certain persons—and I concede they have a right to make them—that, for one reason or another, this man is doing what he ought not to do, that some other man is doing what he ought not to do, and that we are losing the war, I thought it appropriate to say that they are not contributing to the success of the great undertaking in which we are engaged.

I say again that we will win the war quicker, and we will save more lives, if we have faith in our cause, faith in Almighty God, and faith in the leaders we have—the President of the United States and his staff and those who are in charge of waging the war against our enemies. If we have faith in them and back them wholeheartedly, victory will come sooner, and then we will make a peace which will guarantee for the future a wider distribution of goods and services to all the peoples of the earth.

In that peace America will say to all the world, "This is one world; we are a part of it, and we shall see to it that never again shall the peace be broken; we shall be strong enough, at all times in the future, to prevent the recurrence of war." That is what the people want, and they are ready to make any sacrifice to bring it about. They do not need to be brow-beaten. All they need to do is to have their Commander in Chief make the request of them. Any man who will give his son or give his life, will give anything else. Let the people know what is wanted, and then let everyone in this country talk win, and quit being prophets of gloom and doom, because that does not contribute to the ultimate victory for which we are all so anxious and for which we so devoutly pray. God willing, if we will adopt that course, we shall succeed, as we must, in the interest of the common security of the people of our great country.

EXCLUSION OF CERTAIN PROPERTY FROM CONDEMNATION PROCEEDINGS—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.

5503) to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings, 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 first amendment.

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

PAT MCCARRAN,
JOSEPH C. O'MAHONEY,
G. W. NORRIS,
Managers on the part of the Senate.
HATTON W. SUMNERS,
EMANUEL CELLER,
EARL C. MICHENER,
Managers on the part of the House.

The report was agreed to.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENTS

Mr. McKELLAR. Mr. President, earlier in the day I obtained unanimous consent to report an appropriation bill during the recess of the Senate between now and Thursday or Friday, or whatever the time may be. Two or three amendments to the bill propose legislation. In accordance with rule XL, I send to the desk a notice in writing.

The notice in writing submitted by Mr. McKELLAR is as follows:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes, the following amendments, namely:

Page 12, after line 22, insert the following:

"OFFICE OF PRICE ADMINISTRATION

"The second proviso clause under the head 'Office of Price Administration' in the First Supplemental National Defense Appropriation Act, 1943, is hereby amended by deleting therefrom the words: "shall be so administered during the fiscal year 1943 as to constitute the total amount that will be furnished to such Administration during such fiscal year for the purposes set forth in this paragraph and'."

Page 22, after line 2, insert:

"UNITED STATES MARITIME COMMISSION

"On and after November 1, 1942, section 2 of the Independent Offices Appropriation Act, 1943, approved June 27, 1942, shall not apply to the position of Vice Chairman of the United States Maritime Commission so long as the office is held by the present incumbent."

Page 24, after line 21, insert:

"BUREAU OF MINES

"Construction and equipment of helium plants: For an additional amount, fiscal years 1943 and 1944, for 'Construction and equipment of helium plants,' to constitute one fund with the appropriation under this head in the Interior Department Appropriation Act, 1943, such fund to be available for all the objects for which said appropriation is available, including transportation of personnel engaged in work authorized thereunder between helium plants and related facilities and communities that provide adequate living accommodations when specifically authorized by the Secretary of the Interior after a determination by the Office of Defense Transportation that existing private and other facilities are not and cannot be rendered adequate by other means and that the exercise of this authority will result in the most efficient method of supplying transportation to the personnel concerned, and the purchase and exchange of passenger-carrying trucks, trailers, and busses used for such purposes without charge against the limitation on the purchase of passenger-carrying automobiles hereinafter specified, $11,000,000: *Provided*, That the limitation of $16,600 on expenditures for purchase (including exchange) of passenger-carrying automobiles is hereby increased to $33,250, and the limitation of $30,000 on expenditures for personal services in the District of Columbia is hereby increased to $80,000."

Page 24, after line 21, insert:

"The authority granted by the Interior Department Appropriation Act, 1943, to the Secretary of the Interior, or any official to whom he may delegate such authority, for the duration of the war and 6 months thereafter, to appoint skilled and unskilled laborers, mechanics, and other persons engaged in a recognized trade or craft, including foremen of such groups, employed at experimental plants and laboratories of the Bureau of Mines without regard to the Classification Act of 1923, as amended, is hereby extended to include appointment of such employees at helium plants and properties related thereto."

Page 28, after line 21, insert:

"Flood control, general: For the protection of numerous defense plants now engaged in making war equipment and located along the Arkansas River, between the cities of Tulsa and Sand Springs, Okla., the Bureau of the Budget is hereby directed to release the funds in the total sum of $513,000 heretofore appropriated (the sum of $300,000 earmarked in the third supplemental national defense appropriation bill and the sum of $213,000 earmarked in War Department civil functions appropriation bill, fiscal year 1943) and immediately following the issuance of such order of release of such impounded funds, the Chief of Engineers of the United States Army is directed to proceed to the completion of the local flood protection works substantially in accordance with the recommendation of the Chief of Engineers in House Document No. 157, Seventy-seventh Congress, first session, at an estimated cost of $513,000, and as approved and authorized by the Flood Control Act, 1941 (Public Law 228, 77th Cong., 1st sess.)."

Page 28, after line 23, insert:

"SEC. 201. The limitation of $925 specified in section 405 of the Sixth Supplemental National Defense Appropriation Act, 1942, and any similar limitation specified in any other appropriation act for the fiscal year 1943 may be exceeded by such amount as the Secretary of War, in the case of the War Department, the Secretary of the Navy, in the case of the Navy Department, the Commissioners, in the case of the government of the District of Columbia, and the Director of the Bureau of the Budget, in the case of other essential governmental needs, may determine necessary to obtain satisfactory light-weight and medium-weight motor-propelled passenger-carrying vehicles, but in no event shall the price so paid for any such vehicle exceed the maximum price for such vehicle established by the Office of Price Administration, and in no event more than $1,500."

Page 28, after line 23, insert:

"SEC. 202. Section 301 of the Second Supplemental National Defense Appropriation Act, 1941 (act of September 9, 1940, 54 Stat. 884), be, and it hereby is, amended to read as follows:

"'SEC. 301. That during the period of the national emergency declared by the President on September 8, 1939, to exist, so much of section 6 of the act approved May 6, 1939 (53 Stat. 683), as amended by section 2 of the act approved June 30, 1939 (53 Stat. 989), as requires the head of each executive department and independent establishment (other than the Post Office Department) to submit to the Postmaster General quarterly reports relating to mail matter which has been transmitted free of postage, is hereby suspended.'"

Mr. McKELLAR also submitted amendments intended to be proposed by him to House bill 7672, the Second Supplemental National Defense Appropriation Act, 1943, which were ordered to lie on the table and to be printed.

(For text of amendments referred to, see the foregoing notice.)

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Several postmasters.

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

Capt. John L. Hall, Jr., to be a rear admiral in the Navy, for temporary service, to rank from June 14, 1942.

ADJOURNMENT TO THURSDAY

Mr. WILEY. Mr. President, if there is no further business, I move that the Senate adjourn until Thursday next.

The motion was agreed to; and (at 2 o'clock and 3 minutes p. m.) the Senate adjourned until Thursday, October 15, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received October 13, 1942:

DIPLOMATIC AND FOREIGN SERVICE

Raymond P. Ludden, of Massachusetts, now a Foreign Service officer of class seven and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

APPOINTMENTS AND PROMOTIONS IN THE MARINE CORPS

Col. (temporary) William T. Clement to be a colonel in the Marine Corps from the 29th day of April 1942.

Capt. (temporary) Russell Duncan to be a first lieutenant in the Marine Corps from the 1st day of June 1942.

Gordon R. Lockard, a citizen of Colorado, to be a second lieutenant in the Marine Corps from the 31st day of August 1941.

The following-named citizens to be second lieutenants in the Marine Corps from the 31st day of March 1942:

Thomas T. Grady, a citizen of Georgia.

Leonard G. Lawton, a citizen of Florida.

The following-named citizens to be second lieutenants in the Marine Corps from the 15th day of May 1942:

Victor R. Bisceglia, a citizen of New York.

Robert W. Dyer, a citizen of Iowa.

Robert F. Thompson, a citizen of New Mexico.

John D. Mattox, a citizen of Georgia.

The following-named citizens to be second lieutenants in the Marine Corps from the 15th day of July 1942:

Richard W. Schutt, a citizen of Washington.

James P. Wilson, a citizen of Oregon.

The following-named citizens to be second lieutenants in the Marine Corps from the 6th day of August 1942:

Alfred E. Holland, a citizen of Tennessee.
Monson J. McCarty, a citizen of New York.
Robert L. Raclin, a citizen of Illinois.
Wyman W. Trotti, a citizen of South Carolina.

The following-named meritorious noncommissioned officers to be second lieutenants in the Marine Corps from the 22d day of August 1942:

First Sgt. Charles S. Robertson
Platoon Sgt. James C. Fetters
Platoon Sgt. Donald R. France

The following-named citizens to be second lieutenants in the Marine Corps from the 22d day of August 1942:

Robert H. Venn, a citizen of Ohio.
William B. Onley, Jr., a citizen of Delaware.
Edgar L. Allen, a citizen of Virginia.
Charles H. LeClaire, a citizen of Michigan.
Edwin H. Klein, a citizen of New Jersey.
George W. Ellis, Jr., a citizen of California.
Alfred J. McCourtney, a citizen of California.
David W. Bridges, a citizen of Florida.
Burdette A. Ogle, a citizen of California.
William K. Gillespie, a citizen of Texas.
Robert D. Mellin, a citizen of Indiana.
Jefferson D. Smith, Jr., a citizen of Louisiana, to be a second lieutenant in the Marine Corps from the 26th day of September 1942.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 13, 1942

The House met at 12 o'clock noon.

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

Thou knowest, our Father, how often we pray for things far beyond our power; help us to have a faith to believe that Thou dost hear our prayer and desirest to help Thy children. As we go forth today touching the lives of our fellows, make us a blessing to all. Grant that we may swell the tides of the coming day when the world shall be free with the recognition that in the kingdom of the soul obedience to Thee is strength and life and disobedience is weakness and death.

Let Thy fatherly goodness and kindly providence bless all the homes of the Congress and such as are separated. Grant that they may minister unto that precious life temple into which time is sweeping our dreams and hopes. Whatever is pure and enriching in thought and character is identified with the immortal tradition of the home. Here the cloudy summits of our times must be cleared, bidding us to surpass the heroes of yesterday. Kindle in all hearts such a flame that shall consume the dross of evil passion and bind us together with the cords of brotherly cooperation; Oh, hear our humble prayer for the sake of Him, our Lord and Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address delivered by Hon. Sergio Osmena, Vice President of the Philippines, before the American Women's Voluntary Services of New York City, October 9, 1942.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks and include certain excerpts from an invitation to bid on surplus property by the Procurement Division of the Treasury. The title of the extension is "Ten Bags of Rags Wrapped Up in Red Tape—Weight Unknown."

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, some time ago I obtained unanimous consent to insert in the RECORD speeches made by the Speaker, and by the majority leader, also by Mr. DOUGHTON, Mr. COOPER, and Mr. MCKEOUGH. I find that the cost will be a little more than is permitted under the rules. Therefore I ask unanimous consent to extend my remarks in that way, notwithstanding.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. I would like to know what the cost of that will be.

Mr. SABATH. Around $125.

Mr. RICH. It must be a pretty good speech.

Mr. SABATH. They were all good speeches.

The SPEAKER. Is there objection?

There was no objection.

Mr. DELANEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert therein an address delivered by the Attorney General of the United States yesterday; also, an editorial from the New York Times of Tuesday, October 13, 1942, to accompany the address delivered by Attorney General Biddle.

The SPEAKER. Is there objection?

There was no objection.

THE NATION'S MANPOWER

Mr. LYNCH. Mr. Speaker, I ask unanimous consent to address the House tomorrow for 10 minutes, after the conclusion of the business on the Speaker's desk and any other special orders.

The SPEAKER. Is there objection?

There was no objection.

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

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, as with everything else, we must do regarding manpower whatever is necessary to win the war. In my judgment, it could be solved in the following manner:

First. To men with dependents grant a secure draft status in the form of indefinite deferment, provided such men take and keep the jobs in which they are most needed and which they are best qualified to fill. The deferment would end only if he quit the job—but it would end then.

Second. Put this system in effect in agriculture first so as to induce family men to stay in agriculture or return to it if they have left it.

Third. At the same time make it plain to employers and single men of proper age that deferment of such men may be ended at any time they are needed to fill draft quotas. In this way we would soon have a situation where men deferred from military service would in most cases have two reasons for deferment: First, family dependents; and, second, occupational deferment.

THE NEW TAX BILL

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I hold in my hand a Treasury statement showing that on October 6, in 77 days or 11 weeks, the United States Treasury has gone in the red $13,478,191,797.77—a terrible deficit. That is over $1,300,000,000 a week. An unheard of deficit by any country of the world. Where will you get the money? You have now before you a tax bill—H. R. 7378—consisting of 601 pages that is supposed to raise $6,291,000,000. That will take care of the deficits for only 5 weeks at the rate you are going—a terrible situation. If you are ever going to do things sensibly—if you will ever come to a balanced Budget—then in order to raise money you will have to have another tax bill, or you will have to cut expenses and the easiest and most sensible way to raise money is to cut down on your expenses, consolidate Government offices, and eliminate things that are not essential in government. Goodness knows there are many such departments, much inefficiency and great opportunities to cut down Government expenses. That is the only way you will ever get to a sensible business administration, and unless you do that and start to do it now, you are going to find out that you will get into the most difficult position this Nation has ever been in. In fact, you are there now. That is one way to assist in getting out of a bad situation. It takes nerve and common sense to do the right thing for your country. The longer it is delayed in cutting down expenses the harder it is going to be to save the country. Let us do it now. I will do my part, will you?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

NATURALIZING AMERICAN SOLDIERS AND MARINES

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

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, it seems appropriate, in celebrating Columbus Day, for Congress to consider providing a speedy and effective method to naturalize approximately 75,000 American soldiers and sailors of Italian origin now serving in the armed forces of the United States.

I have introduced the following resolution as a simple method of justice to accomplish this desirable purpose without undue delay.

Joint resolution authorizing naturalization of foreign nationals serving in the armed forces of the United States

Whereas there are approximately 75,000 unnaturalized soldiers and sailors of Italian origin, and thousands of nationals of other countries, serving in the armed forces of the United States, and

Whereas these aliens are serving and fighting shoulder to shoulder with naturalized and native-born American citizens in the same uniform and enduring the same hardships and risks in order to defend America and to win the war, and

Whereas the mothers and fathers of these aliens are in many instances working in war industries and contributing their share to victory, and have given their sons to serve on the fields of battle for the duration of the war; therefore, be it

Resolved, etc., That all nationals of any foreign nation serving in the armed forces of the United States may, upon application, attain citizenship by naturalization: *Provided*, That such applicant shall have served in the armed forces of the United States for a period of not less than 90 days: *Provided further*, That his commanding officer shall have certified that the services of such applicant have been satisfactory.

SEC. 2. That the commanding officer of the unit in which such applicant may be serving is hereby authorized to administer the oath of allegiance and to notify the Attorney General of the United States, who is likewise authorized by this act to issue an appropriate certificate of citizenship to the applicant.

EXTENSION OF REMARKS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my remarks by including a leading editorial that appears in the New York Times today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include a letter which I have received from Mr. Roland T. Lakey, secretary of the Michigan Drug Industries Advisory Council, with reference to a matter of very great importance to the armed forces.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELIOT of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the New York Times pertaining to the exemption of Italians from enemy-alien classification.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent that on Thursday, after the business of the day and any other special orders, I may address the House for 35 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

(By unanimous consent, Mr. PATRICK and Mr. NELSON were granted permission to extend their own remarks in the Appendix of the RECORD.)

ATTORNEY GENERAL BIDDLE

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

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I read with considerable chagrin and astonishment a statement by Frank C. Waldrop, in the Times-Herald of day before yesterday. Mr. Waldrop styles himself as a columnist. I am inclined to style him as a "calumnist." I do not now do so, but unless he makes amends I must. He stated that Attorney General Biddle was about to leave the Department of Justice and would be appointed a member of the Supreme Court, and then added:

To have him out of the Department of Justice would be a good thing for the country, naturally. Mr. Biddle has been a failure as Attorney General.

That is a desperately outrageous statement. I am intimately acquainted with Mr. Biddle and his works. As a member of the House Judiciary Committee I have frequent contact with the Department of Justice. I can say without risk of contradiction by any one that he ranks with the greatest of our Attorneys General.

In that connection, as a Member of this body, I have had personal contact with Attorneys General Stone, Mitchell, Cummings, Jackson, Murphy, and others before them in my practice of law. I believe most of you will agree with me, if not all of you, that Attorney General Biddle is a most splendid gentleman and an able administrator. He is a thorough, erudite, and courageous public official. His recent utterance removing the bar sinister of "enemy alien" upon American Italians is applauded throughout the land as an act of true statesmanship.

Let newspaper writers criticize all they will. But that criticism must be fair and sincere. Sly and mean statements must be taboo. This writer of the Times-Herald deserves condign chastisement for his utterly unfair effusion.

He even infers wrongful conduct to the President. If the Attorney General were a "failure" surely the President would have no right to advance him to the Supreme Court. His statement is a slur upon that Court, since it implies that the Court is a reservoir of incompetents and nincompoops.

I brand Waldrop's remarks a sad commentary upon freedom of the press.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may sit during the session of the House tomorrow.

The SPEAKER. Without objection it is so ordered.

There was no objection.

MARINE CORPS OFFICERS, WASHINGTON, D. C.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3152) to suspend restrictions during the present war and for 1 year thereafter upon the service of certain officers of the Marine Corps in the Marine Corps Headquarters, Washington, D. C., with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 7, after "thereafter" insert "or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment?

Mr. VINSON of Georgia. Under the reservation of the distinguished gentleman from Michigan, I desire to state that under existing law Marine Corps officers may not serve in the headquarters here in Washington any longer than 4 out of 8 consecutive years, except by proclamation of the President, in the public interest.

The bill, H. R. 3152, as passed by the House suspended that for the duration of the war. The Senate amendment, however, would permit the House by concurrent resolution or the President by proclamation to restore the original provision to the effective date at an earlier time.

Mr. MICHENER. Further reserving the right to object, Mr. Speaker, there is a great deal of comment in the country today about uniformed officers serving in Washington in the War Department, the Navy Department, and other departments, where the Washington task might be performed by civilians or older persons not subject to or fitted for armed combat. The Rules Committee was told this morning that there are approximately 5,000 uniformed officers, I think it was, serving in Washington, many of whom are of draft age, even below the age of 35, and that many of the jobs which they are occupying might be performed by other persons who are unfit for combat service.

Mr. VINSON of Georgia. May I say in reply to the gentleman from Michigan that I introduced this bill some years ago to keep from having built up in the Department a little clique, year in and year out. Therefore, a Marine Corps officer could only serve in Washington 4 years and then he had to go to the field and could not come back within a period of 4 years. But in this war the Marine Corps has found it absolutely essential that certain key officers here, ranking officers, major generals, and brigadier generals in the Marine Corps, be kept here on account of their knowledge of certain matters carried on in the Marine Corps.

I am thoroughly in accord with what the gentleman from Michigan has to say. I want to make this statement: I hope the Rules Committee will grant the rule permitting the Civil Service Committee to make the inquiry along the line that the gentleman from Georgia [Mr. RAMSPECK] is seeking.

It should be inquired into because in my judgment there are thousands

of places in the Army and the Navy that the WAVES and the WAACS could fill releasing the virile young men to go to the front. It ought to be exposed and I hope the gentleman's committee will grant a rule to the Civil Service Committee in order that they may go into the matter.

Mr. MICHENER. Yes. I realize that what we are discussing now is possibly somewhat foreign to the merits of the bill before the House. But when the country realizes that such a large number of civilian employees are in the military establishments of the Government there is bound to be a protest. We are told that in the War Department alone, the pay roll of these civilians more than equals that of the enlisted personnel of the Army. I think this condition should be remedied. The Congress should do the job if the executive departments will not do it.

Mr. VINSON of Georgia. I think in peacetime there should be a requirement that officers of the Marine Corps who serve one term in Washington should go out to the field, but in wartime some of these officers whose 4-year term of service is up are essential in Washington—it is essential to have them right here in this city. I may say, however, that in the rank and file of the officers of the Navy and the Marine Corps everyone wants to be where the fighting is going on.

Mr. MICHENER. The gentleman favors the resolution providing for the investigation of these matters by the Civil Service Commission.

Mr. VINSON of Georgia. That is right; I am heartily in accord with it. Let me say that the very theory on which I introduced and presented to the House the bill creating the WAVES was that they should take the place of the fighting boys behind the desks in the country, that they should do the desk work.

Mr. MICHENER. I am in hearty accord with the purposes sought to be accomplished by the Ramspeck investigating committee, to which the gentleman has referred. Time, however, is of the essence. It seems to me that if this condition does exist it will take time for an investigating committee to develop it; whereas an Executive order, or a demand, or a request by the President that these practices be stopped would be immediately effective. People are now on the civilian pay roll, being carried as stenographers and receiving $105 a month, we were told, when as a matter of fact they were not stenographers at all but were being trained to be stenographers. This practice should be stopped and stopped without the necessity of long hearings before an investigating committee. Some power surely exists to remedy this condition.

Mr. VINSON of Georgia. I do not believe it will take a long hearing to accomplish what the gentleman from Georgia [Mr. RAMSPECK] is seeking to accomplish, and I earnestly urge the gentleman's committee to grant that rule to permit that investigation. Wherever it is possible to supplant an officer in either the Army or the Navy who is doing nothing but routine desk work, he should be supplanted by a civilian so he could go to the field of active operations.

Mr. MICHENER. The gentleman is chairman of the Committee on Naval Affairs. Another thing that was brought up this morning is the fact that a great many commissions have been granted to young men in the services who have no military qualifications but who are wearing military uniforms and doing civilian jobs in Washington. The Ramspeck committee would have no jurisdiction whatever over these cases.

Mr. VINSON of Georgia. That is correct.

Mr. MICHENER. This committee could do nothing about it, whereas an Executive order, or a demand, or a request by the Commander in Chief would put a stop to it now and release these young men, fit for real military duty.

Mr. VINSON of Georgia. May I say that was the very reason Congress passed the bill to bring women into the service, because they can and should supplant boys who are behind desks here in Washington and other cities.

Mr. MICHENER. Can the gentleman give the country any assurance that these particular young men who have been given these preferred commissions to perform desk jobs here in Washington will be assigned to active military duty?

Mr. VINSON of Georgia. I can give the gentleman and the House the assurance that whenever we commission anyone in the WAVES it is for that woman to take the place of some man behind a desk. The WAVES is strictly a replacement organization to get to the front boys who are able to go to the front. If these boys do not have the right kind of training, they are going to be given training to fit them to perform fighting duties instead of clerical duties.

Mr. MICHENER. I am glad to have that assurance, and I hope the gentleman will come on the floor, if this policy the gentleman suggests is not carried out, and demand that something be done. With his great influence in the Congress he should be able to get action.

Mr. VINSON of Georgia. May I say that the Committee on Naval Affairs notified the Bureau of Personnel that we would not permit anyone to go into the WAVES except with the idea that she would replace some man; that if any were brought in and not used for replacements we would ask that that bill be repealed.

Mr. FISH. Mr. Speaker, reserving the right to object, I am in entire accord with my colleague from Michigan. I believe every Member of the House has been wondering why it is that thousands of young naval and Army officers well under the draft age are holding jobs in the various bureaus in Washington. This is the question that is in the minds of every Member of Congress, Republican and Democrat alike. We want to know what Congress can do about it. In the Rules Committee we discussed this subject for half an hour but got absolutely nowhere. The question is, Is there anything the Congress can do about it?

Mr. VINSON of Georgia. Yes; we have done a pretty good job bringing women into the organization to take the place of men. We are going to see that the men get out in the field, and put women in their jobs.

Mr. FISH. The gentleman knows as well as anybody else that we are in accord on that. Time is of the essence.

Mr. VINSON of Georgia. That is right.

Mr. FISH. Can we not get rid of them and get some action right away?

Mr. VINSON of Georgia. I think the proper thing to do is to adopt the Ramspeck resolution. Let the Civil Service Commission deal with the civilian personnel and they will clear up a great deal of the trouble.

Mr. FISH. I am talking about a lot of young officers under the draft age who got down here through favoritism, rich men's sons, political appointees, and social college graduates who apparently have enough influence and pull to continue to fight the war in Washington.

Mr. VINSON of Georgia. We will get more of them out every day and we will get more out as soon as we can recruit the women to take their places. Now, Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON].

There was no objection.

The Senate amendments were agreed to, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. EDWIN ARTHUR HALL. 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 New York [Mr. EDWIN ARTHUR HALL]?

There was no objection.

EXTENSION OF REMARKS

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the San Francisco Call Bulletin.

The SPEAKER. Is there objection to the request of the gentleman from California, [Mr. WELCH]?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two short articles.

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

There was no objection.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from the Pasco Herald.

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

There was no objection.

(Mr. RANDOLPH asked and was given permission to extend his own remarks in the RECORD.)

CALL OF THE HOUSE

Mr. SMITH of Virginia. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. GAVAGAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 116]

Angell	Granger	Pierce
Arnold	Green	Plumley
Baldwin	Gregory	Rankin, Mont.
Bloom	Hancock	Robertson, N. Dak.
Boykin	Hartley	Rockefeller
Buckler, Minn.	Hoffman	Rockwell
Buckley, N. Y.	Hook	Romjue
Byrne	Houston	Sacks
Byron	Izac	Sanders
Camp	Jarrett	Sauthoff
Cannon, Fla.	Keefe, Wis.	Schaefer, Ill.
Chapman	Kennedy, Michael J.	Scrugham
Cluett	Kerr	Shanley
Cochran	Kilburn	Shannon
Cole, Md.	King	Sheridan
Collins	Kleberg	Smith, Wash.
Copeland	Kocialkowski	South
Creal	Kramer	Sparkman
Crosser	Lambertson	Stearns, N. H.
Crowther	Landis	Stefan
Culkin	McIntyre	Sweeney
Curtis	McLean	Taber
Dewey	McMillan	Tenerowicz
Dies	Maas	Thill
Domengeaux	Mason	Tinkham
Drewry	Mills, La.	Vincent, Ky.
Duncan	Murray	Vreeland
Ellis	O'Day, N. Y.	Wadsworth
Folger	O'Hara	West
Ford, Leland M.	O'Leary	Williams
Gearhart	Oliver	Winter
Gilchrist	Osmers	Youngdahl

The SPEAKER. Three hundred and thirty-one Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein figures on the Indians in the armed forces of the United States.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two patriotic poems written by one of my constituents.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE POLL-TAX BILL

The SPEAKER. Under the provisions of House Resolution 110, the Chair designates the gentleman from Texas [Mr. SUMNERS] to control the time in opposition to the bill H. R. 1024.

Mr. GAVAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

Mr. HOBBS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOBBS. Mr. Speaker, on yesterday when I interposed a point of order the Chair ruled that the point of order was made prematurely and suggested that this would be the proper time to make the point of order. Therefore, I now make the point of order that under House Resolution 110 the distinguished gentleman from New York [Mr. GAVAGAN] is not the person designated in the resolution as the one to call up the bill H. R. 1024 and move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of that bill. In short, the resolution itself reads as follows:

> That on said day the Speaker shall recognize the Representative from California, Lee E. Geyer, to call up H. R. 1024, a bill to amend an act to prevent pernicious political activities, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said H. R. 1024.

The point of order is grounded, of course, upon the fact, disclosed by the records of this Congress and of this House, that the Honorable Lee E. Geyer, formerly a Representative from the State of California, designated by name in this resolution as the only person authorized to call up this bill, is dead; that he has been dead for more than a year; and that, therefore, ample time has been had by the proponents of this measure to introduce another resolution, or otherwise to cure that apparent defect, had they seen fit to do so. However, they having seen fit to gamble upon the tenure of life of our deceased colleague in the first instance, and having failed to cure the defect, I maintain that we are authorized fully to insist upon the resolution being taken at its face value and, therefore, to make the point of order that the gentleman from New York [Mr. GAVAGAN] is not authorized to call up this bill or to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill; hence that he is out of order in atempting to do so.

The SPEAKER. The Chair stated to the gentleman from Alabama yesterday, when the gentleman first attempted to make the point of order he makes now, that it was premature at that time. Later the gentleman from Alabama made the point of order that he made today, and he made it in this form:

> Mr. Speaker, I make the point of order that this resolution designates by name the Honorable Lee E. Geyer as the Member of the House who shall be authorized to call up for consideration the bill H. R. 1024, and, as Mr. Geyer is dead, the resolution is functus officio and should not, under the rules of the House, be in order.

The Chair passed upon that point then and if the Chair were to elaborate upon it today, the Chair would make the same ruling. The Chair therefore again overrules the point of order made by the gentleman from Alabama.

The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1024) to amend an act to prevent pernicious political activities, with Mr. BULWINKLE in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. GAVAGAN. Mr. Chairman, of my allotted time I yield to the gentleman from Kentucky [Mr. ROBSION] 45 minutes to be allocated as he sees fit.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GAVAGAN. Mr. Chairman, I yield myself 10 minutes, 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 New York?

There was no objection.

Mr. GAVAGAN. Mr. Chairman, I believe that I express the feelings of all Members of this House when I say it is our deep regret that the gentleman from California, the late Congressman Geyer, is not here today to care for and handle this bill on the floor.

Mr. Chairman, we are to discuss H. R. 1024 and I think it is but fitting that at the outset we read the bill. After the preamble clause follow sections 1A and 1B, which read as follows:

> SEC. 1A. The requirements in many places under the jurisdiction of the United States that a poll tax be paid as a prerequisite for voting at elections for the office of President, Vice President, Presidential elector, Member of the Senate, and Members of the House of Representatives has resulted in pernicious political activities in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates. Experience proves that existing legislation prohibiting the making of expenditures to any person to induce persons to vote for certain candidates has failed to prevent this practice. It is therefore necessary, in order to insure the honesty of such elections, that the Congress forbid the requirement that poll taxes be paid as a prerequisite for voting at such elections.
>
> SEC. 1B. It is unlawful for any person, whether or not acting under the authority of the laws of a State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote, at any election for a President or Vice President or Presidential elector or Senator or Member of the House of Representatives of the United States.

Mr. Chairman, I wish to point out at the outset that this bill seeks to control Federal elections, and only Federal elections. With State offices we have no concern, either here or within the purview of the Constitution, and this bill is predicated upon the Constitution of these United States.

In order to interpret properly any statute or the meaning of words or phrases in any writing, it is fallacious to take a particular section from its context, to ignore that which precedes or follows it, and to ask that such word or phrase stand naked and alone.

The opponents of this bill rely upon section 2 of article I of the Constitution which reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

They take that section out of the Constitution, ignore what precedes and follows it, and say that here is a mandate giving to the States the right to say who shall be electors in national elections. Mr. Chairman, such method of interpretation is fallacious and has neither the sanction of the rules of construction of statute law, logic, nor the declared policy of interpretation as laid down by the Supreme Court of the United States.

What does the section mean? In order to understand what it means we must go back to the Constitutional Convention where it was adopted. When we do that and read the proceedings that led up to the insertion of that paragraph in the Constitution, we will be convinced that it yields to the Federal Government the right to control its own elections.

Let me very briefly give you some of the history of this section 2. Originally, there was a Pinckney plan offered which read as follows:

The Members of the House of Delegates—

You will note that this House was called the House of Delegates—

shall be chosen every * * * year by the people of the several States and the qualifications of the electors shall be the same as those of the electors in the several States for their legislature.

This proposal was bitterly debated and it was objected to during the debate that it gave to the States the right to determine the electors in national elections. Then Mr. Pinckney offered a second plan providing that the first branch be elected by State legislatures and not by the people. This plan was bitterly opposed and abandoned for a third plan of Mr. Pinckney when he moved that the first branch, instead of being elected by the people, should be elected in such manner as the legislature of each State shall direct. This, too, after debate, was abandoned for a fourth plan, providing that the first branch be elected by the people in such mode as the legislatures should direct.

Then a fifth plan came, providing that the qualifications of the electors shall be the same from time to time as those of the electors in the several States, of the most numerous branch of their own legislatures.

Finally there evolved section 2, and during its debate, and after its adoption, it was unequivocally declared that the States in the first instance could declare the qualifications of electors but that Congress could ultimately change State action in this respect.

Listen to Hamilton in this regard:

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition. * * * Every government ought to contain in itself the means of its own preservation. Every just reason will at first sight, approve an adherence to this rule, in the work of the Convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient, with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard and to regret a departure from so fundamental a principle, as a portion of imperfection in the system which may prove the seeds of future weakness and perhaps anarchy.

It will not be alleged that an election law could have been framed and inserted in the Constitution, which would have been always applicable to every probable change in the situation of the country; and it will, therefore, not be denied, that a discretionary power over election ought to exist somewhere. It will, I presume, be as readily conceded, that there are only three ways in which this power could have been reasonably modified and disposed: That it must either have been lodged wholly in the National Legislature, or wholly in the State legislatures, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have permitted the regulation of elections for the Federal Government in the first instance, to the local administration; which, in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; that they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident than exclusive power of regulating election for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of its kind would not be likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk.

But that was not the only provision of the Constitution that was adopted. Nor was it the only provision delegating to Congress national power of actions. They also adopted article I, section 4, which reads as follows:

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.

Then they adopted clause 18, section 8 of article I, giving and granting to the Congress the power to make all laws which shall be necessary and proper for carrying into execution "the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof." This is a vast grant of power, unequivocal, specific, and definite.

What did we establish with our federal system of government? Was it not intended to establish a national government? If that be so, then that government, in all logic and reason, must have been granted power to function, either specifically or by implication, and certainly the National Government was granted power to protect itself, for it is inherent in things that they must contain within themselves the power for their own preservation. We are a national legislative body—created by a national constitution that declares the qualification for membership in both legislative houses; hence we must have as an inherent power the right to declare how and when Members may be elected and by whom they may be chosen.

Since the adoption of the Constitution we have adopted the fourteenth amendment, that is a reservoir of constitutional power vested in the Congress; a reservoir still untouched by Congress. In a recent case the Supreme Court of the United States has interpreted section 2 of article I in United States against Classic, volume 313 of United States Reports, decided in 1941, and not in the limbo of forgotten days. Here is what the Supreme Court says about section 2:

While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States, this statement is true only in the sense the States are authorized by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18 of the Constitution, "to make all laws which may be necessary and proper for carrying into execution the foregoing powers."

That is exactly what we are attempting to do today—exercising our power under section 8, to remove once and for all the pernicious system of poll-tax collection as a prerequisite to the exercise of national suffrage.

It has long been contended, and there is even highly respectable judicial dictum to the effect, that the qualifications of voters, for national officers as well as for State, is exclusively and peculiarly within the jurisdiction of the several States to prescribe. It is asserted that the Federal Government is prohibited from interfering with or affecting in any way the qualifications prescribed by the States for electors of national officers, be they ever so destructive of the national good, so long only as the same qualifications are prescribed for electors of the members of the most numerous branch of the State legislature, and so long as such qualifications do not discriminate because of race, color, or previous condition of servitude, or because of sex. This strange and unnatural doctrine, which seeks to insulate the National Government from the people of the United States—from the very basis of its own sovereign authority—is arrived at by isolating one section of the Constitution, tearing it both from its context and from its historical background, and treating it as though it were the only constitutional provision affecting suffrage. That section is article I, section 2, of the Constitution.

Standing alone in a historical vacuum, the above provision may have the effect sometimes attributed to it; but it is too well established to require citation of authority that the provisions of the Constitution cannot be disassociated one from another, and that the instrument must be considered as a whole, composed of interrelated parts, which create a system of democratic government. So considered in relation to the other provisions of the Constitution concerning electors, citizenship, suffrage, and the

powers of Congress with reference thereto, it becomes at once apparent that the National Government is not, and was never intended by the founding fathers to be, as impotent in election matters as heretofore thought, utterly cut off from the source of all democratic sovereignty, and dependent from the character of its electorate on the whim, caprice, and sufferance of the several States.

If there was any question that the founding fathers did not intend to surrender completely to the States the fundamental democratic power of determining the qualifications of voters, it is erased by the plain language of article I, section 8, subsection 18:

> The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution * * * all * * * powers vested by this Constitution in the Government of the United States.

Not only is the regulation of "the time, place, and manner of holding elections" a power specifically and expressly vested in the Congress by article I, section 4, but the determination of the qualifications of voters is a power unquestionably exercised by the Government of the United States in article I, section 2, of the Constitution itself.

The very exercise of the power by the Constitution proves conclusively that it is one "vested by this Constitution in the Government of the United States," from which it inevitably follows that Congress has the power "to make all laws which shall be necessary and proper for carrying it into execution."

Thus, at the very dawn of constitutional history, we have an answer to the question which next presents itself—whether, having defined a Federal electorate, in terms of a State electorate, the Federal Government is bound to accept anything, no matter what its nature, that a State chooses to call a qualification for voting.

The answer to that must be "No," for three reasons:

First. Any other answer would imply that the Constitution is not an organic whole, but that one section of it can be lifted out and interpreted without regard to any other section or to the general nature of the entire law.

Second. The mere fact of placing an affirmative clause in the Constitution gives the Federal Government the power and duty of policing that clause, to see that it is obeyed in accordance with its true substance and purpose as a part of the fundamental law.

Third. In the understanding of any law, words must be given their true meaning. A qualification for voting is not simply the ability to dodge an arbitrary or unnatural disqualification. It must bear some reasonable relationship to the purpose for which electoral qualifications are set up. It must be a test of fitness harmonizing with American principles of government and bearing a living relationship to the period in which it is in vogue.

Whenever Congress, by virtue of its power to make necessary and proper laws, elects to enforce article I, section 2, by ending an arbitrary and unnatural disqualification of voters, it will but carry out the declared purpose of the framers of the Constitution to base congressional elections upon the great body of the people, rich and poor alike.

The fathers of our country could not visualize the coming of a time when the people would be corruptly deprived of their rights in State elections, and thereby cause Federal rights to be lost. But they did look ahead to a time when the conduct of State governments might cause Federal suffrage rights to be lost, and they provided against it in article I, section 4. This section gives Congress power, by law, to regulate the time, place, and manner of electing Members of Congress, and to alter State laws on the subject. The debates in the Constitutional Convention show that the principal purpose of this clause was to make Federal authority paramount in Federal elections and to guard them against corruption. Rufus King of Massachusetts said that failure to give Congress this power would be "fatal to the Federal Establishment." The words, "Time, places, and manner," were not used narrowly. Madison said: "These were words of great latitude."

It was impossible, he said, to foresee all the abuses that might arise from an uncontrolled discretion in the States. Whenever the State legislatures had a favorite measure to carry, he said, "they would take care so to mold their regulations as to favor the candidates they wished to succeed."

Under section 4, Congress has acted from time to time to prevent corruption in Federal elections. The poll tax is an agency of wholesale corruption, employed by political machines to debauch and control both Federal and State elections. The Virginia poll-tax requirement of the 1870's was described in the debate on its repeal as having opened the flood gates of corruption. Poll-tax corruption was a prime factor in the repeal of the requirement in Massachusetts and Pennsylvania. And, I submit, the time has come to abolish poll taxes throughout the Nation in Federal elections.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, this bill raises a very interesting constitutional question. It is true the exact question has never been decided by our Supreme Court. In determining it therefore, we must not only read the cases actually decided, but also give consideration to the trend of judicial decisions. Many cases will be cited here in opposition to this bill which to my mind do not determine the issue here involved. Most of those cases came up under the fourteenth amendment. In those cases some petitioner objected to the conduct of some State officials probably or to some State law, and he went to the Federal courts on it. The Federal court had before it a single question, Does the act or the law complained of violate the fourteenth amendment, which prohibits the States from doing certain things? No such question is presented here. The question here is this, Does this Congress have authority to pass this particular bill, and we must examine the Constitution to see just what our authority is in the matter. The Supreme Court first had that under consideration in the Newberry case. You will remember in the case of the State against Newberry that Congress had attempted to make the Corrupt Practices Act apply to primaries. The Supreme Court in passing on the constitutionality of it examined the power of Congress to legislate in that field, and the majority quoted this section of the Constitution, article I, section 2 as follows:

> 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.

A majority of the Court at that time held that that was the only authority Congress had in the matter of regulating elections of national officials. They held that a primary was not an election within the meaning of the word "election," and therefore they held that the provision as to primaries was unconstitutional.

There were several minority opinions in the case. One opinion expressly stated that the provision I have just read was not the only provision in the Constitution which gave Congress the power to regulate the election of Federal officials. That opinion pointed out that we are a sovereign government; that this sovereign Federal Government must operate through elected officials; that it is a representative government, and you do not need to look to any particular words, but only to the intent and purpose of the Constitution and find therein complete authority for Congress to regulate the election of all of its officials.

In the case of State against Classic, the Supreme Court in the majority opinion, overruled the Newberry case insofar as it held that a primary was not an election within the meaning of the section I have quoted. But the language that is used in that case and in the cases since the Newberry case lead me to believe that when this question is again presented to the Court, the Court will adopt the view that was laid down in the minority opinion in the Newberry case.

One other thing deserves consideration. That is, article I, section 2:

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

Now, what does that mean? In the first place, is the requirement of the payment of a poll tax a qualification within the meaning of the word as used in that part of the Constitution?

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GWYNNE. In the second place, does the Constitution mean to say that the State, by fixing any qualification it may desire, shall virtually control the election of officials to the Federal Government? Obviously not. For example, suppose out in Iowa the legislature should say that nobody should vote for a mem-

ber of the lower house in that State unless he were a Republican—not that that would not be a good idea—or that he should not vote unless he owned a farm or had $10,000. Of course, the Congress might accept the qualifications as laid down, but there is nothing in the Constitution to indicate that Congress does not have the power to change those qualifications if it so desires.

In other words, here is the situation you have: Here are the States given authority to say what the qualifications shall be for the electors; to say how elections shall be conducted, both in the primary and the general election; and in the absence of Congress speaking, those qualifications shall be deemed to have been accepted by the Congress. I think that is the explanation of the constitutional provision. Obviously that must be the explanation. Otherwise, then this Nation is not a sovereign nation and we are dependent for the election of our own officials on the whim and wish of some legislature, if you accept the view advanced here that that section means that the legislatures of the States may lay down any qualifications they may choose.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 25 minutes.

Mr. Chairman, I did not propose to do more than discuss the lack of constitutional warrant for this legislation, but I have just listened with interest to my distinguished and beloved friend, a member of our committee, the gentleman from Iowa [Mr. GWYNNE]. I am deeply concerned for the future of this democracy. My friend expressed an apprehension as to what injustice for voters States might commit if they are not controlled in fixing qualifications. Who is to control them? This bill proposes to establish control in the Federal Government. Who is to control the Federal Government? We are moving away from the people. Fundamentally, in my judgment, that attitude is undermining our democracy and destroying the possibility of preserving a democracy in America. That attitude is wrong. When we cannot trust the States to deal with matters within their governmental capacity we cannot trust democracy.

A democracy is a government by the people. We can rise in security and justice no higher than the people. If we are afraid to leave power and responsibility back among the people, then we are not fundamentally in favor of and do not really believe in a democratic system of government. I do. I believe it is the sort of government designed by God for the good order and happiness of men. Of course, the States can inflict all sorts of injustices. The Supreme Court can rob one person by a corrupt judgment and give to another. Two-thirds of this House can rob any Member of his seat. Two-thirds of the Houses of Congress can remove every civil officer by impeachment. Presidents of banks can wreck their institutions. Parents can poison their children. The answer is they will not. The plan of the Constitution does impose this safeguard, which was considered important in the formative days of the Constitution. The election of Members of Congress is protected by the constitutional provision that no more onerous qualifications can be imposed upon their electors than the States impose upon the electors of their own legislators.

We are deciding now in America whether really we are going to preserve a democracy or not. I mean absolutely that. When we come here to Washington and take our places in this chamber, we seem to think we have brought all the patriotism, wisdom, and statesmanship up here, and immediately become afraid of the people who sent us here. The States are the only agency of general democratic government we have or can have in our system. By this bill, you propose to attempt to brand as a criminal a State official for obeying a State law which the Supreme Court, in the clearest sort of pronouncement, says is constitutional. The language of the Constitution is plain but the hope is indulged here that the Supreme Court, as now constituted, will forget the decisions of the past and read into the Constitution a meaning which will take a power from the States by this judicial construction, which those who helped form the Federal Constitution, and the statesmen who fashioned each of the constitutional amendments dealing with suffrage and the Supreme Court since the beginning have held was reserved in the Constitution by the States—namely, the responsibility of fixing the qualification of voters.

There can be no constitutional government without a constitution. There can be no constitution unless it is respected. A constitution cannot long remain among a people whose chosen defenders of the Constitution seek opportunities to evade it. I do not mean to be offensive. This poll-tax thing of itself is relatively insignificant one way or the other.

The statement I have just made as to the perils of our Constitution, I submit, is supported by experience, common sense, and every line and warning of human history. If ever there was a time on the face of the earth when we need a constitution, it is now. The people, in order to operate a system of free, popular government, have to have something in their governmental structure that will hold them true to the course of their destiny, as against the pressure and whim of the moment. I am talking to you Members in this chamber in the most solemn hour in the Nation's history. It is now, today. We are on trial. We proclaim ourselves the champion of democracy in the world everywhere.

A short time ago I read in the Songs of Solomon these lines:

> They made me the keeper of the vineyards, but mine own vineyard have I not kept.

May I say to the people of America and to the Congress of America that unless we rally to the support of constitutional government in this country we, too, shall sing that pathetic song:

> They made me the keeper of the democracies of the world, but mine own democracy have I not kept.

Let us get away from all this mystery about government and see what it is. A popular government is somewhat like a lodge or a club; it is a group of people who get together and organize themselves for the purpose of trying to govern themselves. You have to have a constitution in a lodge or a club—fundamental law that cannot be too quickly changed under temporary pressure. You have to have it in a popular government. I have not examined in detail as to how this poll-tax requirement works. That is not the thing of importance here.

What we are doing to our Constitution by passing this bill in violation of the Constitution is in disregard of the plain language of its provisions, in disregard of the definite, explanatory statements of those who worked in the formation of that document, in disregard of our practical construction since the organization of the Government, and in contempt of the clear, logical, unequivocal pronouncements of the Supreme Court. That is not all the hurt we are doing. This talk about 10,000,000 people being disfranchised because they are required to pay two or three dollars to maintain the Government that protects them is not building in them those elements of civic fitness necessary to maintain a democracy. I notice in section 1-A of the bill this language:

> The requirements in many places under the jurisdiction of the United States that a poll tax be paid * * * has resulted in pernicious political activities, in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates.

Well, what are the authors trying to do; make it easier to buy and control votes? It seems to me all this talk about the poll-tax requirement disfranchising 10,000,000 people is pathetic. It is the notion gone to seed that everybody is to have a free ride on the Government wagon, be bottle-fed, and rocked to sleep in the arms of some great governmental agency. That is not the sort of talk that makes people able to govern. The very idea of these people going around and telling grown, husky men without any physical disability, in times like these, that although you may have the benefits of good roads, of the courts, of police protection, and all the other provisions of government, a great injustice is done if you are asked to pay two or three dollars to the free-school funds before you are allowed to sit in the council of your Government and help to select your officials. I was in a big city not so long ago. They showed me a beautiful place where children came to play. I asked: "Is this free?"

They said, "No, not quite; they make the children pay a little something."

I asked, "Why?"

They said, "It does something fine for the children, for their self-respect, to have them pay just a little something before they can participate."

As I said, I am not discussing the particular thing—the poll tax itself. I am discussing this destructive preachment associated with the propaganda to force its passage. I have had all the experiences. I have examined things. I know what makes people fit, not the things they get for nothing. There was a great man whose life I examined one time. He called himself Paul of

Tarsus. One thing, his Roman citizenship, he got for nothing. He inherited it. The other, his religion, he paid for in blindness and in blood—a thing to him more valuable than his life.

I am not talking about voting. I am talking about the necessity of everybody in America putting his shoulder under the load of government however small the lift, that he may feel it is his and have the thrill of service. Government can get along without it, but the citizen cannot if he is to remain fit to be a citizen of a great democracy. The poll tax may not be the way to do it but certainly this propaganda with reference to 10,000 000 people being disfranchised because they are expected to pay a couple of dollars per year for the maintenance of government, and will not do it, is not good.

All these people running around over the country saying, "You poor, helpless things," trying to make everybody sorry for himself, taking the nerve and fight and strength and self-respect and self-confidence out of the people. They are the real menace to free constitutional self-government. That is what they have been doing all these years—peddling that sort of philosophy around over the country. There are more such organizations now than we have ever had in the world, living off of the pity and the self-pity of people, preaching defeatism everywhere. It is a wonder to me we have many people in this country fit to live in a constitutional government with that sort of thing going on everywhere now.

You poor little 10,000,000 people disfranchised. How? Because, forsooth, you are asked to chip in one or two dollars, before you vote, to help educate the kids of this country, you are disfranchised; you have had a horrible thing done to you. As I say, I have not fully examined into how this poll-tax requirement works but I know how this giving people, able-bodied people "something for nothing" works.

Is this proceeding giving these people, would you say, respect for the Constitution, as it is written, until it is changed by the method provided for its amendment in the Federal Constitution.

In all the other times we sought a change we did it by constitutional amendment. We are here seeking to do it by constitutional disregard. Sing the National Anthem, recite the creed, look in on this scene—great stuff.

Let us approach an examination of some of the constitutional questions which are involved. Here we were 13 nations. The 13 nations decided they wanted an organization to do a few things for them. They sent some people to Philadelphia. There was no Federal Government, of course. These people went as the agents of these States. When they got to Philadelphia, the agents of the States, agents of the people—and not agents of the Federal Government—after a whole lot of talking and a good deal of writing and a good deal of shifting around, they finally got a document formulated. They submitted it to the States, and these finally ratified the work of their agents and the Federal organization became a fact.

Among the details of what they agreed to was article I, section 2, of the Constitution, and the electors in each State [for Members of Congress] shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

In other words, the States would determine the qualifications of the voters for their own State representatives, of course, and those same voters would elect their representatives in Congress. It was all threshed out and agreed to in the Constitutional Convention, written into the document, and ratified by the States. The States said they were going to determine the qualifications of their own voters for their State legislatures and that they were going to fix it so that their Members of Congress should be voted for by those voters who were qualified to vote for the members of their own State legislatures. That is all there is to it. Then they provided by article I, section 4: "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."

The Congress might thus have to do with the time, and the place and the manner—the time, and the place, and the manner of the election; but the States retained control over the qualifications to vote. Members in this House who come from sovereign States, elected by people whom they profess to have some respect for and belief in, are disturbed that the States fix the qualifications for their own representatives, and fix them for their Members of Congress, and they have the same qualifications—the same set of voters.

Mr. Chairman, I have some special responsibility because this bill was held for a good while in the committee of which I happen to be chairman. I wish it had stayed there. Many of you Members, before you get through with this thing, you who signed this petition, will wish it had stayed there too. There is being stirred up in America these days in people whose sons are dying on the far-spread battlefields of the world some desire to have men and women stand here in this Chamber whom they are proud of and who stand firm despite the pressure of any group. I hope I am not speaking offensively to anybody. I certainly do not mean to do so.

There is much controversy as to the meaning of the applicable provisions of the Constitution.

Who do you suppose would know what they meant? I listened to my distinguished friend from New York. Do you suppose that Madison and Hamilton, who sat in the Constitutional Convention, had any notion as to what this language meant? If you were wanting to call some witness to testify as to what was meant by this language would you feel that a man who was on the committee that helped fashion the final draft of the Constitution knew something about what it meant? Mr. Hamilton and Mr. Madison were working in close relationship not only in the Convention but in the effort to procure the ratification of the Constitution. They wrote in the Federalist under a common name "Publius." I quote from the Federalist, No. 52, of February 8, 1788:

> The first view to be taken of this part of the Government relates to the qualification of the electors and the elected. Those of the former are to be the same with those of the electors of the most numerous branch of the State legislature.

If you were to listen to anybody use that language and really wanted to know what he meant, instead of trying to find out what he did not mean, and he said that the voters for Members of Congress were to be the same as the voters for the most numerous branch of the State legislature, would you not have a pretty good notion what he meant? That language is so clear that it is giving the proponents of this bill a lot of trouble.

Continuing, the author says:

> The definition of the right of suffrage is very justly regarded as the fundamental article of republican government. It was incumbent upon the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of Congress.

In other words, if they had left it open for the passage of a bill like this:

> To have left it open for the occasional regulation of Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone.

The thing that some of the States were concerned about at that time was that there might be imposed a property qualification.

> To have reduced the different qualifications in the different States to one uniform rule—

As is being tried here by this bill—

> would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.

Remember the States were doing this. If you cannot have this in your mind, you cannot get the picture. There was no Federal Government. The States were doing this whole thing.

Continuing, the author says:

> The provision made by the Convention appears, therefore, to be the best that lay within their option.

It must be satisfactory to every State because it is conformable to the standard already established or which may be established by the State itself.

It will be safe to the United States, because being fixed by the State constitution, it is not alterable by the State government, and it cannot be feared that the people of the States will alter this part of their constitution in such a manner as to abridge the rights secured for them by the Federal Constitution.

That is, it would be safe to assume that the States would not put such onerous regulations, restrictions, and qualifications upon their own citizens voting for their own Representatives as to prevent them from being fair standards for the

qualifications for the election of their own Members of Congress.

Again to the same effect, and this is very clear, in another article, Federalist No. 57, Feb. 19, 1788, over the same name, this appears:

Who are to be the electors of the Federal Representatives?

That is what we want to know? This is the answer given by these leaders in the Constitutional Convention:

They are to be the same who exercise the right in every State of electing the corresponding branch of the State legislature.

I say with all respect, how anybody can fail to understand what that language means I cannot myself understand. I read it again:

Who are to be the electors of the Federal Representatives? They are to be the same who exercise the right in every State of electing the corresponding branch of the State legislature.

I want to introduce another witness and that is Mr. King of Massachusetts. Mr. King of Massachusetts served with Hamilton on the Committee on Style and this is what he says (vol. 2, page 51, Elliot's Debates):

The power of control given by this section (art. I, sec. 4) extends to the manner of election, not to the qualifications of the electors.

That is the other section under consideration.

The word "manner" is sought to be twisted into some sort of relationship to qualification.

Mr. Nicholas, of Virginia (vol. 3, p. 8, Elliot's Debates), to the same effect says the following, and these were the people who helped to construct the document and the people who sat in the State conventions and passed on the question of whether or not it would be approved:

In this plan there is a fixed rule for determining the qualifications of electors, and that rule the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed. A qualification that gives a right to elect representatives for the State legislatures, gives also, by this Constitution, a right to choose representatives for the general government. As the qualifications of electors are different in the different States, no particular qualifications, uniform through the States, would have been politic, as it would have caused a great inequality in the electors, resulting from the situation and circumstances of the respective States. Uniformity of qualifications would greatly affect the yeomanry in the States, as it would either exclude from this inherent right some who are entitled to it by the laws of some States at present, or be extended so universally as to defeat the admirable end of the institution of representation.

In the North Carolina Convention (vol. 4, p. 71, Elliot's Debates), Mr. Steele said:

The power over the manner of elections does not include that of saying who shall vote (that never left State control): the Constitution expressly says that the qualifications (are those) which entitle a man to vote for a State representative.

Mr. Davie, in the same convention (vol. 4, p. 61), said:

They may alter the manner of holding the election. * * * They cannot alter the nature of the elections; for it is established, as fundamental principles, that the electors of the most numerous branch of the State legislature shall elect the Federal representatives, * * * power is given to Congress, and extending only to the time of holding, the place of holding, and the manner of holding the elections. Is this not the plain, literal, and grammatical construction of the clause? Is it possible to put any other construction on it, without departing from the natural order, and without deviating from the general meaning of the words, and every rule of grammatical construction? Twist it, torture it, as you may, sir, it is impossible to fix a different sense upon it.

That construction was accepted during the construction and ratification of the Federal Constitution and has been the accepted construction since.

After the War between the States, when passion and hatred too often sat in the seat of government, even then, when it was determined necessary to do something with regard to the situation which then obtained, a constitutional amendment was deemed necessary to make it possible.

When the seventeenth amendment, providing for a direct election of Senators, was submitted, the identical arrangement as to the electors of the Members of the House was incorporated. I quote:

Amendment 17. 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.

With the clear, uninvolved language of the Constitution squarely against the construction which the proponents of this bill would have us accept, and with the clear-cut statements of such contemporaries as Madison and Hamilton, King, Nicholas, Steele, and Davie, which I have quoted, clearly against its constitutionality, this is a most remarkable proceeding, remarkable even if there were no pronouncements by the courts of the land against its constitutionality. Many times the shadow of this question has come within the notice of the courts. Not once insofar as I know has the court indicated a belief in its constitutionality.

I direct consideration now to a clear-cut decision of the Supreme Court of the United States against the constitutionality of this bill with the identical question here indicated squarely before it. I refer to the case of *Breedlove* v. *Suttles* (302 U. S. 277), a unanimous opinion, delivered by Mr. Justice Butler. The case arose in Georgia. I quote from the opinion:

A Georgia statute provides that there shall be levied and collected each year from every inhabitant of the State between the ages of 21 and 60 a poll tax of $1, but that the tax shall not be demanded from the blind or from females who do not register for voting (Georgia Code, 1933, sec. 92-108). The State constitution declares that to entitle a person to register and vote at any election he shall have paid all poll taxes that he may have had opportunity to pay agreeably to law (art. II, sec. 1, par. III; Code, sec. 2-603). The form of oath prescribed to qualify an elector contains a clause declaring compliance with that requirement (sec. 34-103). Tax collectors may not allow any person to register for voting unless satisfied that his poll taxes have been paid (sec. 34-114). Appellant brought this suit in the Superior Court of Fulton County to have the clause of the constitution and the statutory provisions above-mentioned declared repugnant to various provisions of the Federal Constitution and to compel appellee to allow him to register for voting without payment of poll taxes. The court dismissed his petition. The State supreme court affirmed (183 Ga. 189; 188 S. E. 140).

The pertinent facts alleged in the petition are these: March 16, 1936, appellant, a white male citizen 28 years old, applied to appellee to register him for voting for Federal and State officers at primary and general elections. He informed appellee he had neither made poll-tax returns nor paid any poll taxes and had not registered to vote because a receipt for poll taxes and an oath that he had paid them are prerequisites to registration. He demanded that appellee administer the oath, omitting the part declaring payment of poll taxes, and allow him to register. Appellee refused.

Appellant maintains that the provisions in question are repugnant to the equal protection clause and the privileges and immunities clause of the fourteenth amendment and to the nineteenth amendment.

You are all familiar with the equal protection clause of the fourteenth amendment and also with the nineteenth amendment, the woman's suffrage amendment.

1. He asserts that the law offends the rule of equality in that it extends only to persons between the ages of 21 and 60 and to women only if they register for voting and in that it makes payment a prerequisite to registration. He does not suggest that exemption of the blind is unreasonable.

Then follows some discussion of the history and nature of the poll tax which I will omit though very interesting, illuminating, and of weight. I further quote from this opinion at page 281, as follows:

2. To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. *Minor* v. *Happersett* (21 Wall. 162, 170 et seq.). *Ex parte Yarbrough* (110 U. S. 651, 664-665). *McPherson* v. *Blacker* (146 U. S. 1, 37-38). *Guinn* v. *United States* (238 U. S. 347, 362). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents* (293 U. S. 245, 261).

Next the Court makes some analysis of the contention that this Georgia law violates the nineteenth amendment and holds—bottom page 283:

Its purpose is not to regulate the levy or collection of taxes. The construction for which appellant contends would make the amendment a limitation upon the power to tax. (Cites cases.) The payment of poll taxes as a prerequisite to voting is a familiar and reasonable regulation long enforced in many States and for more than a century in Georgia.

The Supreme Court was then composed of Chief Justice Hughes and Associate Justices McReynolds, Brandeis,

Sutherland, Butler, Stone, Roberts, Cardozo, and Black.

Since that decision this identical question, stripped of every detail which could possibly aid the most skilled expert in the art of confusing, reached the Supreme Court of the United States by application for a writ of certiorari. That case is *Pirtle* v. *Brown* (118 F. (2) 218). It was decided March 8, 1941, by the circuit court of appeals. On July 19, 1941, Senator PEPPER, of Florida, appeared before the Senate Judiciary Committee in support of S. 1280, "a bill concerning the qualification of voters or electors within the meaning of section 2, article I, of the Constitution, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or general election for national offices," dealing with the same subject matter as the bill here under discussion.

I quote from Senator PEPPER's statement found at page 7 of the Senate hearings:

> In the Pirtle case the question was squarely presented as to whether or not the State could condition the right of a citizen to vote for a Congressman in an election, not the primary, but a special election called to elect a Member of the House of Representatives, because that citizen had not complied, or had failed to pay a poll tax, thus allowing him to vote. Notice that this was not for a State election nor any primary and that it was admitted that he had done everything to qualify but pay the poll tax.

Now that is Senator PEPPER's explanation of the facts.

I continue to quote from Senator PEPPER, page 9, Senate hearing:

> Behold the suggestion that the right to vote for a Member of Congress of the United States, the President of the United States, the Vice President, or the electors, are conditioned by the State upon such terms as the State wants to impose; that the right "is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments" regarding race, color, or previous conditions of servitude and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. * * *
>
> So that in that case the Circuit Court of Appeals, Sixth Circuit, held that the State still had the right to condition the exercise of the franchise in any way it wanted to do so.

I continue to quote from the Senate committee hearings; this colloquy took place:

> Senator O'MAHONEY. Was there any dissent in that case?
>
> Senator PEPPER. No; it was a unanimous decision of three judges, and now it appears that there is a writ of certiorari pending before the Supreme Court relative to that case, and I venture to predict that that petition for certiorari will be granted, and I do not expect that decision to stand.

On the 13th day of October 1941 the Supreme Court of the United States, with the application of the writ of certiorari seeking to bring the questions involved in the Pirtle case before it, refused to grant the writ. It could not do otherwise.

Whatever may be the opinion of members of that Court with regard to the poll-tax qualification, it is their business to interpret the Constitution as it is written. As it is written the States cannot deprive a person of the right to vote on account of sex, because the Constitution has been amended. The Supreme Court so holds, of course. The States cannot deprive a person of the right to vote because of race, color, or previous condition of servitude. The Supreme Court so holds. The States cannot deprive a person of the right to vote for Members of Congress if he is qualified to vote under the laws of his State for the members of the most numerous branch of the legislature. The Supreme Court so holds.

By the decision in the *Classic case* (313 U. S. 299) the distinction between the general and primary elections seems to have been eliminated. Included in the rights secured by the Constitution are the rights of a qualified voter to have his physical opportunity to vote undisturbed and to have his vote counted, within the protection of sections 19 and 20 of the Federal Criminal Code.

The citizen is entitled to Federal protection as to the time of holding elections, the place of holding elections, and the manner in which elections are conducted, conditioned only that the voter is qualified to vote for a member of the most numerous branch of his own State legislature. Now it is contended that even though he may not be qualified to vote for a member of the most numerous branch of his own State legislature—that standard of qualification which is set up in the Constitution—Congress can get rid of that standard by making it unlawful. That seems to be on the theory that its enforcement would deprive the non-poll-tax payer of a Federal constitutional right which Congress would have the right to enforce by appropriate legislation.

Deleting from section 20 of the Criminal Code that part thereof made nonapplicable by the decision in the Classic case, it reads as follows:

> Section 20 of the Criminal Code (U. S. C., title 28, sec. 52):
>
> "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States * * * shall be fined not more than $1,000 or imprisoned not more than 1 year, or both."

In other words, if this bill is constitutional, corrective legislation, from the standpoint of the proponents of this legislation, is already on the statute books. If a person has a constitutional right to vote without paying a poll tax, he is protected by existing law. Whatever constitutional rights the citizen has to vote without complying with the poll-tax requirement of a State have been protected. Furthermore, existing legislation covers the whole field of the citizen's constitutional rights.

Each time in our governmental history it has been deemed advisable to establish a new limitation over the power of States to control election qualifications it was known it could not be done as here attempted, by act of Congress, but it must be done by the States themselves.

After the Supreme Court refused to disturb the circuit court's holding in the Pirtle case, the proponents fell back on the Classic case. But in the Classic case there was not involved one single question which could arise in a case testing the general constitutionality of this proposed legislation.

So we have this situation. We have the clear language of the Constitution and we have the interpretation of the men who helped to fashion the Constitution and the men who discussed it when the States ratified it. We have the philosophy of democratic government and we have the clear-cut decision of the Supreme Court holding that this proposed legislation is unconstitutional.

Now, let me make this observation, and I do this in all earnestness and seriousness. If you do succeed in breaking through the constitutional barrier, ignoring the interpretation made by the contemporaries of the Constitution, its practical interpretation and the decisions of the Supreme Court, and should secure judicial approval you would then have a situation under which there would be no effective restraint upon the power of Congress to fix the qualifications of those who vote. The power to fix it down is the power to fix it up. You would be putting into what is coming to be a great Federal bureaucracy the power to deny the States the right to control suffrage. They are the organizations that are close to the people.

This legislation is being offered, so it is claimed, in behalf of the poor man. I want to call to witness the history of the ages, that they are the sort of people who have been protected by respected constitutions through all time that has passed. Whenever there is nothing to restrain the might of the group that is in power, the rights of the poor man suffer.

Men and women of America, if we hold our Constitution in disrespect, the Constitution is doomed. Oh, I mean it. You think it could not happen to us. How can you maintain constitutional government without a constitution? How can you maintain a constitution unless the people hold it in reverence and unless those who are charged with the solemn responsibility of guarding it, protect it? You think you have only a few States to deal with now and you think you are strong enough to do it now, because you have the might of votes now, but whenever the constitutional rights of the few are not respected, the time is not far distant when those who were strong at the moment will appeal in vain for the protection of the Constitution that they have destroyed.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 5 minutes more. If the constitutional rights of the meanest persons are not maintained and protected, the constitutional rights of the best are not safe.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LUTHER A. JOHNSON. With reference to the matter of our taking the constitutional oath as Members of this body our right to sit here is based entirely upon taking the oath to defend the Con-

stitution of the United States, which confirms the gentleman's observation with reference to the preservation of the Constitution.

Mr. SUMNERS of Texas. That is true, and that is a challenging fact. The men who fashioned this Constitution and who read deeply into the mysteries of life knew that there would come a time when the institutions of freedom would be imperiled, and they required that before we entered this Chamber we pledge ourselves by our solemn plight that we will defend the Constitution, and now is the time and today is the hour.

Mr. Chairman, I look over my country and I see the picture in the world today. I recognize that my country, perhaps, stands as the last, as the great independent constitutional government in the world. I see a time that has come in the history of my country when the Constitution is no longer revered much among the people, and I see a time in my country when it seems as if it is expedient to find a way around it. I wonder, too, if your Nation and my Nation is to be added to the list of those from which freedom has departed.

I know with all that I have been able to learn that freedom cannot endure among any people who do not have fundamental laws that hold them true to the course of that destiny against the pressure of expediency and the whim of the moment. I am very grateful, gentlemen, for your attention during these more or less disconnected remarks. I am grateful for your attention, and if I may have the attention of the Chair, I ask unanimous consent to extend my remarks and to add some additional quotations.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, it is, of course, a great handicap and a very difficult undertaking to follow an able constitutional lawyer and a great statesman such as the distinguished chairman of the Committee on the Judiciary. All of us love and admire him. He made an excellent presentation. I agree with most of the things that he said. But I do not think there is a man in this House who would knowingly do violence to the Constitution of the United States. The gentleman from Texas talked about political expediency. In my case, voting for this bill is not politically expedient. I am only doing and saying what I think is right. We must recognize that the Constitution has lived as long as it has because it can be made to fit modern conditions. It has lived and grown with the times. Our Government could not continue to exist and function throughout the ages under a constitution, unless that constitution is interpreted so as to meet conditions that come about, that our forefathers might not have been able to foresee. One of the fundamental concepts of constitutional government is that citizens shall vote; that they shall have the right to vote freely and without unreasonable restraint; that there shall be no corruption in the casting of their ballot. In interpreting the Constitution to make that possible, I do not think that we are doing violence to the Constitution. I think that we are making it live in modern times. After all, if you do not have a wide exercise of the right of franchise, then the first thing you know your constitutional form of government is gone.

Mr. Chairman, this bill can be sustained under three provisions of the Constitution. It can be sustained as constitutional under the fourteenth amendment, first section, which provides that no State shall make or enforce any law that infringes the immunities and privileges of the citizens. Reliance upon the fourteenth amendment failed in the Breedlove case, and it failed in the Pirtle case because there was no implementing legislation as authorized by the fifth section of the fourteenth amendment. I don't know whether I shall have time to discuss these cases, but I shall come back to them if I can.

The second provision under which this legislation can be sustained as constitutional is under the fourth section of article I of the Constitution, which gives the Congress the reserved right to regulate the time, the place, and the manner of holding elections. As has been said in many cases "in the manner" covers a multitude of situations. It was said in the able brief of the Attorney General of the State of Virginia that the Federal Government could prohibit the fraudulent use of poll taxes in elections.

Certainly if you admit that, you have to admit that the Congress, under the Constitution, can prohibit the requirement of a poll tax to vote for a Federal officer, if it is a restriction which causes corruption in elections.

But, Mr. Chairman, I want to go directly to the point involved. I say that under section 2, article I, of the Constitution, this legislation is constitutional. I say that for this reason: Certainly our founding fathers did not expect to be able to keep elections for Federal officers pure and clean by having the power to regulate the time, place, and manner of holding elections, and at the same time let Federal elections become corrupt, impure, and unclean by the States putting on some qualifications that were in fact restrictions and that would allow the very same result to come about that was to have been made impossible by article I, section 4.

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. KEFAUVER. And it has been recognized by our Supreme Court ever since the decision in the Newberry case, and even before that, that the right of a citizen to vote for a Member of Congress is a right given by the Constitution. It is not a right given by a State. That is the opinion in the Yarborough case. That is the opinion in the Classic case, which came later. If a citizen has a right to vote for a Member of Congress under the Federal Constitution, has not the Federal Government the right to protect that citizen in voting, against unreasonable restrictions and unlawful regulations that may be placed upon voters by the States? Here is what the Constitution does: It says to the States that you are to fix the qualifications for voters for Members of the lower house of the legislature, and the Constitution will adopt those qualifications as the qualifications of electors for Members of Congress. But they must be real qualifications and not some restrictions adopted under the guise of a qualification. The Federal Government could not continue to operate if it had no way at all of protecting itself, if article I, section 2, meant it would adopt anything, whether it was a qualification or not a qualification. We must have Members of Congress. We must have Representatives from the various States. Then, if you adopt the narrow construction that the opponents of this bill are placing on it, you would place in the hands of the State the ability to utterly destroy Congress and destroy our Federal Government. There is a dual responsibility. The States fix the qualifications. The central government adopts them. But if the so-called qualifications become unreasonable then the Federal Government has an abundance of power to remedy the situation.

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I was delighted to hear the splendid remarks which were made by the distinguished chairman of the Committee on the Judiciary [Mr. SUMNERS]. I was also happy to hear the splendid address which was just concluded by our colleague from Tennessee [Mr. KEFAUVER].

We have before us today a measure which involves the construction of the Constitution of the United States of America. In the very brief time which is allotted, I will have no opportunity, of course, to go into the matter in detail of discussing the constitutionality of this law, because it would require much more time than the time allotted to me. But may I say to the membership of the House that under three specific provisions of the Constitution, as has been so well said by my distinguished friend from Tennessee, the constitutionality of this bill may be assured. Under the fourteenth amendement to the Constitution there is no doubt in my mind but that the provisions of the pending legislation are entirely within the provisions of our fundamental and organic law.

Article 1, section 4, of the Constitution contains another provision which undoubtedly will assure the constitutionality of the provisions contained in the pending bill.

Finally and lastly, as a third provision of our Constitution, under which the pending bill is secure in its constitutionality, and I refer to article I, section 2. We may rest assured of the constitutionality of this measure. I am convinced of the constitutionality of the law which is now before us.

Mr. Chairman, the pending bill, which is known as the Geyer anti-poll-tax bill, H. R. 1024, by its very terms and provisions seeks to outlaw the requirement

that poll tax be paid as a prerequisite to voting for Federal officers, is a highly important piece of legislation. At the very outset I desire to state that I am supporting this measure, and that I will vote for the passage of this bill.

In those States where there has been written into law a prohibition against any citizen casting his or her vote at any election in which Federal officers are voted upon, unless conclusive evidence is furnished showing that that citizen has paid his or her poll tax, undoubtedly many citizens and voters—all of whom were qualified voters in every other respect—have been prevented from casting their votes at such elections. Therefore, this measure directly affects the right of the people—the common people—to participate in our governmental affairs. Many people in our Nation, although they are honest, patriotic, and sincere Americans, are facing an eternal struggle to earn their livelihood and to support those who are dependent upon them for support and, yet, if they are unable to pay their poll tax, in the amount assessed against them, they are denied the inherent right of an American citizen to vote on election day.

Mr. Chairman, we have ever looked upon our elections in this Nation as being free and equal among men. The right of franchise is a natural one, and it is respected as an inherent right in all our people; the right to exercise that inalienable and unalterable freedom of the ballot is extended to all of our citizens who are qualified as voters by reason of age and residence, except in those States where added requirements or regulations have been imposed. Those States which have sought to add additional regulations, which upon their face are strong evidence of the fact that the same is intended as a bar against certain individuals or classes exercising their right to vote, the same operates as a discrimination against those citizens and classes of our citizens, who, by reason of misfortune or inability, are unable to comply with the requirements imposed. Such a policy should not obtain in this country in elections where Federal officers are to be voted upon and elected. All elections should be free and equal, and no elector, or class of electors, should be required to suffer the penalty of being prohibited from voting for Federal officers merely because they have not paid their poll tax.

Let us pursue this thought further and let us analyze the length to which this policy may extend. If a State can legally require the payment of poll tax as a prerequisite to voting for Federal officers, then many other abridgments might be interposed—such as the requirement of belonging to a certain church or a certain lodge or that farmers only could exercise the right of franchise on election day. No one will contend that any such abridgments would be countenanced by our Federal Government, although there is no constitutional prohibition which directly prevents it. I am at a loss to know why the poll tax was selected as the barrier upon which the right to vote was fixed. It might as well have embraced all taxes; or, perhaps, the requirement might relate to those who have not paid their poll tax. The prerequisite to voting might just as well have been extended to the payment of all personal property taxes, or perhaps to the payment of all taxes upon all real estate. I am confident that no one will make any attempt to justify the latter suggestion above made. If that suggestion cannot be justified, then, pray tell me, how can anyone justify the requirement of the payment of any tax, or any poll tax, as a prerequisite to the right to vote for Federal officers in elections? Where, may I ask, is the line of demarcation to be drawn? The point I desire to make is this: That if any such prerequisite to voting, such as the payment of poll tax before a qualified voter may exercise his right of suffrage, and if the same is made applicable to the election of Federal officers, then there is no limit to which that barrier may be extended. Such a prerequisite was never in contemplation under our Constitution, and that is certainly not the construction which should be placed upon our Constitution now.

Mr. Chairman, the case of *United States* v. *Classic* (313 U. S. 299), decided May 28, 1941, is directly in point on the question here presented. Much has been said on the question of the constitutionality of this proposed measure. It is claimed by many that the passage of this measure by the Congress will be an impingement upon the right of the several States to fix the qualifications of electors. May I say that the payment of poll tax as a prerequisite to voting is not a qualification of a voter. That certainly, at most, is a regulation respecting the method and manner of holding elections; it is merely a regulation which prescribes those whose ballots may be placed in the ballot box at the place of voting. The question of age and residence determines the qualification of the voter, if that person is a citizen of our country.

In the Classic case, above cited, the Court says:

> Section 2 of article I commands that Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it prescribes.

That language is certainly conclusive. The Federal Constitution prescribes the qualifications of Federal electors.

And, in that same case—*United States* v. *Classic*, supra—the Court holds both finally and decisively, that—

> The right of the people to choose * * * is a right established and guaranteed by the Constitution.

This being true, we must inevitably conclude that it is "a privilege or immunity of citizens of the United States" within the meaning of the first section of the fourteenth amendment, and, as such, under the fifth section thereof—

> Congress shall have power to enforce, by appropriate legislation, the provisions of this article, including abridgments of privileges * * * of citizens of the United States.

This language is both strong and positive. This language certainly distinguishes the cases of *Breedlove* v. *Suttles* (302 U. S. 277, decided in 1937), and *Pirtle* v. *Brown* (118 Fed. 2d (C. C. A. 6, 1941), 218). Thus, we are confronted with the law as it is—that the State cannot abridge the right or privilege of citizens of the United States to exercise the right of franchise in Federal elections.

Therefore, Mr. Chairman, I am firmly convinced that the pending bill (H. R. 1024) is entirely constitutional, and that this measure should be enacted into law. Our citizens who are qualified voters by reason of age and residence should not have the right of franchise taken away from them in national elections, at which Federal officers are voted upon, by the unauthorized action of any State.

It is my hope that this measure may be passed by a large majority, and that the right to vote for Federal officers at our elections may not be limited or abridged by the imposition of some added regulation by the State which impinges upon the sacred rights of our citizens with respect to the right of suffrage.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield to the distinguished gentleman from Tennessee [Mr. PEARSON], 5 minutes.

Mr. PEARSON. Mr. Chairman, it appears now that after months of agitation the Congress of the United States will be called upon to consider legislation dealing with the qualification of voters in the election of a President, Senators, and Members of the House of Representatives in the States, and to prohibit any sovereign State from requiring the payment of a poll tax as a prerequisite to voting in the election of either of these officials. This proposal is contained in H. R. 1024, introduced by Representative Geyer of California, and consideration of which is being forced through a discharge petition which has been signed by a sufficient number of the Members of the House of Representatives.

This bill would only apply to the States of Tennessee, Texas, Mississippi, Alabama, Georgia, Arkansas, South Carolina, and Virginia.

It is unfortunate that so many Members of Congress, uninformed as to conditions in these States, have permitted themselves to be made parties to the enactment of this legislation and seek to impose upon these States an unconstitutional limitation upon their right to pass upon and determine the qualifications of those who take part in elections of Federal officials.

I feel sure that if they would stop to consider the far-reaching effect of this legislation, not only in the States immediately affected, but upon their own States in years to come, they would be reluctant to vote to pass this measure.

I am not insisting upon or undertaking to argue the advisability of requiring all voters to pay a poll tax as a prerequisite to vote. In fact I have no objection to removing it as a legal requirement, but I do maintain that the States not only have the right to fix such a requirement, but are charged with the responsibility of determining the qualifications of their voters, and Congress has no constitutional right to legislate upon the question.

I recall some 2 or 3 years ago that Congress was urged to pass certain legislation regardless of any reasonable doubt

which might exist as to the constitutionality of it. I did not then and do not now approve of Congress disregarding the constitutionality of acts which it is called upon to consider. It may be true that the Constitution is already prostrate from former attacks, but that is no justification for another attack which would render it forever impotent if our constitutional form of government is to survive.

By what constitutional provision can Congress be said to have a legal right to enact this bill under the Constitution?

The only provisions of the Federal Constitution directly or remotely dealing with the subject are as follows:

Article I, section 2: The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Amendment XVII: The Senate * * * shall be composed of two Senators from each State, elected by the people 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 legislature. (Adopted April 8, 1913.)

Article I, section 4: The times, places, and manner of holding elections for Senators and Representatives shall be presented in each State by the legislature thereof, but the Congress may at any time make or alter such regulations, except as to the places of choosing Senators.

* * * * *

Amendment XIV: All persons born or naturalized in the United States and subject to jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment XV: The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

* * * * *

Amendment XIX: The rights of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex.

One or more of these provisions of the Constitution must form the basis for this bill if it has any legal or constitutional justification. I submit that it is in contravention of all of said constitutional provisions and that the Congress of the United States has absolutely no right to say to the States what they can or cannot do with reference to the qualifications of voters in any election, whether State or Federal. It is a question which can only be determined by the legislatures of the several States. We may not like what they do in this regard, but there is nothing we can do about it unless and until we amend the Federal Constitution.

Let us take the six provisions listed above in the order named, analyze them, and determine what they mean in the light of the decisions of the Supreme Court of the United States construing them.

ARTICLE I, SECTION 2

Under this section of the Constitution its authors provided specifically that the States should have the right to fix the qualifications of those who voted for Members of the Federal House of Representatives by stipulating that electors in such elections shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Certainly no one will contend that any legislative body except a State legislature has any right to say what the qualification of a voter shall be in elections to determine who shall serve in said State's legislative body except the State legislature itself. It is a right reserved to the States and over which the Federal Government has no control. If the States have the unquestionable right to fix and determine qualifications for those voting for members of the State legislature the Congress has no power to curb or interfere with the action of these States in imposing poll-tax payment as a voting qualification. If such is made a condition precedent to voting for these State officials, under the Federal Constitution, it shall likewise be a condition precedent to voting for Federal officials. Congress cannot prevent it by mere legislative act saying that it cannot be done.

If the Congress is to assume the right and power to prevent the States from requiring the payment of a poll tax as a voting qualification in electing Federal officers, then it must be done by amendment to the Constitution, separating the power of the State to fix qualifications of the electors of the members of its most numerous branch of the State legislature from that of fixing qualifications of those voting to elect members of the Senate and House of Representatives of the Congress of the United States. It cannot be done in any other way.

So long as State legislatures require those who vote for members of such legislatures to pay poll tax in order to vote they must require such tax in electing Federal officials. So long as States have the right to fix qualifications for voters in elections to select members of State legislatures just so long will they likewise determine who can vote for Members of Congress and the Federal Constitution provides that such qualifications when determined by the State legislatures shall also obtain in electing Members of the House of Representatives of the Federal Congress. States are vested with the indisputable right to fix the qualifications in both State and Federal elections.

In connection with the language used in article I, section 2, I call attention to the fact that when the seventeenth amendment was adopted directing the election of United States Senators by popular vote of the people the same language was used with reference to the qualifications of electors in such election and again the States were left with the right to determine what those qualifications should be.

This is especially significant because when this amendment was adopted many of the States were then—1913—and for 50 years prior thereto had been, requiring the payment of poll tax as a prerequisite to the right to vote in choosing Members of the House of Representatives. The amendment was submitted to and adopted by the States in the light of all these years of experience and no effort made to change the language used in article II, section 2, or to apply a different rule.

These are not just dogmatic, categorical statements of mine but are legal principles firmly established by decree of the United States Supreme Court nearly 60 years ago and never questioned since.

In 1883 the Court in the case of *Ex parte Yarbrough* (110 U. S. 663), with reference to article I, section 2 of the Constitution, said:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.

For the Federal Congress to say by legislative enactment that the States shall not and cannot require payment of a poll tax to vote for Members of Congress would be tantamount to forbidding such States to control the qualifications of their citizens who vote for members of State legislatures. Where can be found anyone who will contend that Congress has any constitutional right to dictate to the States how they shall qualify electors in choosing any State official?

In the case of *Wiley* v. *Sinkler* (179 U. S. 63), the Court upheld the right of South Carolina to prescribe qualifications for those voting for Federal officials and reiterated with approval the construction of article I, section 2, as set out in the case of *Ex parte Yarbrough*.

ARTICLE I, SECTION 4

The author of the bill under discussion has insisted that Congress has the power to enact this bill under article I, section 4 of the Constitution which provides that the States shall prescribe the time, place, and manner of holding elections for Senators and Representatives through their legislatures but that Congress may at any time make or alter such regulations.

To say that the words "time," "place," or "manner" of holding elections mean or include qualifications of voters, such as length of residence, registration, and poll tax payments certainly strains one's conception and understanding of these words in their common and accepted usage. It is a meaning which the Supreme Court has never given these words and all the decisions construing this section hold that the power given Congress by the language used is to protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation.

See the following cases for a full discussion of this section and its meaning, to wit:

Ohio v. *Hildebrant* (241 U. S. 565).
Smiley v. *Holm* (285 U. S. 355).

Koenig v. *Flynn* (285 U. S. 375).
Carroll v. *Becker* (285 U. S. 380).
In re Coy (127 U. S. 731, 752).
Ex parte Siebold (100 U. S. 371).
Ex parte Clark (100 U. S. 399).
United States v. *Gale* (109 U. S. 65).
United States v. *Moseley* (238 U. S. 383).
Newberry v. *United States* (256 U. S. 232).
United States v. *Wurzboch* (280 U. S. 396).

It is unnecessary to review separately this long line of cases. Suffice it to say that they leave no doubt about the exclusive rights of all States under article I, section 2, and article I, section 4, of the Constitution to fix and determine the qualifications of electors in all elections and make it absolutely clear that Congress cannot interfere with this right.

I only call especial attention to the case of *Newberry* v. *United States* (256 U. S. 232), decided in 1920, in which Justice McReynolds reviews and discusses every phase of this subject. A casual reading of this opinion will convince anyone that it is asinine for Congress to consider any bill having as its objective curbing, restricting, or interfering with the rights of sovereign States to say what shall be required of electors naming State or Federal officials.

I quote, in part, from that decision sections bearing on the principle involved in the Geyer bill:

We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4 (of art. I of Constitution). The Government, then, of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or by necessary implication (*Martin* v. *Hunters Lessee*, 1 Wheat. 304). Clear constitutional provisions also negative any possible inference of such authority because of the supposed anomaly "if one government had the unrestricted power to control matters affecting the choice of the officers of another" (256 U. S. 249).

Our immediate concern is with the clause which grants power by law to regulate the "manner of holding" elections for Senators and Representatives—not broadly to regulate them. * * *

Who should participate in the specified elections was clearly indicated—members of State legislatures and those having "the qualifications requisite for electors of the most numerous branch of the State legislature." Who should be eligible for election was also stated. * * * Subject to these important limitations, Congress was empowered by law to regulate the times, places, and manner of holding the elections. * * * These words are used without any veiled or obscure significance, but in their natural and usual sense.

Many things are prerequisite to elections or may affect their outcome—voters, education, means of transportation, health, * * * but authority to regulate the manner of holding them gives no right to control any of these (ibid., pp. 256, 257).

The plain words of the seventeenth amendment and those portions of the original Constitution directly affected by it should be kept in mind.

* * * * *

As finally submitted and adopted, the amendment does not undertake to modify article I, section 4, the source of congressional power to regulate the times, places, and manner of holding elections. That section remains intact and applicable both to election of Representatives and Senators.

* * * * *

Its authority would be expressly restricted to regulation of times, places, and manner of elections. The qualifications of the persons who may choose, or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution and are unalterable by the legislature. The history of the times indicates beyond reasonable doubt that if the Constitution makers had claimed for this section the latitude we are now asked to sanction, it would not have been ratified (ibid., pp. 254, 255, 256).

AMENDMENT XIV

The author of this bill, Mr. Geyer of California, was quoted a short time before his death in the Townsend Weekly as saying that State poll tax requirements are a violation of the fourteenth amendment to the Constitution which prohibits the States making any law abridging the privileges of citizens of the United States.

Without meaning to reflect upon his memory permit me to say this insistence by him only goes to show that he had made no investigation of the meaning of this amendment or of its application to his bill.

As late as 1937 Mr. Justice Butler, speaking for the Supreme Court in the case of *Breedlove* v. *Suttles* (302 U. S. 278), involving the validity of a Georgia statute levying a poll tax as a prerequisite to voting, said:

To make payment of poll taxes a prerequisite to voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States but is conferred by the State and save as restrained by the fifteenth amendment (right to vote regardless of race, color, or previous servitude) and nineteenth amendment (woman suffrage) and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. (Citing 21 Wall. 162, 110 U. S. 651, 146 U. S. 1 and 238 U. S. 347.) The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. (Citing 293 U. S. 245.)

The question to which this discussion is directed was met foursquare in the Breedlove case and was definitely settled without equivocation or reservation.

Proponents of this measure rely upon the case of United States against Classic, decided by the Supreme Court of the United States on May 26, 1941. I have read and reread the opinion of the Court in this case, and there is no utterance in the opinion which in any manner bears upon the issues involved in this discussion. This case simply held that officials in a primary election violated the constitutional rights of voters when they willfully altered and falsely counted the ballots cast in the primary. Such conduct comes within article I, section 4, of the Constitution, which provides that Congress shall prescribe the manner of holding elections for Federal officers, and no one has ever questioned the right of Congress to safeguard the rights of electors in election of Federal officials. This case did not depart from the doctrine laid down by the Court in the Breedlove case.

Since the Classic case was decided the question of the right of a State to impose a poll tax as a voting requirement or qualification has again been reaffirmed in the case of Pirtle against Brown, decided in the sixth circuit court of appeals, and the Supreme Court refused to consider the case upon petition for certiorari.

The objective of this legislation is so patently in violation of the Constitution as it has been construed by the Supreme Court that there can be no doubt about its unconstitutionality, and I do not see how Members of this House can support it.

I desire to say again that I am not presenting an argument in favor of the States continuing the levy of poll taxes as a necessary qualification to vote. As a matter of fact, I am not voicing any objection to the repeal of such a requirement by the separate States. In all probability my own State of Tennessee, through legislative enactment, will repeal it in January. I am simply saying that whatever is done about it, it is a question for each State to settle and determine for itself, and that Congress has absolutely no constitutional right to act on the question. I have been cheerfully paying poll taxes for nearly 30 years. In my State the revenue thus derived is used in our educational program and serves a useful purpose. If the State legislature deems it proper and wise to repeal this tax and permit voting without such a prerequisite I have no quarrel to find with such a course, provided it is safeguarded with adequate registration requirements. I might add, by way of parenthesis, that if Congress has a right to prevent the levying of a poll tax in order to vote it also has the right to prevent the States from requiring proper registration. I do not want to see the Federal Government in full control of the laws governing the election of Federal officials, but prefer to leave it within the discretion of each sovereign State.

I hope this measure will be defeated.

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I may say to the gentleman from Tennessee [Mr. PEARSON] that this particular proposition, to wit, constitutionality of payment of poll tax as a condition precedent to voting for a Federal office, has never been specifically passed on by the Supreme Court. The Breedlove case (302 U. S. 277) referred to a State election; the Pirtle case (118 Fed. (2d) 218) was a case decided in the United States Circuit Court of Appeals, Sixth Circuit, and is now on its way up to the Supreme Court; it did refer to a congressional election, but the court was not the Supreme Court; the Classic case referred to primaries. It is reported in Three Hundred and Thirteenth United States Reports, second edition, page 307. I am firmly of the conviction that if this case came before the Supreme Court for its

consideration it would be declared constitutional.

Much water has gone over the dam since the case known as the Newberry case (256 U. S. 232) was decided. It is mainly relied upon by the opponents of this bill. It limited power of Congress over State primaries and elections. It greatly narrowed the powers of Congress. The complexion of the Court has entirely changed, and the decision in the Newberry case was a 5-to-4 decision. If it came before the Court now the minority opinion would become the majority opinion.

Just as the Court can take judicial notice of legislative changes, the legislature has the right to take legislative notice of judicial changes. We can and must take notice of the changes in the Supreme Court personnel.

I want to give all due deference to the opinions voiced by the opposition to this bill, particularly to the views of my distinguished colleague, the chairman of the House Committee on the Judiciary, under whom I have always been most happy to serve, but I respectfully disagree with him and the other opponents. Our economic and political conditions have greatly changed in the last several decades, but the opinions of the opponents take no cognizance thereof and sound as though they were made by men in this Chamber at the time of the passage of the poll taxes in the South, the years 1885 to 1900, and thereabouts. Again with all due deference to the opponents, their speeches sound like words coming from the holes of an old moth-eaten parlor sofa. I do hope they read and appreciate something of the economic and political changes in our history rather than some of the old musty decisions upon which they base their conclusions. They can no longer do the things in their States that their fathers and forefathers did before them. Times have indeed changed.

If there is any doubt as to the constitutionality of the bill before us, let me tell you what our great President said on a similar occasion when the so-called Guffey bituminous coal bill was under consideration. The President made the following statement:

> Manifestly, no one is in a position to give assurance that the proposed act (Guffey bill) will withstand constitutional tests, for the simple fact that he can get not ten but a thousand different legal opinions on the subject. But the situation is so urgent and the benefits of the legislation so evident that all doubts should be resolved in favor of the bill leaving to the courts, in an orderly fashion, the ultimate questions of constitutionality. This decision of the Supreme Court relative to this measure would be helpful as indicating with increasing clarity the constitutional limits within which the Government must operate. I hope your committee will not permit doubts as to constitutionality, however reasonable, to block suggested legislation.

I advise that we do what the President then suggested on the Guffey bill—pass the pending bill. That bill was finally declared constitutional by the Supreme Court.

We are supposed to have universal suffrage, but I deny that when insistence on the payment of poll taxes as a prerequisite to voting obtains in so many States—eight, at least; we have not universal suffrage then. We proclaim proudly female suffrage, but many females are disenfranchised by these statutes. The very people who ought to have the vote—the impoverished, the tenant farmer, the sharecropper, and the colored man—are the ones who are deprived of the vote. The poor need the vote far more than the rich. The rich can protect themselves. The poor cannot without the vote.

We are indeed approaching a showdown in democracy and that show-down clings to the necessity of ripping out of the statute books in these eight States the necessity that a poll tax must be paid; otherwise men and women do not qualify as voters. It is stated that this—namely, the payment of the poll tax—is a qualification. It is not a qualification. Why do you not make it apply—that is, the payment of the tax in some States—to the deaf, to the dumb, and to people over 60 years of age, the lame, and the crippled? All of those persons are exempt from the payment of the tax, yet they may vote. It is no qualification as to the halt, the lame, the feeble. Thus, it is untenable to state that since payment is a qualification as to fitness to vote, the States can insist upon that qualification, under section 2, article IV, of the Constitution, which says that the qualification for a voter for the most populous branch of a State legislature may be determined by the State, but payment, as we see, as to the old, feeble, deaf, dumb, and blind, is no qualification since it does not apply to them.

We guarantee the four freedoms, including freedom from fear, to far-flung peoples in Iraq, Iran, Belgium Congo—to the Icelanders, the Hindus, and Hottentots, to the South American Indians, and the Zulus, but the opponents of this bill deny freedom from fear to southern impoverished people, sharecroppers, tenant farmers, both Negro and white alike. In a sense those who cannot pay poll taxes are, in the language of Hitler, slavenvolk who fear their masters, the herrenvolk. Southerners thus denied the right to vote can fight and die in this war to save democracy—a war to save the right to vote—but, in turn, cannot vote in eight southern States.

Suffrage is the greatest weapon of democracy. Insistence upon payment of the poll tax as a condition precedent to voting so blunts the edge of democracy as to make it ineffectual.

Our boast of freedom is inane when people on one side of the railroad can vote and those on the other side cannot. Abolition of the poll tax is not a race problem. The abolition of the poll tax will enfranchise more whites than blacks. On the basis of 1940 figures, an average of 150,000 New York City voters will go to the polls to elect a single Member of the House, but in the great poll-tax areas, where only 11 percent of the people went to the polls in 1940, it will take only 35,000 votes to elect a Member of this House. In 1940, in the poll-tax States of Texas, Arkansas, Mississippi, Alabama, Georgia, South Carolina, Tennessee, and Virginia, with a population of 23,980,244 persons, 11 percent, or only 2,749,100 voters elected 78 Members of this House, whereas in New York City, with a population of 7,649,000 in 1940, 46 percent thereof, or 3,548,949 voters elected 26 Representatives, including two Representatives at Large.

If these figures do not show that the imposition of a poll tax creates disfranchisement, I will eat my hat.

Let a State enact all the poll taxes it wishes, but payment thereof cannot and should not be a condition precedent to voting. It may be an effective and efficient method of collection, but it is not justifiable. The poll tax is not a tax on voters as a class.

Congress, under article 1, section 2 of the Constitution, can regulate "the times, the places and the manner of holding elections" to Federal offices. These are broad powers, sufficient to prevent unreasonable restrictions. Judge Pitney and Judge Brandeis held in "Newberry against United States" that the manner of holding elections goes to the entire mode of procedure, "the essence, not merely the form, of conducting the elections." These judges justified Congressional control even over primaries. In fact, the Classic case, subsequently heard by the Supreme Court, as I stated before, overruled the majority opinion in the Newberry case and sustained the point of view of the minority opinion as expressed by Judges Pitney and Brandeis.

I submit that if States may lay down any condition unrestrained by Congress, then States could say, "You cannot vote for a Congressman because—

"First. You have not paid your taxes, or because

"Second. You have not paid your private debts, or because

"Third. You have been guilty of reckless driving, or because

"Fourth. You are not a regular churchgoer, or because

"Fifth. You have not bought bonds."

States could enact any capricious condition—yes, it can do so for State elections—but not for national elections. The pending Geyer bill is limited to national elections.

In accordance with article I, section 2 of the Constitution, Congress can put on the brakes, can prevent arbitrary, unreasonable and capricious conditions to voting. States cannot place excessive burdens upon great numbers of people as to Federal elections. Such restrictions must be deemed reasonable.

Also Congress has definite grants of power in accordance with article I, section 4 of the Constitution; that is, Congress may regulate the times, places and manner of holding elections and, in addition, Congress may alter any provisions that States may make on the subject, except as to places of choosing Senators.

Thus Congress may regulate State action by preventing payment of poll tax as a condition for voting.

I quote from the famous Yarbrough case, 110 U. S. 651:

For the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter." * * * The right to vote for Members of Congress is fundamentally based upon the Constitution of the United States, and was not intended to be left within the exclusive control of the States.

Payment of poll taxes has naught to do with intelligence, residence, sanity, integrity, or age. Many States lay down conditions concerning intelligence, residence, sanity, integrity, and age. Payment of poll tax is not even a property-holding qualification. Somebody else can pay one's poll tax. This has given rise, in many instances, to fraud and corruption. Political leaders have been known to pay poll taxes for thousands of poor voters who are unable to pay. The mere payment of the tax naturally influences their judgment when they cast their votes. Indeed, there are cases on record, according to the testimony before the Senate Judiciary Committee, where ward heelers and corrupt political leaders have actually taken receipts for payment of poll taxes, which taxes they paid, and voted these receipts without the presence of the voters whose poll taxes these corrupt politicians paid. A brief was submitted by the New School for Social Research to the Senate Judiciary Committee and it speaks of evidence of fraud and corruption as a result of the poll taxes.

Other testimony as to abuse and manipulation of the tax requirement, of payment of the tax by candidates or their supporters rather than by electors, of manipulation of the tax lists in the interest of the controlling political faction, antedating of poll-tax receipts, and so forth, can be found for all the poll-tax States today—hearings before the Subcommittee of the Judiciary of the House on the Geyer bill. Alabama, charge of the circuit judge of Cullman County to the grand jury, February 1940; Arkansas, investigation of the Federal Bureau of Investigation and Arkansas legislative committee of conditions in Hot Springs; Georgia, Georgia Political System, pamphlet by Judge Orville Park, written for the Georgia Citizens' Fact Finding Committee; Mississippi, the Poll Tax, Survey Graphic, January 1940; Tennessee, Senatorial Investigation of Senatorial Campaign Expenditures, Report No. 1, Seventy-sixth Congress, first session; Texas, special act of legislature of 1939.

For many voters, the disfranchisement of the Negro seems to have been an end in itself. The purpose of the constitutional conventions in several States was stated to be to disfranchise every Negro without disfranchising a single white man. The discussion of this aim was so frank in Alabama that it was suggested that the report of the debates had better be suppressed lest they provide the Federal courts with the evidence which would lead to the overthrow of the State provisions.

In Mississippi, the highest court of the State has declared that the tax is intended there as "a clog on the suffrage" *Ratcliffe* v. *Beale* (20 So. 868). In Alabama today poll-tax payment may not even be received except between October 1 and February 1, and in Texas payment for the purpose of qualifying as a voter must be made in those months only. Exaction of payment in the winter months is an additional hardship since those against whom the poll tax statutes are aimed have little cash in the winter.

In a measure these poll taxes are a violation of the fourteenth and fifteenth amendments since they are a deliberate disfranchisement of Negro voters. Beyond question, the disfranchisement of these colored people is in part the purpose of these taxes.

Furthermore, these taxes are cumulative. The amounts which may be demanded of a voter in these States range from $1 to $2 annually as a minimum to a maximum of $36, the highest cumulative charge which is customarily exacted.

Article IV, section 4 guarantees a republican form of government. Disfranchisement because of race or color or payment of poll tax is a denial of that form of government.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, the measure now before the House, H. R. 1024, makes it unlawful for any person, acting under the authority of the laws of the State, or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote at any election in which Presidential electors or a United States Senator or a Member of the House of Representatives of the United States is chosen.

It is objected that this measure is violative of section 2 of article I of the Federal Constitution, which provides, in effect, that persons qualified to vote for Members of the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

In eight States of the Union, namely, in Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia, one of the qualifications prescribed by the constitutions and laws of those States is that the voter, before being entitled to cast his ballot in any election for the choice of county, State, or Federal officers must have paid the poll tax prescribed by the laws of said respective States in order to be entitled to vote.

It is said that the measure now proposed in this Congress is violative of the section of the Federal Constitution just referred to, and is an invasion of and trespass upon the reserved rights of the States.

The question of the power of Congress to pass the proposed legislation eliminating and outlawing the payment of a poll tax as a qualification for voting must be determined in the light of what occurred in the Constitutional Convention with respect to the adoption of section 2 of article I of the Constitution and by a consideration of section 4 of article I, and of other pertinent provisions of the Federal Constitution when read in the light of the interpretation of that document by the Supreme Court of the United States.

Section 2, of article I, of the Constitution must be read in connection with section 4, which reads:

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 places of choosing Senators.

After reviewing the debates in the Constitutional Convention and considering the actions taken by the members of that body with respect to the qualifications of voters, and after measuring this proposed legislation by the power conferred upon Congress to restrict State action defining the qualifications of a voter entitled to participate in the election of Members of Congress under section 4, of article I, of the Constitution, and the more general power of Congress under article I, section 8, clause 18, of the Constitution, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," I have come to the conclusion that this proposed legislation is constitutional, and is a belated and much-needed action on the part of the Congress to extend to and protect the right of the people of Tennessee and of other States involved to cast their votes in all elections for the selection of Members of the House of Representatives, the United States Senate, and for the selection of Presidential electors.

I am confirmed in this opinion by the recent opinion of the Supreme Court of the United States in the case of the United States against Classic, reported in Three Hundred and Thirteen United States Reports, page 299. The opinion of the Court was delivered by Mr. Justice Stone, now the Chief Justice. Mr. Justice Douglas delivered a dissenting opinion, in which he clearly indicated that he entertained the opinion, and we are warranted in assuming that he now entertains the same opinion, that Congress has the power to deal with the very question upon which we are now undertaking to legislate.

I have no desire to engage in crimination or recrimination with anyone on this subject. I do not question the motives nor the sincerity of any Member who entertains a different view from that which I am now expressing.

I do say, however, that the interpretation and construction sought to be placed upon sections 2 and 4 of the Constitution and other pertinent and applicable provisions of the Constitution are in error, do not go to the heart of the question involved, and "stick in the bark."

It may be safely asserted, therefore, that Congress has the power to nullify any State statute or State constitutional provision requiring the payment of a poll tax as a prerequisite to the right to vote or as a qualification to exercise that right in the selection of Members of Congress

and of Presidential electors. This measure is nothing more nor less than a protection of the right of a constitutionally qualified voter to vote.

I am further impelled to this conclusion by considering the undisputed fact that the framers of the Constitution were dealing with the election of a national legislative body and that in providing for the election of Members of Congress they never intended that the qualifications of those entitled to participate in the election of this national lawmaking body should be restricted to the narrow definitions that a State legislature or any State lawmaking body, for that matter, might undertake to place upon the electorate of a State in the choice of their Representatives in Congress.

In taking this position I am not unmindful of the fact that the Federal Government is one of enumerated, delegated, and limited powers, but it must be remembered that the Federal Government, within its national sphere, is and must be supreme and national in character. What else could the framers of the Constitution have had in mind than that, in the event State legislatures or, for that matter, State constitutional conventions, adopted restricted, unreasonable, capricious, or arbitrary qualifications restrictive of the right of the citizen to vote for Members of Congress when they wrote into the Constitution in section 4 thereof:

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

Manifestly the framers of the Constitution lodged in the Congress the power to override, set aside, and nullify any unreasonable or unnatural restriction placed upon the voters of a State in the guise of a qualification to vote.

The payment of a poll tax in no sense qualifies a man or a woman to exercise the right of suffrage. I have heard it said upon this floor that the right to vote is not a natural right; that it is a privilege to be extended or withheld by the respective States. This contention is at war with what occurred in the Constitutional Convention and is in conflict with what the father of the Constitution, James Madison, said upon that subject, in No. 57 of the Federalist:

> Who are to be the electors of the Federal Representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States.

It is beyond dispute that article I, section 4, of the Constitution, gives Congress power, by law, to regulate the time, places, and manner of electing Members of Congress and to alter State laws on the subject. What the members of the Constitutional Convention have to say on this subject demonstrates that the principal purpose of this clause was to make the power of Congress supreme in Federal elections and to clothe Congress with power to guard them against oppression and corruption. The Massachusetts delegate, Rufus King, stated that the failure to give Congress this power would be fatal to the Federal establishment. The words "times, places, and manner" were not used in a narrow or restricted sense. Of them Madison said:

> These were words of great latitude.

He further, with the wisdom and vision of a seer, said of the legislatures of the respective States, that when they had a favored measure to carry—

> They would take care to so mould their regulations as to favor the candidates they wished to succeed.

How true are his words when read in the light of the great opinions of Mr. Justice Stone and Mr. Justice Douglas, of our present Supreme Court, in the case of United States against Classic.

It is true that in the case of Pirtle against Brown, a case originating in Tennessee, where Pirtle went into the United States district court seeking to require the election authorities of Tennessee to permit him to vote in an election for the election of a Member of the House of Representatives on the ground that the requirement of the payment of a poll tax as the qualification of voting in Tennessee was violative of his rights as a citizen, was denied the relief which he sought by the Federal courts on the ground that the question was controlled by the decision of the Supreme Court of the United States in the case of *Breedlow v. Suttles* (302 U. S., p. 277). But when Pirtle brought his suit Congress had not acted under the power conferred on it by section 4 of article I of the Constitution, and other applicable provisions of the Constitution, namely, article I, section 8, clause 18.

The Classic case holds that the acts of election officials, who conducted a primary election to nominate a party candidate for Representative in Congress from a Louisiana district, in willfully altering and falsely counting and certifying the ballots, were acts under color of State law depriving the voter of constitutional rights within the meaning of section 20 of the United States Criminal Code. The Court held that the provisions of the Federal statute under the Constitution of the United States extended to the protection of the right of the citizen of Louisiana to cast his vote in a Democratic primary and to have that vote counted as cast. The Court based its decision upon the broad, sound, and lofty grounds that the nomination of a candidate for Congress in a Democratic primary in Louisiana was tantamount to election, and was an integral part of the process of selecting a Representative in Congress and that Congress has the power to secure the free choice of Representatives in Congress by the people of a sovereign State. And the Supreme Court held this, regardless of the fact that when the Constitution of the United States was adopted party primaries were not within the contemplation of the founding fathers.

The truth is that the Constitution of the United States is a living instrumentality of government; it has the power to match, the power to keep step with the progressive, liberal development and protection of free government and the enlargement of the rights of the citizen under our Federal Constitution.

I now quote from the opinion of the Supreme Court in the Classic case:

> That the free choice by the people of representatives in Congress, subject only to the restrictions to be found in sections 2 and 4 of article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted. We cannot regard it as any the less the constitutional purpose, or its words as any the less guaranteeing the integrity of that choice, when a State, exercising its privilege in the absence of congressional action, changes the mode of choice from a single step, a general election, to two, of which the first is the choice at a primary of those candidates from whom, as a second step, the Representative in Congress is to be chosen at the election.
>
> Nor can we say that that choice which the Constitution protects is restricted to the second step because section 4 of article I, as a means of securing a free choice of Representatives by the people, has authorized Congress to regulate the manner of elections, without making any mention of primary elections. For we think that the authority of Congress, given by section 4, includes the authority to regulate primary elections when, as in this case, they are a step in the exercise by the people of their choice of Representatives in Congress.

Said the Court, with respect to the power of Congress to regulate the election of Members of this body:

> To decide it we turn to the words of the Constitution read in their historical setting as revealing the purpose of its framers, and search for admissible meanings of its words which, in the circumstances of their application, will effectuate those purposes. As we have said, a dominant purpose of section 2, so far as the selection of Representatives in Congress is concerned, was to secure to the people the right to choose Representatives by the designated electors, that is to say, by some form of election. Cf. the seventeenth amendment as to popular election of Senators. From time immemorial an election to public office has been in point of substance no more and no less the expression by qualified electors of their choice of candidates.

And, by analogy, the requirement of the payment of a poll tax as a prerequisite to the right to vote, or as a qualification for voting in an election involving the selection of a Member of Congress is a restriction placed upon the elective franchise; is, in fact, a disfranchisement of the voter in many instances. It is also an instrumentality by which the floodgates of corruption and bossism are loosed upon a people.

No narrow construction can be permitted to suck the life out of section 4, article I, of the Constitution.

> Words, especially those of a constitution, are not to be read with such stultifying narrowness. The words of sections 2 and 4 of article I, read in the sense which is plainly permissible and in the light of the constitutional purpose, require us to hold that a primary election which involves a necessary step in the choice of candidates for election as representatives in Congress, and which in the circumstances of this case controls that choice, is an election within the meaning of the constitutional provision and is subject to congressional regulation as to the manner of holding it.

Not only does section 4 of article I authorize Congress to regulate the manner of holding elections but by article I, section 8, clause 18, Congress is given authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof." This provision leaves to the Congress the choice of means by which its constitutional powers are to be carried into execution. "Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (*McCulloch* v. *Maryland* (4 Wheat. 316, 421).) That principle has been consistently adhered to and liberally applied, and extends to the congressional power by appropriate legislation to safeguard the right of choice by the people of representatives in Congress, secured by section 2 of article I.

And the Court concluded:

In reaching this conclusion the Court found no uncertainty or ambiguity in the statutory language, obviously devised to protect the citizen "in the free exercise or enjoyment of any right or privilege secured to him by the Constitution," and concerned itself with the question whether the right to participate in choosing a representative is so secured. Such is our function here. Conspiracy to prevent the official count of a citizen's ballot, held in *United States* v. *Mosley*, supra, to be a violation of section 19 in the case of a congressional election, is equally a conspiracy to injure and oppress the citizen when the ballots are cast in a primary election prerequisite to the choice of party candidates for a congressional election. In both cases the right infringed is one secured by the Constitution. The injury suffered by the citizen in the exercise of the right is an injury which the statute describes and to which it applies in the one case as in the other.

We now quote the words of Mr. Justice Douglas, in his dissenting opinion, in which he clearly upholds the right of Congress to enact such legislation as is now before us:

Article I, section 4, provides that "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." And article I, section 8, clause 18, gives Congress the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." Those sections are an arsenal of power ample to protect congressional elections from any and all forms of pollution. The fact that a particular form of pollution has only an indirect effect on the final election is immaterial. The fact that it occurs in a primary election or nominating convention is likewise irrelevant. The important consideration is that the Constitution should be interpreted broadly so as to give to the representatives of a free people abundant power to deal with all the exigencies of the electoral process. It means that the Constitution should be read so as to give Congress an expansive implied power to place beyond the pale acts which, in their direct or indirect effect, impair the integrity of congressional elections. For when corruption enters the election is no longer free, the choice of the people is affected. To hold that Congress is powerless to control these primaries would indeed be a narrow construction of the Constitution, inconsistent with the view that that instrument of government was designed not only for contemporary needs but for the vicissitudes of time.

When we consider this legislation in connection with the evils which it is designed to eliminate there can be no argument against it. In my State of Tennessee I speak from knowledge gained by observation and an exhaustive investigation of the abuse of the poll-tax requirement.

The poll-tax requirement is a pestilential source of corruption. It is the ready and powerful weapon of the boss and the mother of corrupt political machines. Crime is progressive; it thrives upon itself. A would-be boss and a band of political corruptionists pool their funds and pay the poll taxes of thousands of voters who are needy, and who, many times, in this way are given a taste of corrupt influence. These poll taxes many times are paid en bloc, by the thousands. In this way the outcome of a county and even a congressional or State-wide election may be determined.

This step taken, it is but a short step to other fraudulent practices. To make certain their investment in money, the corruptionists then place law violators in charge of the election machinery. They stuff ballot boxes, miscall ballots, forge and falsify the returns, and thus set aside the people's will.

In my district, in two counties, the poll-tax evil has led to other wholesale frauds. The blackjack and the pistol have been substituted for the ballot. Armed men from these and other counties and States have been appointed to hold the elections. They have driven law-abiding men and women from the polls. Citizens have been terrorized, slugged, and shot. Thousands of fraudulent ballots have been placed in the ballot box and feloniously counted for candidates for the machine. In precincts where the good citizens predominate, felons who have been rendered infamous have been appointed to hold elections and rob law-abiding men and women of their ballots. Fathers and mothers whose sons are fighting and dying all over the world in the armed forces of this Nation have been driven from the polls by armed criminals, and their votes, when cast, have been counted for candidates of the machine.

This has occurred in November elections where Members of Congress were chosen and where United States Senators were voted for.

These wholesale and repeated violations of the Federal statutes have been placed before the Department of Justice by me. The criminals composing those machines have so far escaped and gone unwhipped of justice. I have been assured by the Federal authorities that these offenders in my State will eventually suffer the fate of Pendergast, of Kansas City. But my people have endured the "hope deferred that maketh the heart sick."

I am for this bill. I shall vote for it because I believe it is constitutional. I shall vote for it because I believe it is the death knell of bossism and corruption in Tennessee and elsewhere. I shall vote for it because I believe in a free ballot for free men and free women, and because I am eternally ranged on the side of the right of a citizen to cast a free ballot and his right to have it counted as cast. This is democracy. This is rule of the people. And the poll-tax requirement of the poll-tax States offends against all these rights, is wholly evil, and without any virtue whatever. It must go, and is on its way out.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. O'TOOLE].

Mr. O'TOOLE. Mr. Chairman, I listened with rapt attention to the remarks of the gentleman from the Fifth District of Texas. It is always a pleasure for me to listen to the gentleman, to note his coyness and demureness of manner, his wisdom, and his play with words, but for some reason my system is not able to absorb his political philosophy.

The gentleman from Texas in the course of his remarks said that a price must be paid in order for people to place the proper value on things. I think he said the people would value their vote where they had to pay a tax.

Let me remind the gentleman from Texas that the most terrible price has been paid for the vote, the blood of humanity down through the centuries. Men have died in every continent, they have died here on our own shores, that our people might have this right.

I thought of the men on Bataan in its last days, crawling through the tropical jungle, pushing aside the scum of a tropical stream to allay their thirst, suffering and dying, and what must they have thought of a system that would not allow them, or their fathers in many instances, the right to vote.

I am not here to argue the constitutionality or the unconstitutionality of this bill. That lies within the province of the Supreme Court. I do believe, however, that the Constitution of this country is a human thing, and since it is a human thing it is a living thing. It was the desire of the fathers of the Constitution not to legislate for a day but to spread the arms of protection and citizenship through the centuries, to provide for the development of a democracy that they knew would need time to develop and to blossom into full flower.

The time has come in this country when men of all shades of color and men of all faiths should have equal rights. We have paid for this in days gone by in another war. Today men of all faiths, of all creeds and colors, are standing shoulder to shoulder and step to step to insure the continuation of this democracy. But there can be no democracy if those who are underprivileged, those who are less privileged, are deprived of the principal weapon of democracy, the power of the vote.

So I appeal to this committee today to consider this measure and give it the weight to which it is entitled, to strike from the books of this Nation laws that are punitive, and to give to those who are willing to shoulder the obligations the rights that should be theirs—the right to vote.

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, in our fight to establish democracy throughout the world we must not neglect our own country. We must remember that democracy begins at home. With this in mind, we should be on constant guard against any breach of democracy within our borders. Unless we are an example of true democracy our international parleys are inconsistent, and when we preach to other nations we are hypocrites. I am sure that everyone will agree that the preservation of our democratic form of government is foremost. This is a natural attitude for us to take, for the first law of nature is self-preservation, and we cannot maintain our democracy and American way of life by denying to some of our people one of the inalienable rights of self-government—the right to vote. Yet as we sing the psalms of democracy and send our sons and daughters off to the scrambled battlegrounds of the world to fight for it, we are guilty of stifling it here at home by keeping millions of people in the United States from enjoying one of its blessings—the right of suffrage.

Let us examine the status of these discriminated-against individuals. Do they deserve their fate? Let us see. Who are they? An analysis shows that the majority of them, probably 90 percent, are American born. A large proportion are scions of old American families. We find thousands among them who trace their ancestry back to our early American pioneers, who blazed new trails, hewed towns out of the wilderness, and extended the boundaries of our country.

These disinherited Americans are of both sexes. You will find them putting their shoulders to the wheel in every branch of war industry—in shipyards, in aircraft plants, in ammunition factories—as both unskilled and highly specialized technicians, working diligently, day and night, to make the materials necessary to win the war.

Others are the backbone of civilian city life. You will find them as clerks in stores, as workers in factories. They are not of a single trade but members of a multitude of human enterprises. And the most unsuspected person may be one of them, such as the elderly minister who preaches God-fearing sermons in the side-street church in the poor part of town.

The victims are also in the rural areas. The tenant farmer with a patch of land far off the trodden path, the poor son of the soil who has the perennial problem of coaxing a crop out of his unwilling earth—he is also one of them. As a matter of fact, he is one of the main victims.

Why are these Americans so mistreated? Why are they denied the right to share in our American way of life? Why, when they are good Americans, law-abiding citizens, most of them just average folks, plain people?

Yes; I repeat, we are guilty, either directly or indirectly, of depriving these millions of Americans of a constitutional right—the right to vote. I refer to the poll-tax legislation in eight Southern States—namely, Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia—which prohibit a citizen from voting if he has not paid his poll tax.

I consider the right to vote one of the basic privileges of our democratic form of government. Is not our country founded on the principle of government by the people? Did not Abraham Lincoln earnestly pray that it shall not perish from the earth? And are we not sapping our national energy in the present fight to keep democracy from dying? How can there be a real people's government when States put a price of admission on the polling booth and make voting the exclusive privilege of the person with a dollar in his pocket? I could comprehend, and possibly condone, a system of appraising a voter on the grounds of age, literacy, or character record, but this system of judging a voter's qualifications solely by the dollar smacks of dirty dealing. It seems to me that the levying of this tax is a flagrant flouting of our democratic rights.

The most important, the most precious of all rights is the right to vote. This single right secures all others. The ballot is the only weapon a citizen can wield to shape the government to his ideas and to his ideals. On the casting of his ballot depends his peace of mind, the safety of his person, and the security of his employment. Liberty, justice, religious freedom, sanctity of life, and the everyday application of the glories of our Americanism are byproducts of the right to vote.

Depriving a citizen of voting lowers his morale. A man without a vote may be likened to a man without a country. He feels he does not belong. He is a stranger in his own home town. With such a psychological reaction, how can we expect the man who is barred from the ballot box to have a deep-rooted respect for the government in the selection of which he does not share? Such an individual is quite likely to become an easy prey to Fascist and antisocial movements. For having nothing at stake, he may feel that he has nothing to lose, and possibly something to gain, that which he covets most—personal recognition. This is a dangerous attitude to be allowed to breed, especially in these turbulent times, when the war demands the enthusiastic and loyal support and devotion of every person.

It has been argued that the purpose of the poll tax is to disfranchise the uneducated Negro. Why should he be disfranchised? The Negro has the same rights as the white. Our Government is not based on the color of one's epidermis, but on the inalienable rights of all men.

And since, much to my dislike, the color of a man's skin creeps into the subject, I should like to point out that tabulated figures reveal that more whites are disfranchised than Negroes. It is estimated that in the eight Southern States I previously mentioned almost four-fifths of the potential voters are today barred from the polling booth. In the last Presidential election it is estimated that as little as 8.8 percent of the citizenry of South Carolina were permitted to vote. The average percentage of voters for the entire eight States was about 21.10 percent. This means that about one person in every four cast his ballot. Even before the war this was the worst record in the world, taking into consideration every country that had the slightest semblance of a democratic system of suffrage.

Since the enactment of the poll tax the South has changed. Today the South is studded with small factories and stores which employ workers, ofttimes at minimum wages. Many of these employees are white-collar workers, such as bookkeepers and sales people. Many of them have college degrees or specialized business training—and by all standards of measurement are well qualified to participate in the ballot. What keeps them away is the cumulative poll tax.

Let me give you an example of what cumulative poll taxes mean. Let us say the poll tax in a particular State is $1 a year. That seems cheap enough. Now, if a voter, because of economic distress does not pay the dollar, he not only cannot vote but the second year he finds himself with double the amount to pay plus 7 percent interest and an additional fine of $1. If he does not pay the third year, the fee is three times as high, and so forth. This may be pyramided so that he may be compelled to pay as high as $47.47 before he can cast his vote. When you take into consideration the wages paid in some of the Southern States, it becomes apparent that the exercise of the right to vote is prohibitive and signifies nothing.

The business depression of the 1930's is to blame in many cases for the failure to pay the poll tax. During that economic drought numerous southerners were unemployed. Now, with the accumulation of taxes and interest and fines, they find it financially prohibitive to vote. And what is more discouraging, this condition is getting worse with each passing year. These people see no chance of ever voting. To deny an American a lifetime of voting is a calamity.

I have in mind a lengthy list of cases that cry out bitterly against this injustice. I shall not cite them all because of insufficient time, but I shall state one. It concerns a bookkeeper who is employed in a small lumber yard. He is married. Both he and his wife are third generation, native-born Americans. They are graduates of a well-known southern business college. They have four children, one of whom is a cripple. On his salary he manages to stretch both ends until they barely meet. Hard hit by the depression from the outset, he did not pay his poll taxes for years. In his State, if he and his wife wish to vote they must pay approximately $48, or almost 2 weeks of his salary. He cannot afford the expenditure and as a consequence he and his wife cannot vote and are disfranchised.

There are many dangers in such a state of affairs. These dangers are not only local but national. General progress and free institutions go hand in hand. The latter can only be main-

tained through free suffrage. The curtailment of the right of citizens to vote is a threat to our system of government, and free cooperation between all classes. Constant reduction of the number of voters is a cutting down of this free cooperation. Such an impairment is a step backward. History eloquently proves to us that only after free institutions were introduced in the western world did civilization produce her better fruits. If this system is continued, how long will it be before the right of suffrage is denied to citizens because of their religious or political beliefs? How long will it be before it is denied to minorities because of their original nationality or because they were not born in this country?

The curtailment of the vote is also a menace to the security of the individual, to public opinion, to tolerance, and to every one of the virtues of democracy. The poll tax is a scheme that stabs holes in our Americanism and short circuits the currents of democracy.

This curtailment of the vote is a steady deterioration to the miserable conditions existent under dictatorship, where citizens have no right to freely express their opinion in the selection of their governing personnel. With liberty being discarded by dictators abroad, with minorities being persecuted, with human democracy and decency being tragically renounced—it behooves us to immediately set our own democratic house in order.

Those who benefit by this denial of suffrage must not delude themselves that they are perfectly safe in their positions. Discrimination is a two-edged sword; it cuts him who once cut. Events in Germany show that those who were the oppressors soon became the oppressed.

I want to stress that the only kind of government that can give satisfaction, the only kind of democracy that can work, is the one in which all citizens have a part regardless of race, color, or creed, regardless of religion, and regardless of wealth or position.

I am in favor of prohibiting the imposition of poll taxes, or any other hindrances to the right of free suffrage.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, there has been a current belief that the issue presented to the House today is rather academic to those Members of the Congress who come from States that do not impose a poll tax. I beg to differ with that observation because it is not quite so academic as all that.

It was rather intriguing to discover in the course of the hearings on the agricultural appropriation bill that when the Farm Security Administration was making loans in poll tax States, accrued poll taxes and school taxes had to be paid as a part of the loan in order to make a good mortgage. For verification of this, I suggest that interested persons examine the testimony given on February 2, 1942, as recorded on page 322 of part 2 of the hearings on the agricultural appropriation bill for 1943. We therefore have this strange spectacle, a State that imposes a poll tax as a prerequisite for voting and an agency of the Government that comes along and has to pay that poll tax before the man can vote, or more accurately stated, loaning money with which to pay such tax. This was testified to before the Subcommittee on Agricultural Appropriations. In many instances, before a valid loan was made out of the Federal Treasury, the Government of the United States, through the appropriate instrumentality, first paid the poll tax to the State in question or loaned the funds with which payment was made. That certainly is an engaging situation. So it is not academic for the very good reason that every taxpayer in the United States, irrespective of the State where he lives, who has an interest in the disbursements out of the Federal Treasury, would thereby have a monetary interest in every payment that is made to take up poll taxes that have been paid in order to make a valid loan running to the Treasury of the United States. So I do not regard it as academic at all and I have a very abiding interest because I can see and understand that this situation must be cleared up.

Mr. HARRIS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Let me continue for a moment, please.

Now, from the constitutional standpoint, here is the gentleman from Texas, Judge SUMNERS, the gentleman from Iowa, JOHN GWYNNE, the gentleman from Tennessee, ESTES KEFAUVER, the gentleman from New York [Mr. CELLER], the gentleman from Alabama [Mr. HOBBS], and others, any one of whom would grace any Federal court with distinction and judicial ability, who today disagree on this floor concerning the constitutional aspect of this legislation. This disagreement is implemented by the fact that in the Newberry case there was a split 4 to 4 decision. I feel that any Member of this House, notwithstanding the categorical statements that have been made here, that everybody knows it is unconstitutional, has a right to entertain the feeling that this can be and may be and might be constitutional in the light of these variances that have been expressed here and in the light of the variances that have been expressed by the Supreme Court of the United States.

Judge [Mr. SUMNERS of Texas], let me say to you that I agree with the general premise that you laid down this afternoon that the tendency has got to be in the direction of more democracy and a greater consolidation of power in the people, and I think that is what we are doing here today. For when you speak of the people you must use also the words "all the people," and if a single segment of the people for one reason or another is repressed in their right to use the ballot or the privilege of using the ballot, then, of course, we cannot say that the trend or the culmination of the democratic process is complete. You know from your examinations of the history of ancient Greece that there it found its purest form. Twenty-five hundred years ago folks got into a huddle and directly determined among themselves the policies and the difficulties that confronted a community. Did a man want to speak, he walked up to the center of the group, and he picked up an olive branch which entitled him to speak, and there was no distinction if he were a free citizen. But today we have changed that somewhat.

I am not unmindful of the fact that we do not have a pure democracy. We have a representative, republican form of government, and yet no man today who is under the burden or the interdiction of the poll tax can, like those Greeks of 25 centuries ago, pick up the olive branch and have a free say in the exercise of government and the selection of those who shall administer that government. So I think, from that standpoint, we are on good ground so far as the objective or the purpose of this legislation goes.

It was suggested today that the philosophy of something for nothing has been carried quite far in recent years and that there be some manner of payment for the privilege of voting, even as a school child pays for the privilege of using a recreation area or a lodge member pays for the privilege of using the facilities of the lodge hall. One need scarcely labor this point because the distinction between a service for which one pays and the exercise of citizenship is too obvious. The point, however, is worthy of some observation.

If memory is not at fault, it occurs to me that in the days following the Revolutionary War, Massachusetts imposed a property qualification for voting to retain control of the legislature in the hands of the industrial interests of that day. The purpose appeared to be to control and shape legislation whereby a goodly portion of the State's share of the Revolutionary debt would be fastened upon the farmers of that State. It is an indication of how a property or capitation tax qualification can be made to serve a very distinct purpose and how easily abuses can creep in.

If 8 States can impose a poll tax, it can also be imposed by 48 States. If a State can impose a $2 poll tax, it might well impose a $25 tax and the only restriction on the amount of the tax would be whether or not it was unduly onerous. If its obvious purpose is to provide educational funds, a tax of $25 or more might easily be defended. But its net result would be the disfranchising of millions of voters in every State in the land and would be not only a recession from democracy but would become a fertile field of abuse and control as well.

Such a condition would manifestly imperil the very preservation of government. Is there anyone who will argue that it was the intention of the framers of the Constitution to create a government without being reasonably certain that their handiwork would not be imperiled by an undue restriction upon the right of suffrage?

When they provided that the time, place, and manner of elections should be determined by the States, they also provided that—

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

Here then is a specific power in the Congress to alter regulations made by States relating to the time, the place, and the manner of holding elections. Precisely what did they mean by the word "manner"? Is it used in a narrow sense to embrace only the mechanics of an election? I think not. It can mean an honest manner. It can mean an impartial manner. It can mean a manner free from discrimination. I am persuaded that the provision just cited from article I of the Constitution is reasonably broad and must have been meant to include a power which is employable by the Congress in preserving the very Government and Constitution which the framers dedicated.

When all is said and done, self-preservation must be the first law of representative government and it cannot be undone save by the people themselves who are the fountainhead of all power.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, in my opinion it is not right nor just to require of those who would vote that they must pay for the right to send Members to Congress. In my district in Philadelphia, in the last election, some 51 percent of all of the population of that district exercised the franchise. In other districts, as is well known, the percentage did not exceed 3 percent to 7 percent. The reason for this discrepancy, in my honest opinion, is the requirement that a price should be paid as a prerequisite to the exercise of the franchise.

We speak of extending the privileges of democracy to the uncounted masses of India. We speak of extending the benefits of democratic processes to India. Under the Atlantic Charter we are committed to the extension of democracy and to the obligation to concern ourselves with the extension of political freedom to all the world, including India. Be that as it may, if we really want to defeat the purposes of the Atlantic Charter and help the reactionary factions in the British Empire to keep control of the masses of India, we might extend to them the same blessings which prevail in some of our States at home. We might extend to them the privilege of the poll tax, and make it so high that we could deny democracy to India in much the same way as we deny any share in the democratic processes to many of our would-be voters in this country.

As far as the constitutional question is concerned, it is surely well known that the Supreme Court has shown a greater interest in the rights of the individual than in property rights or any other questions which have come before that body. It is reasonable to expect that the Supreme Court will, if any constitutional reason can be found, and I believe it will be found, declare this legislation to be valid.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. JARMAN].

Mr. JARMAN. Mr. Chairman, my colleagues, of course, as is always the case when mob action takes place, time is by no means available to go into the details of the many reasons why I think one would naturally oppose such legislation as this. Consequently it will be necessary for me to merely briefly touch on only a few of the numerous ones. First, I do not believe in mob law and action, whether it be by a group of kids in the back alley terrorizing another group, whether it be by one bunch of gangsters in a city like New York or Chicago going out and taking the leader of another gang for a ride merely because he has muscled in on their racket, or whether it be in the most terrible form of all, where a group of people decide that an accused is guilty and, not only pass judgment, but execute that judgment immediately. And by the same token, Mr. Chairman, I do not believe in mob legislation, nor do I believe in rape, whether it be of the Constitution or another type. I do believe in States' rights. I do realize the seriousness of the situation which confronts this country today, and I am strongly of the opinion that this is no time—when the world is on fire and when we are constantly passing tremendous appropriations for the war effort, such as the comparatively small one of six or seven billion dollars we passed last week—I say this is no time for the great Congress of the United States to be occupying itself with one-dollar-and-fifty-cent legislation. I say further, that in Alabama our people are not purchasable for a dollar and a half.

Mr. Chairman, I am equally opposed to sectional legislation. I call attention to the fact that this legislation affects only eight States, and I understand that one of those States is about to repeal the poll-tax law so that really it probably affects only seven. I call attention further to the fact that in the vote yesterday only three Members of this body from those seven States voted for this nefarious legislation. Why not permit us to attend to our own business? What legitimate interest can you from New York have in an Alabama election?

I referred to mob law a moment ago and mob action. You know the rules of this House. You know how it is organized into 47 committees, and I submit they are good ones. You know that the Speaker refers bills as they are introduced to the appropriate committees, and that those committees hold hearings, call witnesses, perhaps appoint subcommittees to go into all of the details, pro and con, in respect to the legislation concerned, frequently being so engaged for many months. In this case this bill was referred to one of the major committees of the House. That committee has had it since January 1941. It has had ample time to go into the bill and to choose between two courses, whether it should be brought to this floor with the sponsorship of that great committee or whether, in the considered judgment of its distinguished members, it is no good. That committee in its wisdom decided that it is no good and what happened? The mob action then commenced. Instead of permitting the usual, normal, the regular way, a petition was placed on the desk here nearly 2 years ago, to discharge the Judiciary Committee. Despite a letter to each of us from some pressure group every few months, it required almost 2 years to get half of the membership of this body to sign that petition, thereby bringing it to the floor after only 20 minutes debate. I, therefore, submit that it is not really the will of this House that it be considered. It is the will of 218 Members and former Members, not spontaneously or simultaneously, but some influenced by this pressure 18 months ago, some by this insistence 6 months ago, others by some other entreaty 3 or 4 weeks ago, some now dead and some who have retired. I signed one of those petitions when I was a freshman and did not know what it meant. I never intend to sign another one, and I never intend to vote for legislation brought on this floor in that way, whether I would otherwise favor it or not, because I am not in favor of mob legislation any more than I am any other mob action. May I call attention to the fact that of the 85 gentlemen who voted against this mob action yesterday, 20 were chairmen of the 47 committees. Seven chairmen were absent and 20 were among the 250 who participated in this attack on constitutional government.

If this nefarious legislation be constitutional, why was it necessary to submit a constitutional amendment to authorize woman suffrage? If it be constitutional why did a subcommittee of the Senate Judiciary Committee vote 3 to 1 last week to kill an identical bill because it is unconstitutional, and why did one of these three, who is against the poll tax, immediately introduce a constitutional amendment to abolish it?

That is the greatest iniquity of this mob action. If the petition method were the only way of accomplishing the purpose of those who think the world will stop revolving unless every man and woman, whether they are sufficiently interested in their schools to contribute $1.50 annually thereto or not, be permitted to vote, it would not be so unbecoming and ridiculous, but such is not the case. There is an orderly, legal, proper way to accomplish this if the majority of the people of America wish it. It is by a constitutional amendment. Why are you afraid to follow that course?

As I said recently when discussing legislation which ostensibly had for its purpose arranging for our soldiers to vote, but which, as I also stated, was really merely the entering wedge on the part of those not citizens of the South who would take charge of our southern elections, I am still sufficiently old fashioned to be wedded to the democratic principle of States' rights. I am proud of that fact. I still believe that Alabamians are more competent than any other people in the world to prescribe regulations for and supervise Alabama elections and that we need no Federal bayonets to stand guard as they did during those horrible reconstruction days. Similarly I believe you of New York, Illinois, and Pennsylvania are

more competent to manage your elections than we Alabamians are. We do not permit aliens who have only taken out their first papers to vote in Alabama, even though they may be perfectly willing to contribute $1.50 to the schools, but we entertain no objection whatever to you people of Wisconsin doing so. It is your business, with which we have no desire to interfere, just as we believe you should not interfere with our poll tax.

One-dollar-and-fifty-cent legislation—perhaps I can best describe my attitude toward such peanut thinking at a time when all the best thought and best effort of every one of us is necessary to bring this war to a successful conclusion by two quotations. The first is from Gov. Frank Dixon, of Alabama, on this subject:

> This is no time to engender disunity by continuous demands for social reforms having nothing on earth to do with the war. Neither is it the time to strike down local control of elections and to substitute Federal control.

I also quote from the Selma Times Journal, one of Alabama's excellent newspapers, which is published in the home town of my distinguished friend and colleague, who has devoted so much time and thought to this matter, Judge HOBBS. It refers to the action of the Senate Judiciary Subcommittee in disapproving this attack on the Constitution of which I spoke:

> This report is a severe blow to the hopes of crusaders who seek to exploit the war emergency as an opportunity to impress their personal convictions upon the South. * * * Only persons moved by a determination to prey upon a patriotic South engaged with the business of fighting an all-out war would persist in advocating anti-poll-tax legislation.

I now quote from this legislation, which would amend the Hatch Act to prevent pernicious political activities:

> The requirements in many places under the jurisdiction of the United States that a poll tax be paid as a prerequisite for voting at elections for the office of President, Vice President, Presidential electors, Members of the Senate, and Members of the House of Representatives has resulted in pernicious political activities in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates. Experience proves that existing legislation prohibiting the making of expenditures to any person to induce persons to vote for certain candidates has failed to prevent this practice. It is, therefore, necessary, in order to insure the honesty of such elections, that the Congress forbid the requirement that poll taxes be paid as a prerequisite for voting at such elections.

One-dollar-and-fifty-cent legislation. The very idea of purifying elections by preventing seven Southern States, in which elections are so clean as compared with those in the States represented by some of you sponsors of this legislation, from collecting $1.50 annually for the schools. It is ridiculous, preposterous and it is difficult indeed for me to believe that any adult honestly thinks such legislation necessary for that purpose, or that if passed it will accomplish it. Furthermore, I repeat that Alabamians are not purchasable for $1.50. I submit further that I undoubtedly have a higher opinion of the constituents of you gentlemen who are sponsoring this legislation than you do, because I honestly do not believe that many of your constituents are purchasable for $1.50. In other words, this $1.50 legislation is "much ado about nothing" while the whole world faces the tragedy of the ages, while everyone should be thoroughly engrossed in matters of larger than peanut proportions.

The Alabama Legislature has "Local Legislation Committees" to which all legislation of a local nature is referred. There is no more possibility, and properly so I think, of a bill applying only to my county of Sumter passing without the approval of its members of the legislature than there is of a snowball growing larger in hades. In like manner, I am sure that the other members would indulge in the courtesy of looking for leadership and suggestions on matters affecting only a few counties to the members from those counties. This is proper; this is democratic; this is right. I submit, my colleagues, this is honorable. Instead of indulging in such a course, here you are with the votes to pass legislation which will really affect only 7 of the 48 States when only 3 of the 79 Representatives of these States favor it. Is not that thoughtful? Is not that gracious? Is not that charitable? Is not that sportsmanlike? Is not that courteous and fine indeed to the cradle of the democracy of this country where the purest Anglo-Saxon blood in the United States flows? Will you not stop? Will you not look? Will you not listen? Or are you determined to again make of the Southland a conquered province? If that be your determination, I wish to say that even though you have the votes to run roughshod over us today, "You shall not pass."

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Chairman, I want to pay tribute to that Member of this body who sponsored the bill under consideration—Lee Geyer of California. Lee Geyer is not with us today but his spirit is present to inspire those of us who have the privilege to carry on.

I regard the abolition of poll-tax prerequisites to voting as an important step toward putting our democratic house in order. The poll tax has both a financial history and an electoral history. As a means of raising money the poll tax has always been unpopular as far back as the Greeks and Romans. It is more than an example of the unpopularity of taxes in general.

In Greece a poll tax was exacted of conquered foreigners as a mark of subjugation and inferiority. The Roman attitude toward the poll tax was expressed in the statement of Tertullian that "just as the land has less value if it is subjected to an impost, so are men more degraded if they pay a poll tax, for it is a token of captivity." In medieval times the imposition of poll taxes was frequently the cause of popular revolts. Wat Tyler's insurrection was occasioned by a poll tax. The Mohammedans imposed a poll tax on Christians and Jews, whom they regarded as infidels unfit to render service to the State.

In our own colonial period the poll tax was frequently employed as a means of raising revenue, but was always unpopular. The people of Maryland had such bad experience with the poll tax that at the time of the Revolution they inserted into the Constitution of the State a declaration that the poll tax is "grevious and oppressive," and forbade the legislature ever to impose such a tax. This prohibition still stands.

But the use of the poll tax as an electoral measure is quite a different story. On the electoral side, it is a descendant—and it seems to me an illegitimate descendant—of the system of property qualifications on suffrage which prevailed in all our States at the time of the Revolution and the framing of the Federal Constitution. Although the Declaration of Independence declared all men to be created equal, and to be endowed with certain inalienable rights, suffrage was not one of the recognized inalienable rights.

The theory behind the property qualification for the franchise was that only men of means have a stake in the country and have a right to help govern it and determine its laws. However, this theory actually marked a great political progress since it called for men of property to govern a country in the name and interest of the whole people, rather than in the name and interest of the few. And once the democratic aim of government was emblazoned in the Declaration of Independence and the Constitution, the democratic method of government was soon recognized as a logical consequence of the democratic aim.

Beginning with Thomas Jefferson and culminating with what has often been called the Jacksonian revolution in American politics, the movement developed for the extension of the franchise to universal manhood suffrage. In our own day the right of suffrage has been extended to women—and I might add that there are present in this Congress today men who opposed giving the vote to women. They not only claimed it was unconstitutional but they also opposed the adoption of the nineteenth amendment.

The theory behind the extension of suffrage was well stated by Thomas Jefferson when he wrote—and I quote:

> It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier of the people, but it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption.

Today this theory is universally accepted—at least in words—by everybody. Even those who would defeat democracy do not dare openly to challenge our belief that to maintain a government for the people, we must have a government of the people and by the people. Only by the widest participation of the people in government can we successfully solve the great problems that confront government today.

The use of the poll tax is a restriction on suffrage and is peculiar to the South.

About the turn of the century one Southern State after another incorporated the poll tax into its constitution. Why was this done? Nominally, it was not done to decrease the franchise and to return to the colonial philosophy of suffrage. The professed motives behind the introduction of the poll tax were to raise revenue for rural schools and to maintain white supremacy by barring Negroes from the polls. Actually, however, if we judge the poll taxes by their results as well as by a shrewd appreciation of the real motives of those who put over these taxes, we see that the poll-tax system is simply a disguised reintroduction of property qualifications in order to restrict the participation in the elections and protect and perpetuate the rule of a reactionary oligarchy. It is one of the tragic ironies of history that when we in the South were faced with the complicated problems of economic and social readjustment, we allowed our political leaders to turn down the help of the masses of people in solving these problems and, instead, perpetuate a rule of the few who wanted to leave these problems unsolved.

What is there about this poll tax that has made political leaders in my beloved southland hold to it with such stubbornness and tenacity? They cannot deny that it falls more severely on those less able to pay, those with larger families with which our section—thank heaven—is mightily blessed. They cannot deny that it is an unbalanced tax demanding the same sum of money from the poorest voter that it does from the richest. They cannot deny that it is bound about with a system that trips the unwary. They cannot deny that it has the vicious tendency of discouraging voting. To me these are its sins, but to many of its advocates these very things are its virtues.

It gives an advantage and an edge to the rich, the powerful, the specially organized forces; yes, and to the vote manipulator. Alabama is the most extreme poll-tax State of the entire eight that still cling to the unfair and undemocratic demand of a poll tax as a right to vote.

Now, this indictment may seem to be too great to build on the slender foundation of seemingly small and innocent poll taxes. A dollar, a dollar and a half, two dollars a year may seem to be a small thing—a small price to pay for the precious privilege of voting. But the fact is that when taken both in their direct and indirect repercussions these small poll taxes do effectively accomplish the end of disfranchising very large sections of the electorate and braking and tending to reverse the wheels of democratic progress. Poll-tax restrictions on voting today exist in eight Southern States—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia. Three other Southern States—North Carolina, Louisiana, and Florida—used to have these restrictions, and after a long fight managed to repeal them in recent years. The very fact of the repeal of these poll-tax restrictions may be said to dismiss the argument that poll taxes are of inconsequential importance. We know that such is the inertia of the political process that inconsequential matters are tolerated indefinitely—it takes real grievances to generate enough political steam to get reforms put through.

Let us see how some of these taxes operate in practice. Let us begin with my own State of Alabama, which has one of the worst poll taxes of all the States. In Alabama all inhabitants between the ages of 21 to 45, except war veterans, are required to pay a poll tax of $1.50 a year in order to have the right to vote. The tax is pretty severe in itself in relation to the incomes of some people. But the tax is also cumulative. A voter who slips up on paying the tax one year has to pay $3 the next year. If he is in arrears on 5 years' poll taxes, he has to pay $7.50, in addition to the current tax. A man at the age of 45 or older who has never paid the poll tax before must pay $37.50 for the privilege of voting. This privilege of voting surely comes high. Under the Alabama system a few years of poverty is sufficient to build up a barrier which is likely to exclude a citizen permanently from the polls. While in business a hopelessly delinquent debtor can go bankrupt and start his economic citizenship afresh, a voter delinquent in his poll-tax payments may never be able to make a new start. I might add that our present Governor was elected 4 years ago on a platform which included electoral reform—4 years have passed, but no action has been taken.

The taxes in other States may seem less grievous in their burden, but if we look closely we will usually find that, thanks to some peculiarity of administration, they are sufficient to accomplish their aim of disfranchising a large section of the electorate. For example, in Virginia it is only property owners who receive notice that the poll tax is due. Yet the law requires that poll taxes must be paid 6 months before election. The propertyless voter who is oppressed by economic cares will generally remember only at election time that if he had thought of it in May he might have been able to vote by paying the tax.

Political students have noted that even the smaller and less oppressive poll taxes play into the hands of machine politicians, who buy people's votes by paying their poll taxes. To be sure, this is generally made a felony by law, but the existence of such laws merely indicates the widespread character of the abuse rather than the fact that the abuse has been stamped out.

An analysis of the position of those opposing this bill reveals their anomalous situation. Their proposition is based on the contention that the National Government is removed from the people, that each State can have its rules, however petty, unfair, or unwise, which may entirely take away from the voters of such States a voice in selecting their Representatives for government service. This is not and was never the intent of the Constitution, as revealed in the case of *United States* v. *Classic* (313 U. S. 299; 61 S. Ct. 1031).

The reactionary political and economic interests would like to keep the South in a semifeudal condition. The spokesmen of these interests want to do nothing about the pressing problems of today. They want to do nothing about farm tenancy. They want to do nothing about improving the conditions of labor. They like to prate about democracy with a capital "D," but they know nothing about democracy with a small "d." They like to invoke the name of Thomas Jefferson, but they forget that the great sage of Monticello organized the Democratic Party as a means for promoting and extending genuine democracy, as I have shown. The time has come to return to the principles of Jefferson, the principles of Jackson, and to rededicate the Democratic Party in the South to the welfare of the common man in deeds and not in mere words.

We are not interested in voting as an empty symbolic form. We are interested in voting as an essential step in carrying out the social and economic reforms which the South needs more than any other section of the country. A land more richly endowed by God and nature than any other section supports a lower standard of living than any other section. Why? Because—above and beyond all other considerations—the government of the South has fallen to so large an extent into the hands of the few without the participation of the many.

To secure the participation of the many in the government of the South will not overnight solve our problems. But it is obviously the first and most important step. Political democracy is necessary in order to achieve economic democracy, and both political and economic democracy are necessary to give abiding form and substance to the historic declaration that all men are endowed with the right to life, liberty, and the pursuit of happiness.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Maine [Mr. FELLOWS].

Mr. FELLOWS. Mr. Chairman, the question here primarily is not whether the poll-tax provision is unjust or inequitable and should be removed, but the question here is whether without an amendment to the Federal Constitution Congress has power to legislate in this field.

I believe it has not and, therefore, shall vote against this proposed measure.

In the few minutes allotted to me I am not undertaking to discuss any decisions of the courts. I have in my hand a brief submitted by the National Lawyers Guild. It purports to have been written by one Morrison, alleged to be an outstanding constitutional lawyer. He argues, among other things, that H. R. 1024 now before the House—which was not reported by the Judiciary Committee, the rule on which was not reported by the Rules Committee, a bill simply introduced in Congress and referred—

> amounts to a direct finding by the Congress that abolition of the poll tax is essential to the protection of the purity of the ballot in Federal elections.

A powerful argument. He does not undertake to discuss the question of whether payment of a poll tax is a qualification, but proceeds on the theory that Congress, without constitutional provision, has the power.

Naturally, this discussion would be divided into two parts:

First, has Congress the power now to legislate in the field of the qualifications of electors or voters; and, second, if not, is the payment of a poll tax reasonably a qualification?

Without discussing the decisions, I merely wish to point out two significant things on the first point, viz: That since the beginning of our Government the States have assumed exclusively to operate within this field, and by common consent of the legislatures, legal departments, attorneys general of the several States, they have not only passed statutes covering this question as applicable to the election of their own officers, and also Members of Congress, but have frozen these qualifications in State constitutions. You would be surprised, if not shocked, if you examined your own State constitutions, to see what the qualifications are. Take my own State, for example. To register as a voter our constitution provides:

> Every male citizen of the United States of the age of 21 years and upward, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of 3 months next preceding any election, shall be an elector for Governor, Senators, and Representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot.

And by amendment 29:

> No person shall have the right to vote, or be eligible to office under the constitution of this State, who shall not be able to read the Constitution in the English language, and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions.

And further, excepting any person who then had the right to vote, or was then 60 years of age or upward at the time the amendment was adopted. That became part of our constitution in 1893.

In passing it might be well to observe that my State has the pauper provision, and it will be found in some of the other States. There is no provision about paying a poll tax of $1.50 or $3 before one can vote, but if a man with a large family finds himself in necessitous circumstances, has to call upon the town for relief, and gets it, he is disqualified. He does not have to pay his $3 tax, but he does have to pay his own grocery bill. With that provision in my own State constitution, I am inclined to believe the eight States that have poll-tax provisions for educational purposes are not so far behind the times. But this is not the point. The point is that our States have assumed to operate exclusively within this field of qualification.

This is true of our Congress since the beginning of the Constitution. In 1869, when it was thought necessary to legislate with reference to voting qualifications dependent upon race, color, and previous condition of servitude, did our Congress pass a statute without amendment to the Constitution? It did not.

AMENDMENT XV

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

This amendment was proposed to the legislatures of the several States by the Fortieth Congress on February 27, 1869. In that Congress 44 of the Senators were lawyers, 131 of the Representatives were lawyers, and 31 of those Members became judges of State and Federal courts. Roscoe Conkling, of New York, one of the number, was appointed to the Supreme Court of the United States, and declined. From my own State of Maine there were in that Congress Hon. Lot Morrill, Hon. William Pitt Fessenden, Hon. James G. Blaine, and Hon. John A. Peters—all lawyers, and the latter chief justice of Maine.

These men certainly had read the Constitution, and were more or less familiar with it. Later, and belatedly, when the question came up with reference to the rights of people to vote without regard to sex, some of the States permitted it, and some not, but did it occur to Congress that it could legislate within this field without Constitutional amendment? It did not.

And so, on June 5, 1919, there was proposed to the several States by the Sixty-sixth Congress an amendment, which was adopted. It is called the nineteenth amendment, and reads as follows:

AMENDMENT XIX

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Our States have believed that this was their right by virtue of the terms of the Federal Constitution. Article I, section 2:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors for the most numerous branch of the State legislature.

The distinguished constitutional lawyer, Mr. Morrison, after quoting this section of the Constitution, says:

> Standing alone in a historical vacuum the above provision may have the effects sometimes attributed to it.

My position is at all times attributed to it.

Not only do we find this provision in the Constitution, section 4, article I also appears. And this states that the times, places, and manner of holding elections are under the supervision of Congress. Clearly differentiating between qualifications of electors, which are left to the States, and the machinery surrounding elections, supervision of which is left with the Federal Government.

Is it not significant that through all the years the States and the Congress of the United States have assumed this to be true, viz: that the question of qualifications occupied a field on which the Federal Government could not trespass?

DEFINITION

Is the question of paying a poll tax one fairly to be considered as a qualification? It is argued that it is a requirement, not a qualification. I think it will be conceded that the question of age, the question of the ability to read and write are qualifications. If a man goes to the registration office to become a voter and he cannot read the Constitution, it then becomes a requirement that he learn how to read. If a man goes to the registration office, and cannot write his name, it then becomes a requirement that he learn to do it. If a man goes to the registration office and says he is 20 years of age, immediately it is required that he wait a year. It has been suggested that it might be required that a man pay $1,000 poll tax if we do not pass the statute today. The answer to that is, "I think the States have that authority." And, by passing a statute without constitutional authorization is not to help the situation at all.

It is suggested that these rights be taken away from the States and given to Congress, on the theory, I suppose, that you could not trust one legislature, but you can trust the other.

So I maintain that in the first instance this is a matter that should be remedied by constitutional amendment, if remedy is necessary.

I have in my hand a book entitled "The Origin and Growth of the American Constitution," by Taylor. It is not a new edition, it is 30 years old. Mr. Taylor, the author, formerly a Minister to Spain, author of The Origin and Growth of the English Constitution, author of International Public Law, and of Jurisdiction and Procedure of the Supreme Court of the United States, and also, Science of Jurisprudence, discusses briefly this question. On page 372 he says:

> The electors of President and Vice President are State officers, the method of whose appointment the Federal Constitution has no power to direct or control.

Also:

> Qualifications of electors of the House of Representatives are prescribed by the States. Such electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> As explained heretofore, when our State system was founded the right to vote was in the mother country the privilege of the few, not of the many. At the time of the separation the entire electorate of the British Isles (which included, in 1909, 7,615,438 electors) did not exceed 400,000. Every American State was founded on the principle that it alone could confer the right to vote upon the few or the many as its sovereign will deemed best. Today any American State can so amend its constitution as to provide that no man can vote until he attains his 90th year, or that no man can vote unless he is possessed of real property to the value of a million dollars, or it might provide that the right to vote shall be vested in women only. Such a State constitution would not conflict with the National Constitution in any particular whatsoever. The only limitation imposed by that Constitution upon the sovereign power of the States to regulate the franchise is that contained in the fifteenth amendment, which provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Unless the right to vote, which is derived from the State, is "denied or abridged" upon that ground, the amendment has no application.

Therefore, believing, as I do, that this statute, if passed, would be no statute at all, because unconstitutional, it becomes my duty to vote against it.

I understand the Constitution has been removed from its accustomed place in the Library of Congress and put away for safekeeping. I hope it will be returned.

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. RAMSAY].

Mr. RAMSAY. Mr. Chairman, we were told yesterday that "Congress was engaged in a sorry business, and that we did not believe in that which we were doing."

Strong language, indeed, against men whose only purpose is to really make America free and grant to every man and woman their constitutional right to vote a free and untrammelled vote, without price or cost.

Whenever I think of poll tax, I am reminded of the story told by Thomas Paine when he opposed property ownership qualification for voters during the time the founding fathers were debating the Constitution.

It was told by Paine that one of his neighbors during the last election in the colony was informed he would have to have taxable property to the extent of $60, whereupon he told the assessor he had a jackass worth $60, so they let him vote. "But since the last election my jackass has died, so now I can't vote," said the neighbor.

The voter wished to be advised further and asked: "What I want to know now is whether it was me or the jackass that voted the last time."

I, too, am wondering whether it is the citizen who votes in the poll-tax States or the measly $2 fee he is required to pay.

I believe those of us who favor this bill can safely admit that section 2 of article I of the Constitution places in the hands of the people of a State and its legislature the right to determine and fix all reasonable qualifications of voters in the various States to cast votes for Congressmen, Senators, and Presidential electors.

But at the same time, the same Constitution, in section 4, article I, places in the control of Congress the final and absolute control of all regulations of the manner, time, and places of holding elections for such officers.

The Supreme Court of the United States has many times been called upon to pass on this subject, and by its decisions has given wide latitude and power to the Congress.

The last great case on this subject is *United States* v. *Classic et al.* (313 U. S., p. 299). In syllabus 3 of this case the Court decided:

> The right to vote for Representatives in Congress is a right established and guaranteed by article I, section 2 of the Constitution, and hence is one secured by it to those citizens and inhabitants of the State who are entitled to exercise the right.
>
> The right to vote for Representatives in Congress is a right derived from the States only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2, article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate under section 4 and its more general power under article I, section 8, clause 18, to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

It is a sad commentary that $2 carries more qualification than the heart and brain of an honest American citizen.

Of course, the powers of Congress to legislate upon matters within its authority is plenary under the very terms of the Constitution, which provides that—

> This Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land, and judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding.

So we readily see that it makes no difference whether poll-tax laws have been written into the Constitution or are mere acts of the State legislature if, providing, of course, Congress has the right and power to legislate against State poll-tax laws, so far as the act is a bar to the citizen of a State casting his vote for Congressmen, Senators, and Presidential electors.

The question then resolves itself into the proposition of determining whether or not poll tax is a qualification of an elector, or is it a mere regulation of the elector.

The judges of our highest Court, to my knowledge, have only spoken twice on this subject.

Justice Holmes who wrote the opinion in the case of *Nixon v. Herndon* (273 U. S. 536), said:

> States may do a good deal of classifying that is difficult to believe rational, but there are limits.

This case arose over State primary laws, and on a subject very relative to the poll-tax question.

Justice Jackson, in a concurring opinion in the case of *Edwards* v. *California* (314 U. S. 181–184), stated broadly:

> We should say now and in no uncertain terms that a man's mere property status, without more, cannot be used by a State to test, qualify, or limit his rights as a citizen of the United States.

The mere state of being without funds is a neutral fact—constitutionally an irrelevance, like race, creed, or color.

I agree with what I understand to be the holding of the Court that cases which may indicate the contrary are overruled.

With this, I come to the main question for us to decide today. Is a poll tax a qualification of a voter? I unhesitatingly answer no, and for these reasons:

First. The very designation of "qualification" taken from any dictionary ever published answers "no." The payment of a poll tax neither adds to nor detracts from the ability of a voter to cast an intelligent vote in any election. In many instances, men who were willing and eager to sell their votes, have had their poll taxes paid by others, who were willing to win election by fraud and corruption, while honest voters and able voters, who refused to be bought and paid for, were unable to cast their vote, and were compelled to stand by and watch the craven hand of infamy grasp the reins of power and continue to swell in graft and corruption.

I have always understood that qualification of voters must and did apply to all voters alike, that none were exempt and none could escape its terms. But this is not true of poll tax. In every State where it exists there are exceptions.

During the debate of the soldier-voting bill in the Senate, Senator GEORGE, of Georgia, said:

> Our poll tax is not harsh. We have exempted preachers, those past a certain age—

I believe he said—

> Fifty-five years of age.

I submit that such requirements either by the State constitution or by act of legislature can only be considered at best an election regulation.

Mississippi, I understand, has a constitutional provision requiring the payment of a poll tax, before any of its electors without exception, can vote. Yet the Legislature of Mississippi at the last session of its legislature, amended its laws, so that members of the United States Army and naval forces are exempt from the payment of a poll tax, so they may vote in any primary election, which is equivalent to the regular election in most of the States.

Yet we see here today the whole representation from Mississippi denying that this Congress has the right and power to exercise the same right over the election of its own Members.

The highest court has time and again declared that the right to exercise such power and pass such laws is paramount in Congress, and that when the Congress of the United States acts, that is the end of it, that is the final word.

I hope Congress will grant to 10,000,000 people the relief pledged in this bill. They cannot expect relief otherwise, because five of these poll-tax States have this requirement written in their constitutions. To remove it would require a vote of the people, and the very ones who would be benefited by its removal cannot vote. If they ever get relief, we—the Congress of the United States—must grant it to them.

Congress may, if it sees fit, exercise its power over Federal elections. It can in its wisdom prohibit State poll-tax requirements, if in its judgment it believes such requirements unduly restrict the rights of national citizenship and make for fraud and corruption in Federal elections.

It is sufficient to affirm the power of Congress to nullify such State statutes and State constitutional provisions, in the exercise of its power to regulate Federal elections and to protect the rights of constitutionally qualified voters. And if Congress should exercise this power in the premises, the courts in my judgment, will sustain and uphold the action of Congress.

Mr. HOBBS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, I think it is most unfortunate that a bill of this character should be called

up at this time, when we all must be united in our war effort. If we achieve victory, we must not have disunity in our ranks.

At one time a very large number of the States had payment of a poll tax as a requirement for voting, and in addition many of the States had a requirement for paying property tax. These States, one by one, repealed the property-tax requirement, and all the States except eight repealed the poll-tax requirement. The people of the respective States did this voluntarily. Regardless of whether it is right or wrong to require payment of poll tax in order to vote, the matter is purely a question for the States, and all the States may sometime discard the poll-tax requirement.

In the beginning our forefathers had a property qualification for voting. No one would question that they were loyal American citizens, and everyone knows that they were much more patriotic than some of the poll-tax reformers of today.

The point is that the power to hold elections and to determine the qualifications of a voter was never delegated to the Federal Government. On the other hand, it remains in the respective States.

The poll-tax law in Georgia has been held to be constitutional in the celebrated Breedlove case. This case was passed on by the highest Court of the land. Why should the people in the northern and some of the western States object to a law that the people of my State desire and which, as I have stated, has been held by the Supreme Court of the United States to be constitutional?

It is my understanding the first poll-tax law in the State of Georgia was passed prior to the War between the States. I have been informed that the poll-tax law of South Carolina was passed during carpetbagger days when both House and Senate were controlled by colored representatives.

When we invade the field of qualification of voters and tell the people of the respective States what they shall or shall not do relative to payment of poll tax, we are opening the way for Federal control of elections in every State, county, and militia district of our country. It is a dangerous precedent. I do not believe there are half a dozen lawyers on this floor who are thoroughly familiar with the Constitution of the United States who believe for a moment that the United States Congress has any power to regulate the qualifications of electors in any State. Why, I ask you, of all times should we undertake now to pass a law, which it must be admitted by those who are seeking to pass the bill, is of very doubtful constitutionality?

This is no time for disruption; this is the time for harmony. This is no time to undertake to abolish States' rights or attempt to do anything the effect of which will be to encroach upon the rights of the States when we are calling upon the citizens of all the States to cooperate in the great effort to win this war.

Before the Conscription Act, more people volunteered for service in my section than any other section of the country. In my own State for quite a while we had more volunteers than northern States who had 15 or 20 times the population.

We want to win this war. We are going to put everything we have in it to win it, and I call upon you people of the North, East, and West, do not at this time undertake to do anything that would bring disunity anywhere in this great Union.

If this matter is so important, as some of you pretend it is, let us take it up in peacetime and then submit it as a constitutional amendment to the people of this great country. Nobody wants dictatorship. We are all fighting against dictator form of government, but what must other people think when, because you have a majority you want to cram down the throats of the people of our section something that our forefathers left entirely with the States to settle, guaranteed by the Constitution. More than that, the poll-tax law has been upheld in a Georgia case by the highest court of the land which represents every State and every citizen in every State of the Union. Should our people decide it is wrong and from a social standpoint must be abolished, let them act on this question without being forced by other States of the Union.

I agree with the philosophy of some who have already spoken on this great question that the 8 States of the Union which do now require the payment of a poll tax before voting have no right to require the other States to collect a poll tax as a requisite for voting. By the same reasoning the other 40 States have no right to force the 8 poll-tax States to abandon the poll tax as one of the qualifications for voting. If the people of my State desire to do away with the poll tax, a constitutional amendment could be submitted to the people to decide for themselves whether or not the poll tax as a requisite for voting should be abolished.

Should we do away with the poll tax, then there might be certain other qualifications for voters in my State that a few people from the northern and eastern States desire to change, such as registration, and then all they have to do is say that Georgia shall do away with the registration law. This bill, in my opinion, is the most dangerous and most momentous question that has been before Congress in years, and here you are bringing it up, not in peacetime but when we are all united in fighting to win this war. Has the Army called on you for this bill? Has the Navy called on you for this bill? Has the President called on you for this bill? You know they have not. Why are you seeking to embarrass them at this critical time? If you claim that people are disfranchised on account of tax, let me tell you there are other tests in the poll-tax States, such as literacy and educational qualifications similar to those in Massachusetts and many other States. You could with the same propriety advocate the repeal of the literacy test. As long as we have other limitations, the abolition of the poll tax will not enfranchise the now disqualified voters.

The Supreme Court has repeatedly upheld the poll tax requirement because there was no discrimination between the races.

Some of these great reformers who are proclaiming the loudest are machine ruled. I assert that the cities of New York and Chicago have no right to complain about the purity of the ballot in my State and other southern States. They have no poll tax. I challenge you gentlemen from large cities of the North and West to show me in what way your ballot is purer and fairer than the ballot in the poll-tax States.

Let me tell you if there is any discrimination against the poorer element in my section of the country, it is more economic than political. You know protective tariff has resulted in economic slavery for many of the poor of the South.

Why would you want to take away from the States the power over suffrage which for all these years has admittedly belonged to the States of the Union? Chief Justice White, in referring to the fourteenth amendment, said among other things that this amendment does not take away from the State governments the power over suffrage. He said, in substance, the fourteenth amendment recognized the possession of the general powers of the State. While the right of suffrage is left to the respective States, our courts have sufficient power to protect against any denial of constitutional rights relative to qualification of voters.

For over a century there has been more bitter debate in Congress over the question of State rights than any other subject. It even goes as far back as the days of Hamilton and Jefferson. Why would we at this particular time bring up the question involving State rights when we know the Congress of the United States has no authority to encroach upon State rights? If Congress decides to take away the State rights and determine the qualification of the voters in the several States, it should seek to do so through a constitutional amendment. I for one shall oppose to the end Federal control over election machinery of my State and every State in this Union.

I was a member of the Georgia Legislature in 1907–8. At that time the Honorable Hoke Smith, who served with credit and distinction in the United States Senate for many years, was elected Governor on a reform platform, and his main plank was purity of the ballot box. This included, besides the poll tax which was in force, certain educational qualifications in primaries and registration 6 months before the general election. Today our people are satisfied with the qualification of voters and the purity of the ballot. This was a good measure, and I challenge anybody to show that the ballot is safeguarded in the northern and western cities as well as it is in my own State of Georgia. Now, why should you people want to take from us our sacred rights, which the people voted to have, and substitute your ideas in a remote section from you where you know nothing of the ideals, customs, and traditions of our democratic people? The poll-tax

dollar helps to educate our poor children. If you take away the poll tax, you have just as much right to say we shall not register. Then who will control the elections? Some wealthy and unscrupulous person could get hold of the element who do not care enough about the election to register and take them from one county to another, and even from one State to another, to vote, when another candidate with less means and more desire for honest elections will be at a great disadvantage.

The poll tax in my State is $1 per year. Is that a burden upon anyone to raise? Certainly not.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. CLASON].

Mr. CLASON. Mr. Chairman, I believe that in a republic all citizens of mature age and sound minds should be entitled to vote. Certainly members of our armed forces are paying more today for the freedom of voting than any sum of money can offset. Whatever should be the proper qualifications for a voter, payment of a sum of money should not be essential. We should encourage the exercise of the right and the duty to vote that all citizens may and will more certainly familiarize themselves with the activities of their Government. They should not be excluded through any qualification which does not rest on ability to perform the duty of voting honestly. Voting is a duty to perform, not a privilege to be purchased. I favor the passage of this bill.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Chairman, if there have been any real arguments or apologies made for the poll-tax voting system during this debate, I have missed them. There is general agreement that the system is an evil anachronism, but it is argued that the Congress has no power to abolish it. After listening to these arguments, and studying the Constitution and the decisions of the Supreme Court, I have reached the clear conclusion that Congress has the power to enact this anti-poll-tax bill.

I had to reach this conclusion before I would vote for this bill. I am a lawyer. When I took my oath as a Member of this body to uphold and defend the Constitution of the United States, I meant it. I concede that honest and sincere Members of this body believe that this bill is unconstitutional. I deny the charges and insinuations some of them are making that we all think it is unconstitutional. These charges are insulting to me, and add nothing to the argument or to the strength of the opponents case.

I am going to state my views very simply and briefly, omitting all superfluous words and quotations.

All legislative powers granted in the Constitution are vested in Congress by article I. In section 4 of article I "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."

From this it would seem clear that the "manner of holding elections" by requiring payment of a tax before voting would be clearly within the power of Congress to regulate.

The opponents of this bill argue, however, that this clear grant of power is destroyed by the words in the Constitution which require, in the election of Members of both the House and the Senate, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." They say this is a limitation, not upon the power of States or Congress to discriminate between local and congressional electors, but upon Congress in regulating "the manner of holding elections." They say the States have practically unlimited powers, under these words, to determine the qualifications of electors. I disagree, and I believe that the decisions of the Supreme Court and other provisions in the Constitution and the amendments support me. Congress has power to regulate its elections, and has done so time and again. The States have no power to prescribe qualifications which interfere with the manner of elections prescribed by Congress, and Congress has the power and the duty to determine whether so-called State qualifications for voters interfere with the manner of holding elections prescribed by Congress. Border-line cases may come up some day, but this is not one. Ability to pay a tax, or to have it paid by someone else, is so clearly not a real qualification for a voter, and is so clearly an interference with free and honest elections that Congress has power to forbid such a requirement.

This being the case, Congress should act now to right this ancient abuse, and make clear to the world that we are fighting for the full rights of freemen everywhere.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY. Mr. Chairman, this bill is an attempt to do by statutory regulation by Congress what the Constitution of the United States says only can be done by constitutional processes, namely, by constitutional amendment in the manner specifically prescribed by the Constitution itself. It is an attempt to nullify the Constitution of the United States, which every Member of this House has sworn with uplifted hand to support and defend.

The matter in issue is the right of a State to prescribe the qualifications of the voters in said State, through its own constitution, and the regulations of its elections by its own legislative processes. To put it in another way: Shall the State have complete control of the suffrage within its borders or can the Congress set aside that control at will?

BILL UNCONSTITUTIONAL

The answer to this question immediately involves the constitutionality of the proposed legislation. A great deal has been said, or will be said, on this phase of the matter. I shall try to answer it briefly.

Frequently Members have been heard to say that they are not prepared to discuss the legal question. I do not agree with this easy disposal of my duty to consider first whether a measure is constitutional or not. It is the duty of every Member to study and conclude in his own mind the constitutionality or unconstitutionality of every bill that is presented for his consideration. If, in his conscientious opinion, using such intelligence as God has given him, legislation be unconstitutional, then it is his duty, as I see it, to vote against it. He swore that he would do just that when he became a Member of this body, and he should observe his oath conscientiously and faithfully, even though every man and woman in his district should bring pressure on him to evade this responsibility. Fortunately, in this matter there is nothing abstruse about it. The language of the Constitution is clear and explicit, and there is not a man in the House who cannot study the phraseology, whether he be a lawyer or not, and fail to determine its meaning.

Of course, there have been many statements issued and many discussions concerning this matter which are presented by proponents of the proposed bill that merely serve to express the desire of said proponents to carry their point. Many of these statements only becloud the issue, for they are so far away from relevancy and pertinency to the subject matter that they simply confuse logical thinking. No one can attempt to answer these arguments without making bad matters worse. I will attempt to present the argument against the bill, step by step, under the provisions of the Constitution.

Article X of the Constitution recites:

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

It is clear, therefore, that the power of a State to prescribe the qualifications of electors must be delegated to the United States by the States or prohibited to the States, as set forth in said Constitution. If the Constitution is silent on the subject, then it is evident that the Congress has no authority to act. The Constitution has no power except that given by the States, for everything else is distinctly reserved by the States.

The only references in the Constitution bearing on such an issue are in article I, section 2, and article I, section 4. Article I, section 2, is in the following words:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Take the State of Virginia as an example, the Constitution of the State of Virginia, adopted by the people of the State, fixed the qualifications of electors for "the most numerous branch of the State legislature":

First. With reference to the citizenship and age of the voter;

Second. With reference to the length of his residence in the State;

Third. Registration is required;

Fourth. There is a poll-tax requirement;

Fifth. Certain educational qualifications; and

Sixth. It mentions those who are disqualified from voting.

As this proposed legislation only attempts to take away from the people of Virginia the right to make the payment of a poll tax a prerequisite to casting a ballot in an election within the State, there is no need to set out in full the other requirements which have been mentioned, and I will confine further reference solely to that requirement.

The Constitution of the State of Virginia directs that every person over 21 years of age, except veterans of the War between the States and the wives or widows of such persons, desiring to vote in elections for "the most numerous branch of the State legislature" must pay a poll tax of $1.50 at least 6 months preceding the election. The Constitution of the United States directs that electors of Members of the House of Representatives shall have the qualifications requisite for electors of the most numerous branch of the State legislature. In the making of the Constitution the States did not give the power to themselves, for they already had the power, but reserved all rights not given to the Federal Government.

By the seventeenth amendment—proclaimed in 1913—the identical phraseology was used to prescribe the qualifications of the electors for the Members of the Senate. Again the States reserved to themselves all the power they did not give in the Constitution. At the time the States possessed these powers, and it was not necessary to do more than reserve them, for under the Constitution they specifically reserved all not directly granted by article II, section 1.

With reference to the election of President or Vice President by electors, again the Constitution of the United States provided that "each State shall appoint, in such manner as the legislature may direct" said electors. It is evident from these references that the States were determined to hold under their own jurisdiction the complete control of all elections; except what they yielded to the Federal Government.

Alexander Hamilton, who took a leading part in the making of the Constitution, in the Federalist No. LII, writes:

> I pass on to a more particular examination of the several parts of the Government. I shall begin with the House of Representatives.
>
> The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.
>
> Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of Republican Government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established, by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge the right secured to them by the Federal Constitution.

It might be noted here that Hamilton's view was, not only that the States reserved the right of defining the qualifications to themselves except by amendment of the Federal Constitution, but that the people of the individual States also reserved the right to themselves to define the qualifications of their electors as expressed in their constitutions, and did not permit their own legislatures to prescribe the qualifications except by specific delegation of that power to the legislatures.

It will be seen from this first-hand evidence given by one of the leaders of the convention that it was the intention on the part of the members of the convention to give to the States, and to be fixed by the people of the States in their respective constitutions, the same qualifications of electors in congressional elections as the people of the States determined should be the qualifications of the electors in their own States for the election of members of their most numerous branch of their own State legislatures. The same qualifications apply to congressional Representatives as apply to State representatives.

I have not seen anywhere in any statement by any advocate of this legislation that it proposes to prevent the legislatures of any State from prescribing the qualifications of electors for the most numerous branch of the State legislature. The bill specifically says that there shall be no poll tax as a prerequisite for voting in any election for "President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives." There is no attempt to change the qualifications now existing of electors for members of the State legislature. Then if this bill became law there would be one qualification for voting for the members of the legislature which would not be a qualification for voting for President, Vice President, electors for President or Vice President, and Members of Congress. What then becomes of the provisions of article I, section 2, which says their qualifications shall be the same? They are not the same. The conclusion is inevitable that any legislation is unconstitutional which does not make the qualification of the electors the same as prescribed by article I, section 2. There is no way to get at the matter except by a constitutional amendment.

However, the convention did refer later, not to the electors, but to the elections, article II, section 4, as follows:

> 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.

By no stretch of the imagination could this language be construed as giving Congress the power to prescribe the qualifications of electors—that power has already been reserved to the States, in section 2 of this same article II of the Constitution. However, Congress gives the State legislatures the power to prescribe the time, place, and manner of holding elections for Senators and Representatives and further it significantly says the Congress may "make or alter such regulations." Nothing is said about the power of Congress to prescribe qualifications of electors, but it does refer to the power of Congress to make or alter regulations concerning time, place, and manner of elections. It is a well-known principle of jurisprudence that the expression of one, is to the exclusion of the other "expressio unius alterious exclusio est." It would appear to those who wish to uphold the Constitution that the Constitution expressly fixes the qualifications of an elector by saying he shall have the same qualifications as prescribed for those electors who vote for the State's legislative representative. Then Congress by another provision holds the power to determine the "manner" of holding the election, as has been said, by ballot, or by voice vote, or by any other way.

Some have raised the question that the poll tax requirement in some of the States conflicts with article XV of the Constitution. Merely to state the case answers the criticism.

Article XV provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

There is nothing in the so-called requirement of any State that "denies" or "abridges" the right to vote to any person on account of his "race or color or previous condition of servitude." The requirement in Virginia applies equally and without discrimination to everyone who desires to vote. See the Virginia Constitution.

Everyone who wishes to vote in any election and meets the other qualifications necessary must pay a tax of $1.50 at least 6 months preceding the election. This amount is paid into what is known in Virginia as the literary fund, and goes to educational purposes. The educational system applies to those of all races. I repeat there is no denial or abridgment to anyone of any right by the exercise of this tax provision. It is simply a tax raising process for education. It was thought that a larger sum would be raised if the payment of this tax were made a prerequisite of voting.

The payment of a poll tax of $1.50 as a prerequisite for voting in an election may be more or less a triviality in itself—the amount is small, and it is not a hardship on anyone who wishes to have a voice in the affairs of his Government, especially when he knows that the fund so established from said payments goes to the education of his children, as in Virginia, no right or privilege is taken away; rather it would seem that a citizen would take a greater pride in his citizenship to know that he was contributing even such a small amount to the upkeep of his Government and manifesting his interest in same by a willingness to share the expense of the Government. If a man is not willing to pay such a small amount for the privilege of participation, it is evident that he does not value his franchise very highly.

There has been considerable loose use of words concerning the poll-tax requirement being a "restriction" on voting, or the right to vote. Webster defines the word as "that which restricts; a restraint." No one is restricted or restrained from voting and no one's right to vote is either restricted or restrained. Everyone can vote under the law if he obeys the requirements of the law. There is no interference with nor infringement of the right to vote. He has the same right to vote as every other citizen in his State and can cast his vote as every citizen can when he complies with the law governing elections—a law equally applicable to all. But even if it were a "restriction," it does not alter the principle of voting qualifications laid down in article I, section 2 of the Constitution of the United States.

A better term is the use of the word "qualification," for that is the word used by the Constitution. From the debate in the Constitutional Convention and in the various State conventions, it is evident beyond question that the members of those conventions intended the word to include any and all requirements of the suffrage. This view was also held by the Supreme Court of the United States in the *Yarbrough case* (110 U. S. 651), which used the following language that the States shall "define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress." The Supreme Court has again and again sustained this opinion down through the years in *Breedlove* v. *Suttle* (302 U. S. 277) and in the *Classic Case* (313 U. S. 229) both of said cases having been recently decided. Numerous other decisions might be decided on this and other phases of this bill, but so many arguments contain references to the decisions of the Supreme Court that I will not repeat them. It is sufficient to say that the decisions are unanimous that the States have the right to preserve the qualifications of their electors unless restricted by the fifteenth or nineteenth amendments.

With further reference to the definition of qualifications, all law textbooks and law authorities that I have been able to study define the payment of a poll tax as a prerequisite to the right to vote as a qualification.

Again, it must be called to your attention that whether the prepayment of a poll tax be required in order to vote be called a qualification or by any other term, it has always been held by the Supreme Court of the United States that such requirement is a reserved power of the States over suffrage and the taxing power of the States. The tenth article of the Constitution expressly reserves this function to the States. Therefore, the provisions of article I, section 2, of the Constitution of the United States still prevail.

The argument can be definitely summed up by the words of the decision in the *Newberry case* (256 U. S. 232):

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

The Government of the United States may protect the right to vote, but cannot confer such a right.

EFFECT OF THIS PROPOSED LEGISLATION ON THE STATES

Though the poll tax may be trivial in itself, yet the principle involved is highly important. It goes far deeper than the mere payment of a poll tax as a prerequisite for voting. The United States Government was formed by the States for the purpose of creating a more perfect union than was possible in the absence of an agreement between the existing States in advance of what could be done by a central government for the benefit of all. So a constitution was agreed upon by representatives of the States and confirmed by the people of the States. Their confirmation of the agreement by their representatives was the cement which bound them together, the structural base of their unity of purpose and action.

But the States were determined that this agreement should not destroy their State sovereignty except as to the powers which they willingly entrusted to the central Government. So, tenaciously, they clung to the right to manage their internal affairs so long as such management did not interfere with the working of their agreement, or Constitution, for the good of all. Therefore, they specifically reserved all the powers they did not surrender. Manifestly they could not manage their own affairs without the control of the suffrages of their citizens. This power was necessary to their existence as a democratic form of government within themselves. Without this reservation of power the States would have been subject to any fluctuations of opinion on the part of the Congress. So the States reserved their control of the suffrage and in order to make it more stable agreed that the States in their own constitutions should define it.

The wisdom of this reservation is apparent in the face of this proposed legislation. Eight States of this Union think that a poll tax is a proper method of taxation and that making the payment of it a prerequisite to voting is a proper condition to attach to the suffrage of its citizens. Other States do not have such provisions in their constitutions. These eight States do not interfere with the legislative or constitutional provisions of other States. Why, then, should the other States attempt by this unconstitutional action of Congress to prevent such legislation by other States as they think their conditions require? Their interests are not affected by the acts of the people of these eight States. If it lay in the power of Congress to pass such legislation no constitution of any State would be safe—the larger or more populous States, without knowledge of the needs and conditions of the less populous States, could destroy in a few hours what was built by our forefathers on a firm foundation and wreck the entire fabric of the Government, which has endured for 150 years and made this country the greatest Nation on earth. If Congress can say who can vote in a State, then the last vestige of a State to conduct its own affairs is gone. And, mark my words, when the State governments are destroyed, it is the beginning of the end of the Federal Government. You gentlemen of the House who think you are not directly interested in this matter because you have no poll-tax requirement in your States should consider well the principle underlying this legislation. You may rue the day when, by reason of disinterest in what does not directly concern you, you find that you have sustained a principle of legislation which may be the ruin of all you hold dear.

EFFECT OF THIS PROPOSED LEGISLATION IN THE UNITED STATES

Suffrage is the most intimate garment of government. Take away the exercise of the right of voting in political affairs and the government is stripped entirely of its basic covering of protection of democratic procedure. The representative system may be "the highest ideal of polity," but not even John Stuart Mill thought that popular government should involve a mere counting of heads or absolute equality of value among the citizens. He thought that the electorate should consist of the educated, and further that the electors should be taxpayers and advocated "a direct tax in the simple form of a capitation" on every adult. The most universal qualification is that the voter shall have some substantial interest, more than just the fact that he is 21 years of age and a period of residence. The tangible sign of interest in the State may take the form of possession of property, however small in amount, or the payment of some amount of direct taxation.

This is no time to interject a matter of this kind. Every patriotic American is bending all the energies he possesses to the war effort. It is unfortunate, to say the least, that legislation of this nature should be presented. It is a most important proposal, affecting the internal affairs of the States, which should be seriously considered and seriously debated, on which there are conflicting opinions. It should not be considered in these days of feverish activity in behalf of our own self-preservation, but should

be decided when our minds are unhurried and without excitement. We can later consider this matter affecting the form of our government. This legislation is highly controversial and cannot possibly result in unity of purpose on the conduct of the war, which is the most vital thing in our lives today. Yet at this serious time in our affairs and in our existence as a nation, the proponents of this legislation see fit to disturb our unity of effort by bringing up an issue which can only cause disunity. Hitler must be pleased to hear that this "apple of discord" has been thrown among our people. It should be defeated until a more propitious time arises for its consideration. Then a constitutional amendment can be offered and the issue presented in the only constitutional method permitted by the Constitution itself.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. THOMAS F. FORD].

Mr. THOMAS F. FORD. Mr. Chairman, I rise in support of H. R. 1024. I do so because I am convinced, all quibbling aside, as to the constitutionality of the measure, that it should become a law. Why do I believe this? Because to me, the imposition of a monetary restriction on an American citizen's right to vote is repulsive. It is as vicious and un-American as would be a direct property qualification.

This poll tax, I care not whether it be defined as a restriction or a qualification, is in force in eight States. Insofar as those eight States are concerned it is a restrictive force that defeats the ends of true democracy, and any sort of measure that seeks by trick, device, or subterfuge, to restrict or defeat the true ends of democracy has no place in our body politic.

I shall leave it to the legal lights of this body to argue the technical legal angles of the law. But to me democracy means government for all the people freely elected by the people, with all men and women over 21 eligible to vote, without restrictions due to poverty or any other cause.

If anything is plain and clear it is that to deny any citizen of the United States the right to vote for the representatives in whose hands lie his political, economic, and social destiny, is a plain negation of democracy.

When considering issues presented in Congress, such as the one before us today, I like to ponder over the preamble to the Constitution:

> We, the people of the United States, in order to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

It does not say establish justice for all except those who cannot pay a poll tax, or insure domestic tranquillity for all except those who cannot pay a poll tax, or promote the general welfare of all except those who cannot pay a poll tax, or secure the blessings of liberty to all except those who cannot pay a poll tax.

No. Its language is all inclusive and any attempt to restrict, prohibit, or vitiate that intent is in conflict with the broad and beneficent objectives of that document.

At this time I wish to pay a well-deserved tribute to the author of this bill, the late Honorable Lee E. Geyer. I was always deeply impressed by Lee's courage and sincerity and by his spirit of dedication to the building of a better world. He sought to achieve this objective through the functioning of a liberal democracy. He loved the common people and he proved it by his patient endurance of the pain and suffering he stood up under in his strenuous efforts to promote the common good as he saw it. Lee Geyer was a courageous spirit, who believed that democracy meant government by all the people and not by the chosen few. I welcome the opportunity to vote for this bill which he sponsored.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. ELIOT].

Mr. ELIOT of Massachusetts. Mr. Chairman, I want to say just a word about what seems to me to be the fundamental issue before us today. It is the old question of whether we have faith in popular government.

In a debate with me on this subject last June, the gentleman from Mississippi [Mr. WHITTINGTON] declared frankly that "disfranchisement of the ignorant" contributes to the welfare of the people. The poll tax is not based on ignorance. The poll tax simply disfranchises the poor. The basic question then is whether we believe that poor people should be denied the right to vote.

I have an abiding faith in government by the people, rich and poor alike. It is far from perfect, but it is better than tyranny. The cure for many of the ills of democracy will be found in more democracy. On that basis I trust that we will pass the bill before us today.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, I shall analyze the bill and endeavor to confine myself to the real issue. I would like to say that the poll tax is nothing more than a capitation tax, as called by some of my Virginia friends, and that is a tax which the Congress of the United States under the Constitution of the United States is authorized to levy within certain limitation, for, in the language of the Constitution, article I, section 9, clause 4, a capitation tax is authorized to be levied provided it is proportioned among the States.

The gentleman from West Virginia [Mr. RAMSAY] stated that Mississippi had undertaken to repeal the Mississippi Constitution by providing that a poll tax shall not be required of soldiers. He is misinformed, he is in error about that, as he is in error about a good many things he stated, including distinctions between conditions and qualifications, because in Mississippi we have provided that in a primary, which is altogether different from a general or special election, a poll tax shall not be required of men in the armed services. Exemptions validly obtain in my taxes, both State and Federal.

Poll taxes and the payment of taxes and property as qualifications in all countries and among all peoples have obtained. Such qualifications obtained in the mother country and in the Colonies, and such qualifications in varying degrees obtain in some States today as they obtained at the time of the adoption of the Constitution, while educational qualifications obtain today in all the States. Under article I, section 2, it is for the State to provide the qualifications for Members of Congress to be elected. Under the Constitution Senators were elected by the legislature until about 1913. Under section 4, and I call your attention particularly to this language, the State legislature shall prescribe the times, places, and manner of holding elections for Senators and Representatives. For 123 years the legislatures elected Senators, and no man in all the broad land ever contended at any time that under section 4 and under the right to regulate or alter regulations any Congress at any time had any right to prescribe the qualifications of the legislatures that elected United States Senators.

A unique phrase occurs in section 4:

> Except as to the places of choosing Senators.

The power of the States as to qualifications was recognized in section 2, the power of the legislatures in section 4. The Congress did not undertake to tell the legislatures where they should meet when they elected Senators. The interpretation of section 4 by the makers of the Constitution, by the courts, and by the Congress for 153 years is that a qualification cannot be changed or prescribed by Congress.

A poll-tax qualification, by whatever name, in the constitution of the eight States, including Mississippi, approved by the Supreme Court of the United States in a Federal election case, in the Breedlove case, and in the Pirtle case, and is imbedded, I repeat, in the constitutions of eight different States. In the pending bill it is to be declared a pernicious political activity and placed in the category with corruption, fraud, and intimidation.

The pending bill undertakes to regulate the election of Presidential electors. If the qualifications of electors for Senators and Representatives under section 4 are in Congress, what power has Congress to provide for the qualifications for Presidential electors?

No such regulation is given to Congress. The language of the Constitution is in substance:

The legislatures of the States shall appoint Presidential electors. There is no power of regulating Presidential electors.

Yet the Congress in the bill under consideration undertakes for the first time in the history of the Republic to regulate the qualifications of voters for Presidential electors as well as electors for Members of Congress and Senators.

What is the history of the constitutional provisions? What is the construction? The Congress was advised by the States at the time of the adoption of the

Constitution that it had no power to regulate or provide qualifications. The only way to do that is as Congress has done, by constitutional amendment as in the case of the fifteenth amendment and the nineteenth amendment.

It is obvious that in the brief time allotted it is impossible to discuss the issues involved in the pending bill and still more impossible to argue the unconstitutionality of the measure. I therefore at the risk of repeating extend my remarks to speak more in detail of the unconstitutionality of the bill and to submit that qualifications of electors can only be changed by constitutional amendments.

I. POLL TAX BILL UNCONSTITUTIONAL

I shall speak of the implications involved and of the unconstitutionality of the bill. This is not the time or place to discuss the advisability of the repeal or the continuance of State poll-tax qualifications for voting, which would be appropriate for the States to consider, nor is it pertinent to dwell upon the indifference of voters and the small percentage of voters participating in State elections. I shall not dwell on the proposition that the United States should not depart from the policy of leaving to the States the qualification of voters, subject to the fifteenth amendment, that has obtained throughout the history of the Republic. Personally I believe the policy is sound. The union is composed of the States. The States are fundamental. The States are essential to the existence of the Union and the States are as much interested in their rights and privileges as Congress is. It is a case of the old landmarks being the best. The policy has been tested. It has gone through the fiery furnace. There is a place for the States. There are functions for the States, and the States remain in both peace and war.

In passing I repeat that a poll tax is a capitation tax. It was levied on the Colonies before the Revolution. It is the identical tax—called a capitation tax—still so called in Virginia—in the Constitution, which Congress by article I, section 9, clause 4 is permitted to levy when properly apportioned among the States.

II. QUALIFICATIONS OF VOTERS

Qualifications for voting have obtained from time immemorial. They obtained in England and they obtained in the Colonies. They were not uniform in the Old World nor in the New. At the time of the submission and ratification of the Constitution qualifications for voting obtained in all of the States. There is general agreement that the franchise is not a right but a privilege to be granted or withheld by the State. It is the function of the State. (Cooley's Constitutional Limitations, 8th ed., vol. 2, pp. 1360–1362; Story, Commentaries on the Constitution, vol. 1, 5th ed., sec. 580.)

The law is as follows, and I quote:

The whole subject of the regulation of elections, including the prescribing of qualification for suffrage, is left by the National Constitution to the several States, except as it is provided by that instrument that the electors for representatives in Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature, and as the fifteenth amendment forbids denying to citizens the right to vote on account of race, color, or previous condition of servitude. (Cooley, vol. 2, p. 1360.)

COLONIES

The Thirteen States were jealous of their rights to prescribe qualifications for voters, and the qualifications in the Colonies and the Original States were almost as numerous as the States. There were no uniform rules. The pattern of the parent country was followed in some States and only freeholders were allowed to vote. In other States the provisions were more liberal. The constitutions of the Original States contained a diversity of qualifications. In some free men were permitted to vote, and in others only freeholders could qualify. Property qualifications were general in those days in England. The great William Blackstone was the champion of the property qualification. Among the qualifications that obtained in the Thirteen States were citizenship, residence, age, sex, taxes, and property. Such qualifications, while not uniform, were general in all of the Colonies and States and they were universally followed. There were property taxes and poll or head taxes are among the oldest of all taxes. Such taxes obtained when the Constitution was ratified.

STATES

There are qualifications today in the constitutions of all of the States. Among these qualifications are residence, age, registration, poll tax, property, and educational qualifications. Registration and educational qualifications obtain in practically all of the States of the Union. Such qualifications are either provided in the constitutions of some of the States or in some of the States, like West Virginia and Mississippi, the constitution specifically authorizes the legislature to provide for registration. Among the educational qualifications are the ability to read the constitution in the English language. To write one's name or to understand the constitution when read are among the literacy tests or educational qualifications. Poll taxes are levied today in 32 of the States, but they are required as a qualification for voting in the constitutions of only 8 Southern States. Among these State is Arkansas. It is worthy of note, in passing, that Arkansas is the only State in the Union whose constitution forbids the registration of voters. Practically all other constitutions either provide or authorize registration for voting. Some States, by constitution, require the payment of all taxes, including poll taxes. Mississippi is among such States. Some States provide property qualifications. The qualifications for voting, while not uniform in all States, are similar.

It may be remarked in passing that the poll-tax requirement is not responsible for the disfranchisement of the Negro, and its repeal by the States would not result in the granting of the franchise to the Negro. The registration and educational qualifications still obtain. Contests are settled in Democratic primaries generally in the South, and the Supreme Court of the United States, in the case of *Grovey* v. *Townsend* (295 U. S. 45), has upheld the validity of Democratic primaries in Texas. Similar primaries obtain in other poll-tax States.

Charges are made, without proof, that poll-tax requirements result in boss rule in the larger cities. There is no proof in support of such a charge. In Tennessee and in other poll-tax States there are criminal statutes against the payment of poll taxes by others.

The right of suffrage is not a natural right, nor is it an absolute, unqualified personal right (McCrary, American Law of Elections, sec. 3). Subject to the limitation in the fifteenth amendment, the power to fix the qualifications of voters is in the States (McCrary, sec. 3).

Among the qualifications, as I have stated, are citizenship, residence, age, registration, and the payment of taxes. The requirements may be called restrictions, limitations, or conditions, but they are qualifications, and they are so denominated by McCrary, section 4, and by Paine, Law of Elections, section 22, by Cooley, by Story, and in the decisions of the State and United States Supreme Courts. Any distinction between qualifications and conditions is a refinement and an alleged distinction without a difference. The requirement, by whatever name called, is a qualification.

The requirement for the payment of poll taxes in State elections and in elections for Representatives and Senators has been approved by the Supreme Court. The leading case is *Breedlove* v. *Suttles* (302 U. S., 277). This case was decided in 1937, but the proponents of the bill insist that the new Supreme Court, or the Supreme Court of the United States as it is now constituted, would hold the tax constitutional. In 1941 in the case of Pirtle against Brown, involving a poll-tax requirement in Tennessee, the Supreme Court of the United States denied a writ of certiorari, Three Hundred and Fourteenth United States Reports, page 621. This decision was rendered in 1941 by the Supreme Court as now constituted. The Breedlove case was thus reaffirmed. The case of Pirtle against Brown involving an election for Representatives is reported in One Hundred and Eighteenth Federal Reports, second series, page 218, and I direct attention to the notes in American Law Reports Annotated, volume 139, page 572.

The Breedlove case, also, holds that voting is not a privilege or immunity under the fourteenth amendment. I remark in passing that the Breedlove case embraced both State and Federal elections.

III. THE BILLS

H. R. 1024, known as the Geyer bill, undertakes to amend the Hatch Acts in Presidential electors', congressional, and senatorial elections by forbidding poll taxes as a pernicious political activity and to assure honesty in elections.

S. 1280, known as the Pepper bill, is pending in the Senate. It differs from the Geyer bill. It is not an amendment of the Hatch Acts. It makes no reference to the Corrupt Practices Acts. It provides that the payment of a poll tax shall not be deemed a qualification. Like the Geyer bill, it embraces the election

of Presidential electors, and congressional and senatorial elections, but unlike the Geyer bill, it covers both primaries and elections. It prevents a State from requiring a poll tax, makes such requirement unlawful, and declares that the poll tax is an interference with the holding of primaries and elections.

GEYER BILL

The House in the Geyer bill is asked to declare that a tax qualification that has obtained from time immemorial among practically all countries and in practically all States, a tax that obtained in the Colonies and in the Thirteen Original States, a tax that still obtains in 32 of the States, and a tax that obtains in 8 of the States by constitution, a tax that has been approved by the Supreme Court twice in the last 6 years, shall be classed with ballot-box stuffing, with intimidation, and with corruption, for such are pernicious political activities. It is contrary to reason to declare a tax, whether popular or unpopular, a pernicious activity. Under the guise of a pernicious activity, Congress is asked to declare that poll taxes are not qualifications. The bill is an insult to the States.

At the inception I pose the question. Is not the Geyer bill unconstitutional among other reasons because it undertakes to provide that a tax qualification guaranteed to the States under section 2 of article I is a pernicious activity? Can Congress by statute call white black? Can Congress by statute call a qualification pernicious political activity? Can Congress thus, I repeat, under the guise of pernicious political activity, violate the qualifications of voters left to the States under section 2 of article I? To ask the question is to answer it. The Geyer bill violates the Constitution. The Constitution looks to the substance and not the form. *Nixon* v. *Condon* (286 U. S. 73.)

PEPPER BILL

But the Pepper bill, by inference at least, admits that poll taxes are a qualification. It admits that the States can enact them. It undertakes by statute to repeal the poll-tax requirements of the States. It specifically declares that poll taxes shall not be a qualification within section 2 of article I of the Constitution. It does declare that poll taxes shall be deemed an interference, and it does state that poll taxes are a tax upon the right or privilege of voters, but the interference and the taxation upon right or privilege are really without effect because the Pepper bill rests upon the authority of Congress to repeal a qualification prescribed by the State. If Congress had no such authority, the Pepper bill violates the Constitution.

PRESIDENTIAL ELECTORS

For the first time in both the Geyer and Pepper bills Congress is asked to prescribe qualifications or regulations with respect not only to senatorial and congressional elections but Presidential electors. Previously, congressional legislation with respect to Presidential elections has been confined, in the first bill undertaking to control Presidential elections passed in 1907, and again in the Corrupt Practices Act of 1925, to contributions by banks and corporations in Presidential campaigns. What power or authority has Congress under the Constitution to regulate the manner of providing appointments or of holding elections for Presidential electors? There is none in the Constitution. The Constitution does not authorize Congress to regulate the time and manner of the election of Presidential electors as it does to regulate the time, places, and manner of elections of Senators and Representatives. Under article II, section 1, Presidential electors are appointed directly by the States. I quote:

> Each State shall appoint in such manner as the legislature thereof may direct, a number of electors.

Clause 3 of section 1, article II, with respect to the election of President and Vice President has been amended by the twelfth amendment but the language quoted is the only warrant for the appointment or election of Presidential electors. Under clause 4 of section 1 of article II Congress was empowered to determine the time of choosing electors. No other power was conferred upon Congress with respect to the manner of electing or appointing electors.

Congress has never undertaken to interfere with the manner of appointing or electing electors. It has left such matters to the States. Such power was not given to Congress. (Green, 134 U. S. 377.) One hundred years elapsed before Congress exercised the power to provide a uniform date of the choosing and meeting of electors. Such an act was passed on February 3, 1887. The Supreme Court of the United States in the case of *McPherson* v. *Blacker* (146 U. S., p. 1), held that under clause 2, section 1, article II of the Constitution, the legislatures of the several States and the legislatures alone had the right to direct the manner in which the electors for President and Vice President shall be appointed. All the States under the Act of Congress authorized by the Constitution now provide for the election and meeting of electors on the same date.

CONSTITUTIONAL PROVISIONS

The Constitution provides for the choosing or election of Representatives by the people, and, since the seventeenth amendment, provides for the election by the people of United States Senators. It provides, as stated, for the appointment or election of Presidential electors. Under the proper and necessary clause of the Constitution and under the constitutional provision guaranteeing a republican form of government, Congress has the power in both Presidential and Senatorial and congressional elections to prevent pernicious political activities in the elections. Congress has the power to protect such elections, to prevent ballot-box stuffing, fraud, corruption, and other pernicious political activities. This is not saying that Congress has the power to provide the qualifications of the Presidential electors. Such is not the case. The power Congress has is to guarantee and protect qualified electors in the enjoyment of their right of voting.

There was much discussion and there were many debates as to the election of Representatives and Senators in the Constitutional Convention. It was decided to elect Representatives and to provide for the election of Senators by the legislatures. The States were most jealous of their suffrage powers. There were no uniform laws with respect to suffrage. A compromise was adopted with respect to the election of Representatives. Article I, section 2, was approved, and this article is as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The seventeenth amendment was ratified, and the same language with respect to the qualification of electors for Senators obtains in the seventeenth amendment. The Constitution, however, provided, and I quote section 3, article I:

> The Senate of the United States shall be composed of two Senators from each State chosen by the legislature thereof for 6 years, and each Senator shall have one vote.

The compromise in the Constitutional Convention was embraced in section 4 of article I, which is as follows:

> The times, places, and manner of holding election 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.

The language of section 2 and section 4 is plain and easy to understand. There is no ambiguity. If there were any difficulty in understanding, contemporaneous thought and interpretations should be helpful. Congressional action will aid in interpretation. The history of legislation under the sections will be of benefit.

I agree with Chief Justice Fuller, and I quote his language from the case of *McPherson* v. *Blacker* (146 U. S., p. 27):

> The framers of the Constitution employed words in their natural sense, and where they are plain and clear, resort to collateral aids to interpretation is unnecessary and cannot be indulged in to narrow or enlarge the text; but where there is ambiguity or doubt or where two views may well be entertained, contemporaneous and subsequent practical construction are entitled to the greatest weight.

The journal of the Convention disclosed that while there was much debate with respect to section 2 leaving to the States the qualification of electors, there was but little debate in the Convention with regard to section 4. However in the State ratifying conventions there was much criticism of the power to make or alter the regulations in section 4. A majority of the States tentatively insisted upon an amendment to prevent regulations by Congress unless the States failed or neglected to provide the time, place, and manner of holding elections. Madi-

son was in the Virginia Convention, Hamilton in the New York Convention. They asked for ratification. They insisted that there was no real conflict between sections 4 and 2. The language was plain, and it was easy to understand. In commenting on article I, section 4, Madison stated, and I quote:

> To give the National Legislature a power not only to alter the provisions of the States but to make regulations in case the States should fail or refuse altogether. (5 Elliot's Debates, p. 402.)

While the language of section 4 is not the identical language of Madison, the States finally abandoned their insistence upon an amendment on the ground of the great improbability of congressional interference.

In the Virginia convention Mr. Madison said, and I quote—third Elliot's Debates, page 367:

> It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the general government, in order to enable it to produce uniformity and to prevent its own dissolution.

And in the Federalist Hamilton said that the propriety of the clause in question rested—

> Upon the evidence of the plain proposition that every government should contain within itself the means of its own preservation.

Again I quote from Hamilton, who is credited with being responsible for New York's ratifying the Constitution. In speaking of said section 4 he said:

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

The history of the times shows beyond reasonable doubt that if the Constitution makers had claimed under this section the over-all power of regulating elections to include the prescribing of qualifications, the Constitution would never have been ratified. Story on the Constitution, volume 1, sections 814, et seq.

In section 4, the Convention and the ratifying conventions had in mind the case of Rhode Island and the failure of that State to attend the convention and its delay in ratifying and attending Congress, and, as Hamilton stated, providing for the preservation of the Government.

Under section 4 Congress has the power to make or alter regulations covering the time and manner of holding elections for Senators. The election of Senators was provided in section 3. They were to be chosen by the legislature. The contention has never been made that under section 4 Congress could prescribe qualifications for the members of the legislature who chose Senators prior to the seventeenth amendment. If Congress was without power under section 4 to prescribe qualifications for members of the legislature choosing Senators, it must follow as the night the day that Congress is without power to prescribe qualifications for the electors choosing Representatives.

The bill provides for the control of senatorial and congressional elections. Its proponents urge that Congress has the power by regulation to eliminate the payment of a poll tax as a requisite for voting in congressional elections.

The fact that Congress had no evident power, as long as the legislature chose Senators, to prescribe for the qualifications of members of the legislature is proof that Congress had no power under the same language to provide for the qualifications of electors of Representatives.

As I stated, the States were jealous of their suffrage prerogatives. Congress respected the rights accorded to the States. The history of legislation under section 4 with respect to the time, places, and manner of electing Senators and Representatives is interesting. The language of section 4, "except as to the places of choosing Senators" is unique. Under this language the right of the legislatures in choosing Senators was recognized. Congress has no power to prescribe the place of the meeting of the legislature. The right of the States was recognized. But Congress had the right to provide for the time and manner of electing Senators. A law was passed in 1866, 14 Statutes, page 244, fixing a uniform time for the election of Senators. A law was passed in 1875 fixing a uniform time for the election of Members of Congress, but here again the rights of the States were safeguarded. The act of March 3, 1875, fixing the time for the election of Representatives, 18 Statutes, page 400, provided it should be on Tuesday after the first Monday in November, except the provision should not be applicable to any State where a constitutional amendment was necessary to change the time for holding State elections. Under this situation Maine today elects Senators and Representatives in September at the time of the election of State officials, but because of the constitutional power in Congress to which I have already referred as to the uniform time for choosing Presidential electors, neither Maine nor any other State was exempt, and all States hold their Presidential elections on the same date, including Maine.

Congress has provided legislation regulating not only the time but the manner of congressional elections. The act of February 14, 1899 (30 Stat. 836) provides that all votes for Representatives in Congress must be by ballot or by voting machine authorized by the State law.

The rights reserved to the States in elections were recognized by Congress. There was no legislation under section 4, article II, until 1842. Congress passed an act to provide for the election of Members of Congress by districts. For the next 25 years there was no other legislation. Congress provided in 1866 for a uniform time for the election of Senators by the legislatures, and as stated, in 1875 for the election of Representatives by the people.

ENFORCEMENT ACTS

Following the War between the States in an acknowledged effort to guarantee suffrage to former slaves, the Enforcement Acts of May 31, 1870 (16 Stat. 254), and June 10, 1872 (17 Stat. 347) were passed. The Enforcement Acts provided for prevention of ballot box stuffing, intimidation, coercion, conspiracy to prevent voting or votes being counted, and similar pernicious activities. It is significant, however, that by their terms the Enforcement Acts apply only to congressional elections. Presidential electors were not included. Congress had reserved no right to regulate the appointment or election of Presidential electors. None was asserted; none was claimed. The Enforcement Acts led to much bitterness and strife. The tragic era of reconstruction in the South will never be forgotten. While unable to guarantee the Negro vote in the South, there was a reflex action of Federal interference in State elections in other States. After 24 years all of the Enforcement Acts and all of the provisions of the acts, except the conspiracy clauses, were repealed in 1894. Control of elections was again reserved to the States where it had been for the 75 of the 100 years of the history of the country.

There was never any attempt to pass legislation with respect to Presidential elections until 1907. 34 Statute 864. This act prohibited corporations from making contributions for Presidential electors and Representatives in Congress. It was never construed, as I recall, by the Congress. The acts of June 25, 1910, 36 Statute 822, and the acts of October 16, 1918, 37 Statute 25, were generally repealed by the Corrupt Practices Act approved February 28, 1925. The Hatch Act of 1939 and the amendment of 1940 undertook to regulate pernicious activities with respect to Federal officials and employees and to prevent contributions by corporations in Federal elections.

Those who maintain that the Geyer bill and the Pepper bills are constitutional under section 4 of article I must therefore admit that Congress is without power to pass regulations respecting Presidential electors inasmuch as the power to regulate their appointment or election was not conferred by the Constitution upon Congress but upon the States, without restrictions.

As I have stated, statutes against pernicious political activities do not depend upon the power to regulate but are conferred upon Congress under the proper and necessary clause of the Constitution and under the provision of the Constitution guaranteeing a republican form of government, and they are based

upon the constitutional guaranty for the election of Senators, Representatives, and Presidential electors. Qualified voters participating in such elections are guaranteed the enjoyment of their rights as qualified voters under the States by Federal statutes. Such guaranties, however, are based upon the power of the States to prescribe qualifications. The Constitution provides for voting, but the provision covers only the voting of those qualified under the laws of the States.

It is clear that section 4 therefore does not authorize the broad powers of regulations to enable Congress to prescribe qualifications. It only applies to the regulation of the manner of holding elections. As Madison well said:

> It seems as improper in principle, though it might be less inconvenient in practice, to give the State legislature this great authority over the election of Representatives of the people in the general legislature as it would be to give to the latter a like power over the election of their representatives in the State legislatures (Elliot's Debates, vol. 5, p. 402).

THE COURT AS NOW CONSTITUTED

The proponents urge that the bill be passed in the hope that the Supreme Court as now constituted will uphold its validity. Members of Congress are asked to pass a bill, as I contend, in violation of the Constitution. They are thus asked to disregard their oaths to support the Constitution. Anti-poll-tax Federal legislation is nothing more than a fishing expedition. It is experimenting with the Court and the Constitution. Congress cannot afford to pass a law that Members of Congress believe to be unconstitutional. The Supreme Court as now constituted, as I have already stated, has approved and declared to be constitutional poll-tax requirements by the States in Federal elections. The proponents cite the recent case of *United States* v. *Classic* (313 U. S. 299), decided in May 1941, in support of their views that under section 4 of article I and under clause 18 of section 8 of article I in connection with section 4 of article I, the court will sustain the pending bill. The hope is without substance and the contention is without merit. It will be remembered that in all the 153 years of its history Congress has never passed, and the Supreme Court of the United States has never been called upon to decide, a case involving a congressional statute prescribing qualifications of voters. Any statement with respect to the power of Congress in this regard in the Classic or any other case would be obiter dictum. The Classic case is not in point. That case involved a prosecution for a conspiracy to deprive a qualified voter from having his vote counted in a congressional primary election in Louisiana. The question of the qualification of voters was not involved. A primary election was, but emphasis was placed upon the fact that the primary election was under the supervision of the State and that the State bore the expense of the election. Further emphasis was placed upon the fact that in Louisiana a primary election is decisive and is really the only controlling election in the choice of representatives in Louisiana. It is the only chance where the qualified voter's suffrage will count. The rule may be different where primaries do not control. The Classic case protects him in his vote. It holds he is entitled to vote for representative. But primaries in other States might not be under the protection of the Classic case. It depends upon how the primaries are conducted. If the primaries are inconclusive, and if there are two parties and the contest is really settled in the election, it is not decided in the Classic case that a Federal prosecution would be valid. The following language on page 315 by Justice Stone, now Chief Justice Stone, in the Classic case is quoted by the proponents of the bill:

> While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States, see *Minor* v. *Hapersett* (21 Wall, 162, 170); *United States* v. *Reese* (92 U. S., 214, 217–218); *McPherson* v. *Blacker* (146 U. S, 1, 38–39); *Breedlove* v. *Suttles* (302 U. S., 277, 283), this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I to the extent that Congress has not restricted State action by the exercise of its power to regulate elections under section 4 and its more general power under article I, section 8, clause 18 of the Constitution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." (See *Ex parte Siebold* (100 U. S., 371); *Ex parte Yarbrough*, supra (663, 644); *Swafford* v. *Templeton* (185 U. S., 487); *Wiley* v. *Sinkler* (179 U. S., 58, 64)).
>
> Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted at congressional elections. This Court has consistently held that this is a right secured by the Constitution (*Ex parte Yarbrough*, supra; *Wiley* v. *Sinkler*, supra; *Swafford* v. *Templeton*, supra; *United States* v. *Mosley*, supra; see *Ex parte Siebold*, supra; *In re Coy* (127 U. S. 731); *Logan* v. *United States* (144 U. S. 263)). And since the constitutional command is without restriction or limitation, the right, unlike those guaranteed by the fourteenth and fifteenth amendments, is secured against the action of individuals as well as of States (*Ex parte Yarbrough*, supra; *Logan* v. *United States*, supra).

There can be no comfort to the advocates of the Geyer and Pepper bills in the language of Chief Justice Stone. His language shows that he had in mind the security of qualified voters. In fact he said, and the Classic case thus holds, that fundamentally voting for Representatives and Senators is derived from the Federal Constitution. It so provides. The States prescribe the qualifications, and the right of the citizen who votes for Senators and Representatives is dependent upon his complying with the qualifications of the States.

Constitutional government is at stake today. If constitutional government is to continue, there must be a Constitution and it must be observed, obeyed, and followed.

IV. CONSTITUTIONAL AMENDMENT THE ONLY REMEDY

If additional argument were necessary to convince Congress of the unconstitutionality of both the Pepper and the Geyer bills, the acquiescence of Congress in the contentions of the States for 153 years should be conclusive. In the abstract it is true that there may be a power that has never been exercised, but politics is practical, and surely in 153 years, if Congress believed that the Constitution conferred the power to prescribe qualifications, it would at least have been attempted in reconstruction days, if not asserted. But the fact that Congress has never passed any legislation to prescribe the qualifications of voters, the fact that the fifteenth amendment was necessary to prevent discrimination on account of race, color, or previous condition of servitude, and the fact that the Congress of the United States after years of agitation for woman's suffrage in all of the States, and after repeated demands for Federal legislation, decided that a constitutional amendment was the only remedy, is conclusive. The final argument against the validity of the pending bill is the fact that to provide for women voting it was necessary that a constitutional amendment be submitted. The nineteenth amendment providing that the right of citizens to vote shall not be denied or abridged on account of sex is an unanswerable argument against the validity of the poll-tax bill. Hence it is that Senator O'MAHONEY, in charge of the hearings on the Pepper bill, has proposed an amendment to the Constitution to provide that the rights of citizens shall not be denied or abridged by reason of failure to pay any tax or on account of any property qualification. If the Federal Government is to eliminate the poll tax as a qualification for voting in congressional elections, it can only be done by constitutional amendment.

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. REES.]

Mr. REES of Kansas. Mr. Chairman, this bill we are considering today does not prohibit the levying of a poll tax by the State. It simply provides that the payment of a poll tax shall not be required as a qualification to determine whether a citizen otherwise eligible, may vote for elective Federal Government officials.

Mr. Chairman, the basic principle of democracy is the right of a free citizen to cast his vote. Democracy is at its highest when an unrestrained, enlightened, and informed people take an active interest in the affairs of their country. Any restraint on such principle is a curb on the processes of democracy.

There are, of course, certain qualifications to be considered. A person should be a citizen of lawful age. He should have resided for a reasonable period within the jurisdiction where he votes. These requirements are fair to everyone. Requirement of certain educational qualifications may be sustained on the ground that one is more likely to cast an intelligent vote because he may thereby be better informed and have a better understanding of the affairs of government. But it hardly seems reasonable that whether or not a person has paid a poll tax of $1 or $3 or $5, as the case may be, should be the test as to his fitness to exercise the right of franchise. An informed man or woman, otherwise qualified, is barred because he

did not pay a poll tax. It should be definitely noted that there is no other penalty for failure to pay this tax except that the person cannot vote. It is, of course, not a property tax. It is really a "head tax."

Mr. Chairman, under a democracy, certainly the ability to pay a "head tax" should not be the determining factor as to whether a man is qualified to cast his vote for an elective official of his Government.

Mr. Chairman, here we are, today, proclaiming the "four freedoms" throughout the world. We are, and rightly so, advocating a government of democracy where the people may have a voice in the affairs of the government under which they live; where they may choose the men and women to represent them in law-making and executive departments of that government. The requirement of the payment of a poll tax, for the right of franchise, does not coincide with that position.

Mr. Chairman, like some other Members who have preceded me, I am concerned with the tremendous usurpation of power and authority by bureaucracy in our Government. It is a most disturbing situation. The restriction of the right of franchise, by this requirement, does not make that problem any better.

Mr. Chairman, we need, in this country, a broad program of education and enlightenment and understanding for all of our people. Such program should be carried on through our schools and other free avenues of information and study. The program would have as its goal a better understanding of the responsibilities as well as the duties of those who live in a great democracy. It would emphasize the real meaning of citizenship. It would further emphasize that if representative government is to survive and succeed, we as citizens of a great commonwealth must be worthy of it.

Mr. Chairman, the flame of democracy is pretty dim throughout the world this afternoon. As citizens of the greatest Nation in all the universe, we must and will devote our efforts and all we have at our command, to keep the torch of democracy burning in America. When the day of victory shall finally be ours, and peace shall again be declared, American democracy will be a beacon light to the people of a war-torn world.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, the Constitution of the State of California, to which I shall refer as the gentleman from Maine has referred to the constitution of his State, provides as follows:

ARTICLE II. RIGHT OF SUFFRAGE

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under and by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State 1 year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 40 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law: *Provided*, Any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 40 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election: *Provided further*, No alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State: *Provided*, That the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upward on October 10, 1911: *Provided further*, That the legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

There is no qualification such as a poll tax in the State of California which would abridge the right of any citizen to vote, nor is there any abridgment because of pauperism or bankruptcy or nonpayment of adjudged debts, but only those concerning aliens, insane, idiots, criminals, and illiterates, and so forth.

I call the attention of the Members of the House to section 2 of the fourteenth amendment to the Constitution, which, although it does not govern in the instant case, as it deals with apportionment, is nevertheless an indication of what the feeling of the people of the United States was in 1868, when this amendment was adopted. It reads as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

I call special attention to the phrase "or in any way abridged."

Although I am not a constitutional lawyer as are some of the distinguished gentlemen present, I would, as a layman, imagine that in all possibility the requirement that they shall pay a poll tax might well be considered an abridgment of the rights of the electors, and that in consequence thereof it might well happen in certain States that on a suit to reduce the number of Representatives in such a State that such might be the decision.

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, it has been noticeable on the floor of this House that there are Members of the House from certain sections of the country who consistently oppose every bill that comes before the House for consideration which promises fair treatment, justice, and a reasonable share of democracy to the Negroes of the South. I do not recall a single instance where this type of legislation was being considered, either in the House or in the Senate, during the past 10 years, that some sort of filibuster or objection to the consideration of this type of legislation was not engaged in by certain Members of Congress. It is my opinion that this fear in the hearts of these men to extend democracy to the Negro citizens of this country is based upon an uncompromising effort on their part to see to it that American citizens of color shall not have their citizenship rights in this country.

The world is engaged in a war. The Axis Nations, on one side, are said to be waging this war for the purpose of destroying forms of liberal government and forcing slavery upon the world. The United Nations, on the other hand, define their purpose in this war as being the protection of people in their rights to participate in government of their choice and to prevent slavery of all forms. From speeches made on this anti-poll-tax bill by a certain group of Representatives I am convinced that many of our Representatives are not in favor of democratic government in our own country. They do not practice democracy. These men who cry aloud against this bill constitute the same group that cried out against the passage of an antilynch bill. They have cried out almost to a man against relief for labor. They were against the wage-and-hour bill. They were against social security where it promised benefits to Negroes. They were against farm relief, if that relief promised equal opportunity to Negro farmers. But the time has come when we must turn our attention to realities. If our Government is to live as a democracy, it must not escape the responsibilities of a democracy. In a democracy the color of a man's skin has nothing to do with his citizenship rights. In sections where the color of a man's skin determines his citizenship rights there is no real democracy.

This poll tax bill, if enacted into law, will eventually aid in wiping out the disfranchisement of Negroes in States like Virginia, South Carolina, Alabama, Mississippi, Louisiana, Arkansas, Texas, and other Southern States where for almost a half century the world has watched racial discrimination rob a loyal people of practically every right to participate in government. The Negro has been made the bone of contention and has been used by demagogic office seekers to sway the vote of white men, thus creating a prejudicial condition which has not only meant oppression to the Negro, but has meant bodily harm, fear, and in many cases mob violence and death. The Montgomery Advertiser in speaking of this condition on one occasion said, and I quote:

We southern Democrats are too low-down to go through a State political campaign

without making the helpless Negro a scapegoat in a white man's contest.

Of course, The Montgomery Advertiser knows that there are many southern Democrats who are above thinking of the Negro as an issue in political campaigns. Possibly the majority of them are above it—though such an estimate might be a trifle optimistic. But certain it is that there are enough southern Democrats that low-down to cause some politicians, who are no better than they are in this respect, to use the Negro issue as a vote-catcher. This is a sad spectacle for the world to look upon. We are here listening to men seriously and almost violently opposing the rights of the Negroes to participate in government at a time when the Negro is wearing the uniform of this government, bleeding and dying, and making every sacrifice known to mankind that this government might live. One watching such action on the part of a so-called great democratic people would have to make this statement. "Oh consistency, thou are a jewel."

When I spoke on the floor of this House sometime ago when we were declaring war against the Axis Nations, I said:

I wish to suggest that in this struggle, as in all previous struggles, the Negro proposes to give, and will give, all he has, including his life, for the success of our effort to withstand Hitlerism. In view of the sacrifices which my group has always made, and in view of the sacrifices which we are bound to make in this struggle, let me remind the Congress and the Government that the Negro expects the same treatment under our so-called democratic form of Government that is accorded all other citizens. He would be unworthy of citizenship in this country if he contended for less. It is my hope that the contribution which we have always made and shall continue to make will cause this country to recognize the Negro as a full-fledged citizen. If he is good enough to die for his country, he should be given the largest and fullest opportunity to live for his country without any type of racial discrimination.

This day will come sooner or later, if our country survives this attack.

I know that while the arch enemy of the Negro fights to keep him down and calls himself protecting the Constitution of the United States and expounding the doctrine of State rights, there are thousands of good white men and good white women in the South who have never bowed to Baal. These people have always fought for a larger participation of the Negro in our Government, and for fair play and justice in our economic and industrial set-up. Thank God, this number of good people is increasing with the times, and promises an equitable and just solution of the political problem and all similar problems. Then it is our duty on this occasion and on every occasion to strike back and to strike with all of our might at those who pose as our friends, but who are constantly seeking to bind tighter around our ankles the chains of economic, industrial, and political slavery which they themselves have wrought and placed upon us.

An appeal to this group of oppressors might do no good, but at this time when the fight for world-wide democracy is being waged for millions of men and women who are dying in this conflict, the Negro's interests in America, like the interests of the darker people throughout the world, must receive the proper consideration, and the arrogant white man, whoever he is and wherever he be, should be reminded that if democracy is to live, it must shed the garment of hypocrisy. To that group of oppressors I close with this word:

O white man, why evade the issue?
Your tin-god cycle's done;
You've held it down for centuries,
You've had a lot of fun.
Get ready for the Renaissance,
Your system's obsolete;
It's Providence, you're up against
And that you cannot beat;
You haven't settled anything,
In God's beholden sight—
For, "No question is ever settled,
Until it's settled right!"
And so—goes on—the fight.

This bill will pass the House. Let us see that it passes the Senate and becomes the law of this land. Let us strike with all of our might, as this is a blow for freedom and democracy in our own house.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, much has been said and much will be said regarding the constitutionality or unconstitutionality of H. R. 1024. Those on either side of the question can, as always, produce countless citations and decisions to support their side of the case. I believe this legislation to be unconstitutional and shall vote against it. I believe that this, of all times, is the most inopportune to cast loose the bonds which bind us to that basic and fundamental instrument of our Government—the Constitution.

An examination of the proceedings of the Constitutional Convention, and of the events which follow closely after it, convince me that there was, at that time, grave apprehension upon the part of the citizens of this Nation and the delegates to the Convention, that the Federal Government would, under the terms of the Constitution, be empowered to regulate too many of the details effecting the daily life and affairs of the citizens of the Nation. Certainly, one of the first provisions written into the Constitution, was the one providing that the qualification for electors voting for Members of the House of Representatives should be the same as those qualifying an elector to vote for the most numerous branch of the State legislature. This wording was not lightly or thoughtlessly written into the Constitution, because it was before the Convention for more than a month and provoked considerable discussion before its adoption. It was the result of thoughtful and careful deliberation at that time and it should not be disposed of lightly or thoughtlessly here today. If words mean anything, by the very wording of this clause, the Congress is denied any voice in the regulation of the matter.

There can be no doubt but that the several States are competent to prescribe the qualifications for those voting for State officials. The wording of the clause quoted above leaves no doubt but that the founding fathers were aware of the power which they were conferring upon the States, as far as the qualifications for those who could vote for State officials was concerned. Why then should we doubt their intention in regard to the power of the States to prescribe the qualifications of those who vote for Federal officials?

The power to prescribe the qualifications for electors, voting for Members of the House of Representatives, was not included among the powers definitely granted to Congress in section 8 of article I of the Constitution, nor was the power of such regulation among those denied to the States in section 10 of article I. Furthermore—article X of the Bill of Rights, which was included in the Constitution in order to insure the security of the rights retained by the people and reserved to the States, provides—

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

Most certainly there are no provisions in the Constitution delegating this power to the United States nor denying such power to the States. We must, therefore, assume that it was intended that the States have it and that the founding fathers were aware of what they were doing when they so wrote it. Oh, I know the argument about implied powers—always the resort of those who wish to conjure up flimsy reasons to change the status quo. Almost any language can be twisted, distorted, construed, or interpreted so as to furnish implications to suit the desire of those who would use the question of constitutionality as a cloak to cover their real designs. Then, to further strengthen the contention that this legislation is unconstitutional, are the numerous court decisions upholding the right of the States to impose a poll tax. They come from the highest courts in the land and are definite.

As to the argument that, since Members of Congress are Federal officials, the so-called implied powers under the Constitution empower the Congress to make loans to regulate Federal elections, it must be taken into consideration that in part 2, section 1, article II, of the Constitution the legislatures of the States, with the sole prohibition against appointing a "Senator or Representative, or person holding an office of trust or profit under the United States," are empowered to appoint the electors to choose a President and a Vice President. The Congress in part 5 of this same section and article is definitely given the power to "determine the time of choosing the electors and the day on which they shall give their votes." But that is all. Congress is given no power to prescribe the qualifications of those who vote for these electors. It is all very definite, specific, and concise. The President and Vice President are Federal officials, just as are Members of Congress. The Congress is the only lawmaking body of this land. If, under the so-called implied powers, it is empowered to regulate within the various States the qualifications of those who vote for Members of Congress, certainly it would be empowered to regulate in the same man-

ner the qualifications of those who vote for Presidential electors.

As for the republican form of government clause in section 4, article IV, it is certainly going far afield to claim that the imposition of a poll tax in any way breaks down a republican form of government. In this case the burden of proof is certainly upon the proponents of this legislation and they have failed to prove where the poll tax in any way interferes with the functions of a republican form of government as long as it is not excessive and is universally imposed.

Certainly, as soon as the principle is established that the Congress has the power to remove any restriction imposed by a State under its sovereign right, the floodgates of limitless regulation have been opened and it is quite conceivable that under the precedent established the Congress could, by the imposition of regulatory Federal laws, perpetuate itself in office by prescribing restrictions upon who might qualify as Members of Congress, since those prescribed by the Constitution are very general.

If the Congress can, in the case of a poll-tax case, say to the State of Alabama that such a matter shall not be a qualification for those voting for Federal officials, it can certainly say tomorrow to the State of Pennsylvania you shall not require personal registration before a citizen shall be allowed to vote for a Federal official. It can say to other States, you shall not impose any restrictions whatsoever—sane, literary, residential, or criminal. In fact, if the Congress can do as House bill 1024 provides, there is nothing it cannot do as far as the ballot is concerned.

As for the power of Congress to protect the purity of the ballot, that cannot be denied. It does not necessarily follow, however, that corruption results from the imposition of a poll tax any more than it would result from the imposition of residential qualifications. Here, too, the burden of proof is without a doubt upon the proponents of this legislation.

There are many other arguments to support the unconstitutionality of this legislation. I will leave them to those who are far abler to produce them than than I am. The truth of the matter is that it is not a question of the constitutionality or unconstitutionality of this legislation which brings it here today. It was brought here by the petition route, under the whip of a pressure group—the C. I. O. The question of the power of the Congress, under the Constitution, to regulate the qualification of voters within the various States will play small part in the passage of this legislation. The demands and desires of a pressure group to add to the mass of irresponsible, nontaxpaying voters will be all powerful.

And who is the C. I. O. to cry about purity of elections, the sanctity of the ballot, individual freedom, or tolerance? Why, the elections conducted within this organization are no more pure and the ballot has no more sanctity than to be found in Hitler's Germany. Instances of abuse in this respect are too numerous to mention and too well known to call for repetition. One of the most notable is the Allis-Chalmers strike in Wisconsin, January 1941. Here the Wisconsin Employment Relations Board found that the union officials caused at least 2,200 ballots to be marked and counted as favoring the strike, thereby depriving a majority of the employees of the right of a secret ballot to call a strike.

In the Rosedale Hosiery Mill strike in Pennsylvania, where the first sit-down strike occurred, the results of the first election to determine a bargaining agent went against the C. I. O. They obtained a second election and ran in workers by the bus load from New Jersey to gain control. I have heard officials of the C. I. O., when running for reelection to union offices, openly boast that it was immaterial who or how many voted against them because they themselves controlled the counting board. Purity of the ballot and honest count, indeed. Let someone introduce legislation to provide for Federal supervision, inspection, and restriction of the use of their funds and see how violently their racketeering leaders will oppose it.

And how strongly do they believe in individual rights? Why just to the extent that they deny a man the right to earn a living for himself and his family—the most basic, the most fundamental, and the most sacred right known to man, without which all the other rights guaranteed by the Constitution are valueless, unless he belong to their union. They cry against a poll tax prerequisite to voting being imposed by duly and qualified elected representatives of the people of a sovereign State, when this tax is administered, collected, handled, audited, inspected, and disbursed by bonded public officials; yet they demand the right to collect a head tax from every worker before he be allowed to work, which tax is not administered, handled, inspected, audited, or disbursed by any elected public official. They have brought about a condition, where the employer must check this tax off of the pay roll of each employee. Sure! The leaders of the C. I. O. are as strong for individual liberty as are the leaders of Soviet Russia.

They cry for tolerance when they have no more tolerance in their ranks than was in the Spanish Inquisition. Tolerance! Yes indeed! They are just bubbling over with it. Did you ever see a free-born American citizen trying to go to work through one of their picket lines? Their pickets are paragons of tolerance. Did you ever see their picket lines operating upon a public highway denying the use of the same to tax-paying citizens, in many cases committing assault upon the persons of citizens and intimidating even policemen? What an organization to cry for tolerance!

What an organization to be crying about justice. They are as much interested in justice as are the Japs. They cannot even be just to their Nation in wartime, or to the men in the Army and Navy. If they could, they would cease the strikes and slow-downs during this emergency. They would renounce time and a half and double time and the 48-hour-week law. License and special privilege, not justice, is their aim.

They cry about the passage of this bill being of benefit to the war effort. Of those who oppose it being of assistance by assisting the Axis propagandists who seek to divide the American people by shouting about a poll tax. Let them look to the strikes they encourage and foster, which have for 3 years been not only of physiological, but material assistance to the Axis nations. Let them rid themselves of the Walter Reuthers among them who are endeavoring to establish a second Axis front in this Nation.

Oh, I know it is useless to oppose this measure. The cards are stacked. The pressure will prevail. This organization, which has labored so faithfully to protect Harry Bridges, which worked so hard to secure the pardon of Earl Browder, is out to increase its potential voting strength with which to augment the political power of its leadership. Their lust for political power is stronger than their concern for the welfare of the Nation or for the ultimate welfare of labor. They are endeavoring to establish a dictatorship, which will do more harm to the cause of labor than anything which has happened within a century. This, labor will learn, but probably not until too late.

Let us here today have a tolerance with the problems of each other. Let us have a sympathy with the problems of other States. Let us for once cast aside all considerations of selfishness and politics and vote down this unconstitutional measure.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Wisconsin [Mr. WASIELEWSKI].

Mr. WASIELEWSKI. Mr. Chairman, it is a travesty on freedom's name to say we are fighting for freedom when by the miserable existence of the poll tax we effectively take away freedom's greatest privilege—the right to vote—from so many people.

Overseas, along our coasts, in training camps throughout America, American fighting men are fighting for democracy, for freedom. They are fighting for the right each and every one of us has to elect representatives of our own choosing—for that, in the last analysis, is a cardinal foundation of freedom.

Thousands of the people disfranchised by the poll tax are serving in the armed forces of the United States. Is it fair to deny them the right to express their will as to the people who will represent them?

We cannot fight for freedom and then deny its existence, to any degree whatsoever, to any group any place in America.

The right to vote is precious. Our boys are fighting so that no tin Hitler, no skulking Jap, can dictate for whom they shall vote. Back home millions of Americans will cast their votes November 3—for two reasons: First, to choose the men in whom they believe—and second, to reaffirm their faith in the institution of voting as a rare privilege of freemen everywhere. They will not let down their men at the front by failing to vote—failure to vote is a stab

in the back to democracy. They must be joined in this great right of the people by all whom the poll tax now denies the right of franchise.

Mr. Chairman, freedom is precious. Denial of equal rights, threatens freedom—causes discontent, takes away a pillar of democratic belief. America, engaged in total war, can no longer disregard the right of those disqualified by reason of the lack of money, and money alone, to vote. Yes, votes are bullets—we must give armor, yes bullets, to those of our citizens now barred from the ballot box. In that way, we strengthen the very cause for which we are fighting.

I shall cast my vote for the abolition of the poll tax, firm in the belief that America, to win in a total war, must provide total freedom, for all its citizens, regardless of race, religion, or financial position.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Lee Geyer! Can you see him sitting here at this desk at my right near the Speaker's desk during the last month of his life whispering his votes on all legislation because of his fatal illness? It is very appropriate that today and yesterday we are considering the bill that he introduced October 11, 1941, a year ago. I can in my mind's eye see him smile yesterday when, by a vote of 251 to 85, we passed the rule and passed the resolution. I can see him smile again today when, with a larger vote, we will pass this bill in this House.

My good friends, this is not a personal issue. I am looking into the faces of some of the finest men I know, you gentlemen from the South, genial, efficient and friendly. This is not even a State issue, it is a national issue because it concerns election of Federal officials.

My good friends, again, what methods have the opposition been using? This bill was introduced in this House almost 2 years ago. It was referred to the Judiciary Committee, and I have a high regard for the chairman of that committee. But what does he do with it? He pigeonholed it and I am here to tell you, my good friends, every one of you, that I shall sign petitions on the Speaker's desk as long as there are chairmen who are autocrats and refuse democratic processes here in the House. He speaks about democracy, and yet he would not allow us, the Members of this House, to consider and discuss, and if we wanted to, pass this legislation.

A few weeks ago, my good friends, another good friend of mine—and I think he is here, the gentleman from Mississippi [JOHN RANKIN]—you remember we had the soldiers' vote bill, and he filibustered it and tried to kill it by calling, I think, seven roll calls. That is the method they use, and then they speak about democracy here in the House. That is not democracy. I suppose when we get through with the reading of this bill they will offer amendments here and filibuster it to death, and then they get up here on the floor of the House and talk about democracy and about their love of the common people, when they would not allow you and me, the Representatives of the American people, to legislate or to discuss these measures. I cannot see that that is democracy. Again, the gentleman from Alabama [Mr. HOBBS] tried yesterday to thwart the will of 218 Members—a majority—by insisting that consideration of the measure was not regular because it provided for Mr. Geyer to call it up. The Speaker very rightly ruled that any Member signing the petition might call it up.

The constitutionality of this law I shall not discuss. I will only say that 218 Members signed this petition and therefore must believe that it is constitutional. The Lawyers Guild sent out a statement on the constitutionality of the bill, and every Member must have read it. You southerners, you genial friends of mine who have been such upholders of the Supreme Court of the United States, are you afraid to have this bill passed in the House and the Senate and signed by the President and go to the Supreme Court of the United States for them to decide whether it is constitutional or not? Are you afraid of that? Are you afraid of democracy, I ask you? I think you are.

On the soldiers' vote bill you remember that our genial chairman of the Judiciary Committee talked about States' rights. He said something about the State should decide whether the soldiers should have the right to vote or not. Do those soldiers march under the lone-star flag of Texas, great as it is? Do they march under the evergreen flag of the State I represent, great as it is? No; they march under the Star-Spangled Banner, the national flag, and if they are good enough to fight for democracy and for this country, they are good enough to vote.

Let us see what the poll tax causes in representation. In the Third District of Mississippi there were 13,864 votes cast in 1940. The population in that district is 435,531. Approximately only 3 percent of the people there are permitted to exercise the franchise. In the Fourth Congressional District, which I have the honor to represent, there were 98,496 votes cast. The population is 244,908. Forty percent of our people were permitted to vote in 1940. Mississippi has a population of 4,367,590. There were 146,219 votes cast in 1940. The State of Washington has a population of 3,126,792, and 755,285 votes cast. Three percent of people in Mississippi voted; 20 percent of people in Washington voted. Five times as many voters cast their ballots in Washington than in Mississippi. Yet Mississippi has seven Congressmen to six for Washington. Is this democracy? The gentleman from Texas [Mr. SUMNERS] said this afternoon that the people should rule and that they are "the finest stuff on the face of the earth." I agree with him; yet in Mississippi 97 percent of these people cannot vote. I say let this "finest stuff on the face of the earth" have suffrage. That is true democracy.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I say that whether a State is to have the payment of a poll tax as a prerequisite for voting is a matter for the determination of that State.

It is known to all persons who are familiar at all with the historical development of our Nation that first there were separate States each enjoying sovereignty; that by their own act they met by proper representatives and formed the United States of America, delegating to it such powers as were deemed necessary by the States for the proper operation of the new Nation. All of these powers are enumerated and written into the Constitution and in the subsequent amendments thereto, all of which were ratified and accepted by the States.

Thus we have a nation of limited powers, limited to the grants given to it by the sovereign States. There can be no doubt of this from the Constitution itself, and I do not believe the proponents of this bill will deny it. Article X of the Bill of Rights provides:

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

Then, in making a search for authority of the Congress to pass a law prohibiting the levying of a poll tax by a State as a prerequisite for voting, we must look to the provisions of the Constitution. There we find the only provisions fixing the qualifications of electors voting for Members of the Congress and to which we must look for authority of this Congress to pass this legislation before us in article I, section 2, which provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Either the power was given to Congress to fix the qualifications of electors voting in congressional elections or such power was not given Congress. If it was the intention of the framers of the Constitution and the States which ratified it, to permit the Congress to fix the qualification of such electors, such provision could have been incorporated in the Constitution.

However, there we find that the States, in their grant of authority to the new Nation, did not say in providing for the election of Members of the House of Representatives, "And the electors shall have such qualifications as may be fixed by the Congress of the United States."

To have had any such provision in the Constitution would have meant that the Constitution would not have been accepted by the States. Any study of the history of that period will clearly show that the States were very much afraid in their grant of authority to the new strong central Government. A number of States refused to ratify the Constitution until the Bill of Rights were incorporated in it. It took the pressure of the three great leaders in the forming of the Constitution to get the new Constitution adopted.

Can you picture the States of that period in creating a strong central government, providing for a congress which should fix the qualifications of those vot-

ing for its own membership? Cannot you now hear those staunch believers in States rights saying that such a grant of authority would enable the Congress to be self-perpetuating or at least to name the persons elected in the several States, or an organized group from the North or South or East or West, in control in the Congress, by fixing the qualifications of electors, may determine who shall represent us in the Federal Congress?

But the proponents of this bill will say that the Congress is not fixing the qualifications of those electors voting for ourselves, we are only preventing the States from fixing restrictive qualifications on who shall vote for the Members of this body. Surely we must know that if the State cannot fix the qualifications of the electors voting for the Members of the Congress because of an act of Congress prohibiting it, that is equivalent to the Congress fixing the qualifications of the electors voting for themselves. If the Congress can remove restrictions, it can make them.

This is what the States provided against in article I, section 2, of the Constitution:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Thus it was that the States protected themselves. They knew they would fix the qualifications for the most numerous branch of the State legislature and by this provision in the Federal Constitution, they reserved to themselves protection, knowing thereby their Representatives in the Federal Congress would be elected by electors whose qualifications were fixed by the State, and not by the Congress.

In fairness to the Congress of the new Nation, however, they said, though we do not want you fixing the qualifications of the electors who vote for you so that you might try to perpetuate yourselves or to determine who shall be elected from our State, we will restrict ourselves also by providing that all who are qualified to vote for the most numerous branch of our State legislature shall be qualified electors in the election of Representatives in the National Congress.

Exhaustive briefs have been read in this body showing the construction which the Supreme Court has placed upon these provisions. These briefs are exhaustive and thorough. These opinions of the Court clearly show that the present bill is unconstitutional, and I shall not try to enlarge upon that phase of this argument.

To my mind this is settled in the case of *Breedlove* v. *Suttles* (302 U. S. 277) where it is said:

> To make payment of poll taxes a prerequisite for voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State, and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. The privilege and immunities protected are those that arise from the Constitution and laws of the United States and not those that spring from other sources.

I know there are many Members of this House who are having great pressure exerted upon them from organized minorities who wish this bill passed regardless of its constitutionality. They are people who are not affected by the poll-tax provisions now existing in the constitutions of eight of the great States of the Union. These people do not live there and frankly care little about the preservation of the Constitution. They are organized and in some of your home districts this group will threaten to make itself felt in the coming election. To those of my colleagues who have this situation, and who are tempted to vote for this measure in spite of its being unconstitutional to satisfy that group, believing that the Supreme Court will later declare the act unconstitutional and thereby save the day, to you I say now as never before the membership of this body needs to adhere to the Constitution of the United States of America. We are one of the few remaining nations that have such a great instrument to preserve. Through the last 8 years we have witnessed the streamlining of the Constitution by the executive department, the courts, and to some extent by the Congress. I deplore that situation.

Surely you know that the passage of this bill by the North and East means to spread disunity though I do not wish to say that its passage will lead to another civil war. I believe these eight great Southern States are making as fine a contribution to the war as any State in which these minority groups are exercising themselves in an effort to get you to go against the Constitution and interfere in the affairs of States other than your own, and I further believe those States will continue to contribute greatly to the war.

For other sections of our Nation to differ with the South is not necessarily deplorable. However, when on such a measure as that now before us, already declared unconstitutional by the committee considering the bill in the Senate and by distinguished lawyers in the House, it is deplorable to see the great majority of this House of Representatives vote for and support this bill, not on the ground that you believe it constitutional but without apparent thought or care as to whether it violates the Constitution or not. On such action, destruction of nations is based.

I say to you that a study of the affairs of all foreign nations where the people have lost their freedom will show there have been first the efforts of organized minorities, then a slow disintegration of the constitution of that government under the pressure of such minorities, and then last a complete setting aside of the constitution and the setting up of a dictatorship. These changes have not been sudden but gradual.

To those of you who wish to preserve our Constitution and our form of government, I say we must jealously guard every attempt to set the Constitution aside or any of its provisions, whether that effort is made by an organized minority, by the Executive, or by a group of our own membership. I dread to see the day soon coming, when Members of this body in speaking will refer to the time when the Constitution of the United States was in force.

I hope you will vote against the pending bill.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON of Virginia. Mr. Chairman, in my opinion the dominant issue before us today is not whether a poll tax is a proper or an improper way of raising revenue, not whether a poll tax is a proper or improper restriction upon suffrage. The dominant issue as I see it is whether or not Congress has the constitutional right to enact legislation of this character. I do not think anyone could answer the constitutional argument presented here today by the distinguished chairman of the Committee on the Judiciary, Judge SUMNERS, nor do I think anyone could answer the constitutional argument to be found on page A3349 of the Appendix of the CONGRESSIONAL RECORD, submitted to the Senate Judiciary Committee by the Honorable A. P. Staples, attorney general of the State of Virginia. So, believing as I do on that subject, I could not vote for this measure without feeling that I would deliberately violate the oath I have taken to uphold and defend the Constitution of the United States.

Some time ago I read a book, Public Finance, published by a great economist, Dr. Harley L. Lutz, of Princeton University. In that book he had a chapter on the poll tax, discussing the ancient history of it and the uses of it by the various nations. I wrote him to know whether he had changed his views on that subject, and this is what he wrote to me:

> PRINCETON UNIVERSITY,
> *Princeton, N. J., October 5, 1942.*
> The Honorable A. WILLIS ROBERTSON,
> *House Office Building,*
> *Washington, D. C.*
>
> DEAR MR. ROBERTSON: Thanks for your letter of September 30, with its enclosure.
>
> With respect to the poll tax, I have never been able to sympathize with the usual academic position against this tax, and I tried to make that clear in the textbook to which you refer. I am still of the opinion that a poll tax is a useful feature of a revenue system, and that it is particularly so in those States which do not have great disparities of wealth and income. I think the statistics of tax collections will bear me out in saying that there are many States in which a poll tax levied at a moderate rate will produce more revenue than either a graduated tax on so-called net income or a tax on inheritances and estates.
>
> I am in complete agreement with you as to the sinister aspects of the proposal that the Congress shall assume authority to determine voting requirements in the several States. The trend toward complete Federal domination of the States and their local subdivisions must be counteracted with all the force at our command. If we add up the various manifestations of this trend, I think we have good reason to fear for the future of our Federal system, and if we permit the federalizers to destroy the basis upon which the Federal Government rests, it is my own conviction that the bulwark of our individual liberties will be destroyed also.

I appreciate your writing me and say again that if there is any other way in which I can be of assistance I hope you will call upon me.

Sincerely yours,

HARLEY L. LUTZ.

In closing his able and eloquent address the gentleman from Texas [Mr. SUMNERS] said that if we cease to hold the Constitution in respect, the Constitution is doomed. Does it not seem a bit singular, my friends, that those closest to the formation of our Government were more zealous in their support and defense of the Constitution, looking forward to the future, than we of this day and generation, looking backward upon 150 years of wonderful achievement? Standing on the steps of this Capitol on the one-hundredth anniversary of the birth of George Washington, the great Senator from Massachusetts, Daniel Webster, referring to the possibility of the Constitution being undermined, said:

Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity? No; if these columns fall, they will be raised not again. Like the Colosseum and the Parthenon, they will be destined to a mournful, and a melancholy immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art; for they will be the monuments of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Chairman, H. R. 1024, commonly known as the Geyer anti-poll-tax bill, has for its object the abolition of the payment of a poll tax as a qualification for voting in Federal elections.

The constitutionality of the bill has been challenged by such reputable authority that we should call a halt and first determine its constitutionality. Whatever our predilections may be with reference to the merits or demerits of the payment of a poll tax as one of the qualifications to vote in Federal elections, we should, if possible, forget our feelings for the time being and dispassionately direct our thoughts first to the constitutional question. What is that constitutional question? It is this: Was the right to prescribe qualifications for voters in Federal elections granted under the Constitution to the Federal Government or reserved to the States? In other words, under the Constitution, where is the power to determine the qualifications of voters in Federal elections lodged, in the Federal Government, or in the respective States?

Now, in the discussion let us ever keep in mind that our Federal Government is the creature of sovereign States and only has such powers as these sovereign States have seen fit to grant. That originally, and at the very time the Federal Constitution was drafted, these sovereign States had the power to prescribe qualifications for voters, there can be no doubt. As a matter of fact the respective State constitutions contained voting qualifications at the time the Federal Constitution was drafted, and in 5 of the 13 States the payment of taxes was among the qualifications to vote. For the voting qualifications in the respective State constitutions at the time and prior to the adoption of the Federal Constitution, see *Minor* v. *Happersett* (88 U. S. (21 Wall.) 162). This being true, that is, that these sovereign States had the power to determine the qualifications of voters, the States still have the power unless they granted that power to the Federal Government in the Constitution or some amendment thereto. If this power has been granted by the States to the Federal Government, the Geyer bill is constitutional. If it has not been granted, the Geyer bill is unconstitutional.

As the Federal Constitution as originally drafted and adopted only provided for the election of Members of the House of Representatives by popular vote, let us first determine who, under the Constitution, was to pass on the qualifications of voters for Members of the House of Representatives, the States or the Federal Government.

The provisions of the Constitution of the United States relating to the qualifications of voters in Federal elections for Members of the House of Representatives, and the regulations of Federal elections, that is, the time, place, and manner of holding Federal elections, are as follows:

Article I, section 2, of the Constitution reads:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors (voters) in each State shall have the qualifications requisite for electors (voters) of the most numerous branch of the State legislature.

Clause 1 in article I, section 4, reads:

The time, place, 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 place of choosing Senators.

Now, let us analyze section 2 of article I. This section provides for the qualifications of voters in Federal elections for Members of the House of Representatives, and states in plain language that—

The electors (voters) in Federal elections in each State shall have the qualifications requisite for electors (voters) of the most numerous branch of the State legislature.

At most this section is but a restriction upon the sovereign power of the States in prescribing the qualifications of voters for Members of the House of Representatives. Without the section the States could have imposed any qualifications they saw fit. With the section the States are restricted in that the qualification for voters for Members of the House of Representatives must be the same as the States impose upon voters in State elections for Members of the State legislatures. In other words, the Constitution provides that a voter in a Federal election for a Member of the House of Representatives must have the same qualifications that the State imposes upon a voter in a State election for the legislature. If you are qualified to vote in the State for a member of the legislature, then you are qualified to vote in Federal elections for a Member of the House of Representatives. If one of the State qualifications for voting for member of the State legislature is the payment of a poll tax, and you have failed to pay the tax, then you become disqualified to vote in the elections held to elect State legislators, and hence are disqualified to vote in Federal elections for a Member of the House of Representatives. The test of voting in Federal elections is this: Are you qualified under the State law to vote for a member of the legislature in the State? If you are, then you can vote in Federal elections; if you are not, then you are disqualified from voting in Federal elections.

Now, I am not arguing whether this is a wise provision or an unwise provision. That is not the question. The question is, Who determines the qualifications of a voter in Federal elections, the State or the Federal Government? The Constitution says the State, and I have taken an oath to uphold the Constitution. If the people think that the Federal Government should be vested with the power to determine the qualifications of voters in Federal elections, then the Constitution should be amended so as to give the Federal Government the power to make the determination. And if the people do think that a change should be made, then the change should be brought about, not by sophistry and casuistry, but by constitutional amendment.

Now, as to clause 1 in article I, section 4: This section provides for "the time, place, and manner" of holding Federal elections. Under this section the regulations of elections, that is, the time, place, and manner of holding Federal elections, in the first instance, is vested in the State legislatures, but says the section, "the Congress may at any time by law make or alter such regulations." In other words the Constitution says to the States, go ahead and prescribe through the State legislatures the regulations of Federal elections, but remember if the Federal Government is not satisfied with the regulations you have prescribed the Congress can step in and change same at any time.

Now, from a reading of the two sections it is apparent that the founding fathers made a vast distinction between regulation and qualification. When it comes to regulating Federal elections, while the States retained in the first instance the right to prescribe the regulations, that is, "the time, place, and manner of holding" elections, the right is expressly granted the Congress to step in at any time and "make or alter such reg-

ulations." But when it comes to the qualifications of electors—voters—in Federal elections no such right is granted by the State to the Congress, that is, the States did not grant Congress the right to step in and make or alter the qualifications of voters. Now, if the founding fathers intended to give the Federal Government the right to step in and make or alter the qualifications of voters in Federal elections, why didn't they say so as they did in the case of regulating elections? Yes, they made a distinction between qualification and regulation and they wrote the distinction into the Constitution in plain and unmistakable language, and it is the duty of the membership of this House, regardless of their views on the wisdom of the founding fathers in making the distinction, to respect that distinction as long as it remains in the Constitution.

The meager record we have of the proceedings of the Constitutional Convention clearly shows that the delegates to the Convention, who were the representatives of the States, after thorough discussion, deliberately and purposely left the qualifications of voters in Federal elections to the determination of the States. Let us examine the record:

Mr. Pickney, at the beginning of the Convention, submitted a plan for a Constitution. In the Pickney plan what is now article I, section 2, read as follows:

> ARTICLE 3. The Members of the House of Delegates shall be chosen every * * * year by the people of the several States; and the qualification of the electors (voters) shall be the same as those of the electors (voters) in the several States for the legislature (Elliot's Debates, p. 129).

This provision, which is similar to the one finally adopted, first came before the Convention for consideration on Thursday, May 31, 1787, when it was proposed—

> That the Members of the first branch of the Legislature (Members of the House of Representatives) ought to be elected by the people of the several States (Elliot's Debates, p. 135).

This resolution was opposed on the ground that the Members should be elected by the State legislatures. Upon a vote being taken, the proposal that the Members be elected by the people and not by the State legislatures was approved (Elliot's Debates, p. 135).

This question again came before the Convention on June 6, 1787, when Mr. C. C. Pickney moved:

> That the first branch (Members of the House of Representatives) be elected by the State legislatures, and not by the people.

A vote was taken on this proposal, which was defeated, the Delegates to the Convention again going on record as favoring the election of the first branch—Members of the House of Representatives—by the people (Elliot's Debates).

For the third time the proposition was brought up, and according to Mr. Madison, General Pickney moved:

> That the first branch (Members of the House of Representatives), instead of being elected by the people, should be elected in such manner as the legislature of each State should direct (Elliot's Debates, p. 220).

Again the Convention turned the proposition down. So far the conflict had been over who should elect Members of the House of Representatives, the people or the State legislatures, and the record shows that the Delegates to the Convention every time voted in favor of the people.

It having been determined that the people rather than the State legislatures should elect members of the first branch—Members of the House of Representatives—the next question to come up was the qualification of voters for Members of the House of Representatives. On Tuesday, August 7, the Convention considered the provision in the report of the committee of detail covering the qualifications of electors—voters—which provision is as follows:

> The qualifications of the electors (voters) shall be the same, from time to time, as those of electors (voters), in the several States, of the most numerous branch of their own legislatures (Elliott's Debates, p. 385, also p. 377).

To this provision, Mr. Madison reports that—

> Mr. Gouverneur Morris moved to strike out the last members of the section, beginning with the words "qualification of electors," in order that some other provision might be submitted which would restrain the right of suffrage to freeholders.

Mr. Gouverneur Morris' motion, which was aimed of course to limit suffrage to freeholders—property owners—was defeated. The motion did, however, open up a general discussion of the question as to whether the qualifications of electors—voters—should be left to the States or granted by the States to the Federal Government. And this discussion is conclusive of the fact that the delegates to the Convention, after free and full discussion, deliberately and purposely left to the States the question of the qualifications of electors—voters—in Federal elections. Mr. Gouverneur Morris in the discussion advanced another objection, namely—

> Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

Here the direct question as to whether the qualifications of electors—voters—should be left to the States was raised. Mr. Wilson replying to Mr. Morris stated that the provision relative to the qualifications of electors—voters—had been carefully considered—

> And he did not think it could be changed for the better. It was difficult to form any uniform rule of qualification for all the States. Unnecessary innovations, he thought, too, should be avoided. It would be very hard and disagreeable for the same person at the same time to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature.

The arguments advanced by Mr. Wilson, no doubt, set forth practical reasons why the founding fathers decided to leave to the States the qualifications of electors—voters—in Federal elections, namely, it would be "difficult to form any uniform rules of qualification for all the States," and "it would be very hard and disagreeable for the same person at the same time, to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature." In other words, if the qualifications of a voter were determined by Congress it would apply to Federal elections in all the States, and the States would be forced to adopt the qualifications determined by Congress, or else have one set of qualifications in State elections and another set in Federal elections, which would necessarily bring about not only endless confusion, but constant dissatisfaction. Then, too, the States were fearful of the rights granted to the Federal Government. They wanted to preserve their own sovereignty. They knew that it would be easier later, if found necessary, to grant further rights than to get the Federal Government to surrender rights that had been mistakenly granted. So jealous were the States of their sovereign rights that later they demanded that there be written into the Constitution a clear and distinct understanding as to their sovereign status. Hence the tenth amendment to the Constitution, which reads:

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

That the intent of the delegates to the Convention was for the States to reserve the right to determine the qualifications of electors—voters—in Federal elections, is not only shown by the debates in the Convention, the plain and unmistakable language used in the Constitution in reserving the power to the States, but was later confirmed by Hamilton, who was a member of the Convention, in the Federalist. There can be no doubt as to Hamilton's understanding, and his understanding confirms the proceedings in the Convention and the plain language of the Constitution. He expressly states that the qualifications of electors—voters—

> Forms no part of the power to be conferred upon the National Government. Its (the National Government's) authority would be expressly restricted to the regulation of the time, place, and manner of elections. (Federalist No. 60.)

Moreover, the Supreme Court of the United States has repeatedly held that the States have the absolute and exclusive right to determine the qualifications of voters in Federal elections. The only restrictions imposed upon the States are found in the fifteenth and nineteenth amendments to the Constitution, which prohibit discrimination because of race, color, previous condition of servitude, or sex, and in article I, section 2, of the Constitution providing that the qualification of voters for Members of the House of Representatives shall be the same as are imposed by the States upon voters in State elections for members of the legislature.

In the case of *Breedlove* v. *Suttles* (302 U. S. 277), decided in 1937, the Supreme

Court of the United States, in confirming a long line of decisions, said:

To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. (*Minor* v. *Happersett* (21 Wall. 162, 170 et seq., 22 L. ed. 627, 629); *Ex parte Yarbrough* (110 U. S. 651, 664, 665, 28 L. ed. 274, 275, 4 S. Ct. 152); *McPherson* v. *Blacker* (146 U. S. 1, 37, 38, 36 L. ed. 869, 878, 13 S. Ct. 3); *Guinn* v. *United States* (283 U. S. 347, 362, 59 L. ed. 1340, 1346, 35 S. Ct. 926, L. R. A. 1916A, 1124, 82 L. ed. 256).)

Since the Geyer anti-poll-tax law was introduced the case of *Pirtle* v. *Brown* (118 F. 2d (C. C. A. 6, 1941) 218; certiorari denied 314 U. S. 621, 62 S. Ct. 64, 86 L. ed. 68) the United States Circuit Court of Appeals for the Sixth Circuit unanimously held that the poll tax qualification requirement was constitutional. This case involved the payment of a poll tax as a qualification for voting for a Member of the House of Representatives. When the decision of the circuit court was handed down the sponsors of the Geyer bill severely criticized the decision, stating that a writ of certiorari from the Supreme Court would be applied for, and confidently predicting that the Supreme Court would grant the writ and reverse the decision of the circuit court. What happened? Why on October 13, 1941, the Supreme Court denied the writ, thus again placing its stamp of approval upon the Breedlove and other cases which uphold the poll-tax qualification.

The preamble of the Geyer bill contains a recitation to the effect that the payment of a poll tax as a prerequisite to vote is not a "qualification of voters or electors", but is "an interference with the manner of holding" elections. Thus the bill carries on its face the concession that if the payment of a poll tax is a "qualification" that the bill is unconstitutional. That the requirement of a poll-tax payment before voting is a "qualification" there can be no doubt. Not only is this apparent from the language of article I, section 2, article I, section 4, the proceedings before the Constitutional Convention, but the Supreme Court in the case of *Ex parte Yarbrough* (110 U. S. 651) recognized the power of the States to determine the qualifications of voters, the Court holding that the States—

define who are to vote for the popular branches of their own legislature, and the Constitution of the United States says the same persons shall vote for Member of Congress. It adopts the qualifications thus furnished as the qualifications of its own electors (voters) for Members of Congress.

Now, when the States define who are to vote for the most popular branches of their own legislature, the State simply determines the qualifications of its voters and, as was said in the opinion of the Court, the Federal Government then adopts the qualifications thus furnished as the qualifications of its own electors—voters—for Members of Congress. Nothing could be clearer. By what stretch of the imagination the advocates of the Geyer bill claim that the payment of a poll tax as a prerequisite to voting is "an interference with the manner of holding elections" and not a "qualification of voters or electors" is a mystery to me. The qualification of a voter has nothing in the world to do with the "manner of holding elections." Under the Constitution the States determine the qualification of Federal voters, and the Federal Government, in the last analysis, has charge of Federal elections; that is, "the time, place, and manner of holding elections." While the Federal Government may not be satisfied with the qualifications for voters set up by the respective States, it cannot come in and change or alter in any way the qualifications. The only thing the Federal Government can do is to step in and see that in Federal elections a fair and honest election is held. It can suppress fraud and corruption and violence, and prosecute the guilty parties. If the poll tax is used for the purpose of committing election frauds, or corrupting the purity of the ballot, it can step in and suppress the fraud and corruption or prosecute the guilty parties, but it is helpless in getting rid of the poll-tax requirement. That the Federal Government has this power no one will deny. The power is expressly granted by the States to the Federal Government in article I, section 4 of the Constitution, which provides in the final analysis for the Federal Government to regulate "the time, place, and manner of holding elections." And this power on more than one occasion has been declared by the Supreme Court of the United States to be vested in the Federal Government. As was said in *United States* v. *Munford* (16 Fed. (C. C. Va., 1883) 223):

If Congress can provide for the manner of elections, it can certainly provide that it shall be an honest manner; that there shall be no repression of votes and an honest count of the ballot.

After careful study, I am driven to the following conclusions:

First. That the sovereign States, prior to the formation of the Federal Government, had the right to determine the qualifications of voters in their respective States.

Second. That the Federal Government is the creature of the sovereign States and only has such powers as these States saw fit to grant.

Third. That the sovereign States did not grant to the Federal Government the right to determine the qualifications of voters in Federal elections.

Fourth. That the sovereign States, not having granted to the Federal Government the right to determine the qualifications of voters in Federal elections, still have the right to make such determination and can exercise such right in any manner they see fit as long as they set up the same qualifications for voters in Federal elections required of voters for members of the most numerous branch of State legislatures.

Fifth. That the payment of a poll tax as a prerequisite to voting, however distasteful, and unwise and unjust, it may appear to a great majority of the House membership, and however distasteful and unwise and unjust it may appear to a great majority of our people, is nevertheless a qualification which the sovereign States have a right to impose.

Sixth. That the Geyer bill, having for its object the abolition of the poll-tax qualification contained in some of the State constitutions, is without constitutional authority in that it attempts to legislate on a subject reserved to the States.

Seventh. That there are only two constitutional ways by which the payment of a poll tax as a prerequisite to voting can be abolished, namely:

(a) By amending the Federal Constitution.

(b) By State action.

Now, let me answer some of the arguments advanced by the proponents of this legislation. Relative to its constitutionality, and that is the only question involved, there seems to be as many theories as there are speakers. Why even that old bulwark of special privilege, the fourteenth amendment, is being relied on as authority for Congress to rope the sovereign States of the right to determine the qualifications of voters. My heavens, do you not think that enough crimes and misdemeanors have already been committed in the name of the fourteenth amendment? Designed originally to protect human rights, we diverted it from its true purpose and used it as a vehicle for the strong and powerful to protect and exalt property rights at the expense of human rights. Under it we crucified the children and helpless men and women of this land of freedom within the court-made sacred precincts of the accursed sweatshop. Under it we worked men and women for long hours, under unsafe conditions, and for a pittance wage. And under it we clothed soulless corporations with flesh and blood and placed them upon the same pedestal with man who was made in the image of the living God. My colleagues, oh, my colleagues, do you not think it is time to call a halt upon further outrages being committed in the name of the fourteenth amendment? This time by what distortion do the proponents of this bill claim that they come within the care and keeping of this much abused amendment? Why under the clause found in section 1, that provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States," and section 5, which provides that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article." The claim is made that the requirement of the payment of a poll tax as a prerequisite to voting is an abridgment of the right or privilege of citizens to vote. The trouble with this argument is that citizenship itself does not carry the right of suffrage. Suffrage is a right conferred upon the citizens by the State. In *Minor* v. *Happersett* (21 Wall. 162), the Supreme Court of the United States held that the fourteenth amendment did not add to the privileges and immunities of a citizen, and hence the right of suffrage was not added. Then, may I ask, what privileges or immunities of the citizen does the fourteenth amendment protect? Why, of course, the privileges and immunities that his citizenship carried with it. But, remember, citizenship alone does not

carry with it the right of suffrage. Suffrage is a right or privilege conferred by the States upon only such citizens of the States as meet the States' suffrage qualifications. Hence, the suffrage privilege would first have to be obtained before it could be abridged. If the citizen obtained the privilege of suffrage by complying with the State's suffrage laws, of course, he would be protected in the enjoyment thereof by the fourteenth amendment. But it is foolish to argue that the fourteenth amendment protects a privilege that the citizen does not possess. But why argue, as the Supreme Court in the *Breedlove case* (302 U. S. 772), expressly held, and I quote:

> To make the payment of poll taxes a prerequisite to voting is not to deny any privilege or immunity protected by the fourteenth amendment.

The other claim repeatedly advanced by the proponents of this legislation is that the Supreme Court of the United States in the case of *United States* v. *Classic* (313 U. S. 299) overruled the decision in the Breedlove case. This is far from being true. The Classic case did not, in any way, involve the power of Congress over suffrage. The only question involved was whether a citizen, duly qualified as a voter under the State law, would be protected in the enjoyment of that right in a congressional primary. That was the question, and the sole question, before the court for decision. By what process of reasoning, may I ask, can it be argued that the court, in holding that a qualified voter will be protected by the Federal Government in a congressional primary, overrules the Breedlove case holding that the privilege of voting is not derived from the United States, but is conferred by the States, and that to make payment of poll taxes a prerequisite to voting is not to deny any privilege or immunity protected by the fourteenth amendment?

Moreover, let me call attention to the fact that the Classic case was decided in May 1941. Five months later, on October 13, 1941, the Supreme Court placed its stamp of approval on the holding in the Breedlove case by denying a writ of certiorari in the Pirtle case. If the Supreme Court intended in the Classic case to overrule the Breedlove case, certainly it would have granted the writ in the Pirtle case and overruled the holding of the Federal circuit court.

The provisions of sections 2 and 4 of article I of the Constitution are plain and unambiguous and you might as well try to change the sum of 2 plus 2 by sophistry as to attempt to change by casuistry the plain meaning of these sections. After all has been said and done 2 plus 2 will still be 4; article I, section 2, will still mean that the States reserved the right to determine the qualification for voters in Federal elections; and article I, section 4, will still mean that the States, in the first instance, reserved the right to regulate the time, place, and manner of holding Federal elections with the delegated right to Congress at any time by law to make or alter such regulations.

Probably some for whom I have the highest respect and number among my closest friends will not understand my vote today. Frankness dictates that I say to them that it is hard for me to go against that which I know they expect of me. But whatever they may think, I hope they will be charitable enough to give me credit for having cast an honest vote. I swore when I entered this House that I would uphold the Constitution and, having fixed and positive views on the constitutional question involved, I could not square my vote with the oath I took, and vote otherwise than against this bill. And to them let me say, we should be careful, very careful, not to do anything during these days of stress and uncertainty that will undermine our Government or cause our people to lose faith in our institutions. The Constitution is a great instrument, a sacred instrument, that ever stands guard over their liberties and my liberties, over their freedom and my freedom. If changed conditions, or an effort to obtain a truer, a fuller democracy, make amendments advisable, then let us bring about the amendments, not by riding roughshod over an instrument that has served us well and stood as the guardian of our liberties for over a century and a half, but by constitutional processes. Remember we cannot preserve democracy if we abandon democratic processes. Let us come out of this war, as we went into it, with our Constitution still the guide and guardian of our national life. We cannot do this if, while our boys are fighting to preserve it, we at home destroy it.

The Constitution—my forefathers helped to create it—the least I can do is to help preserve it.

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, there seems to be some difference of opinion as to the constitutionality of this legislation, and I shall not attempt to change the minds of those who are in error within the limited time of 5 minutes I have at my disposal. There also seems to be a difference of opinion as to the purpose and effect and intention of the poll-tax laws. I do not know whether I can fully advise others as to the amount of misinformation they have about that, nor shall I attempt to speak for other States, but I hope to give a short summary of the history of the poll-tax law in the State from which I come, the State of South Carolina. We did not have a poll-tax law prior to the War between the States, if I recall correctly, but in 1868, after the surrender at Appomattox, when the political machinery in my State was absolutely in control of the colored people and what were known as carpetbaggers and scallywags, by legislative action, the State adopted a constitution which provides in article 9, section 2, as follows:

> The general assembly may provide annually for a poll tax, not to exceed $1 for each poll, which shall be applied exclusively to the public-school fund.

That constitution was framed and ratified by the colored people of the State of South Carolina.

In 1872, 4 years later, when the State legislature was composed largely of colored men, they passed a law providing for a poll tax, which provided that the funds collected should be retained in the school district from which collected. Title 3, chapter 12, section 5 reads as follows:

> There shall be assessed on all taxable polls in this State an annual tax of $1 on each poll, the proceeds of which tax shall be applied solely to educational purposes. Every male person between the ages of 21 and 50 years, except those incapable of earning a support from being maimed or from any other cause, shall be deemed taxable polls.

The statute provided further that any person who failed to pay his poll tax should be reported by the county treasurer, and the commissioners of that school district should arraign him before a magistrate to see whether or not he was guilty of violating the law. If he were found guilty, he was guilty of a criminal offense and subject to a fine not exceeding $10, or imprisonment not exceeding 20 days.

All these statutes were passed by representatives of the colored people of my State, and certainly they did not plan to disfranchise them. The poll tax law, therefore, was not for the purpose of disfranchising the colored men, as has been represented here this afternoon. I want to repeat and emphasize, Mr. Chairman, the poll tax statute, which made it a criminal offense not to pay a poll tax, was not designed to disfranchise the colored men, because they passed it and ratified it themselves. It was in 1876, before the State came from under reconstruction rule and the white people again assumed authority. Now, when did the provision for requiring exhibition of a poll tax receipt come? That was later. And what was it for? It was for the purpose of enabling a man to demonstrate to the electorate that he was not a criminal; that he had paid his tax and had not violated a law enacted by the colored people themselves. This provision was put there for him to demonstrate beyond the shadow of a doubt that he was not a criminal and therefore entitled to vote in an election, and that is all there is to it.

After the law went into effect making it a criminal offense for a person to fail to pay his poll tax a receipt therefor became prima facie evidence of his residence and the precinct at which he was entitled to vote and a law therefore was passed requiring a voter to exhibit his tax receipt in order to show that he was eligible to register and vote at that precinct, for this would prevent a person from registering in more than one voting district. Later he was required by law to exhibit the receipt when he went to vote in order to show that he was entitled to vote at that precinct. The tax receipt was further evidence that he was not a criminal by having failed to pay his poll tax as provided by law. At the expense of repetition let me say that the poll-tax law in my State was not enacted to disfranchise the colored man, as has been alleged by uninformed men here today, because the law was first enacted under a constitution framed and ratified by the votes of the colored people of the State and under a statute enacted by a legislature made up largely of colored representatives elected by colored people. It

may be that many colored people have heretofore foregone the privilege of voting rather than pay their poll tax, but if they have, they have no one to blame but themselves because they enacted the statute providing for a poll tax and making it a criminal offense not to pay it. The statute provides further, as I have already said, that the tax must be paid in the school district in which the voter resides and it must be used solely for school purposes in that district. If the State has violated the Constitution in passing a poll-tax law the matter should be carried to the courts for correction, or if the State has violated the Constitution in requiring the voter to exhibit a poll-tax receipt as a qualification to register or to vote then the matter should be carried to the courts for correction, but if the Constitution has not been violated in either event then I submit the Congress does not have the right or power to change the Constitution by the passage of this resolution.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE of Washington. Mr. Chairman, whenever we have a highly controversial question before this distinguished body we witness numerous legal luminaries who adorn this body rise to their feet and enter upon a disquisition as to the constitutionality of the points involved in the bill, particularly its recondite phases. I have heard gentlemen take the floor today and state with positive assurance that this bill was unconstitutional. I do not arrogate to myself such legal erudition as to impel me to make a pronouncement that I think would be persuasive to anyone as to the constitutionality of the measure. I do not think anyone is empowered or is gifted with such superior knowledge as to enable him to say unequivocally that this bill is unconstitutional. As a matter of fact, some of the greatest legal minds in the United States have said that this bill is constitutional. There is a difference of opinion among distinguished lawyers as to the constitutionality of the instant proposal, and why not admit it?

Among the distinguished legal scholars who have stated that the bill is constitutional is the greatest lawyer that the South has produced, who is now practicing in New York City, Mr. George Gordon Battle, recognized by all legal scholars and by members of the American Bar Association as one of the greatest legal minds of this generation.

Who else? Walter Hamilton, of Tennessee, now professor of constitutional law in the Yale Law School; Myers McDougal, of Mississippi, also of the Yale Law School; Leon Greene, of Louisiana and Texas, now dean of Northwestern University Law School; Robert K. Wettach and M. T. VanHecke, dean and ex-dean of the Law School of the University of North Carolina; Lloyd K. Garrison, dean of Wisconsin Law School; Charles Bunn, of the Wisconsin law faculty; Walter Gellorn, of Columbia University Law School. I could go on ad infinitum, detailing some of the greatest legal lights of this country, who agree as to the constitutionality of the bill. I could dwell on such men as Irving Brant, who wrote the monumental tome, Storm Over the Constitution; Professor Morrison, professor of constitutional law in Tulane University, now a practicing lawyer in New Orleans. There are innumerable outstanding constitutional experts who asseverate that this bill is constitutional. We also have notable learned attorneys, including our beloved chairman of the House Judiciary Committee, who claim it to be unconstitutional. But I do not want to base my argument for or against the bill upon its constitutionality. I will leave that task to legal scholars whom I regard as far more qualified than myself.

I would opine that in this war we are engaged in undertaking to spread the four freedoms throughout the world. We are admonishing the peoples of Europe and of Asia that they should emulate us, because over here we have the blessings of a Constitution, under whose provisions we guarantee to the humblest in the land the right to exercise the elementary prerogatives of citizenship, and the basic sine qua non of citizenship in these United States, I submit, is that of voting—a voting right not based upon possession of property, because the denial of that right was the fundamental objection which our forefathers made to the English rule that prevailed in the Thirteen Colonies before 1776. One of the principal objections raised by our constitutional forefathers to the rule of the British Crown was that the right was not accorded to American citizens to vote without certain qualifications. It is true that subsequent thereto they imposed property qualifications, not for the purpose of disqualifying freemen, but for the purpose of extending and expanding the right to vote.

Anyone who studies the history of our Southern States subsequent to the Civil War knows that the imposition of the poll tax requirements came in the nineties and the first decade of the twentieth century for one reason and one reason only: That was because the political hold and economic domination of the propertied classes in the South was threatened by the upsurge of the populist movement in the United States, William Jennings Bryan and his free-silver campaign of 1896, the rise of the National Grange in the middle nineties, and the populist and agrarian movements throughout the South. The poll tax was a convenient method of circumscribing that growing threat.

It is lamentable that in the heat of febrile debate exchanges, feverish statements have been made feelingly, by opponents of the measure before us, that the Geyer bill represents a lynching, a funeral of southern hopes, a crucifixion of the Southland, a pogrom against State's rights, a proscription of local sovereignty, an insult to Dixie tradition, a slaughter of the Constitution, a brazen attempt by Communists and fellow travelers to sabotage American institutions—these and other fulsome aspersions upon the bona fides of the protagonists of this proposed piece of legislation have been hurled about rather promiscuously in this debate. Who is there among us who has a right to feel qualified patronizingly to refer so scathingly to those colleagues of his in this body with whom he disagrees?

I recall that Shakespeare put these lines in his play Julius Caesar: "Pray tell me upon what meat does this our Caesar feed, that he has grown so great?" From what source springs this attitude exhibited by our overexcited and too unrestrained brethren from the Southland? Do they feel that once having made a dogmatic assertion, which is disputable, it should be accepted as though it were a major or minor premise in a philosophical syllogism? Are they endowed with the quality of ipse dixit? I am reminded of the story about a Pope of the Middle Ages who was not blessed with that great learning which has adorned so many of his successors. After making an address to some of the lesser clergy, one of the bolder members of the latter group daringly advised His Holiness that he had made an error of grammar, to which the Pope, incensed, replied, loudly: "Ego sum super grammaticam"—"I am above grammar."

We are all fallible human beings. In the final analysis even the brightest of us are as bewildered beings groping in the wilderness. We are constantly seeking the light. It amuses me when I hear some of my brethren here give vent to pronouncements which remind me of the Shakespearean phrase, "I am Sir Orator, and when I open my lips let no dog bark."

Critics of this bill have declaimed that it is sponsored and fostered solely by the C. I. O. Others have implied that it was the scrofulous mobs afflicting New York and Chicago who were responsible. One distinguished southern statesman metaphorically bowed and bestowed the accolade of his praise and figurative homage upon the gentleman from New York [Mr. MARCANTONIO] as the new leader of the House of Representatives. Gentlemen, gentlemen, we must preserve our sense of humor. Yes; the C. I. O. endorses this bill. It has a membership of over 5,000,000. Do not forget also that the Railway Brotherhoods, the American Federation of Labor, the United Mine Workers of America, the National League of Women Shoppers, the Southern Workers Defense League, the National Board of the Young Women's Christian Association of the United States of America, National League of Women Voters, the Business and Professional Women's Clubs of America, and countless other liberal groups and organizations heartily favor the passage of this measure. I refuse to be deterred or intimidated by charges that this or that isolated subversive group is backing this measure also.

I want our democracy in America to be a vibrant, breathing entity. I want all American citizens to have the right to vote, whether resident in South Carolina or in the State of Washington. I want to strike down the subterfuges by which our fellow citizens of colored blood or of indigent circumstances are prevented from expressing themselves at the polls in Federal elections. I shall support,

wholeheartedly, enthusiastically, and without apology, the Geyer bill, believing firmly in its constitutionality, and glorying in the fact that the passage of this measure by the Congress will serve as a belated implementation of the Constitution and of our Declaration of Independence.

POLL-TAX DISFRANCHISEMENT OF 10,000,000 PEOPLE IN THE SOUTH DIRECTLY AFFECTS ALL THE PEOPLE OF THE UNITED STATES

Poll-tax politicians have been trying to make it appear that congressional action to remove the dollar mark from the franchise would be an unwarranted meddling in State and local affairs. They have compared the denial of that heritage of every American—the right to vote—with such comparatively trivial State differences as speed limits for motor vehicles and the levying of tolls for the crossing of bridges. With this Nation fighting for the very existence of the democratic way of life they have brazenly denied that the poll-tax disfranchisement of 10,000,000 potential voters has any significance for the rest of the United States. What is the real truth?

No better illustration of the effects of this mass disfranchisement on the rest of the country can be adduced than its effect on legislation that has been before the Congress of the United States. Certainly none can deny that the effects of Federal legislation is being felt more and more by all the people of the entire country. In voting on Federal legislation the Congressmen from the non-poll-tax States have generally reflected all shades of political opinion, really representing their constituencies. Poll-tax congressmen have practically always reflected the interests and prejudices of a small class who possess property and position. A glance at the record shows that it was these poll-tax congressmen who fought hardest to deprive the people of the United States of such guaranties of economic democracy as collective bargaining and minimum wages, even though a greater majority in their own districts were benefited than of the country as a whole.

It is urgently important during this war that legislation enacted be in the best interests of the majority of the population. Notwithstanding all this, there is grave danger that Congress cannot be relied on to pass such legislation. How is it possible that in this greatest of all democracies minorities can often thwart the will of the majority of the population? The answer is that in the past it has been possible through the formation of coalitions, consisting of minorities from the rest of the country and the poll-taxers.

Votes of Members of Congress from the poll-tax districts count just as much as the votes of Members who represent the majority of the people in their districts. The same is true for Senators. When it comes time to elect a President the nonvoting poll-tax States have just as many electoral votes as States which cast four or five times as many votes in proportion to population. This in contradiction to the fourteenth amendment to the Constitution, which plainly makes it the duty of Congress to cut down the representation of States that disfranchise large parts of their population.

The real opposition to the repeal of the poll tax is not fear of the central government encroaching upon local self-government of the people. It is lodged in the conviction of a small group of Southerners on the upper rungs of the economic ladder that they are more entitled to rule than the public at large. These people often have the sayings of Thomas Jefferson and the tenets of democracy hot in their mouths, yet they privately fear the experiment of a government that is really of, by, and for the people. They mistrust the motives of the man in the street, the man looking for a job, or the tenant farmer. They cannot persuade themselves that those men are created equal to themselves. Down in their hearts they treasure a belief in Alexander Hamilton's dictum that "the public is a great beast."

POLL-TAX PAYMENTS IN TERMS OF AN AVERAGE NEW YORKER'S INCOME

Those who defend the poll tax as a voting requirement frequently make use of the argument, "It is only a dollar; anyone can pay a dollar to vote." The facts are that the poll tax ranges from a dollar in five States to a dollar and a half in Alabama and Virginia to $2 in Mississippi. But more important, some of the poll-tax States make the tax cumulative so that a maximum poll-tax payment may be as high as $36 in Alabama or $47 in Georgia. This might well be an effective restriction on voting in any State, but it should be remembered that the poll-tax States have the lowest per capita income of the Nation. To understand why the poll-tax disfranchises 10,000,000 citizens, we may look at the tax in terms of the average per capita income in New York. The table below, which was submitted in evidence in the hearings before the Senate judiciary subcommittee on the poll tax, shows the annual poll-tax payments in each of the poll-tax States and indicates what the tax would be in terms of an average New Yorker's income.

The poll tax in terms of an average New Yorker's income

	Annual poll-tax payment [1]	Maximum poll-tax payment [2]	Per capita income, 1939	Comparable figures based on New York per capita income [3]		
				Ratio	Annual	Maximum
Alabama	$1.50	$36.00	$243	(3.39)	$5.10	$122.04
Arkansas	1.00	2.00	244	(3.38)	3.38	6.76
Georgia	1.00	47.47	292	(2.82)	2.82	133.86
Mississippi	2.00	6.00	203	(4.06)	8.12	24.36
South Carolina	1.00	1.05	268	(3.08)	3.08	3.24
Tennessee	1.00	2.58	296	(2.79)	2.79	7.19
Texas	1.00	1.75	401	(2.06)	2.06	3.60
Virginia	1.50	5.01	385	(2.14)	3.20	10.65
New York	------	------	825	------	------	------

[1] The Poll Tax, by Emory Forbush, Editorial Research Reports, vol. 11, 1941; p. 12.
[2] World Almanac, 1942, p. 520.
[3] Arrived at by multiplying the figures in the ratio column by the annual and the maximum poll-tax figures. Figures in the ratio column represent the number of times greater the per capita income in New York is than the per capita income in the various poll-tax States.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Chairman, I hesitate to take the floor at this late hour after distinguished gentlemen and constitutional lawyers have spoken for several hours, and venture my opinion on this controversial subject. Let me say, however, that the first day I stood on this floor I held up my hand and swore to uphold and support the Constitution of the United States to the best of my ability. I feel that the legislation now pending is an attempt to circumvent the plain mandate of the Constitution of the United States. It is therefore my intention to vote against this measure.

In determining whether or not certain articles of the Constitution shall be interpreted in one way or in another, surrounding circumstances, the conditions that prevailed at the time the Constitution was prepared, should be studied and examined. At the time the Constitution of the United States was debated and written out by those gentlemen, its authors, in 1787, the thirteen States had provisions in reference to the qualification of electors. Many of the qualifications in the different States were entirely dissimilar. In some property ownership was a qualification; in others education; and still others said that a man had to be a moral man. Connecticut required that its electors should be such persons as had maturity in years, quiet and peaceful behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate. The framers of the Constitution realized the existence of these different qualifications. In order to reach a ground of common understanding as to the qualifications of the electors for Representatives in the Federal Congress they provided in section 2 of article I that the qualifications of the electors for Representatives in the Congress should be the qualifications of electors for the most numerous branch of the State legislatures.

Mr. Chairman, there is nothing obscure about that language, it is as plain as language can be, so plain that he who runs may read. The framers of our Constitution were saying simply that the people who voted for Representatives to the Federal Congress should have the same qualifications as the people who voted to elect members to their own House of Burgesses, the House of Delegates, and so on of the State in which the voter resided. When section 2 of article I was adopted there was no United States Government. These delegates from the various States assembled together and out of their own wisdom made these provisions, giving or withholding powers from the Federal Government they established. Again I repeat that all they said regarding qualification was that the electors should have the same qualifications as the electors for the most numerous branch of the State legislature.

When the seventeenth amendment to the United States Constitution was adopted in 1913, changing from the election of Senators by the legislatures of the several States, and providing that they

should be elected by the people, it is significant that the amendment further provided that the electors should have the qualifications requisite for electors for the most numerous branch of the State legislatures, thereby indicating that after a period of over a hundred years from the time the Constitution was framed in 1787 to the time of the adoption of amendment No. 17, the Congress of the United States and the States themselves were satisfied with this method of determining the qualifications of the electors who were assigned the duty of electing the Senators. Especially is it interesting to note that this method of determining the qualifications of the electors of the Senators was adopted after the poll tax law had been in effect in many of the States for many years.

Arkansas was admitted to the Union in 1836, and the constitution of the State adopted at that time provided that—

No poll tax shall be assessed for any other than county purposes.

In 1858 there was levied and collected a county tax on each free male citizen over the age of 21 and under 60, a poll tax, not exceeding $1 at the discretion of the county court.

In 1873 there was levied the sum of $1 per capita on every male inhabitant of the State over the age of 21, for school purposes, and the tax has been continued from that date to this, exclusively for the purpose of providing common-school education. It was not until 1893, long years after the period of Reconstruction was ended, that the payment of the poll tax was made a qualification for voting. In the constitution of 1874, under which the State is now operating, there were no tax or educational qualifications stipulated, every male citizen of the United States, of the age of 21, who had resided in the State 12 months and in the county 6 months and in the voting precinct 1 month next preceding any election, being entitled to vote in all elections by the people; and in section 2 it was provided that all elections should be free and equal. Certainly the framers of the Arkansas Constitution of 1874 were not trying to prohibit or limit the right of suffrage, either in respect to colored people or the so-called poorer classes.

The case of *United States* v. *Classic* (313 U. S. 299; decided May 16, 1941) has been brought into the debate on this bill many times today as being an authority for the proposition that the Congress may legislate on the qualifications of electors of Congressmen. This case did not involve any question of the power of Congress to determine such qualifications, and there was no controversy in the case on the question of the qualifications of the voters, the question being whether or not the Federal Government could protect a voter whose qualifications were admitted, in the right to have his vote counted correctly and honestly. There is, of course, a wide difference between determining the qualifications of a voter and the right of such voter to be protected by the Federal courts from the perpetration of a fraud on his right to cast a vote for a Federal officer.

It seems to me that it is perfectly clear that the wording of article I, section 2 is controlling, and this is made doubly sure, it seems to me, by the wording of article X of the United States Constitution, which provides that powers not delegated to the United States nor prohibited by it to the States are reserved to the States, respectively, or to the people. Nowhere has it been shown that the power to define the qualifications of electors has been turned over by the States to the Federal Government under the Constitution or any amendments thereto.

It seems to me that when the light of constitutional government is fading from the world, and our country is almost the sole survivor of that form of government, we, the Members of Congress, should go extremely slow in voting for legislation that will be an opening wedge for further inroads on the sanctity of the Constitution and the rights of the peoples of the various States thereunder.

Mr. ROBSION of Kentucky. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kentucky is recognized for 9 minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, a number of our colleagues attempt to justify the imposition of a poll tax as a requirement to vote in their States on the ground that these poll taxes are used for educational purposes. Forty States of the Union do not find it necessary to put a poll-tax limitation on the right to vote in order to support their schools. We do not make the payment of a poll tax a requirement to vote in the State of Kentucky, but we do have in most communities a public-school poll tax, a municipal poll tax, and a county poll tax, and these poll taxes are collected. Those of us who favor the bill before us are not opposed to poll taxes or other taxes, according to ability to pay, to support public education and to carry on State, county, school, and city governments. We simply oppose the payment of a poll or property tax in order to vote.

On yesterday, I discussed in the House section 2, article I of the Constitution. I do not agree with our distinguished colleagues that unlimited authority is granted in the Constitution to the legislatures of the several States to define qualifications to vote. It is my opinion that section 2 of article I of the Constitution does not take away from the Congress the power to legislate in this field, especially when considered in connection with section 4 of article I; section 8, clause 18, of article I; sections 2 and 4 of article IV of the Constitution; sections 1, 2, and 5 of the fourteenth amendment, and sections 1 and 2 of the fifteenth amendment to the Constitution.

AMENDS THE HATCH ACT

It is clear to my mind that the imposition of a poll tax in order for American citizens to enjoy the voting franchise does not depend on section 2, of article I of the Constitution. The imposition of a poll tax is not a qualification as set forth in the Constitution—it is merely a requirement, regulation, or limitation. Qualifications relate to character, loyalty, and so forth. The payment of a poll tax could not make a person more able or less able to vote.

The Hatch Act is in the nature of a Corrupt Practices Act. Its purpose was and is to eliminate corruption and intimidation in our political elections. No one made any claim that the Congress did not have the power, under the Constitution, to pass the Hatch Act. Let us keep constantly before our mind that the bill now under consideration is merely an amendment to the Hatch Act. Section 1A of this bill sets forth the necessity for this legislation, and is as follows:

SEC. 1A. The requirements in many places under the jurisdiction of the United States that a poll tax be paid as a prerequisite for voting at elections for the office of President, Vice President, Presidential elector, Member of the Senate and Member of the House of Representatives has resulted in pernicious political activities in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates. Experience proves that existing legislation prohibiting the making of expenditures to any person to induce persons to vote for certain candidates has failed to prevent this practice. It is therefore necessary, in order to insure the honesty of such elections, that the Congress forbid the requirement that poll taxes be paid as a prerequisite for voting at such elections.

Section 2B merely says that it shall be unlawful for any person, whether or not acting under the authority of the laws of any State or subdivision of any State, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any election for President, Vice President, or Presidential elector or Senator or Member of the House of Representatives of the United States.

This measure deals only with Federal elections. Under the decision of the Supreme Court in the case of the *United States* v. *Classic* (313 U. S. 299), the Supreme Court in no unmistakable language says that Congress has the power to regulate Federal primary and general elections in order that there might be honest and fair elections. Section 4, of article I of the Constitution provides that Congress may regulate the time, places, and manner of holding Federal elections. If our free government is to function in the interest of the people, we must have an untrammeled, free, and uncorrupted ballot. We must have honest and decent elections. This is not only necessary to preserve the liberties of our people but to protect the Federal Government itself. This measure strikes at corruption in elections; it declares that the imposition of a poll tax causes corruption in our primary and general elections. This bill does not undertake to set out any qualifications of voters or to restrict the qualifications of the voters made by the legislatures of the several States—it merely prevents corruption in our elections.

If we may believe the statements of two of our distinguished colleagues and lawyers from the poll-tax State of Tennessee, the poll-tax requirement to vote in that State is a corrupting influence. Their statements bear out what was testified before the subcommittee of the Judiciary Committee of the House and what has been the common talk in the so-called eight poll-tax States over a

period of many years. To correct these conditions and insure honest and fair elections, it is declared in the bill itself before us that action on the part of Congress is necessary.

The original Hatch Act made it unlawful for Federal and State officials, any part of whose salaries were paid out of the funds of the United States, to engage in pernicious political activity. The purpose of the bill was to prevent corruption and intimidation in Federal elections. Congress has passed laws and the United States Civil Service Commission has issued regulations to prevent pernicious political activity on the part of those employed under the Civil Service. Congress, likewise, has from time to time passed laws making unlawful contributions from corporations to candidates and political parties to be used in Federal elections, and Congress has likewise limited the amount that any one individual may contribute, and the amount that any party or committee may receive.

The bill before us has for its objective the same high purpose to purify the ballot and keep our Federal elections honest and clean.

LET US ENCOURAGE AND NOT RESTRICT PARTICIPATION IN GOVERNMENT

Through the years we have talked to many persons from the so-called eight poll-tax States. The poll-tax requirement is a great burden on candidates, as well as the political parties. The political parties as groups, in many instances, raise campaign funds to be used in paying the poll taxes of voters. This is not only a burden on candidates and political parties, but it is a corrupt influence on the voters themselves.

Under our Constitution, as it now is, we have a Government of all the people, by all the people, and for all the people. This bill removes one of the barriers, making our Government a democracy in fact as well as in name. The election returns in the eight poll-tax States, as compared to the election returns in the 40 non-poll-tax States, are most significant. In the 1940 Presidential election the average voting of the qualified voters in these 8 poll-tax States was 22 out of each 100. South Carolina dropped to 10 out of each 100. The average in the non-poll-tax States was 71 out of each 100. There is something in these 8 States that has broken down popular government and has kept nearly four-fifths of the people from voting. This bill and its proponents declare that the poll-tax requirement to vote is one of the main contributing factors.

I have heard some of our friends from the South say if this measure should pass it would mean two political parties in the South. If a republican form of government and a democracy is what we desire it to be we should encourage building up of two strong active political parties in each section and in the Nation. One party government is a real threat to a free people. A one party government in the end means a one-man government as we now have in Germany, Italy, and some other totalitarian governments of the world.

It seems to me we ought to encourage rather than discourage American citizens to participate actively in their Government. We should make it easy rather than hard to participate in the political activities of our country. Many of us are deeply concerned over the lack of interest of our people in issues, candidates, and the affairs of our local, State, and Federal Governments.

Statistics show that 10,000,000 white and colored citizens who were qualified to vote other than the payment of the poll tax failed to vote in these eight States. Millions of these were white men and women. The poll-tax requirement must have something to do with this condition.

I pointed out yesterday in my remarks that Kentucky and Tennessee, adjoining States, with an almost equal population of both colored and white citizens—Kentucky, a non-poll-tax State, in 1940 cast nearly twice as many votes according to population as Tennessee, a poll-tax State. There appears to be no cause for this great difference in the number of citizens voting in these two States except the poll-tax requirement in Tennessee. The statements of our two able colleagues from Tennessee today in support of this bill strongly confirms our belief that the poll-tax requirement is largely responsible.

Believing this measure is constitutional, and will be helpful to the people generally of the eight poll-tax States, and to our Nation as a whole, I am giving it my support. I am not a recent convert to this policy. Efforts were made by the Kentucky legislature to impose a poll-tax requirement on our citizens at different times in past years and I opposed those measures. It seemed to me their purpose was to limit the number of voters and to limit the number of persons in Kentucky who could and would participate in the city, county, State, and Federal Government.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington, Mr. MAGNUSON.

Mr. MAGNUSON. Mr. Chairman, I was one of the original committee with the late Mr. Geyer on this measure. My name is second on the discharge petition. I mention this as an indication of my intense interest in this worthy legislation. I am pleased to see the House finally take action. What we do tomorrow will prove that, we, representing the people, are keeping democracy alive at home. It will be cheering news to those who are giving their all to keep it alive on the far-flung battle fronts of the world.

Mr. HOBBS. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS. Mr. Chairman, not since the action of the Congress which brought about the firing of the shot at Fort Sumter which resulted in the War between the States has this body been called upon to make such a momentous decision as we are about to make in this chamber today. Under the guise of abolishing the practice of paying a poll tax, the House of Representatives is prepared to deliver a mortal blow against the philosophy of States' rights.

The band of militant advocates of this unconstitutional piece of legislation proclaim their burning desire to bring democracy into eight Southern States, but I wonder if their philosophy is not just a little affected by the imminence of the general elections, not far distant. And I wonder, too, if their heed is not to the clarion call of the pressure groups whose will they follow without the meekest protest.

I have no brief on the payment of poll taxes, but I do know that anybody who can read the Constitution will find in that immortal document that the right to qualify a man's suffrage is reserved to the States. It was not intended by the Constitution that this Congress should concern itself with the manner in which qualified electors in the respective States should be selected.

Some of you are basing your arguments on the constitutionality of this question on the rulings in the Classic case, decided at the October 1940 term of the United States Supreme Court. You who have taken time to read this case will recall that the court specifically said that—

> The questions for decision are whether the right of qualified voters to vote in the Louisiana primary and to have their ballots counted is a right "secured by the Constitution" within the meaning of sections 19 and 20 of the Criminal Code, and whether the acts of appellees charged in the indictment violate those sections.

Any other questions discussed by Mr. Justice Stone, who delivered the opinion of the court, are purely dicta.

Section 2 of article I of the Constitution specifically states that—

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This clearly gives to the States the right to prescribe the manner in which electors shall be chosen.

I think the proponents of this kind of legislation ought to be fair to the Congress and to the Nation. I think those of this body who have complained about criticism by the press have no more right to complain if this kind of legislation is enacted. This is the first step in the abolition of the States as an integral part of this Union. No question arising in a State, regardless of what it might be, will be beyond the scrutiny of Federal jurisdiction if this philosophy is carried out. The question of poll taxes will come and go but, ladies and gentlemen, when you destroy the autonomy of the States you have destroyed democracy in America. As for me, I prefer to be on the side of democracy.

Mr. HOBBS. Mr. Chairman, I yield such time as he may desire, to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, as a Member of this Congress, I shall vote against the anti-poll-tax bill. If I were a member of the Legislature of the State of Texas, I would vote for the submission of an amendment to the State Constitution which would outlaw poll taxes. I hold no brief for the levying and collecting of poll taxes. On the other hand, I

do have a very definite obligation to support and defend the Constitution of the United States and to bear true faith and allegiance to that Constitution. I owe that obligation because as a Member of this House I have sworn to do exactly that.

Section 2 of article I of the Constitution reads, in part, as follows:

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the numerous branch of the State legislature.

In the face of that plain language, I cannot vote for this bill without stultifying myself. Having regard for my oath of office, I shall vote against the bill.

Mr. HOBBS. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. GRANT].

Mr. GRANT of Alabama. Mr. Chairman, this is an important bill, important in that it is the last challenge to State rights. I care not what your individual opinion may be as to the advisability of poll taxes; we certainly will not fall out over that; but this measure is more far-reaching than that. It is a measure that completely overrides all questions of State rights.

Let us be fair about this legislation. What is its purpose, who is behind it? Do you believe that it is sponsored by those in States where the payment of a poll tax is required? I attended some of the hearings before a subcommittee of the House Judiciary Committee and there heard testimony in the nature of a prejudice appeal to other sections of the country to pass this bill in order to get rid of conservative Members of Congress from the South. The statements were also made that under the present system many southerners were chairmen of committes and if the poll tax were eliminated that this would be ended. The names of certain southern Members were called by these witnesses. So that is the appeal. This is one of the reasons that no action was ever taken by the Judiciary Committee. You cannot go before a committee of this House and personally condemn Members of this body and get away with it. The Republicans are asked to vote for the measure as a punishment of the South and the liberals in the Democratic Party are asked to vote for it in order to get rid of certain southerners within their own party.

Let us look at the record. You say that the right kind of men are not being elected from the poll-tax States and that this measure will take care of the situation. Shame on you. I make the statement that if it had not been for the leadership and work of southern Members the New Deal legislation would never have become law. You so-called liberals, think that over. You would punish Members of your own party.

You know that this legislation, if at all proper, has no relation as an amendment to the so-called Hatch Act. This bill is not aimed at that which it purports to be aimed. Everyone knows that where there is a person who would let you pay his poll tax in an effort to vote him, that this man would, if there were no poll tax, be an easier prey for voting. Now, if you are seriously interested in clean elections, let us adopt legislation that affects the whole country. I do not claim that poll taxes have never been paid by anyone other than the voter, nor, as far as that goes, that votes have never been bought in the South; however, I do claim that elections there are as clean as anywhere in the Nation. No; this is not the object of this bill and we all know it.

Now that we are in a war many of the leading proponents of this bill have jumped on the band wagon. It has been made war legislation. This is an insult to the intelligence of this Congress.

I want to be fair. I shall not dwell upon the constitutionality of this legislation. I shall not defend the poll tax. I shall not claim that the small fee collected for the right to vote is necessary to operate the public schools of my State; however, in passing, I might state that during one's whole lifetime, from the cradle to the grave, he only has to pay the sum of $45.

I want every person to have the right to vote who sincerely wishes to participate in clean government. I have no fear of anyone voting in my State. My heart goes out to one who wants to vote and cannot do so because he does not have the $1.50; but, my friends, these are few. Do you seriously think that the sponsors of this bill are interested in those who do not vote in the South?

There has been no cry from the South to these so-called social reformers to "come over into Macedonia and help us." Alabama has taken into account the service of its men in service and all veterans of all wars are granted the right to vote without payment of poll taxes and without regard to race or color.

Yes, my friends, you are having a field day—a track meet, so to speak, here today. A few weeks ago you did the same thing by enacting legislation that one could vote even without registering. To you it might be a funny and smart thing to kick the Constitution around in this manner, but to me it is a serious matter. Once such legislation is started, there is no place stopping it this side of the Supreme Court.

I note that the Attorney General of Maryland, a non-poll-tax State, has just declared that, while there is a Federal law which says that members of the armed forces may cast an absentee ballot in the November election without registering, it does not apply in Maryland as the State's right to fix qualifications of its voters was not superseded by the congressional act which declared registration unnecessary.

To read the literature, if it may be called that, sent out by various organizations in other parts of the country, you would think that this war was being fought over the poll-tax question. The National Lawyers Guild has just issued a statement on the constitutionality of this bill. But no, they are not content to stop here, but declare that this bill is vital war legislation. The statement is also made that those who oppose the bill are helping the Axis propagandists. There is not a Member of Congress who believes this rot, or much of the other trash that has come across your desks in the past few weeks.

Who brought up this matter at this time? I resent such statements. The South is as patriotic as any section of this country. It has led in volunteers per capita. These organizations in other sections of the country who have taken this matter over are for its passage regardless of the sectional strife that it may stir up. Those who are so interested in the war effort—at least they would have you think so—many of them want to stay at home, claim their exemptions and tell Congress just how the war should be run. I note that several days ago that great publication, the New York PM, wired each Member of the Senate Judiciary Committee telling them to just go ahead and make a favorable report upon a companion bill in their committee and let the Supreme Court pass upon its constitutionality.

Members are in receipt of the Daily Worker telling them what to do. Yesterday's issue, in a large part, was devoted to this legislation, and those who opposed the bill were termed foes of democracy. I resent these foreign-influenced papers telling the Congress of this Nation what democracy consists of. I do not charge that every organization or individual for this bill is a Communist or even a "parlor pink." Frankly, I think there are some good, loyal Americans who are sincerely for the passage of the bill, in that it will make better citizens.

I believe that you will find every organization that is against the Dies committee in favor of this bill. Where did it originate—this bill to save the South from itself? Some would have you believe that in this onward march of civilization that we must civilize the South. The candidate of the Communist Party for State Senate from Jefferson County, Ala., is hotly assailing southern Members for being against this bill.

I want to see who is sincere. Talk about democracy; talk about the rule of the majority. Let us see whether you subscribe to that theory or not. If you favor this legislation, you most certainly will favor an amendment that no one shall be selected as the nominee of his party unless he shall have first obtained a majority of the votes cast in a primary election and, if he does not do so, that a second primary shall be held. Some have charged that in the poll-tax States a Representative does not represent all of the people because they are not allowed to vote without the payment of a poll tax. On the other hand, some of those who come from non-poll-tax States represent only a small number of those who vote because they are here by a plurality vote. It is entirely possible that with 100,000 votes cast for 5 in a race for 4 to receive 19,000 each and the nominee to receive only 24,000. Do you call that majority rule when 76,000 out of 100,000 vote against the nominee? I do not see where it is, but, in my opinion, this is entirely a matter of State law. In Alabama we have majority rule.

Second. Some are here by convention nomination. If your theory of poll tax

repeal is correct, then this body has the right to say that you must have a primary.

Third. Some States say what party can be on the ballot. Many of them have, by State law, prohibited the Communist Party, or any party that teaches the overthrow of this Government, from being on the ballot. We, in Alabama, are liberal-minded. We allow Communists on the ballot. Presidential electors were on the last Presidential ballot. So, if we are going to have Congress control the State election laws, let us here and now outlaw the Communist Party.

I do not care what my State does in regard to the poll tax. Some of the Members of this body have brought out the fact that a much greater percentage of the people in their districts participate in their elections than is done in the elections in the South. I grant you that this is in most cases true. However, it does not prove that you represent your districts any better than those Members from the poll tax States. Some of the hardest working Members of Congress are from the South. I know that the great majority of them, like myself, have tried to represent all of the people of their district, regardless of what might be their voting qualifications. My services, and office, have always been open to any citizen of my district regardless of whether he is a voter or not. If everyone voted there would be no change in my work or voting in Congress. I do not believe that the enactment of this legislation would change a single seat in Congress from the South.

Never did I think the day would come when I would stand in the well of this House and appeal to you, my Republican colleagues, to save the great Democratic section of this Nation from members of my own party who seek to destroy us. No; you will not destroy us. All that you are doing is breaking down representative government in America.

This is a wonderful opportunity for the Republican Party to assume the leadership and state here and now that, for the duration of this war, you will give your undivided and sole attention only to legislation that directly affects our war efforts; that so-called social legislation can wait. It is an insult to this representative body to say that this is a war measure.

I, of course, realize that your leader, Wendell Willkie, declared himself in favor of this legislation before leaving on his "clowning" tour around the world, that no action detrimental to his wishes could be taken before his return. With the problem of the second front on his hands, it is doubtful if he could spare the time to go into this matter. Those demanding the opening of a second front place it second in importance to the passage of this bill. For some reason, the leading champions of these issues seem to be the same. I expect to see a bill before Congress at an early date demanding that a second front be opened and then those of us who believe that this should be left to the military authorities will be charged as Axis sympathizers. It is such a pity that some of these great military strategists do not offer their services to the military authorities. At a second-front meeting held in Washington yesterday placards denouncing Jim Crow and the poll tax and others urging a second front were unfurled.

You are asked here today to change our philosophy of government that has existed and made this Nation strong for over 150 years. It has stood the test of time. The foundation stone of the Democratic Party is based on State rights. I make no defense for coming from the great section which has in years past, and today furnishes, its share of great Americans. I shall not, by my vote, attempt to strike down the Constitution of the State of Alabama and the other sovereign States of this Union. You have already set a dangerous precedent in this type of legislation. Regardless of the merits of this question, you have no right, under our system of government, to strike down the Constitution and laws of your sister States. To you, my colleagues, on both sides of the aisle, I plead that you give the South control of its own destiny.

Mr. HOBBS. Mr. Chairman, I yield such time as he may desire to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS of Arkansas. Mr. Chairman, the question on qualifications of electors in this country is not a new one. In 1787, the founding fathers in framing the Constitution of this great Nation considered and discussed at length the qualifications of electors and what they shall or shall not be.

The question was finally settled after many days of debate and consideration, and it is provided in article I, section 2, of our Constitution, and such has been the law throughout the history of this Nation, that:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Get the significance of this provision, the meaning of the phrase, and the only interpretation that can be given. Who shall choose Members of the House of Representatives? The people of the several States shall make their choice. No plainer language can be expressed, Mr. Speaker. The people are the electors in each State. In choosing Members of the House of Representatives, the electors in each State shall have qualifications. What qualifications? The requisite or the same for electors of the most numerous branch of the State legislature.

This article and section of our Constitution is being attacked today and an attempt is being made to nullify it by congressional legislation. I am not attempting, Mr. Chairman, to discuss the advisability of a poll-tax requirement as a qualification of an elector. I am talking to you about the procedure, which, in my opinion, is not recognized or provided for in our Constitution. I am talking to you, Mr. Chairman, about another serious encroachment upon the rights and privileges of the States of this Nation. How far are we going? Most of us, I think, will admit that we have made far-reaching inroads by legislation seriously threatening the constitutional prerogatives of the States. There is a right procedure, provided for in our Constitution, to amend the article and section referred to if it is the will of the people of the several States throughout the Nation. The fathers of our Constitution had in mind such questions when they provided an orderly procedure for the amending of our Constitution when it was the will of the people of the several States of this Nation. Are we going so far as to ignore or attempt to set aside procedure in amending the Constitution of this land by such proposed legislation and without a direct expression of the will of the people? Mr. Chairman, I am fearful of the consequences of such disorderly procedure, and particularly so at a time when this Nation is engaged in such a tremendous war.

When the people of my State of Arkansas by their expression wish to change the constitution of our State, eliminating the requirement of a poll tax for the electors of that State, which are the electors of the most numerous branch of the State legislature, I will stand ready to do all in my power to see that the expression and the will of the people in my State is upheld; or if by an amendment to the Constitution of the United States the article and section referred to is amended by an expression of the will of the people of this great Nation in the orderly procedure of amending our Constitution, I will likewise do everything in my power to see that such a provision is carried out effectively.

Let us consider this provision of our Constitution in relation to other provisions, and, in my opinion, it becomes more apparent that the State shall prescribe the qualifications requisite for electors of the Members of the House of Representatives. Article I states further in section 4:

> 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.

The question here as to the qualifications of the electors is not in any way or under any interpretation mentioned or to be considered as a prerogative of the Congress. This provision relates only to the regulation of elections and the conduct thereof.

Amendment 10 to our Constitution provides:

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

I submit to you, Mr. Chairman, that nowhere in this Constitution are the qualifications of an elector delegated to the United States, and nowhere in this Constitution of ours are the qualifications of electors prohibited by it to the States. Then, if that be true, it must follow that the question of the qualifications of the electors is reserved to the States or to the people. That is the crux before this House today, and the adoption by this House of such legislation as

proposed is, in my opinion, in contravention of the Constitution and our orderly processes.

To be sure, Mr. Chairman, the advocates of this legislation will tell you that the fourteenth amendment to the Constitution has a proviso that will cure any and all irregularities, disorderly procedure, encroachment upon State's rights, if such an act should be passed and enforcement adopted. True, no State shall make or enforce any law, which shall abridge the privileges or immunities of the citizens of the United States. This amendment does not add to constitutional privileges and immunities. The right of suffrage in my opinion, Mr. Chairman, is not one of these. A requirement that an elector shall possess a poll tax as is provided in the constitution of my State of Arkansas, I submit to this House, is no more of an abridgement than a requirement that an elector shall register in order to be qualified, as is required in 45 of the 48 States. The requirement of a poll tax as a qualification is no more of an abridgement than the educational requirement, as is provided in some States of this Union. It is no more of an abridgement than that a citizen of the United States be a resident from 1 to 2 years as a prerequisite for voting or that he be 21 years of age or over before as a United States citizen he may vote.

Let me seriously impress upon you that in my opinion the several States have the authority to pass upon the matter of qualifications until and unless the people of this country, by appropriate and orderly processes, amend this provision of our Constitution that has been in effect since its adoption by the Thirteen Original States.

Then why, Mr. Chairman, is this House attempting today by legislative procedure to say to certain States in this Nation, "You cannot require a poll tax of an elector"? Why would anyone desire to interfere with the orderly processes of elections and dictate the qualifications of electors in the several States. Why should anyone, Mr. Chairman, living in States that do not require a poll-tax qualification for voting, try to do by indirection and by subterfuge what should be done, if done at all, by direct and orderly processes. Do they wish to destroy all the prerogatives of the State and by congressional legislation repeal or nullify State laws? Again let me say to the Members of this House I am not here defending the right of a poll-tax receipt for voting as such, but I am defending the right of my State to require, if they choose, a poll-tax receipt as a qualification for voting. I would say this in passing and in defense of the State constitutional provision in my State, that the requirement is not onerous or burdensome. The tax of $1 per year is but nominal and goes to the support of our public schools. It takes away a lot of confusion, red tape, and fraud in our elections, and by many it is considered a receipt for citizenship and gives a feeling of pride to the elector for having contributed directly to the cause of education.

The people of Arkansas a few years ago had a proposed amendment to our State constitution eliminating this provision, but by an overwhelming majority the people voted to retain the provision. I do not make bold to say that in principle the poll tax is right or wrong, but I am here to represent the people of Arkansas; and when they say by their votes that they want to retain this or any other provision as a part of our State constitution, not in contravention of the Constitution of the United States, I feel it my duty to fight for the right to do so.

Mr. Chairman, the proponents of this legislation urge its passage as a war measure. What a subterfuge! Pray tell me how under any circumstances can this be classed as a war measure, or in any way help or promote the progress and the winning of this conflict. Ah, Mr. Chairman, how easy it is for so many people throughout the width and breadth of this land to take advantage and promote some of their own social and political views under the disguise that it is a war measure. Is it a contribution to unity to say to the people of the several States that we are going to take advantage of the perilous times and deprive you of all of your constitutional prerogatives? To be sure, I am for any measure in this Congress, which my record will show, that will promote the welfare of our fighting men and help to win the war, but in the name of our soldiers and by assuming a false show of patriotism, I do not believe we should raise questions that are purely political and aimed to promote the political fortunes of some who come from States where the poll tax is not particularly popular.

No one will go further than I to do the things for the benefit of the men in the service, both during the war and after the war, but I deplore subterfuge in the name of the war and that would use our men in service to carry out unconstitutional raids on the rights of States to retain sacred privileges that have been granted them by both the Federal and State Constitutions.

It has been truly said, "The power to tax is the power to destroy," but this does not mean that our Government can survive without taxation. It is true that this power to tax, as any other power which may be granted in this country, might destroy the freedom of the ballot, if that power were vested in a dictator; but not so long as it remains in the hands of the people. This is a principle and a policy that we can always depend on, and has made this country the greatest democracy in the history of the world. The enactment of this legislation would be setting a dangerous precedent. And for what? Merely to satisfy a constituency who think the poll tax particularly offensive.

Finally, Mr. Chairman, I want to call to your attention the language in which the so-called anti-poll-tax provision is here for consideration. H. R. 1024 is under consideration now—a bill with the title: "To enact an act to prevent pernicious political activities." In order to attempt to overcome the unconstitutionality of this bill, it proposes to make a finding of the existence of an actual fact that the requirement of a poll tax in a number of States has resulted in pernicious political activities, in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates. It proposes to make a further finding that experience proves that existing legislation prohibiting the making of expenditures to any person to induce persons to vote for certain candidates has failed to prevent this practice. I cannot, Mr. Chairman, but resent the implication and the further fact that the bill provides that it is necessary, in order to insure the honesty of such elections, that Congress forbid the requirement of a poll tax as a prerequisite for voting. Is there any evidence or any proof before this Congress that such is a fact? Has there been produced testimony in the hearings of any committee or any select group of this Congress that such a fact exists? My friends, what a way to attempt to enforce a provision in contravention of all constitutional procedure. We should be careful in our consideration of declaring as a Congress that such facts are in existence, unless they are founded by proper investigation and substantiating such an accusation by relevant testimony and actual truth.

Let us not cast aside practical experience and all procedure granted under our Constitution because of the desires and wishes of those persons or organizations to further their personal gains—politically, socially, or otherwise.

I recognize, Mr. Chairman, the right of every Member of this House, of those who advocate such far-reaching and dangerous legislation to their own thoughts and feelings, and I do not question the sincerity manifested, but can we say that this is proper legislation? Are we following what we know to be correct procedure and the dictates of our own conscience, or are we giving way again to the wishes of those who have manifested such an intensive interest in this question? We have been striving to further the principles of democracy. We are now fighting to preserve the principle of democracy, and let us say today by our actions that the people of the States, who are the people that make up the United States, have the right to choose those to represent them in office.

Mr. HOBBS. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, this bill, which seeks to abolish one of the provisions or requirements for voting by congressional action in eight of the sovereign States of the Union, is in my opinion one of the most unfortunate actions on the part of this House or of this Congress in the time that I have been a Member of this body. I realize fully the futility of any remarks that I shall make on this occasion. I realize that so far as this House is concerned it is purely a matter of getting around to the vote. The result is inevitable. A substantial majority of the membership of this body, actuated by motives best known to themselves, are in the attitude of the billy goat

at the animal convention—they have already voted. The question of whether this legislation is constitutional or not does not seem to bother that majority. That this bill is clearly unconstitutional has already been convincingly shown by that distinguished jurist, the chairman of the Judiciary Committee of this body and the sage of this House, as well as by the gentleman from Alabama, the gentleman from Maine, and others who have discussed that issue. Therefore, I shall not discuss that angle of the matter further.

The question of the sovereign right of the States to set up their own election machinery for the election of their Representatives and Senators and Presidential electors seems to be no concern of theirs. The patent evil effect this legislation, should it be enacted into law, will have upon the future of this country seems to be of no moment to them. This majority—and I say it advisedly—seems to be bent upon the regulation of the primaries as well as the general elections in those States where the poll-tax system prevails. They apparently are indifferent to the wishes of the people of those States, while at the same time proclaiming their desire for democratic government. Mr. Chairman, I love the great majority of the membership of this body. Most of them are my personal friends, and I dislike to make these strong statements. I should prefer that they be left unsaid. But I feel so keenly about this matter that I feel justified in making them.

I have tried to analyze and have made some research and inquiry in an effort to obtain the motives which impel this majority to take this action in a matter in which they themselves are not vitally concerned. I have definitely come to the conclusion that this legislation is sponsored by two groups: First, the so-called "leftists," or radically liberal, group in this country—that class of our citizens who want to see a change in our present form of representative government; and, second, that group of reformers who are honest in their motives but misled into becoming the tools of the first group—that class who today are placing social reforms ahead of the task of winning this war. In the first group are the Communist and Socialist Parties. In the second group are the radicals, or left-wingers, both of the Democratic and Republican Parties. They are led on and encouraged in their efforts to take advantage of the present situation in which the country finds itself—confronted by enemies abroad and fighting for its very existence—to place social reforms before the war objective. Among those agitating this question of the repeal of the poll tax are, of course, the C. I. O. and the Society for the Advancement of Colored People. There are more Communists in these two groups than all other groups of people in this country. This being true, it might be asked—what is the objective sought? The answer is obvious. The Communist Party in this country has for years been preying upon the Negroes of the country and enlisting their membership in the Communist Party. Why not be honest and candid about the whole question? The direct object of this movement, of course, is to enfranchise the Negro in the South. Whether the Negro is qualified to vote or to administer this Government seems to be no concern of theirs. The idea is to appeal to the Negro on the theory that they are trying to be of assistance to him. The evidence of the truth of these statements is borne out by the fact that every Member of this House has received an urgent appeal from the president of the C. I. O. to be here today to vote for this legislation. In that letter was a veiled threat of political repercussion if the Member failed to obey the mandate of the C. I. O. It is passing strange that the C. I. O., which requires annual dues aggregating many times the insignificant one- or two-dollar poll tax for the privilege of working, should be so concerned about the payment of this small amount for the privilege of voting.

As further evidence of the fact that the radical element and the Negro element are behind this legislation, I call to your attention the fact that the three gentlemen who are taking the leading part in advocating the passage of this legislation are: First, the gentleman from New York [Mr. GAVAGAN], of anti-lynch fame, who represents the Harlem district; second, the gentleman from New York [Mr. MARCANTONIO], the lone Representative of the American Labor Party; and third, the gentleman from Illinois [Mr. MCKEOUGH], who has the distinction of representing the so-called black belt in the city of Chicago. While expressing much concern over the right of the franchise for the so-called poor white people of these southern States, it is quite obvious wherein their real interest lies. It is really remarkable that these gentlemen should have the power to sway this House into this action which so many of the Members know in their hearts and inner consciousness is a blight upon the Constitution of our forefathers and a sin against a great section of this country.

Mr. Chairman, I hold no brief for the poll tax. It is a part of the system of the election machinery of the great State of Mississippi, as well as these other States where it operates. It may or may not be a wise provision. But, Mr. Chairman, I am most seriously concerned about the right, the constitutional right of the State of Mississippi to prescribe its own qualifications for the privilege of voting in its primaries. For it is apparent to all that if this Congress can by legislative action abolish the poll-tax requirement in the primaries of the State of Mississippi then it can also do away with the educational qualifications for the privilege of voting in the primaries of that State. And it is equally obvious that if this Congress can do away with the poll tax and the educational qualifications in the primaries then it can likewise abolish the requirement of registration.

And, Mr. Chairman, I here and now predict that should this diabolical effort to violate the Constitution succeed in passing both Houses of the Congress it will be signed by the President and upheld by the Supreme Court as now constituted. Moreover, I predict that the consummation of that action will be followed by the enactment of laws to abolish the educational qualifications and the qualification of registration, and that chaos and corruption of the worst type will prevail in the elections throughout this country. When all of these things have been done many of you gentlemen sitting there now in your seats will find that the chickens have come home to roost and that the South alone will not be the sufferer of this misguided legislative action. Similarly, I predict that we will have a repetition of the days following the Civil War when the bayonet was resorted to in order to enforce the so-called force bills.

And all of this, Mr. Chairman, is being attempted at a time when we need above everything else national unity—when this country is at death grip with the most powerful enemies by which it has ever been confronted. And, mind you, all of this is being attempted by these reformers under the guise of democracy. Democracy—when they attempt by force of the Federal bayonet to prescribe the manner and qualifications of elections within the confines of a sovereign State?

Mr. Chairman, I never thought that I would live to see the day when the Democratic Party, the party to which my forebears have belonged for generations—the party which has been nourished, protected, and fathered by the South—would take the lead under its administration to force this type of action down the throat of its best friend. Since the Civil War the Democratic Party has been the beneficiary of everything the South had to offer. When the Democratic Party offered a candidate for President it knew that it had the support of the solid South. In that section it has been little short of treason for these many years to do other than vote the Democratic ticket.

In all these years the South has asked for little, and gotten less from that party. In fact, the only thing that it has ever gotten out of the Democratic Party when it was in power was the privilege of having representatives in the two branches of the Congress, which the Constitution guaranteed it. Prior to the Civil War that great section of this country furnished many, if not most, of the great, outstanding, political figures of the country. It furnished its Washington, its Jefferson, its Patrick Henry, its Lee, its Davis, and its George. Today the caliber of its men has not decayed. It still provides the Nation with much of its leadership. But, because of its political isolation, it is denied the privilege of one of its sons becoming the nominee of its party for the exalted office of the Presidency. This not because it does not have the men of Presidential caliber, but because that party realizes that it already has the votes of that section of the solid South; and always the nominee comes from some doubtful section. When the party is in power the sweetest plums of political patronage and preference likewise go to other sections where political allegiance is not so constant. The only thing the South has ever asked, and the only reason it has been so constantly and consistently loyal to the Democratic Party has been because it thought that

that party offered it the privilege of handling its own domestic and internal affairs. Today we see the sorry spectacle of the ingratitude of that party, joining hands with the Republican Party; nay, more than that, taking the leadership in trying to pass another force bill to compel a great people of a great section of this country to accept certain rules and regulations which will prevent the people of the southland from even controlling their own election laws, their own State primaries, and meeting their own problems which are peculiar to that section.

It might be well in this connection, in passing, to point out to those beneficiaries of the Democratic Party in other sections of the country, those of you who are today becoming a party—an unwilling party, I grant you, but nevertheless a party—to forcing this legislation down our throats, that if you are going to deny our people the right to control these political and social matters which are so peculiarly their own there is little, if anything, left to the South as grounds for a unified support of that party. Might they not well reason that if this last vestige of benefit which they receive from that solid support of the Democratic Party is to be removed by a Democratic administration they might profitably seek another course and join the other States of the Union in frequent changes of their political affiliations? There is only one hope left to us—the hope that in the Senate, where the rules of procedure are different and where the time for debate is unlimited, this iniquitous and vicious attempt to violate the Constitution of our forefathers may be stopped. I feel confident that there are sufficient courageous Members of that body who, like the Spartans of old, will say, "It shall not pass."

Mr. Chairman, I conclude where I began. I realize the futility of these remarks, but I thought it might be well to give my brethren some cold facts to consider as we progress further along the road, over which we are passing so rapidly these days, that leads to destruction of constitutional government. This ill-advised movement has added nothing to the unity of our cause, the solidarity of the Democratic Party in the South, or the paramount and all-important objective of winning the bloody struggle for existence in which we are now engaged. Mr. Chairman, again I repeat the warning which I have sounded from this floor at frequent intervals during the past year: This gigantic struggle for our very existence cannot be won as long as the social reformers who are so prevalent in high places in this Government place their far-reaching, and in some instances fantastic, reforms above the objective of winning the war.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I am not going to use the limited time allotted to me in a discussion of the legalistic mystification which we have heard here this afternoon. No one can convince the American people that Congress has not the power to abolish any restriction to the elective franchise which is repugnant to the Constitution. I am not concerned with the arguments of lawyers nor are the American people concerned with the legalistic dotting of "i's" and crossing of "t's". The American people are concerned with one proposition today, that is, to win the war and achieve the purposes for which the war is being fought. Remember, that they bear in mind at all times that this war is being fought for an extension of democracy all over the world. Since that is the case, they feel that unity is essential to winning the war and that unity can best be achieved by extending that democracy to our own people within the confines of our own Nation and by the abolition of discrimination in every form.

The gentleman from Mississippi who just preceded me raised the issue, and I thank him for it, because he was bold enough to state the real reason for opposing this legislation. The other opponents of this anti-poll-tax legislation should have done the same instead of concealing the real motive for their opposition behind legalistic mystifications.

The gentleman from Mississippi stated that the reason he opposes this legislation is that it would enfranchise the Negro. First of all, may I state that this legislation will enfranchise 10,000,000 people, 4,000,000 of whom are Negroes and 6,000,000 of whom are white. I do not know whether the gentleman's quarrel with this legislation is that it enfranchises the Negroes only or that it enfranchises both the whites and Negroes of those States, who have been kept in economic bondage to such an extent that they have been even deprived of the right to participate in the election of their public officials; a right which is the very foundation upon which democratic government rests. However, accepting the gentleman's quarrel at its face value, does it not seem to the gentleman that it is in the interest of democracy and of unity necessary for the winning of the war that these 4,000,000 Negro people should be enfranchised?

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. Not at this time.

Mr. COLMER. The gentleman asked me a question.

Mr. MARCANTONIO. It seems to me that the greatest unity that can be achieved is by making the people of the world, and of America particularly, realize that we are not discriminating against any one of our fellow countrymen and that the right of franchise belongs to every man and woman in America, Negro and white.

That is the kind of democracy for which men are fighting and dying and that is the kind of democracy which must be practiced in order to achieve the unity which is so vital to the winning of the war.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman.

Mr. COLMER. One thing I like about the gentleman, I want to state, is that he is always frank. The gentleman paid me that compliment, and he asked me if this was in the interest of winning the war. I want to ask the gentleman when he got interested in winning the war.

Mr. MARCANTONIO. I have always been interested in winning the war, and let me say to the gentleman that my record shows it. The gentleman is referring to my opposition to the war during the appeasement, imperialist phase of the war. Let me answer that point blank. If the American people had supported the gentleman's position, namely, entry into an imperialist and appeasement war and at a time when it was being waged by the Chamberlains and the Daladiers, with the Soviet Union out of the war, where would we be today? We would be fighting with our backs against the wall without prospect of winning. It would have meant defeat and a Vichy America. I say that I rendered a patriotic duty in advising the American people to refuse to follow the course the gentleman from Mississippi supported in this House. That has been my position, and time and events have justified it.

Mr. COLMER. Is that——

Mr. MARCANTONIO. One minute! I am answering the gentleman, and I have only a few seconds remaining. Let me say further to the gentleman that if our Nation had found itself in a war which was imperialist and without the aid of a strong and sincere ally, the Soviet Union, we would have become a Fascist America, and again time and events have shown that I was right.

The fact that the gentleman has asked me an extraneous question and did not answer my query with regard to the enfranchisement of the Negro as a measure toward achieving unity which is vital to winning the war demonstrates the weakness of his contentions against this bill.

The issues here are: First, to restrict or extend democracy. The poll tax restricts and destroys democracy in those States where the poll tax exists. Its abolition extends democracy to the disenfranchised Negroes and whites and helps to restore democracy in those States. Second, to win or lose the war. The continuance of the poll tax is discrimination and makes for disunity, thereby endangering the chances of winning the war. Abolition of the poll tax abolishes this form of discrimination and makes for unity that is vital to victory. This is victory legislation. Opposition to it is defeatism.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, I am grieved because of this legislation sought to be enacted. To me it is untimely, uncalled for, and cannot be of any benefit to the American people during these trying times.

I had hoped that this Congress—now, during this emergency—would only take up and enact such measures as were vital and necessary to our war effort; such measures as would help us to carry on united in the great struggle and the trying days ahead of us. We do not need any legislation that will disrupt our unity or destroy it in any way. We do not need

any legislation that will bring about discord between the people of our great country. This legislation can only serve to destroy much-needed unity and to destroy that feeling between citizens of our country and between States in our National Union. In no way can it help our war effort. It is not necessary in any way; and now, above all times, legislation that will disrupt the internal feelings of our great Nation should have been—should be—avoided.

This legislation, if passed and becomes effective, will not help nor appease the feelings of certain sections of our great country toward other sections. I come from one of the eight States whose people and legislatures and constitutions have, in accordance with the privileges granted to them by our basic law known as the Constitution, provided qualifications for their electors which we think they have the right to do under their basic law. We are informed that only the following States have as a qualification for voting, the payment of a poll tax, or rather the producing of a poll-tax receipt, showing that said tax has been paid. Those States are listed as, Alabama, Arkansas, Georgia, Mississippi, Tennessee, Texas, South Carolina, and Virginia.

My native State for a number of years by its constitution and its laws, placed the payment of a poll tax as a qualification for voting. This qualification has brought, as we see it, untold good to the operation of our State government by those who desire a clean, moral, and patriotic government; and, as we see it, it has prevented in a large measure that class known as outlaws who disregard the rights of their fellow citizens from taking charge of our internal affairs. Time will not permit us to give the many virtues of this system in our native State, but I want to give you a few of the benefits we have derived from establishing such a qualification for the voters in my native State:

The main source of revenue for our free public-school system is derived from a tax upon oil and gas which is produced and manufactured in Texas. The actions on the part of the Federal Government in one form and another, have made casualties out of most of the independent oil producers and operators in Texas and have up to the present, in a large measure, destroyed that source of revenue which is so vital to my native State and the maintenance and carrying on of our free public-school system. And if the policies of the Government which are now proposed are carried out, they will further cripple the financial resources of our free public-school system. I speak of the proposed rationing of gasoline in Texas, to me a foolish thing; to me a proposal that can injure and destroy more than it can benefit. If it is put into effect and carried into operation, our public-school system in Texas is going to suffer for financial resources with which to carry on.

Another source of revenue for our free public-school system in Texas is the poll tax. Out of the $1.75 assessed as a poll tax, $1 of this amount goes into the available school fund, to help finance and operate our public-school system. To destroy this source of revenue, which will be inevitable if this legislation becomes effective but which I hope it will never do, I do not know from what source we can derive funds to carry on this great democratic institution of free education for the youth of my native State. To say it mildly it will certainly cripple that institution. I have always subscribed to the doctrine and felt that the employer should, in a measure, pay the wages of the employee, or at least a part of the same. We vote to run our State and National Government through elected officials who are always paid for their services by funds raised through taxation. In Texas there are thousands of people who pay no taxes except the poll tax. Yes; that is the only contribution they make toward the operation of their Government. Do you not think that this little insignificant amount is a very small contribution they make for the services rendered by their employees, who are their elected representatives? This $1.75 poll tax being their only contribution to their Government for its protection to them that is guaranteeing to them through its operation, their life, liberty, and pursuit of happiness. Through the law and through the Constitution, that same Constitution you seek to destroy in the passage of the bill that is before us, notwithstanding the fact that this paltry sum is all that they contribute to their Government for the free schooling and education of their own children and their neighbors' children, does this Congress want to pass this law, this law which not only violates the constitutional inhibitions, but which helps to destroy that democratic institution, the free public-school system, in my native State?

Does it occur to you that we who love our State more than you ever can love it, yes, we love it; it is our own, our native land; "always our hearts within us burn, as home our footsteps we have turned"; do you not think that we know more about our internal affairs than you do? We have decided this question within our own borders. Our own sovereignty time and time again has answered it. A majority of our people by their votes and by their legislatures have adopted such a qualification for their voters. We are in a better position to know our wants and desires than you. You want to interfere with our internal affairs, notwithstanding that Constitution which has meant so much to you and has meant so much to us throughout all of our glorious past, that Constitution which has guaranteed to us all the right to place the qualifications of our voters (to determine the qualifications of our voters). Yes, do you want to deprive us of our democratic way of life? Surely, surely, you are not more interested in our welfare than we ourselves are.

We are not bothering you. We recognize that you who represent other States of our sovereign Union have the same right that we have to determine the qualifications of your electors. We have given our boys, yes, the flower of our own land, in defense of your land and my land, from the commander of the *Reuben James*, the bombing of Tokyo, on down to the bombing of Rabaul, and we intend to continue to do our part; yes, even more than our part, in the defense of our country and civilization as a whole. What business is it of yours as long as we are not bringing disrepute to our land and are following the cause we understand our basic law—that 153-year-old charter of human freedom called our Constitution—has guaranteed to us? We through such a system have not brought disrepute upon our Nation but have given you, in comparison, fair representatives and fair representation in the National Congress.

You perhaps remember that of the last four speakers of this great body, my native State, under such a system, has furnished you two. And the last two Vice Presidents of this great Nation, my native State has furnished you one of them. We think their records will stand out. We think they are equal in comparison with the others who have filled these great posts. Do you? The present great Speaker is furnished you by my native State under such a system which you seek to condemn. To me he is the greatest of all. To you today who have seen his fairness, even in the present bill you are now considering, so straight and fair; at least upon one of the points of order submitted to him, it occurred to me that he leaned backward. No one can say that under our system of electing our representatives we have failed to give our State fair representation and a fair representation for our National Government.

I have always felt that a man becomes a better man, a better citizen, when he has a financial interest in any project in which he is interested in any way. When he puts his own cash into a business or a concern, whatever it may be, he naturally becomes more interested in its welfare and in its future. The insignificant sum of one dollar and seventy-five cents, the price of a poll tax in my State, when paid by thousands who pay no other tax—this small financial interest, this insignificant amount, makes them better citizens. They are more interested in how to vote and who and for what they vote, for they have an interest in the same; a financial interest; they are part owners. They feel that they are stockholders. It is so natural for them under such circumstances and conditions to cast a more intelligent vote, and the better and more intelligent votes we have, the better Government and country we are going to have.

This bill clearly violates the Constitution. It is so plain to see that it is unconstitutional that a wayfaring man can see it. An unbiased, unprejudiced, 14-year-old schoolboy should see the unconstitutionality of this measure. If common, every-day language means anything, then this bill violates the constitutional inhibition.

According to the discussion here, there seem to be some six constitutional provisions involved, so let us take a look into

some of them. Article I, section 2, provides:

The House of Representatives shall be composed of Members chosen every two years by the people of the several States.

It will be noticed that the Constitution provided that the Members are chosen by the people every second year, and no one can contend for a minute that these representatives could be appointed. Why? Because the Constitution provides otherwise, and that provision is mandatory and not directory. It will be well to remember this mandatory provision in analyzing the succeeding constitutional provisions.

The next provision of this section provides:

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

You will notice again the term "shall" is used; "shall have the qualifications," and so forth. This provision is likewise mandatory and not directory. No one would attempt to say that it gives authority to the Federal Government to change or direct the qualifications of the voters in a State with reference to the election of State representatives, who compose a branch of the State legislature, and who are the numerous branch of such legislature. Common sense teaches us that this could not be done. It would be child's play. Yet the bill we are considering tries to do, in effect, the same thing, by repealing that part of the provision with reference to the qualifications of electors for the House of Representatives, most usually called Congressmen. If under the Constitution—and all admit you cannot change the qualifications of the electors for the most numerous branch of the State legislature—then it would be impossible without violating this constitutional provision to change the qualifications of the electors for the National House of Representatives.

While it may be true that the States may not prescribe the qualifications of voters or Members of Congress as such, the qualifications prescribed by the State laws for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose and cannot be changed except by constitutional amendment, which is not being done in this case. The Constitution is a written instrument, and as such its meaning does not alter. That which it meant when it was adopted it means now, and the States of this Union have adopted this Constitution with the provision in it, granting to the States the power and authority to adopt qualifications for electors for the most numerous branch of their State legislatures and adopting such qualifications as the electors for the National House of Representatives. And having adopted that, no reason or logic can be given that would justify the changing of such a constitutional provision, outside of the adoption of a constitutional amendment.

The Constitution is a restricted document and the word "Constitution," is often used in a restricted sense, as implying the written instrument agreed upon by the people of the union, or any one of the States, as the absolute rule of action and decision for all departments and officers of the Government in respect to all the points covered by it, which must control until it shall be changed by the authority which established it. Any act or regulation in opposition to it on the part of any such department or officer or even by the people themselves is altogether void and of no force and effect. Neither can this Congress pass any bill under the pretext of executing delegated powers, for the accomplishment of objects not entrusted to the Federal Government. We accept the established doctrine, and it cannot be denied, that any provision of any act of Congress ostensibly enacted under power granted by the Constitution not naturally and reasonably adapted to the effective exercise of such power, but solely for the achievement of something plainly within powers reserved to the States is invalid and cannot be enforced. This was plainly set out in *Linder* v. *United States* (268 U. S., p. 5, 45 Sup. Ct. Rept., 446).

It is argued by some that section 4, article I of the Constitution changes and modifies that part of section 2 with reference to the qualification of electors. To read the English language and have a fair knowledge of the meaning of such language, it is beyond me to comprehend any such construction. Section 4 reads:

The times, places, and manner of holding election 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 place of choosing Senators.

There is no reason to place such a construction upon the verbiage of this part of section 4. It plainly, in the simplest of English terms, limits the three things to the times, places, and manner, and does not include qualifications of the electors at all; and it does not give rise to a belief that such verbiage authorizes the changing of qualifications.

This is further illustrated by the term referring back to these three names as such "regulations." The word "such" means that it is stated above, these times, places, and manner, and nowhere does it affect the previous section with reference to qualifications.

To pass this bill in its present form not only violates section 2 of article I, but it absolutely destroys amendment X of the Bill of Rights. Amendment X reads as follows:

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

No one would admit for a moment that that part of section 2 with reference to the qualification of electors at least was not prohibited by the Constitution to the States. With reference to the qualifications of those electors for the National House of Representatives, then certainly under amendment X, if not prohibited, to pass upon these qualifications, that question is clearly reserved to the States, respectively.

This Congress has heretofore passed on the question here involved with reference to the qualifications of electors being left to the State, as shown by the Sesquicentennial Report, written by the distinguished and able gentleman from New York [Mr. SOL BLOOM]. On page 44 of that report he states, and I quote:

That the qualifications for the electors for the National Congress, by the Constitution, is left to the States.

The other great body of the National Congress has also answered this question, and their report as shown by the Constitution of the United States, revised and annotated, by resolution No. 35, adopted May 14, 1936. It states in these words:

The States may not prescribe the qualification of voters or Members of Congress as such; but the qualifications prescribed by the State for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose.

Both Houses of the National Congress, within the last few years, have through their commissions passed on this question. It occurs to me that that should satisfy the House at this time.

It might be well at this point to consider some of the qualifications for electors adopted by some of the other States of the Union, and whose Representatives are here today working in behalf of this unconstitutional legislation. Massachusetts places the qualification, according to Judge Cooley in his work on constitutional limitations, requiring the elector to be able to read and write. I wonder if the gentleman of Massachusetts would consider this requirement of their own native State within the constitutional provision. From a sentimental standpoint, does that great State deprive the poor and unfortunate of the right to have a voice in the elections of that great Commonwealth? Does it not occur to you that if under the Constitution the Commonwealth of Massachusetts has the authority to place such a qualification upon the electors in that State that the poll-tax States are equally justified in their action with reference to the poll tax?

Connecticut, according to the same author has adopted the qualification that an elector must be able to read. I wonder if the Representatives of that great State think they are justified by the Constitution in placing such a qualification upon their electors. Is it not also denying the poor and unfortunate the right to express their voice in the choosing of their elected officials? Does it not occur to you that if the great State of Connecticut is justified under the constitutional provision in placing such a qualification upon their electors, that the poll-tax States be granted the same privileges?

In Delaware, Maine, Massachusetts, New Jersey, Rhode Island, and West Virginia the right of suffrage is denied to paupers. Could we not say that the great States named herein have denied that poor and unfortunate class the right of suffrage? If they can do this under the Constitution does it not occur to you that the poll-tax States are equally justified in placing the payment of a poll

tax upon the voters as a qualification to vote?

California, Colorado, and Missouri, according to the same author, deny persons kept in the poorhouse or other asylums the right to vote. Are they authorized under the Constitution to do this? They seem to think so. They place that in their legislative enactment as a qualification or a disqualification. Does it not occur to you that the requirement of a poll tax is as equitable and justifiable as the qualifications established by the States just named?

I have always cherished that immortal document known as the Constitution. I have always resented any encroachment upon it. I have considered it one of the greatest documents that human minds ever conceived and hands subscribed. It has meant life and freedom and happiness to this American people, and to me it is a sad thing at a time like this to seek to further destroy it; to destroy that instrument that has been the Magna Carta to these American people for these 153 years; but I know that there is not logic or reason for doing so. It is now and has been a solemn covenant among the American people, and between the Union and the States and between the people and their freely elected governments to give practical effect to the human and governmental rights of the people as enunciated by the Declaration itself. That 15-year-old charter through its amendments procedure could be changed in a manner providing terms to meet any emergency condition, and to do it otherwise would be absolutely void.

As I see it, that will be the effect of this bill. I call upon this House in the name of fairness, in the name of justice, to a section of this country that is now willing to give its all for the preservation and maintenance of the great commonwealth—do not smite the individual State by your action today. The days of "carpet bag" rule should be over, because we all are willing to give our all in order that our Nation might live.

I hope and trust that each of you will vote against this bill when the vote is taken.

Mr. HOBBS. Mr. Chairman, I yield one minute and a half to the gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Chairman, I am going to vote against this bill because it violates both the Constitution of the State of Texas and the Constitution of the United States. This issue here is not one of poll taxes; it is not a question of being for the poll tax or against the poll tax. It is simply a question of State sovereignty and States' rights. I object to the Federal Government telling the people of Texas how they shall conduct their elections. This bill is another trial balloon in a campaign of constitutional destruction. If and when all powers are taken from the States and centered in Washington, then democracy will be a thing of the past and our whole theory and philosophy of constitutional government will have been destroyed. Today a member of the Kelly-Nash machine of Chicago congratulates a member of Tammany Hall who has control of this bill. The Kelly-Nash machine member praises the Tammany Hall member for joining with him first in supporting an antilynch bill and now is sponsoring an anti-poll-tax bill for the purpose of cleaning up politics down South. Granting that politics down South are not above reproach, granting even that poll taxes may not be justifiable, the attack on the South from these sources sounds strange indeed. Let the gentlemen first pull the beam from their own eyes before they attempt to extract the mote from the eyes of others.

Mr. HOBBS. Mr. Chairman, I yield the balance of the time to myself.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield me 10 seconds for a short announcement?

Mr. HOBBS. No, sir; but I will be glad to yield the gentleman such time as he may desire.

Mr. ANDREWS. I would like to state on behalf of the gentleman from New York, a member of the Judiciary Committee [Mr. HANCOCK], who is unavoidably absent today due to illness, that he felt obliged to withhold his name from the petition discharging his own committee, but he has stated to me and has stated in letters to constituents that he is opposed to poll taxes, and, therefore, were he able to be present today he would vote for the bill before us.

Mr. HOBBS. Mr. Chairman, it is not often we catch EVERETT DIRKSEN "off base." A brilliant gentleman, a winsome and experienced speaker, I was surprised and amused when he lauded the democracy of Greece, 2,500 years ago. He says that was the flowering of pure democracy, a wonderful era of peace and joy, when any free man could walk into the ring, pick up an olive branch and speak his mind. That, to him, was the glory that was Greece and the grandeur that was Athens. Well, that may be his conviction, but it is not ours. We of the South join with every other section of this Nation in thanking God that human slavery was forever abolished from American soil in the United States of America. We are glad that in the arbitrament of arms that curse was obliterated from our fair land.

Never will you hear anyone from a poll-tax State get up on the floor of this House and idealize human slavery as did the gentleman from Illinois in his speech this afternoon in advocacy of the passage of this infamy. There is not a school child in the Nation who does not know that it was the proud boast of Athens and of Greece then that they had 5 or 10 slaves to support and serve every freeman. Of course, they had plenty of leisure; of course they could enjoy the disputations of the philosophers, and participate therein; of course they could attend all public gatherings and exercise their tongues and wits whenever they cared to seize an olive branch, for they had slaves to attend their every whim and to serve their slightest need.

But was that democracy? Is that the kind of society the gentleman advocates? If so, would he not only impose his will but also enslave the white people of the South? However, that is only amusing. I know that he did not mean to advocate that yet, but I do know that the gentleman from Ohio [Mr. BENDER] did mean what he said—that this bill was a good beginning, and that other bills would follow, which would work the rest of the whole will of the majority upon the minority. That is one of the quarrels we have with this bill—that it does not speak for the record the whole truth. This is but the camel's nose being forced under the tent, with intent to bring in the whole beast and occupy the whole tent, and if you proponents of this iniquitous bill can succeed finally in this effort you can proceed to do whatsoever you wish in fixing the qualifications prerequisite to the privilege of voting or in abolishing all such qualifications.

If you can wipe out one, you can wipe out all, or add a dozen.

But there was a time when it was thought that the States were, and of right ought to be, free and independent.

From the Declaration of Independence I quote the last paragraph:

> We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

See how carefully the sovereignty of the States was guarded.

The first three of the Articles of Confederation read as follows:

> ARTICLE I. The style of this confederacy shall be The United States of America.
>
> ARTICLE II. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.
>
> ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

The Bill of Rights consists of the first 10 amendments of the Constitution: the concluding one of these is:

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

Therefore, if any power is not specifically enumerated in the Constitution, nor necessarily implied, as having been delegated to the Federal Government, that power belongs, not to the Federal Government, but "to the States respectively, or to the people."

Among the latest decisions of the Supreme Court upon this subject is *United*

States v. *Curtiss-Wright Export Corporation et al.* (299 U. S. 304). On page 315 of that decision it is said:

The broad statement that the Federal Government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers then possessed by the States such portions as it was thought desirable to vest in the Federal Government, leaving those not included in the enumeration still in the States.

The father of our country, its first President, warned against any usurpation of any right of the States, pledged as far as he could that the States would retain their sovereignty, and shared to the full the fears of centralization of power in the Federal Government.

From his day on down through the history of our Republic, great men have felt impelled to reiterate the conviction of the founding fathers that a powerful Federal bureaucracy would mean tyranny and oppression.

From the Second Inaugural Address of Hon. Franklin Delano Roosevelt, as Governor of the State of New York, I quote:

The vitality of our American institutions has been amply proven in the past. We have met difficulties before this and have solved them in accordance with the basic theories of a representative democracy. Let us not at this time pursue the easy road of centralization of authority lest some day we discover too late that our liberties have disappeared. Let us pause in our pursuit of materialism and pleasure, and devote greater efforts to retain these liberties within the communities in which we dwell.

The pending bill if it becomes the law of the land will mark the extinguishment of the supreme right of the once sovereign States, and the high-water mark of centralization of Federal power, now already at flood stage.

You proponents care not, I know.

You repeat the shibboleth, pass the bill, no matter how grave the doubts may be of its constitutionality, leave that question to the Supreme Court to decide.

The Supreme Court has already decided that question. Its decisions have been cited and read to you.

In the *Breedlove case* (302 U. S. 277), the Supreme Court on December 6, 1937, decided that the State of Georgia had the right to require the payment of the poll tax before an otherwise qualified voter could register for voting for Federal and State officers at primary and general elections.

The case of *U. S.* v. *Classic et al.* (313 U. S. 299), decided by the Supreme Court on May 26, 1941, did not touch the poll-tax question. The sole question in the Classic case was: May State election officials steal ballots cast by duly qualified voters for a candidate for Congress in a State primary election, in violation of a Federal criminal statute condemning all such rascality, without being subject to prosecution and punishment by the Federal Government?

The Supreme Court held: That the right granted the Federal Government by article I, section 2, of the Federal Constitution, to have its Congressmen chosen in a State election meant the right to have them honestly chosen; and that the right granted the Federal Government by article I, section 8, clause 18 of the Federal Constitution, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof," authorized the making of the law violated by Classic and his partners in crime. In other words, the Classic case dealt not with who was a qualified voter under Louisiana law, but with the right to have an honest count of the ballots of admittedly qualified voters.

Yet, in spite of the fact that this Classic case had nothing to do with the poll-tax question, proponents of this bill rely upon it to justify their position.

Such a contention would be absurd enough were it not for the still later decision of the Supreme Court in denying the petition for certiorari in the case of *Pirtle* v. *Brown et al.*, on October 13, 1941 (62 Sup. Ct. Rept. 64). Distinguished counsel, Messrs. Crampton Harris and Lee Pressman, in trying to get the Supreme Court to grant certiorari and reverse the holding of the circuit court of appeals in the Pirtle case—which followed the holding in the Breedlove case—thus stated the question to be passed on by the Supreme Court:

The sole question presented is whether the constitution and laws of the State of Tennessee, which make payment of a poll tax a condition precedent to the right to vote in an election to fill a vacancy in the House of Representatives of the United States Congress contravene the provisions, express or implied, of the Constitution of the United States.

So, in effect, the Supreme Court passed upon this question just quoted, and refused to consider reversing the Pirtle decision. Hence, it stands as the latest authority on the poll-tax question, and in a case involving the privilege of voting for or against a Member of Congress.

This settles the question of the unconstitutionality of the pending bill against the proponents and in line with many former decisions.

But you proponents do not care. You are determined to take by lynch law something more precious than one human life. I do not believe you would kill any one of us of the opposition, not even on a dark night in a graveyard without witnesses. I do not believe that you would shed blood in that way. But if you understood the issues which are at the heart and core of this bill, you would know that it means that and more.

May God bless you with the light of His truth, and forgive you, for you know not what you do.

Mr. GAVAGAN. Mr. Chairman, I yield now to the gentleman from New York [Mr. JOSEPH L. PFEIFER].

Mr. JOSEPH L. PFEIFER. Mr. Chairman, I wish to inform the Members of this great deliberative body that I am in favor of this bill, for it gives all citizens equal rights under law. It permits all citizens who have reached the age to vote and are not illiterate to cast their ballot for whom they see fit without being taxed to do so. This poll tax is carried in only eight States of the Union, and these are in the South, where the colored people are still greatly discriminated against.

Let us not forget that they are also children of God. Why shackle them in their activities? Are not they entitled to the privileges of all mankind? The right to live and progress, especially as citizens of this great country, and to improve their standards as such. Let us today by voting for this bill show to the world that democracy is our standard and that we live under a democratic form of government, where all men are equal.

Give them the right to vote without being taxed. Let us help these unfortunates rather than trample upon them. Encourage them to greater activity for betterment of themselves. By so doing we help America.

Insofar as the constitutionality is concerned, I am willing to leave it to courts of the United States.

Mr. GAVAGAN. Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois [Mr. MCKEOUGH].

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes.

Mr. MCKEOUGH. Mr. Chairman, for the members of the committee, I can set you at rest at the outset by assuring you that I shall not use all of the 15 minutes. I know that many of you are anxious to get away, and I hope to be one of you in that respect. I am hoping to get out of Washington tonight at 7:55, on a plane, to get back to Illinois. I am grateful, however, to the distinguished gentleman from New York [Mr. GAVAGAN], my friend of long standing, with whom, many of you may recall, we were able by reason of your cooperation to bring to passage a Federal antilynching law in the House some few years ago. I think it only natural that he finds himself in the position which he occupies today, occasioned by the untimely death of the sponsor of this measure, the late Congressman Geyer, from California. I know of no one in the House who has so earned, by his constructive effort in eliminating long-standing injustices in sections of this country as has the distinguished gentleman from New York [Mr. GAVAGAN], the right to care for this particular legislation on this occasion.

Happily I am one of those who is not handicapped by being schooled in the law. I do not happen to be a lawyer. I sometimes fear that even if I had been trained in the law I might suffer as I sometimes feel those who are, by a particular, rigid philosophy that sometimes interferes with simple justice. They are so enamored of the Constitution and its ramifications as developed over many years of court decisions that they sometimes must find themselves somewhat confused in their own studies of problems that are presented to legislative bodies in which they are honored by their membership.

All of the discussion of the past 4 hours relates itself to two schools of thought with reference to this legislation. One says that it is constitutional. The other claims that it is not.

Not being a lawyer, but an average, ordinary citizen of this great Republic, I have always been taught that there was one final resting place for the determination of the legality of any legislation, and that is the Supreme Court of the United States. Being reminded of that, I recall that chiseled over the entrance to that very lovely edifice, written rather deep by the chisel in the marble, appear the following words, "Equal justice under law."

Obviously if there are certain segments of this great Nation made up of component parts called States, which exercise certain restrictions that would interfere with the assurance of the constitutional guaranty of the right of life, liberty, and the pursuit of happiness, I know of no place that could better treat with whatever care in the way of cure that would be required to remove them than the Congress of the country.

With all due deference to those who oppose this measure on constitutional grounds, and I have heard them on other occasions, with particular reference to that legislation which related to working conditions and rates of pay for those who might occupy laboring positions within those States, I have heard the same arguments advanced with relation to the Federal antilynching bill. In my judgment, that has no place at any time in our country. But I submit that on occasions such as today, with the world on fire and we dedicated to the application of the "four freedoms" throughout the world as well as protection of the eight points that were written into the so-called Atlantic Charter, if there were any reason for objecting to such treatment as this proposal seeks to bring about, it is not now. We are in a war. I understand it is contemplated that on Saturday of this week this House will be asked to determine by its action a reduction of the present age limit for selective service from 20 years to 18 years of age. I submit it is a paradox, when men who are in this Congress rise on occasions such as this and invoke constitutional arguments with relation to the defeat of democratic processes wherever they may be housed by reason of a poll tax. I am convinced that even in the States now housing within them the limitations of the poll tax, that those who represent them will find little objection when they return to their homes, when they tell their people that this is not the time to continue so gross an injustice. If those who live within these limitations where the poll tax applies and are now denied by reason of its application the fullest measure of democratic processes, then I urge those who represent those States to go back home and carry the message to their fellow citizens that we in no way restrict entrance into our armed services by the enactment of a poll-tax application on the part of those who are most involved.

Mr. HARRIS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. McKEOUGH. I am sorry. I do not have time.

I understand there are approximately 13,000,000 members of the Negro race in the United States. I am sure that the Selective Service Act in no way grants them any immunity. On the contrary, to their everlasing credit, they have always contributed their all whenever the Nation's interests were involved. I could recite many, many instances of fine contributions, not alone to the defense of the Nation when we were attacked, but contributions in the field of art, literature—yes, in the common field of common labor, where by their honest toil and their generous contributions they have added much to the advancement of this Nation in the achievements of every generation.

I hope that this House, that will soon be asked to vote on this measure, will join in the spirit of the hour, showing to those who would seek to destroy democratic processes that we in the Congress of our country, regardless of the section from which we come, have united in order that we may better demonstrate to those who would seek to destroy our philosophy of government that we are a united people, determined that whatever injustices we have previously permitted to endure are no longer to be endured.

I am happy to be present today in order that by my vote I may demonstrate in support of this legislation that I believe in the philosophy of the constitutional government of my country, that has generated a spirit of true fellowship and understanding of the obligations of one nation toward another, but most of all that we are all Americans, regardless of our race, our creed, or our color. We want to remove this injustice of the poll tax by the vote that will soon be taken.

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. MICHAEL J. KENNEDY].

Mr. MICHAEL J. KENNEDY. Mr. Chairman, I am strongly in favor of the anti-poll-tax bill and will vote for it. To me it seems incompatible to everything for which we are fighting to have restrictions placed upon the voting privilege of an American citizen in the guise of a poll tax, when in reality it is an effort to prevent him from voting on account of the color of his skin.

When we passed the Selective Service Act we made no inquiry as to whether it was to affect whites or blacks. It was intended to, and actually did, affect male citizens between certain ages, regardless of color, race, or creed. If the Negro of the country is expected to defend his countrymen, white and black alike—and he is expected to do so—then how can anyone in justice say that he is not entitled to participate in the government of that country?

We have evidence on all sides of the willingness of the Negro to discharge his full responsibility as a citizen and to fulfill the obligations of that citizenship. From my own city of New York thousands of our Negro citizens have joined the colors, and one of our National Guard regiments, recruited mostly in Harlem, is now overseas, officered by Negroes, and I am sure will return with a record of valor that will equal that of any of our white regiments.

I have the privilege of being the leader of the great political organization in New York City known as Tammany Hall. Those of my colleagues from the South know that in the trying days of the reconstruction no truer friend of the South could be found than Tammany Hall. Through the years the Democrats from the South and from Tammany Hall alone practically constituted the bulwark of the Democratic Party, but, on this issue, where a poll tax is used as a means of depriving a man of his right of suffrage, such a policy is foreign to the concept of democracy as we understand it in New York. I am pleased to vote for this bill which, I hope, will end discrimination against the exercise by Negroes of that most precious American privilege, the ballot.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, I want to go on record as opposing this bill. It is generally known throughout this hall that the proponents of this measure—H. R. 1024—have many more votes than are needed to insure its passage, and it is therefore true that what I say will have no material effect on the measure. However, I consider this the most vicious piece of legislation that has ever been before the National Congress, and I must raise my voice in opposition to it.

It is shocking to see a people blessed with the privilege of a democracy like ours stand up here and stab the very heart of that democracy. Throughout this debate stress has been exercised to let it be understood that the main purpose of the measure is to purify the political life of the South. It has been ludicrous to hear such argument from Representatives from many Northern States where the corruption of politics magnify many times the wildest exaggeration of improper political practices in the South, such insincerity borders on dishonesty. This is merely a subterfuge, the sole purpose of this legislation is a further step by certain organizations who have never or will ever represent the best interests of America, or who even respect our form of government in their efforts to centralize and socialize our Government. This is a firm foundation for the total destruction of our democracy and for Washington to completely usurp the rights of individual States to control their own government and totally regiment the people of the individual States. When these attacks are made on the South I am prompted to ask the question, In whose bosom was our general democracy born, that of a citizen of the North or South? Who has held together through the years the political party that is now trying to destroy the South and all its sacred traditions?

I am not so deeply concerned about what my State or any other State does with regard to the collection of a poll tax, nor is anyone in this hall today, but I am deeply and sacredly concerned over the efforts of the Federal Government to destroy the sovereignty of our several States. If this philosophy of government is not repudiated, I now warn the American people that the freedom they have enjoyed as the fruit of a great and full democracy will not be enjoyed by their

children. I further warn the American people that while their sons are dying on battlefields abroad to preserve democracy a concerted effort is being exercised right here at home to set up a dictatorship; and I am sad to say that advantage is being purposely taken of our present emergency to accomplish this dastardly purpose. The verdict of time will prove every word I have spoken this afternoon, and my words will live long after I have answered the last roll call.

Mr. GIBSON asked and was given permission to revise and extend his own remarks.

Mr. GAVAGAN. Mr. Chairman, I have no further requests for time and yield back the balance of my time.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to prevent pernicious political activities" be, and is hereby, amended by the insertion, after section 1 and before section 2, of the following sections:

"SEC. 1A. The requirements in many places under the jurisdiction of the United States that a poll tax be paid as a prerequisite for voting at elections for the office of President, Vice President, Presidential elector, Member of the Senate, and Members of the House of Representatives has resulted in pernicious political activities in that frequently such taxes are paid for the voters by other persons as an inducement for voting for certain candidates. Experience proves that existing legislation prohibiting the making of expenditures to any person to induce persons to vote for certain candidates has failed to prevent this practice. It is therefore necessary, in order to insure the honesty of such elections, that the Congress forbid the requirement that poll taxes be paid as a prerequisite for voting at such elections.

"SEC. 1B. It is unlawful for any person, whether or not acting under the authority of the laws of a State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote, at any election for a President or Vice President or Presidential elector or Senator or Member of the House of Representatives of the United States."

The CHAIRMAN. There being no amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and Mr. BULWINKLE, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 1024) to amend an act to prevent pernicious political activities, pursuant to House Resolution 110, he reported the bill back to the House.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GAVAGAN. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 254, nays 84, answered "present" 3, not voting 86, as follows:

[Roll No. 117]

YEAS—254

Allen, Ill.	Haines	Norton
Andersen, H. Carl	Hall, Edwin Arthur	O'Brien, Mich.
Anderson, Calif.	Hall, Leonard W.	O'Brien, N. Y.
Andresen, August H.	Halleck	O'Connor
Andrews	Harness	O'Neal
Arends	Hart	Osmers
Baldwin	Harter	O'Toole
Barry	Heffernan	Patrick
Bates, Mass.	Heidinger	Pfeifer, Joseph L.
Beam	Hess	Pfeiffer, William T.
Beiter	Hill, Colo.	Pittenger
Bender	Hill, Wash.	Ploeser
Bennett	Hinshaw	Priest
Bishop	Holbrock	Rabaut
Blackney	Holland	Ramsay
Boehne	Holmes	Randolph
Bolton	Hope	Reece, Tenn.
Bradley, Mich.	Howell	Reed, Ill.
Bradley, Pa.	Hull	Rees, Kans.
Brown, Ohio	Hunter	Rizley
Buckley, N. Y.	Imhoff	Robinson, Utah
Burdick	Izac	Robsion, Ky.
Burgin	Jackson	Rodgers, Pa.
Butler	Jacobsen	Rogers, Mass.
Byrne	Jenkins, Ohio	Rolph
Canfield	Jenks, N. H.	Sabath
Cannon, Mo.	Jennings	Sacks
Capozzoli	Jensen	Scanlon
Carlson	Johns	Schuetz
Carter	Johnson, Calif.	Scott
Case, S. Dak.	Johnson, Ill.	Shafer, Mich.
Celler	Johnson, Ind.	Shanley
Chenoweth	Johnson, Okla.	Sheppard
Chiperfield	Johnson, W. Va.	Sheridan
Clason	Jones	Short
Claypool	Jonkman	Simpson
Clevenger	Kean	Smith, Maine
Coffee, Wash.	Kee	Smith, Pa.
Cole, Md.	Keefe	Smith, W. Va.
Cole, N. Y.	Kefauver	Smith, Wis.
Costello	Kelley, Pa.	Snyder
Courtney	Kelly, Ill.	Somers, N. Y.
Crawford	Kennedy, Martin J.	Spence
Cullen	Kennedy, Michael J.	Springer
Cunningham	Keogh	Stevenson
D'Alesandro	King	Stratton
Davis, Ohio	Kinzer	Sullivan
Day	Kirwan	Sumner, Ill.
Delaney	Klein	Sutphin
Dickstein	Knutson	Sweeney
Dingell	Kopplemann	Talbot
Dirksen	Kunkel	Talle
Ditter	Lane	Thom
Dondero	Larrabee	Thomas, N. J.
Douglas	Lea	Thomas, Tex.
Downs	LeCompte	Thomason
Dworshak	Lesinski	Tibbott
Eaton	Lewis	Tinkham
Eberharter	Ludlow	Tolan
Edmiston	Lynch	Traynor
Eliot, Mass.	McCormack	Treadway
Elliott, Calif.	McGranery	Van Zandt
Elston	McGregor	Voorhis, Calif.
Engel	McKeough	Vorys, Ohio
Englebright	McLaughlin	Vreeland
Fenton	Maciejewski	Wadsworth
Fish	Maciora	Walter
Fitzgerald	Magnuson	Ward
Fitzpatrick	Marcantonio	Wasielewski
Flaherty	Martin, Iowa	Weiss
Fogarty	Martin, Mass.	Welch
Forand	May	Wene
Ford, Thomas F.	Merritt	Wheat
Gale	Meyer, Md.	White
Gamble	Michener	Wigglesworth
Gavagan	Miller	Wilson
Gehrmann	Mitchell	Winter
Gerlach	Monroney	Wolcott
Gifford	Mott	Wolfenden, Pa.
Gillette	Mundt	Wolverton, N. J.
Gillie	Murdock	Woodruff, Mich.
Gore	Myers, Pa.	Wright
Graham	Nelson	Young
Grant, Ind.	Nichols	Zimmerman
Guyer		
Gwynne		

NAYS—84

Allen, La.	Bryson	Cox
Barden	Bulwinkle	Cravens
Beckworth	Burch	Davis, Tenn.
Bell	Cartwright	Disney
Boggs	Clark	Domengeaux
Bonner	Coffee, Nebr.	Doughton
Boykin	Colmer	Drewry
Brooks	Cooley	Durham
Brown, Ga.	Cooper	Faddis
Fellows	Kleberg	Rivers
Flannagan	Lanham	Robertson, Va.
Ford, Miss.	McGehee	Russell
Fulmer	Mahon	Satterfield
Gathings	Manasco	Sikes
Gibson	Mills, Ark.	Smith, Va.
Gossett	Moser	Sparkman
Grant, Ala.	Norrell	Starnes, Ala.
Hare	Pace	Steagall
Harris, Ark.	Paddock	Tarver
Harris, Va.	Patman	Terry
Hébert	Patton	Vinson, Ga.
Hendricks	Pearson	Weaver
Hobbs	Peterson, Fla.	Whelchel
Jarman	Plauché	Whitten
Johnson, Luther A.	Poage	Whittington
Johnson, Lyndon B.	Ramspeck	Wickersham
Kilday	Rankin, Miss.	Woodrum, Va.
	Reed, N. Y.	Worley
	Rich	

ANSWERED "PRESENT"—3

Bland	McMillan	Powers

NOT VOTING—86

Anderson, N. Mex.	Gilchrist	Rankin, Mont.
Angell	Granger	Richards
Arnold	Green	Robertson, N. Dak.
Barnes	Gregory	Rockefeller
Bates, Ky.	Hancock	Rockwell
Bloom	Hartley	Rogers, Okla.
Boren	Hoffman	Romjue
Buckler, Minn.	Hook	Sanders
Byron	Houston	Sasscer
Camp	Jarrett	Sauthoff
Cannon, Fla.	Kerr	Schaefer, Ill.
Casey, Mass.	Kilburn	Schulte
Chapman	Kocialkowski	Scrugham
Cluett	Kramer	Shannon
Cochran	Lambertson	Smith, Ohio
Collins	Landis	Smith, Wash.
Copeland	McIntyre	South
Creal	McLean	Stearns, N. H.
Crosser	Maas	Stefan
Crowther	Mansfield	Sumners, Tex.
Culkin	Mason	Taber
Curtis	Mills, La.	Tenerowicz
Dewey	Murray	Thill
Dies	O'Day	Vincent, Ky.
Duncan	O'Hara	West
Ellis	O'Leary	Williams
Folger	Oliver	Youngdahl
Ford, Leland M.	Peterson, Ga.	
Gearhart	Pierce	
	Plumley	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Bloom for, with Mr. Camp against.

Mr. Leland M. Ford for, with Mr. Gregory against.

Mr. Crosser for, with Mr. Chapman against.

Mr. Oliver for, with Mr. Bland against.

Mr. Youngdahl for, with Mr. McMillan against.

Mr. Hartley for, with Mr. Sanders against.

Mr. Powers for, with Mr. Collins against.

Until further notice:

Mr. O'Leary with Mr. Taber.

Mr. Cochran with Mr. Dewey.

Mr. Granger with Mr. Rockwell.

Mr. Hook with Mr. Culkin.

Mr. Casey of Massachusetts with Mr. Gilchrist.

Mr. Barnes with Mr. Plumley.

Mr. Curtis with Mr. Stearns of New Hampshire.

Mr. Smith of Washington with Mr. Mason.

Mr. McIntyre with Mr. Rockefeller.

Mr. Creal with Mr. Hoffman.

Mr. Williams with Mr. Sauthoff.

Mr. Ellis with Mr. Hancock.

Mr. Houston with Mr. Stefan.

Mr. Mansfield with Mr. Gearhart.

Mr. Kramer with Mr. Landis.

Mr. Kerr with Mr. Smith of Ohio.

Mr. West with Mr. Cluett.

Mr. Sumners of Texas with Mr. Kilburn.

Mr. Romjue with Mr. McLean.

Mr. Scrugham with Mr. Lambertson.

Mr. Richards with Mr. Thill.

Mrs. O'Day with Mr. Copeland.

Mr. Tenerowicz with Mr. Murray.

Mr. Arnold with Mr. Crowther.
Mr. South with Mr. Angell.
Mr. Vincent of Kentucky with Mr. O'Hara.

Mr. POWERS. Mr. Speaker, I am paired with the gentleman from Mississippi [Mr. COLLINS] who if present would vote "no." I therefore withdraw my vote of aye and vote present.

Mr. McMILLAN. Mr. Speaker, I have a pair with the gentleman from Minnesota [Mr. YOUNGDAHL] who if present would vote "aye." I therefore withdraw my vote of no and vote present.

Mr. BLAND. Mr. Speaker, I have a pair with the gentleman from Maine [Mr. OLIVER] who if present would vote "aye." I therefore withdraw my vote of no and vote present. The gentleman from Maine is absent on account of official business.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business of this week be dispensed with.

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

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I do this for the purpose of finding out what the program is going to be for tomorrow and the rest of the week.

Mr. McCORMACK. There will be nothing tomorrow except perhaps a conference report on the WAAC's bill that may be called up. I do not think there is any controversy over that. Then there will be whatever might be called up by unanimous consent, which, of course, is always in order if unanimous consent can be obtained. We are hopeful that if the Committee on Military Affairs reports out a bill in accordance with the recommendation of the Secretary of War and the President's message of last night over the radio that bill will be brought up on Saturday.

Mr. MARTIN of Massachusetts. Saturday?

Mr. McCORMACK. Yes, if it is reported out.

Mr. MARTIN of Massachusetts. It is understood then that the bill will be in on Saturday of this week and not Friday?

Mr. McCORMACK. If the bill is reported out, we are hopeful it will be reported by Thursday and the bill will come up on Saturday.

Mr. MARTIN of Massachusetts. How about the tax bill?

Mr. McCORMACK. I am unable to give any information on that.

Mr. MARTIN of Massachusetts. I would like to ask one further question. There is a bill pending concerning the stabilization of pay of Federal employees and the Post Office people that has been neglected for 25 years. When is that bill expected to come up?

Mr. McCORMACK. Is my friend from Massachusetts seriously asking that question?

Mr. MARTIN of Massachusetts. Certainly. There have been a good many inquiries about it.

Mr. McCORMACK. Of course, the gentleman from Massachusetts knows that practically every Member of the House on both sides is favorable to a proper increase of salary for all Federal employees, particularly those under a certain salary bracket. I had no knowledge that the bill was reported out of the committee as yet and, of course, under those circumstances, I am unable to answer the question.

Mr. MARTIN of Massachusetts. I appreciate the gentleman's personal position but I did not know but what he might have some knowledge the rest of us did not have.

Mr. McCORMACK. I have not. I have the same feeling as the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I am sure of that.

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

There was no objection.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Military Affairs Committee may have permission to sit during the sessions of the House for the remainder of the week.

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

There was no objection.

GENERAL PERMISSION TO EXTEND REMARKS

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill just passed may have permission to revise and extend their own remarks and that all other Members may have 5 days in which to extend their own remarks in the RECORD on that bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. GAVAGAN]?

There was no objection.

EXTENSION OF REMARKS

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter and a statement from Edgar DeWitt Jones, of Detroit.

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

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that on tomorrow at the conclusion of business on the Speaker's desk and after special orders already granted have been disposed of, I may be permitted to address the House for 15 minutes.

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

There was no objection.

EXTENSION OF REMARKS

(Mr. DOMENGEAUX asked and was given permission to extend his own remarks in the RECORD.)

(Mr. JOSEPH L. PFEIFER, Mr. WICKERSHAM, and Mr. HOLBROCK asked and were given permission to revise and extend their remarks in the RECORD.)

Mr. STARNES of Alabama. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD in two instances, the first with reference to a "second front now" meeting which was held in this city yesterday afternoon, and the second in connection with a report I have heretofore filed on "Subversive Activities Aimed at Destroying Our Representative Form of Government," including in my remarks a list of the contributors who have given more than $100 to the Union for Democratic Action.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STARNES of Alabama. Mr. Speaker, yesterday afternoon there was a rally held on the steps of the old District Building here in Washington, at Fourteenth and Pennsylvania Avenue, urging a second front now. This rally was held under the auspices of the Washington C. I. O. Council and United Cafeteria Employees of the C. I. O. Among the three principal speakers at the rally was one Reid Robinson, president of the Mine, Mill & Smelter Workers Union of the C. I. O. What a paradox this is. I should like to inform the House that this same Reid Robinson was the national vice chairman of the American Peace Mobilization, which organization picketed the White House, instigated strikes in vital defense industries, conducted a Nation-wide campaign against conscription, and generally busied itself in retarding our defense effort.

To illustrate to the House how quickly a Communist C. I. O. labor leader can do a flip-flop when the Communist Party line changes, I should like to quote herewith from a story in the Daily Worker of September 3, 1940—which was during the honeymoon between Stalin and Hitler—which story appeared under a double, six-column headline, which reads:

> American Peace Mobilization launched on permanent basis at Chicago rally—call for 250,000 local volunteers to wage antiwar drive.

The following quotes are taken from the story which appeared under this headline:

> More than a thousand delegates, to be supplemented by 2,000 peace crusaders from local points in the United States began moving to Washington by special train and hundreds of automobiles to demonstrate against conscription and war * * *.
>
> After reelecting Rev. John B. Thompson, the vital fighter for peace from Norman,

Okla., as chairman, the thousands of delegates chose the following vice chairmen, whose names are symbols of mass influence * * *.

Reid Robinson, president of the Mine, Mill Smelter Workers Union, Congress of Industrial Organizations.

This same Reid Robinson was listed as a speaker at the anticonscription rally held in Chicago on August 31, 1940. He is the same Reid Robinson who, as president of the Mine, Mill & Smelter Workers Union, prolonged a number of Communist-led strikes at a crucial period in our defense effort. Reid Robinson has affiliated himself with practically all of the front organizations of the Communist Party, and I list here a number of such affiliations:

Communist-front organization	Association of the individual	Authority
American Committee for Protection of Foreign Born	Sponsor	Letterhead, June 11, 1940, letter written in Spanish.
American League for Peace and Democracy	Member, national labor committee	Letterhead, Feb. 8, 1939.
Do	Member, national committee	Letterhead, July 12, 1939.
American Youth Congress	Speaker, Town Meeting of Youth, held in Washington, D. C., Feb. 9, 1941.	Washington Evening Star, Feb. 7, 1941.
Do	Member, national advisory board	Youngville, U. S. A., p. 64.
Emergency Peace Mobilization	Speaker, Chicago peace rally conference	Daily Worker, Aug. 31, 1940, p. 4, ch. 1-8.
International Labor Defense	Sent greetings to national conference	Proceedings and Report, p. 34.
Do	Member, national committee	Undated letterhead.
Mine, Mill and Smelter Workers, C. I. O	President	Daily Worker, Sept. 3, 1940, p. 4.
New Masses	Contributor	New Masses, Feb. 24, 1942, p. 16.

Mr. Speaker, it should be clear to every Member of this House that the American Communists are using this emergency as a vehicle to carry out their revolutionary aims by dividing race against race, class against class, and striving toward a final break-down of our governmental system. I have read the reports of our committee aides on this rally and have examined the propaganda distributed among the group, and I can tell you that this rally had other things in mind than an immediate second front. It was nothing more than an agitational demonstration to incite a certain segment of our population and to abolish certain social standards which have been established over a long period of years.

Another prominent speaker at this rally for an immediate second front was one A. Clayton Powell, Jr., editor of the Negro newspaper People's Voice, of New York City. A. Clayton Powell, following true to the present Communist Party line, said everything he could which would serve to widen the breach between certain racial groups in this country; and I might say at this point that if the Communists and their satellites who travel under the banner of liberals and progressives do not cease exploiting the racial question in these serious times it is going to lead to disastrous consequences. Naturally, this is the goal of the American Communist.

A. Clayton Powell, Jr., like Reid Robinson, has associated himself with practically every Communist-front movement in America, and I list herewith some of his Communist connections:

Communist-front organization	Association of the individual	Authority
American League Against War and Fascism	Member, national executive committee	Letterhead, Aug. 22, 1935.
Do	Endorser of conference	Daily Worker, Mar. 4, 1937, p. 2.
American League for Peace and Democracy, New York City Division.	Member, advisory board	Letterhead, dated Sept. 22, 1938.
Do	do	Letterhead, Mar. 21, 1939.
American League for Peace and Democracy, Fifth New York City Conference.	Endorser	Daily Worker, Mar. 4, 1939, p. 2.
American Youth Congress	Member, national advisory board	Youngville, U. S. A., p. 63.
Daily Worker	Endorser	Daily Worker, Apr. 7, 1936, p. 1.
Do	Christmas greetings	Daily Worker, Dec. 25, 1936, p. 1.
Gerson supporters	Signer of letter	Daily Worker, Feb. 10, 1938, p. 1.
International Labor Defense	Sent greetings to national conference	Proceedings and Report, p. 35.
Do	do	Equal Justice, July 1939, p. 4.
National Negro Congress, New York Council	Speaker at antilynch demonstration	Daily Worker, Apr. 13, 1938, p. 1.
Nonpartisan Committee for the Reelection of Congressman VITO MARCANTONIO.	Member	Letterhead, Oct. 3, 1936.
Workers Alliance	Speaker, New York City	Daily Worker, Feb. 24, 1937, p. 5.

I am making the remarks today, Mr. Speaker, to illustrate to the House the gall of the American Communists and their phony followers. Reid Robinson should be in jail for his treasonable and despicable activities against our war effort, instead of shouting on a public square for an immediate second front, which he and his Communist colleagues have made impossible by retarding our war effort at a crucial period.

Mr. Speaker, on June 25, 1942, I filed a report with the House entited "Subversive Activities Aimed at Destroying Our Representative Form of Government," which dealt primarily with the activities of an organization known as a Union for Democratic Action. I am sure the Members of this House will recall that this is the same organization which carried out the purge campaign against Members of Congress, which I might add was a colossal flop. I have here a list of people who have contributed $100 or more to carry on the work of this organization, and I feel that the Members of the House and the American people are entitled to know the names of these people. I therefore include this list in my remarks:

Receipts—April, May, 1942

CONTRIBUTIONS OF $100 OR MORE

Date	Name	Address	Amount
Apr. 8	David F. Seiferheld	1175 Park Ave., New York City	$150.00
8	Mrs. Helen Newborg	Red Oaks, White Plains, N. Y	100.00
8	Dr. H. J. Rubinstein	510 Madison Ave., New York City	100.00
8	Blanche B. Rosett	71 East 71st St., New York City	100.00
8	James Lehrer	941 Park Ave., New York City	100.00
8	Wm. Cochran	411 North Charles St., Baltimore, Md	1,000.00
8	Florina Lasker	Hotel Pierre, New York City	250.00
8	Eileen J. Garrett	66 Park Ave., New York City	500.00
8	Wm. Adams Delano	120 East 38th St., New York City	250.00
8	L. M. Rabinowitz	120 East 16th St., New York City	100.00
10	Edward A. Norman	124 East 70th St., New York City	1,000.00
15	Loula B. Lasker	Hotel Pierre, New York City	250.00
16	Mrs. Clarence H. Low	417 Park Ave., New York City	100.00
16	James H. McGill	Valparaiso, Ind	250.00
20	Dr. Leo Mayer	1155 Park Ave., New York City	100.00
May 11	Sidney Hollander	2513 Talbot Rd., Baltimore, Md	100.00
18	George L. Hinman	Binghamton, N. Y	235.30
26	Maurice Wertheim	33 East 70th St., New York City	500.00

Receipts, June, July, August 1942

CONTRIBUTIONS OR LOANS OF $100 OR MORE

Date	Name	Address	Amount
June 4	Lynn Stone	25 Central Park West, New York City	$250.00
5	Alfred Baker Lewis	Post Office Box 682, Grand Central Annex	125.00
8	Christian Social Justice Fund	411 North Charles St., Baltimore, Md	1,500.00
8	L. M. Rabinowitz (exchange check, $1,500; loan, $300).	120 East 16th St., New York City	1,800.00
17	Anonymous		100.00
22	Emile Tas	535 5th Ave., New York City	100.00
23	Mrs. Henry Ittleson	965 5th Ave., New York City	250.00
23	Irene Lewisohn	133 West 11th St., New York City	125.00
29	David C. Coyle	Washington, D. C	200.00
29	Howard Lindsay	50 West 11th St., New York City	100.00
29	C. Ruth Bower	Concord Hall, Philadelphia	100.00
July 6	Eleanor Brannan	228 West 11th St., New York City	100.00
8	James H. McGill	Valparaiso, Ind	250.00
11	M. Desenberg	335 South Saginaw St., Flint, Mich	100.00
13	Seward Brisbane	7 East 44th St., New York City	100.00
15	George Greenspan	290 West End Ave., New York City	100.00
Aug. 6	Alfred Baker Lewis	Post Office Box 682, Grand Central Annex	100.00
31	Jewish Labor Committee	175 Broadway New York City	100.00

Financial report for period up to and including August 31, 1942

Those persons who have given $100 or more:

Mrs. Betram J. Cahn, 270 South Western Avenue, Lake Forest, Ill. $210

Anita McCormick Blaine, 101 East Erie Street, Chicago, Ill. 100

Frank W. McCulloch, 166 West Jackson Boulevard, Chicago, Ill. 100

Richard R. Meyer (now in Army), 843 West Adams Street, Chicago, Ill. 1,000

EXTENSION OF REMARKS

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two brief newspaper articles from the Taney County, Mo., Republican

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement on farm labor by Mr. Villamin.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by myself on October 4.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. VINSON of Georgia, for 10 days, on account of official business;

To Mr. BOREN (at the request of Mr. DISNEY), indefinitely, on account of illness;

To Mr. OLIVER (at the request of Mr. BLAND), indefinitely, on account of committee business.

EXTENSION OF REMARKS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two articles.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by the Honorable John Murphy, nominating our distinguished colleague, the gentleman from Connecticut [Mr. JAMES A. SHANLEY].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until tomorrow, Wednesday, October 14, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PATENTS

The Committee on Patents of the House of Representatives will continue hearings Wednesday, October 14, 1942, at 10 a. m., in the Rivers and Harbors Committee room, 1304 House Office Building, on H. R. 7620, a bill to provide for adjusting royalties for the use of inventions for the benefit of the United States, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, October 14, 1942, at 10 a. m. on H. R. 6621, H. R. 6763, and H. R. 7615.

EXECUTIVE COMMUNICATIONS, ETC.

1967. Under clause 2 of rule XXIV, a letter from the Chairman, War Production Board, transmitting the second report upon the operations of the War Production Board, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MURDOCK: Committee on Indian Affairs. H. R. 6813. A bill for the acquisition of Indian lands acquired in connection with the construction, operation, and maintenance of electric transmission lines and other works, Parker Dam power project, Arizona-California; without amendment (Rept. No. 2532). Referred to the Committee of the Whole House on the state of the Union.

Mr. NICHOLS: Select Committee to Investigate Air Accidents. House Resolution 125. Resolution creating a Select Committee to Investigate Air Accidents; without amendment (Rept. No. 2533). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MAY:

H. R. 7694. A bill to amend the Selective Training and Service Act of 1940 by providing for the extension of liability to the Committee on Military Affairs.

By Mr. STEAGALL:

H. R. 7695. A bill to aid in preventing inflation, to stabilize the rents of real property, and for other purposes; to the Committee on Banking and Currency.

By Mr. JOHNSON of Indiana:

H. R. 7696. A bill to extend the provisions of articles I and II of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, to individuals employed by the United States outside the States of the Union and the District of Columbia for war purposes; to the Committee on Military Affairs.

H. R. 7697. A bill to provide protection against total permanent disability for persons granted national service life insurance; to the Committee on Ways and Means.

H. R. 7698. A bill to transfer all property, real or personal, of the Frederick Douglas Memorial and Historical Association to the National Association of Colored Women; to the Committee on the District of Columbia.

By Mr. SHAFER of Michigan:

H. R. 7703. A bill to provide that the Railroad Retirement Board may award disability annuities to totally and permanently disabled individuals who have completed a period of service within a reasonable time of 30 years' service; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H. J. Res. 351. Joint resolution authorizing the naturalization of nationals of other countries serving in the armed forces of the United States; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PAGÁN:

H. R. 7699 A bill for the relief of Mrs. María Pastrana Alemán; to the Committee on Claims.

By Mr. PETERSON of Georgia:

H. R. 7700. A bill for the relief of Cordie Underwood and Wilbur Kea; to the Committee on Claims.

By Mr. SMITH of West Virginia:

H. R. 7701. A bill for the relief of Jonas Mullens; to the Committee on Claims.

By Mr. VINSON of Georgia:

H. R. 7702. A bill for the relief of M. M. Kennedy; to the Committee on Claims.

By Mr. JENNINGS:

H. R. 7704. A bill for the relief of the New Amsterdam Casualty Co.; to the Committee on Claims.

H. R. 7705. A bill for the relief of James E. Savage; to the Committee on World War Veterans' Legislation.

By Mr. KOPPLEMANN:

H. R. 7706. A bill for the relief of Cecilia Pitt; to the Committee on Immigration and Naturalization.

By Mr. O'BRIEN of Michigan:

H. R. 7707. A bill for the relief of Mrs. Lila A. Wemp; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

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

3363. By Mr. HEIDINGER: Petition presented by Mrs. R. Durlin, of Crossville, Ill., signed by herself and 14 other members of the Phillipstown Women's Christian Temperance Union, urging the early passage of Senate bill 860; to the Committee on Military Affairs.

3364. By Mr. MARCANTONIO: Petition of the members of the faculty and student body of Hunter College of the city of New York, containing approximately 2,000 signatures, favoring the Geyer anti-poll-tax bill; to the Committee on the Judiciary.

3365. By Mr. ROLPH: Resolution of the California State Federation of Labor, at its forty-third annual convention, favoring the passage of the anti-poll-tax bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

WEDNESDAY, OCTOBER 14, 1942

The House met at 12 o'clock noon.

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

Heavenly Father, eternal Lord of life and death, we would linger in the presence of our divine Redeemer that we may maintain the worth and dignity of the soul through confession and repentance. To our intellects do Thou add a warm spiritual nature, deep moral sympathy, and the unwonted powers of affection and aspiration. We praise Thee that we are immortal beings with deathless spirits quivering with everlasting might, strong to do but stronger to endure.

We thank Thee for Thy presence in the earth, for Thy care of those whom we love, and for the fidelity of cherished friends. Let the blessings of health, strength, and good courage be upon us this day and may our lives show forth our gratitude in our upright conduct. Be with us to enrich each life with new and impressive forms of mental and moral decisions, searching the very floors of spiritual depths where life in its highest tones is heard in its richest aspects. Blessed Christ, be with us, endowing each life, lending inspiration to those divine motives which sweep the soul upward and onward to its sublime destiny. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Gatling, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 33. Concurrent resolution authorizing the printing of additional copies of the Senate amendments numbered print of the bill (H. R. 7378) to provide revenue, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2775. An act to amend the act of March 5, 1942, relating to the planting of guayule and other rubber-bearing plants.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5503) entitled "An act to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings."

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of the Navy.
2. Department of the Treasury.
3. Department of War.
4. Executive Office of the President (Office of Civilian Defense).
5. Federal Security Agency.
6. The National Archives.
7. The Panama Canal.

SPECIAL COMMITTEE ON WILDLIFE CONSERVATION

The SPEAKER. Pursuant to the provisions of House Resolution 49, Seventy-seventh Congress, the Chair appoints the gentleman from Florida [Mr. PETERSON] to fill the vacancy on the Special Committee on Wildlife Conservation.

INVESTIGATION OF ACTIVITIES IN GOVERNMENT DEPARTMENTS

Mr. SABATH, from the Committee on Rules, submitted the following privileged report (No. 2535) for printing, under the rule, which was referred to the House Calendar and ordered to be printed.

House Resolution 550

Resolved, That the Committee on the Civil Service, acting as a whole or by subcommittee or subcommittees appointed by the chairman of said committee, is authorized and directed (a) to conduct thorough studies and investigation of the policies and practices relating to civilian employment in the departments and agencies of the Government, including Government-owned corporations; (b) to study and investigate the effect of such policies and practices upon the conduct of the war, with the view of determining whether such policies and practices are efficient and economical; (c) to determine the number of employees in each department or agency (including Government-owned corporations), whether such number of employees is necessary, and whether their skills are used to the best advantage; (d) all other matters relating to the recruiting and the efficient and economical use of the civilian employees; and (e) to make such inquiry as said Committee on the Civil Service may consider important or pertinent to any matter coming within the jurisdiction of said committee.

For the purposes of this resolution, the said committee or any subcommittee thereof is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books or papers or documents or vouchers by subpena or otherwise, and to take such testimony and records as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or subcommittee, or by any person designated by him, and shall be served by such person or persons as the chairman of the committee or subcommittee may designate. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses.

That the said committee shall report to the House of Representatives during the present Congress the results of their studies, inquiries, and investigations with such recommendations for legislation or otherwise as the committee deems desirable.

CONDEMNATION PROCEEDINGS

Mr. MICHENER. Mr. Speaker, on behalf of the conference committee, and by direction of the chairman of the Committee on the Judiciary, I submit a conference report and statement to accompany the bill (H. R. 5503) to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings, for printing under the rule.

PERSONAL EXPLANATION

Mr. PETERSON of Georgia. Mr. Speaker, at the time the vote was taken on the bill H. R. 1024, known as the anti-poll-tax bill, I was attending an important conference of a group of my constituents with officials in the War Department. I am opposed to this legislation, and had I been present I would have voted "nay."

EXTENSION OF REMARKS

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURGIN. Mr. Speaker, I ask unanimous consent to extend my remarks and include short excerpts and three editorials from newspapers in my State.

The SPEAKER. Is there objection?

There was no objection.

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article from the Pacific Magazine.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks and include the record