SENATE

TUESDAY, NOVEMBER 17, 1942

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

Eternal God, with contrite hearts we come confessing that strident voices around us stop our ears to the still, small voice of the Divine, that the dazzling sights of the earth tempt us to be disobedient to the heavenly vision. Pilgrims in this bourne of time and sense, we are played upon by influences which are of the earth earthy. The breath of unworthy motives, of prejudice and intolerance, too often blights the garden where once bloomed the bright flowers of a love that seeketh not its own.

"Breathe on us, Breath of God,
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

"Breathe on us, Breath of God,
Till we are wholly Thine,
Till all this earthly part of us
Glows with Thy fire divine."

Breathe on us, Breath of God. Amen.

MESSAGES FROM THE PRESIDENT

Mr. Miller, one of the secretaries of the President, appeared at the door.

Mr. RUSSELL. A point of order.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

Mr. RUSSELL. Mr. President, a point of order. I invoke rule No. III, and ask that it be read.

The VICE PRESIDENT. The message from the President of the United States will be received.

Mr. RUSSELL. I make the point of order that, under rule III of the Senate, it is illegal for any action to be taken until it has been ascertained that a quorum is present. The Senate is not in session and it cannot receive a message from the President of the United States under this rule until it has been ascertained that a quorum is present. It is illegal for the Senate to undertake to do so.

Mr. BARKLEY. The point of order made by the Senator from Georgia is subject to the exception that a quorum is always presumed to be present unless a point of order is made that a quorum is not present.

Mr. RUSSELL. I have just made that point of order, and I insist on my rights as a Senator on this floor, under rule III, to have a quorum present.

Mr. BARKLEY. The Senator may have intended to make the point, but he did not make it.

Mr. RUSSELL. I said I made the point of order that the Senate was not legally in session until it had been ascertained that a quorum was present.

The VICE PRESIDENT. Does the Senator make the point of order that there is no quorum present?

Mr. RUSSELL. The Chair perhaps had difficulty in hearing me, but I made the point that, under rule III, the Senate was not in session until the presence of a quorum had been ascertained.

The VICE PRESIDENT. If the Senator has made the point and has asked for a quorum call, the clerk will call the roll.

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

Aiken	George	Pepper
Andrews	Gerry	Radcliffe
Austin	Gillette	Reed
Ball	Green	Rosier
Bankhead	Herring	Russell
Barbour	Hill	Schwartz
Barkley	Johnson, Calif.	Shipstead
Bilbo	Kilgore	Smith
Brewster	La Follette	Spencer
Bulow	Langer	Taft
Bunker	Lee	Thomas, Idaho
Burton	Lucas	Thomas, Okla.
Byrd	McKellar	Truman
Capper	McNary	Tunnell
Caraway	Maloney	Vandenberg
Chandler	Maybank	Van Nuys
Chavez	Mead	Wagner
Clark, Idaho	Millikin	Walsh
Connally	Murdock	White
Danaher	Norris	Wiley
Davis	Nye	Willis
Doxey	O'Daniel	
Ellender	Overton	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

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

The next order of business is the reading of the Journal of the preceding day. The Chair would like to inquire whether there is any objection, before the reading of the Journal of the preceding day——

Mr. RUSSELL. There is.

The VICE PRESIDENT. If before the Journal is read the courtesy might be extended to one of the secretaries of the President of the United States to receive a message——

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. Which the Chair would rule in advance would not be transaction of business.

Mr. RUSSELL. Mr. President, is the Chair making the ruling now that it would not be transacting business?

The VICE PRESIDENT. The Chair is making that ruling.

Mr. RUSSELL. I have no desire to delay the message from the President of the United States, but I should not like to waive any of my rights under that ruling.

The VICE PRESIDENT. No rights would be waived.

Mr. RUSSELL. Very well, then; I am perfectly willing to have the message received.

The VICE PRESIDENT. Without objection, the Senate will receive a message from the President of the United States.

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent——

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. The Senator from Kentucky has the floor.

Mr. BARKLEY. I ask unanimous consent that the Journal of the proceedings of yesterday be approved without reading.

The VICE PRESIDENT. Is there objection?

Mr. RUSSELL and Mr. MCKELLAR objected.

The VICE PRESIDENT. The Senator from Georgia objects. The clerk will——

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair has already ruled that receiving the message was not business.

Mr. BARKLEY. I make the point of order that no business has been transacted.

Mr. RUSSELL. The Senator from Kentucky has asked unanimous consent that the reading of the Journal be dispensed with. It has been held since time immemorial that——

The VICE PRESIDENT. The request was denied, so there was no business transacted.

Mr. RUSSELL. Mr. President, has the message from the President been received?

The VICE PRESIDENT. The message has been received.

Mr. RUSSELL. I make the point of order that that was certainly the transaction of business.

The VICE PRESIDENT. The point of order is overruled.

Mr. RUSSELL. I respectfully appeal from the decision of the Chair.

Mr. BARKLEY. I move to lay the appeal on the table.

Mr. RUSSELL. I make the further point of order that I had the floor and was addressing myself to the motion which I had made on an appeal from the decision of the Chair.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. BARKLEY. Mr. President, the Senator cannot take an appeal from the ruling of the Chair and then hold the floor so as to deny another Senator the right to make a motion to lay the appeal on the table.

Mr. RUSSELL. I make the point of order that I respectfully addressed the Chair before the Senator from Kentucky addressed the Chair or made a motion to lay the appeal on the table.

Mr. BARKLEY. The question of recognition is one that is within the power of the Chair.

Mr. RUSSELL. Mr. President——

Mr. BARKLEY. I was on my feet at the time the Senator took an appeal. I was recognized. I made my motion. I had the right to make the motion.

Mr. RUSSELL. Mr. President, I make the point of order that I had first addressed the Chair.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky to lay on the table the appeal of the Senator from Georgia from the decision of the Chair.

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

Mr. BARKLEY. There having been no business——

Mr. RUSSELL. A motion to lay an appeal on the table certainly constitutes business.

Mr. BARKLEY. That is not business unless it is adopted or rejected.

The VICE PRESIDENT. No business has as yet been transacted.

Mr. RUSSELL. Certainly when a motion is made upon which the yeas and nays will undoubtedly be called, it constitutes transaction of business by the Senate.

Mr. BARKLEY. I do not care to argue the point with the Senator from Georgia. Obviously, the bare making of a motion does not constitute business, unless it is acted upon, any more than the request I made a while ago which was objected to constituted the transaction of business.

Mr. RUSSELL. I undoubtedly have a right to demand the yeas and nays on the motion of the Senator from Kentucky.

Mr. BARKLEY. Undoubtedly.

The VICE PRESIDENT. Is the demand sufficiently seconded?

The yeas and nays were ordered.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Danaher	Maybank
Andrews	Davis	Mead
Austin	Doxey	Millikin
Ball	Ellender	Murdock
Bankhead	George	Norris
Barbour	Gerry	Nye
Barkley	Gillette	O'Daniel
Bilbo	Green	Overton
Brewster	Herring	Pepper
Bulow	Hill	Radcliffe
Bunker	Johnson, Calif.	Reed
Burton	Kilgore	Rosier
Byrd	La Follette	Russell
Capper	Langer	Schwartz
Caraway	Lee	Shipstead
Chandler	Lucas	Smith
Chavez	McKellar	Spencer
Clark, Idaho	McNary	Taft
Connally	Maloney	Thomas, Idaho
Thomas, Okla.	Van Nuys	Wiley
Truman	Wagner	Willis
Tunnell	Walsh	
Vandenberg	White	

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

The yeas and nays have been ordered. The clerk will call the roll.

Mr. RUSSELL. Mr. President, will the Chair state the question? This is not dilatory. I think this is an important issue, and the Senate should know that it is voting on the question whether or not the receipt of a message from the President of the United States constitutes the transaction of business.

The VICE PRESIDENT. No; the question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the appeal of the Senator from Georgia [Mr. RUSSELL] from the decision of the Chair.

Mr. RUSSELL. Will the Chair——

MESSAGE FROM THE HOUSE

The VICE PRESIDENT. Is there objection to receiving a message from the House of Representatives? The Chair hears none, and the message will be received.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925;

S. 2503. An act to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia; and

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

The message also announced that the House had passed the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 4533. An act to provide for the disposition of trust or restricted estates of Indians dying intestate without heirs; and

H. R. 7629. An act to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended, so as to expedite the war effort by providing for releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Coast Guard, and for other purposes.

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

H. R. 5262. An act to provide for conveyance of lands to the town of Cordova, Alaska;

H. R. 6529. An act to amend the Nationality Act of 1940 to permit the Commissioner to furnish copies of any part of the records or information therefrom to agencies or officials of a State without charge;

H. R. 7366. An act to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control;

H. R. 7380. An act to authorize increases in wages for certain employees of the Alaska Railroad for services rendered from September 1, 1941, to December 31, 1941, inclusive;

H. R. 7472. An act to revise the Alaska game law; and

H. R. 7615. An act relating to the naturalization of persons not citizens who serve honorably in the military or naval forces of the United States during the present war.

APPEALS FROM DECISION OF THE CHAIR

The VICE PRESIDENT. On the pending question the clerk will call the roll.

Mr. RUSSELL. Mr. President, I respectfully and deferentially request the Chair to advise Senators, some of whom have come into the Chamber since the ruling made by the Vice President, that an appeal was taken by the Senator from Georgia from the ruling of the Vice President that the formal receipt by the Senate of a message from the President of the United States was not the transaction of business, the point of order having been made by the Senator from Georgia previously that the receipt of such a message was the transaction of business.

The VICE PRESIDENT. The Senator from Georgia has correctly stated the question. The question is on the motion of the Senator from Kentucky that the appeal of the Senator from Georgia be laid on the table. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senator from Utah [Mr. MURDOCK], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Tennessee [Mr. STEWART], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from

Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent. If present they would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], and the Senator from Oregon [Mr. HOLMAN] are necessarily absent.

The result was announced—yeas 41, nays 23, as follows:

YEAS—41

Aiken	La Follette	Schwartz
Ball	Langer	Taft
Barbour	Lee	Thomas, Idaho
Barkley	Lucas	Thomas, Okla.
Brewster	McNary	Truman
Burton	Maloney	Tunnell
Capper	Mead	Vandenberg
Chandler	Millikin	Van Nuys
Clark, Idaho	Norris	Wagner
Danaher	Nye	Walsh
Davis	Pepper	White
Green	Radcliffe	Wiley
Herring	Reed	Willis
Kilgore	Rosier	

NAYS—23

Austin	Doxey	Maybank
Bankhead	Ellender	O'Daniel
Bilbo	George	Overton
Bulow	Gerry	Russell
Bunker	Gillette	Shipstead
Byrd	Hill	Smith
Caraway	Johnson, Calif.	Spencer
Connally	McKellar	

NOT VOTING—32

Andrews	Guffey	Murray
Bailey	Gurney	O'Mahoney
Bone	Hatch	Reynolds
Bridges	Hayden	Smathers
Brooks	Holman	Stewart
Brown	Hughes	Thomas, Utah
Butler	Johnson, Colo.	Tobey
Chavez	Lodge	Tydings
Clark, Mo.	McCarran	Wallgren
Downey	McFarland	Wheeler
Glass	Murdock	

So Mr. BARKLEY's motion to lay on the table Mr. RUSSELL's appeal from the decision of the Chair was agreed to.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. The clerk will read the Journal, which is a matter of the highest privilege.

Mr. CONNALLY. Mr. President, I suggest the absence of a quorum, business having been transacted since the last quorum call.

The VICE PRESIDENT. The point made by the Senator from Texas is overruled, because the vote has just demonstrated the presence of a quorum

Mr. CONNALLY. Mr. President, I appeal from the ruling of the Chair.

Mr. BARKLEY. I move to lay the appeal on the table.

Mr. CONNALLY. On that motion I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky to lay on the table the appeal of the Senator from Texas from the decision of the Chair.

Mr. CONNALLY. On that I ask for the yeas and nays.

The VICE PRESIDENT. Is the demand sufficiently seconded?

The yeas and nays were ordered.

The legislative clerk proceeded to call the roll, and Mr. AIKEN answered in the affirmative.

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

Mr. BARKLEY. Mr. President, that point is not in order. The roll call was in progress, and one Senator had already voted.

Mr. RUSSELL. I challenge that statement.

Mr. BARKLEY. The Senator from Vermont [Mr. AIKEN] voted when his name was called.

Mr. RUSSELL. I am perfectly willing to accept the statement of the Senator from Vermont, if he states that he voted.

The VICE PRESIDENT. The Chair is informed that the Senator from Vermont is recorded as voting.

Mr. AIKEN. Mr. President, the Senator from Vermont has voted.

Mr. RUSSELL. I withdraw the suggestion of the absence of a quorum.

The VICE PRESIDENT. The clerk will resume the calling of the roll.

The legislative clerk resumed and concluded the calling of the roll.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

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Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS], and the Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART].

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent, and if present would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], and the Senator from Oregon [Mr. HOLMAN] are necessarily absent.

The result was announced—yeas 41, nays 23, as follows:

YEAS—41

Aiken	Lucas	Taft
Ball	McNary	Thomas, Idaho
Barbour	Maloney	Thomas, Okla.
Barkley	Mead	Truman
Brewster	Millikin	Tunnell
Burton	Murdock	Tydings
Capper	Norris	Vandenberg
Chandler	Nye	Van Nuys
Danaher	Pepper	Wagner
Davis	Radcliffe	Walsh
Green	Reed	White
Herring	Rosier	Wiley
La Follette	Schwartz	Willis
Lee	Shipstead	

NAYS—23

Andrews	Connally	McKellar
Austin	Doxey	Maybank
Bankhead	Ellender	O'Daniel
Bilbo	George	Overton
Bulow	Gerry	Russell
Bunker	Gillette	Smith
Byrd	Hill	Spencer
Caraway	Johnson, Calif.	

NOT VOTING—32

Bailey	Guffey	McFarland
Bone	Gurney	Murray
Bridges	Hatch	O'Mahoney
Brooks	Hayden	Reynolds
Brown	Holman	Smathers
Butler	Hughes	Stewart
Chavez	Johnson, Colo.	Thomas, Utah
Clark, Idaho	Kilgore	Tobey
Clark, Mo.	Langer	Wallgren
Downey	Lodge	Wheeler
Glass	McCarran	

So Mr. BARKLEY's motion to lay on the table the appeal of Mr. CONNALLY from the decision of the Chair was agreed to.

THE JOURNAL

The VICE PRESIDENT. The clerk will proceed to read the Journal.

The Chief Clerk proceeded to read the Journal.

During the reading of the Journal:

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. I have casually examined the Journal of yesterday. I find that on the roll calls the names of absent Senators do not appear. On Saturday last, in connection with the roll calls, not only do the names of absent Senators appear in the Journal, but with respect to eight of them warrants were issued for their arrest. I desire to move to amend the Journal.

The VICE PRESIDENT. The motion of the Senator from Georgia is not in order at this time. It will not be in order until the Journal has been read.

Mr. RUSSELL. That is the very point I desire to elicit from the Chair—whether the amendment should be offered when the first roll call is reached, so as to make the Journal show the truth by including the names of absent Senators, or whether the Senator from Georgia should defer offering the motion until the conclusion of the reading of the Journal.

The VICE PRESIDENT. The Chair rules that the Senator should refrain from offering his amendments or corrections until the reading is completed.

The Chief Clerk resumed the reading of the Journal.

Mr. RUSSELL. Mr. President, because of the disorder in the Chamber, I am having some difficulty in following the reading by the clerk; but I understood him to announce the vote had at that time without stating how Senators voted. I wanted to know that.

The VICE PRESIDENT. The clerk will shortly come to that point.

Mr. RUSSELL. Very well.

The Chief Clerk resumed and concluded the reading of the Journal.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). That completes the reading of the Journal.

Mr. BARKLEY and Mr. RUSSELL address the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. The rule under which the Journal has been read providing only that it shall be read and being silent on the subject whether it must be approved after having been read, I should like to inquire of the Chair what his ruling is as to whether the Journal having been read in compliance with the rule must by formal action of the Senate be approved.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that, in view of the fact that rule III makes no provision for approval of the Journal, such action by the Senate is not necessary. The theory of rule III is that the Journal shall be read unless the reading is dispensed with by unanimous consent; that if the right to have it read is insisted upon, when the reading is completed motions to correct it are in order, and if there be no motions to correct it or if all motions to correct it have been disposed of, then when such proceedings are concluded, the Journal stands.

Mr. RUSSELL. Mr. President, I was on my feet. I wish to say that my own construction of the rule is exactly in accord with that just stated by the Chair.

Mr. BARKLEY. I rose to obtain the ruling of the Chair—I make no question about his interpretation—the rule itself being silent as to whether after the Journal has been read, and any corrections that are offered are disposed of, it takes an affirmative vote of the Senate to approve the Journal.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that no such action is required by the rule.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. Rule IV of the Senate is as follows:

> The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages from the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

Those who designed the rules of the Senate were very particular in providing what should appear on the Journal of the Senate. The reason for that is quite manifest. The CONGRESSIONAL RECORD, while it is a record of the proceedings of this body and statements made on the floor are considered in arriving at the legislative intent, yet, for the determination of what actually transpires in the Senate the courts will not look beyond the Journal of the Senate.

Mr. President, a very casual reading of the Journal this morning, confirmed by a very serious listening to the efforts of the reading clerk—he read with some rapidity and I could not follow him altogether—discloses that on the roll calls we had here yesterday there did not appear in the Journal the names of Senators who did not answer to their names.

I insist, Mr. President, that it is just as important that there appear in the Journal the names of Senators who refused to answer to their names, those who absented themselves from the Senate, as it is for the Journal to disclose the names of those who were here and who did respond when their names were called.

That is all the more important, Mr. President, when we consider the very unusual proceedings in this body on Saturday last. At that time a quorum was called, and it disclosed that 52 Senators were absent from the Senate. The Rules of the Senate prescribe the method of procedure to be followed when there is less than a quorum present. Those rules were not followed on last Saturday. On the contrary, although the roll call disclosed that 52 Senators were absent from this body, an unusual and unheard of procedure was adopted, for, upon motion made, warrants were issued for the arrest of only 8 of the 52 who were absent.

Mr. President, I should like to point out that, by a strange coincidence, 7 of those 8 Senators who were held up to public obloquy and contempt happened to be from the States at which this infamous legislation is leveled and were known to be opposed to it; whereas, of the remainder of the 52, no effort was made whatever to bring them into this body; no warrants were issued; their names were not announced to the press; they did not go out over the radio, even though they might have been out on the golf courses, all of them absent without leave of the Senate. Eight Senators were selected from the 52 who were absent, and the Sergeant at Arms and his assistants thereupon rushed about the city to find those 8 without any power or authority to arrest the others among the 52 absentees if they had met them on the street. As a matter of fact, 2 of the other 44 absentees who are in favor of this bill came voluntarily into the Chamber, though no warrants had been issued for their arrest. This proved conclusively that they were present in the District of Columbia at the very time the Sergeant at Arms was ordered to arrest the 8 absent Senators who were opposed to this bill.

This was an unfair abuse of power. It was in violation of precedents and the rules. It was discriminatory against Senators who were at least at the seat of government and presumably about some public business and partial to Senators who were vacationing at some resort or at their homes.

Mr. President, I insist that this action is in perfect keeping with the policy which has been followed since this legislation was first proposed, leveled at eight States, selected in a certain section of the country, inspired and supported in many instances by those who have heretofore sought to keep alive and who have kept alive sectional legislation, leveled at the Southern States.

We are in the midst of a great war, a war which the President of the United States himself says is one of survival, a war in which we are calling upon the young manhood of this Nation to go forth and, if need be, to fight and die upon the battlefield in defense of their country, a war in which we are calling upon those who engage in the industries of this Nation to strain every nerve and every energy—indeed, to labor beyond human endurance—in the effort to produce tools and materials not only for the use of our own armies but to give to our gallant Allies to enable us to be victorious in this war of survival.

We are calling upon the civilian population to make unusual sacrifices. We even have the school children going about and organizing themselves into Victory groups in order that they may gather scrap iron and scrap rubber. We are calling upon the citizens to invest their substance in War Bonds, and now, in the midst of this period, we suddenly find that after 150 years someone, somewhere, has discovered that a poll tax in a State constitution is a pernicious political practice, and this sectional bill is brought here to attempt to deride the people of the Southern States as being incapable of self-government, at a time when, I say on this floor, those people are responding to the call of their country to a greater degree, commensurate with their means, than the people of any other section of the country.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I decline to yield at this time. I shall take only a brief time, and I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BARKLEY. I should like to make a parliamentary inquiry for the RECORD.

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

Mr. BARKLEY. The Journal of the Senate for yesterday having been read, and there being no motion pending, upon what subject is the Senator speaking?

Mr. RUSSELL. Mr. President, I have been in the Senate for some time, and I have seen the Senator from Kentucky—who always is fortunate, the Chair recognizes him even after half a dozen Senators have addressed him first—I have seen him take the floor and deliver himself of a statement without any motion pending. But I will state, if the Chair requires it, but not in response to the Senator from Kentucky, because I think the question should have been addressed to the Chair, that I propose to offer an amendment to require the Journal to show what were the true facts of yesterday's proceedings with respect to those who did not answer to their names when the roll was called.

Mr. BARKLEY. I thought the Senator would do that, but the Chair knows, the Senator from Georgia knows, and all other Senators know, that I have always

insisted that the rule be complied with during the 2-hour period of morning business. The rule makes a motion to correct the Journal a privileged matter.

Mr. RUSSELL. Undoubtedly.

Mr. BARKLEY. But I do not think that, strictly speaking, the rule permits unlimited discussion with no motion pending before the Senate to correct the Journal.

Mr. RUSSELL. I have observed that there has been a tendency to disregard the efforts of some Senators to avail themselves of what they think are privileges granted by the Constitution and the rules. But I have no objection to offering the motion, which is a privileged motion.

The PRESIDING OFFICER. The motion will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A motion to amend the Journal by inserting after the names of Senators who answered to their names on the first roll call the names of Senators absent without leave of the Senate who did not respond to the call of the roll.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, when I was interrupted by the parliamentary inquiry, I think I was discussing some of the history of the poll tax in my own State. I do this for the reason that the report of the majority of the committee on the bill sought to be brought up arrives at the conclusion, and states that this legislation is necessary because the several States devised the poll tax as a means of disfranchising the Negro in the eight Southern States.

I challenge that statement, Mr. President, and denounce it as being absolutely false and without foundation. Back in the days of colonial Georgia, when we were living under King George III, there was a poll tax of 4 shillings and 6 pence in the colony of Georgia, which any voter was compelled to pay before he could avail himself of the privilege of the franchise in voting for the members of the colonial legislative body.

It has been urged here that it is undemocratic and improper—yea, unconstitutional—to require a man to go forth into battle for a State which would levy a tax upon his right of exercising the franchise. That would be news to those from my State of Georgia who entered the Continental Army and gave their all in order that we might enjoy the independence and the rights and privileges which are ours as American citizens today. At that time some people from other sections of the country, from which sections today people are trying to force this bill down our throats, were still making a great business of selling us Negro slaves, and the poll tax was then in existence. Yet it is said here that it is necessary to pass this bill because the poll tax was devised as a means of disfranchising the Negro.

In the Revolutionary War the colony of Georgia made a record of which it might well be proud. The youngest of the Thirteen Original Colonies, it was the only one which had ever received any direct monetary grants from the British Crown. For that reason many of the people were kindly disposed toward the British Government, for unusual favors shown. Brother was arrayed against brother. Some of the most horrible tragedies of all our history, equaling that when Sherman passed through spreading his trail of devastation and woe, were incidents which occurred in the battles between the partisan bands of patriots and Tories in Georgia during the great struggle for independence. Nearly every house in the State was burned, most of the men were killed or wounded, and the women and children suffered indescribable horrors. The Tories and British brought in the Indians to complete the work of destruction.

But the revolutionary patriots never wavered, and despite the fact they had a poll tax they carried on through it all to victory and freedom for us all.

We are proud of those who represented Georgia in the Continental Army. Col. Samuel Elbert, the leader of a group of Georgia Continentals on the bloody field of Guilford Court House, where the Southern States were saved from British domination and final victory for the States was assured, in order to cover the retreat of Greene's army stood with his men, until the last one of them was cut down to the ground. Elbert himself fell with seven wounds in his body, and after the British had stuck their bayonets in all the forms on the ground in order to make sure they were dead, they left Elbert for dead. But he experienced a miraculous recovery. Later he was honored by being elected Governor of Georgia, and a county of my State, in which lives Representative BROWN, whom I observe now in the Senate Chamber, is named in his honor.

Samuel Elbert marched forth to receive the wounds in his body at Guilford Court House, marched from a community where a poll tax was imposed; yet we are told here by the Senator from Kentucky that it is so undemocratic, so contrary to the concepts of a republican form of government, that it is necessary for us to strike it down, to invade the States and repeal provisions which have been in our State constitutions for over a hundred years.

Mr. O'DANIEL. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield for a brief question.

Mr. O'DANIEL. While the Senator is stating what the pioneers in Georgia did, I should like to call attention to the fact that at the present moment this pernicious bill is aimed at the great State of Texas, while one of our Texans, Admiral Nimitz, is commanding the fleet in the Pacific engaged in the terrible battle now proceeding, and another Texan, General Eisenhower, is commanding the Army in the Eastern Hemisphere.

Mr. RUSSELL. All Americans are proud of those men. Mr. President, I shall not delay to enumerate those composing that noble galaxy of heroes who went forth to fight for independence, for independence for States which then had not been dreamed of, but which are attempting to force this unconstitutional bill down our throats, and who went away from a poll-tax community back in the days of the Revolution.

Then came the War of 1812. Georgians did their part in that war. There was fighting along our coasts. The mountaineers of north Georgia took up their long rifles to march all the way down to New Orleans, La., with Andrew Jackson, and there, behind the cotton bales, they made their contribution toward winning the only battle the American forces really won in that war. They went away from their homes, and they thought they were fighting for the freedom and independence of this country. They left a community where a poll tax was imposed.

Now let us progress a little, to the time when the Texan struggle for independence was in progress, and I shall advert to it on account of the interruption of the Senator from Texas. In the Alamo, fever wracked, lying upon a cot, was a man named Colonel Bowie, from Burke County, Ga. He had his comrades assist him to his feet in order that he might take his place on the walls of the Alamo to repel the Mexican hordes. On the last day of the siege he was confined to his bed and could not even stand, so he had a pole driven into the ground by a faithful slave, and he held on to it with one hand, and with that knife to which he gave his name he struck down several Mexicans, whose bodies were found around where that hero fell.

Those who marched with Fannin to Goliad were in large measure Georgians.

The Lone Star flag of Texas was designed and made on Georgia soil by Miss Joanna Troutman, a Crawford County, Ga., girl, and was carried by Georgia volunteers, who went to fight with those who were struggling for the independence of Texas. And they left from a community where there was a poll tax, and they did not feel that they had to lay down their arms and say, "We will not fight for our country because we have a poll tax."

Then, Mr. President, we come to that tragic fratricidal strife of the sixties, when brother was arrayed against brother in the greatest tragedy of all our American history. The poll tax was in effect in Georgia during that war. After 4 years of heroic service upon the battlefields of Virginia and the West, the Georgia soldier accepted his defeat in good faith with his other southern comrades and returned to his home. My State suffered more from that bloody and awful struggle than almost any other State. It is not generally known, but in the Battle of Chickamauga, fought on Georgia soil, more men were actually killed in battle in 1 day than in any other battle of the Civil War.

The southern soldier came home, it is true, to find his home in ashes, and saw his wife and children coming up to greet him on a path which led from a house which had been occupied by servants

when he marched away to war. But he had courage, Mr. President, even though he lived in a community which levied a poll tax. He faced the situation as a man, and, standing in the fire-blasted ashes of all he held dear, he faced the east and swore he would build there on the ashes of the old civilization an even greater and brighter civilization. He carried on under great handicaps. There in that tragic era of reconstruction his every movement was made under Federal bayonets. His civil courts and authorities were stricken down. He was disfranchised. He was not even permitted to vote if he paid the poll tax, because he was proscribed by reason of having fought for the rights of the States which he regarded as dearer than life itself. He found all the institutions of his Government overturned and military Governors operating the States.

In that day, Mr. President, that tragic day, the military Governor of my State called for the gathering of a constitutional convention to write a new State constitution, to give force and effect to the amendments to the National Constitution which had been adopted here in Washington. In the election of delegates to that constitutional convention the average white man in the South was not even permitted to vote, and the election was held in the shadow of Federal bayonets. That convention, Mr. President, was known in Georgia as the Negro-carpetbagger-scalawag convention. Perhaps Senators from other sections of the country are not familiar with those terms. A carpetbagger was someone from outside the South who came into the South at a time when the people were helpless, in search either of a home or of a political job with the new governments which were being instituted, or to prey upon those who could not defend themselves. The name is derived from the fact that the man brought all his possessions in a small valise, which was called a carpetbag. Many carpetbaggers left after a few years, and left with much more than they brought. Some of them, be it said to their eternal credit, stayed in good faith in the South. They saw the conditions there, and today the viewpoint of their children is the same as the viewpoint of the children of those who fought on the side of the Confederacy. Some of the best citizens of my State are those who moved into that State immediately after the War between the States.

Mr. President, a scalawag was one who was born and reared in the South. More often than not he had perhaps, through force, served in the southern armies. Generally, however, he was a shirker or a straggler when a battle for the South and southern rights and honor was at its hardest. He was one who, when he came home and saw his own prostrate and bleeding people ground into the earth, instead of casting his lot with them and seeking to bind up their wounds, abandoned them in their hour of distress and went over to the carpetbaggers and the Negroes, and fawning upon them for the purpose either of getting political preferment, or of securing plunder and booty from a helpless people, joined hands and went into the forefront of those who had come from abroad to persecute his own helpless people.

Mr. President, it is little wonder that in their hour of agony the Southern people regarded the scalawags who added to their distress as being more infamous than either Judas Iscariot or Benedict Arnold. Even the soldiers from the North who were stationed in the South held the scalawags in unspeakable contempt because they had abandoned their people in their hour of trial and groveled before the Negroes and carpetbaggers. They were without principle and without conscience.

That was the complexion of the constitutional convention which assembled in my State in 1868 to rewrite a State constitution. Negroes, carpetbaggers, and scalawags met to frame a constitution for the State of Georgia, but when they met they wrote into that constitution a poll-tax provision as a requirement for voting, and I imagine that they would be utterly dismayed today to know that in this late hour it is said that the States had no right to levy this poll tax, and that it was necessary for the Federal Government to project itself into the State with some sort of a super-carpetbag-scalawag proposition as this from Washington, to go down and tell the people of the State what kind of a constitution they are to have, and to undertake by a mere Federal statute to repeal in the constitution of a sovereign State a provision which has been in it a hundred years.

Mr. President, I do not stand here as any advocate of a poll tax. It may be outmoded. It may be that the time has passed when it is necessary for people in their poverty to levy a head tax for any purpose, but I want to say, Mr. President, that it is very difficult for some Senators from the wealthier States to understand how important every dollar is that we are able to get into our State treasuries to make our schools operate in some of the less fortunate States which have been so long exploited.

That 1868 convention in Georgia wrote into the constitution the provision that this tax should every year be set up as a special fund for education. It is assessed against white and black alike. It is applied to the education of white and black alike. Yet we hear it said that it is a device framed by the eight Southern States to disfranchise the Negroes. That is most absurd. It is utter poppycock. It is as utterly without foundation as any contention which has been made in this body since I have been a Member here.

The poll-tax provision should perhaps be repealed, but insofar as Georgia is concerned it should be repealed by the people of Georgia. The Federal Government, after accepting us into the Union when we ratified the Constitution in 1788, with the poll-tax provision in our constitution, and after having let it exist even through the trying days of the Reconstruction, has certainly no right to invade my State now and attempt to hold it up to public scorn, and say "Here are these Southern States; they are so backward that they are not capable of administering their own affairs. We have got to go down in there from Washington and rewrite the constitution for them, and tell them what they can and what they cannot have."

No; I am no advocate of the poll tax, Mr. President, but I am a bitter opponent of any effort by the Congress of the United States to strike down by statute the Constitution of the United States and my State constitution, particularly when the effort is motivated by some of the influences which I see here behind the bill. It is supported by every professional South hater in the United States. Oh, those backward, illiterate southerners, with the lowest per capita income in the United States, trying to get a little money to keep their schools open to educate their youth down there through this tax, are then held up to national scorn. The professional South haters join hands with the professional reformers to come down there and reform us on the ground that we are not capable of looking after our own interests.

Mr. President, the people from my section did their bit in the Spanish-American War. They fought—and some of them died—as bravely and as truly as did the people of any other section of this Republic. They came from a section which had a poll tax. In the First World War they came from a community which had a poll tax, and no question was raised that they should not fight because they came from States where a poll tax was imposed. It is only now, after 150 years, that statesmen have been developed who are able to perceive that the poll tax is so iniquitous that it is violative of the Federal Constitution, even though it was in effect at the time the Constitution was approved.

We thought we had perhaps a few statesmen back in the early days of this Republic. We have been taught at school—and it is still in some of the obsolete history books—that those who framed the Constitution of the United States were men of some little ability. When the Constitution was framed no prohibition against the poll tax was written. On the contrary, the right of the States to levy it was specifically protected in that great document. The poll tax was in existence when the Constitution was approved. We thought we had some statesmen back in the early 1800's. In the early days of the 1800's, in the dramatic moments which led to the War between the States, we thought that some of our statesmen were men of ability. In some quarters, Clay, Webster, and other great men have been recognized as men of some ability. But, oh no, Mr. President, the true Messiahs had not yet put in their appearance. The men who strode across the stage of history in that period were mere weaklings when it came to really perceiving what was unconstitutional. When we compare them with these present-day giants who look back to 1785, and read in the minds of the colonial legislature of Georgia, an objective to disfranchise the Negro through a poll tax, those men were nothing.

We fought through a World War in 1917 and 1918. There were men of some ability in the Congress at that time. The

Senator from Kentucky [Mr. BARKLEY] was a Member of Congress at that time. The war was fought and won without anybody making the amazing discovery that it was illegal and unconstitutional for a man to be called upon to fight for a State in which a poll tax was imposed. For 150 years, down to the year 1939, not even the most fanatic of the advocates of centralizing power in Washington ever imagined that the Federal Congress had the power, by statute, to wipe out the provisions of a State constitution which has such a long historical background. It remained for the great Senator from Kentucky and the Senator from Florida [Mr. PEPPER] to make the amazing discovery that all these years we have been living under a vicious, unconstitutional system which they would now remedy by a simple statute.

Mr. President, I know something about the forces behind this bill. I took the trouble to run through the hearings before the Senate Judiciary Committee. I would not deny to any person who ever lived the right to appear before a Senate committee and give voice to his views and opinions. However, Mr. President, I resent some of the things which have been said about my people and my State. A witness who appeared with the Senator from Florida in support of this bill, a witness who is temporarily sojourning in my State, made the statement before that committee, not once, but two or three times, that it was the practice in the State of Georgia for certain persons to buy up a large number of poll tax certificates, and for one person to take those certificates to the polls and cast a large number of votes with the certificates.

Mr. President, there was never any greater fabrication of any matter before any committee of Congress in the history of the Republic. The statement to which I refer is false and untrue. There is no such thing in my State as a poll-tax certificate as a license to vote. The poll tax is not paid at the time of voting. The voter is not required to submit any form of certificate or showing whatever when he presents himself to cast his ballot. The constitution of the State of Georgia requires that the poll tax shall be paid 6 months before the holding of the election. The registrars make up the lists of voters by going to the office of the tax collector and ascertaining who has paid his poll tax. There is no such thing in my State as a poll-tax certificate as a license which is brought in by a person when he presents himself to exercise the right of franchise.

No State in the Union has fairer, cleaner, or purer elections than has the State of Georgia, which I have the honor in part to represent here. I resent the imputations of the holier-than-thou Members of Congress who have the bill in charge that the measure is necessary to assure pure elections in the Southern States. The original House bill, the text of which is before Senators at the present time, states that because of pernicious political activities in the South it is necessary for the Federal Government to invade our State and undertake to clean up elections among our poor, ignorant, and backward people, who do not know how to handle themselves.

Of course, Mr. President, in a matter of this kind equity means nothing. The sponsors of the proposed law never heard of the rule that he who seeks equity must come into court with clean hands. Men of that ilk care nothing of equity and decency. The "holier than thou" Members of Congress who have been anointed by the machine of Boss Kelly in Chicago, that great humanitarian and pure political organization, urge the passage of this bill on the ground that it is necessary in order to clean up elections in the State of Georgia. Mr. President, there is more fraud and corruption in the Kelly machine or the Hague machine in 5 minutes than there has been in all the Georgia elections in the past 50 years combined.

I resent some of the forces which are behind this bill. I have no quarrel with communistic Russia as a fighting organization. The Russians are powerful partners to have in a scrap. I have no objection to the people of Russia having the form of government that they desire. I am perfectly willing to go to the extreme limit in getting together all the tools, machinery, and matériel that we possibly can assemble, and go to great lengths in getting them to the battle front in Russia, to be used against our common enemy. However, Mr. President, I do not appreciate the fact that Mr. Earl Browder, the head of the Communist Party in the United States, is identified as one of the leaders in connection with the proposed legislation.

I am somewhat familiar with the program of the Communist Party in this country. Before there shall ever be a vote upon the pending bill in this body I propose to read on the floor of the Senate some of the documents of the Communist Party which have been scattered from one end of the South to the other. Speaking of disunity, if there ever was an effort to array one race against another, it has been made in the South by the Communist Party which is now sponsoring this bill.

The only thing which has done more than the Communist Party through the distribution of pamphlets to tear down good relations which men of good will in both races have painstakingly and earnestly created over a long period of years has been the proposal of measures such as that before the Senate at this time.

Mr. President, I have pamphlets which have been circulated by the Communist Party which demand that the States from the Potomac River to the Rio Grande, including Texas, shall be turned over wholly, solely, and exclusively to the colored people. The pamphlets state that the white people should be put out of those States bodily, and if they are not hurled out they should be liquidated, or made slaves of the blacks of those States, and that those States should be made into a great black communistic republic. For some time those leaflets have been scattered by the Communist Party in my State, and I shall exhibit them on the floor of the Senate before the debate is concluded. So when I see proposed legislation which bears the imprimature of Mr. Earl Browder and the Communist Party I scan it with unusual care.

I have seen pamphlets pertaining to the legislative program of that party. This bill is near the head of the list. The sponsors propose to follow it by other legislation which would wipe out all our registration and qualification laws and allow some little Federal official from some other State to preside at every polling precinct in the South during every election, not only congressional, but State and local as well. When I see them getting ready to make this the first step of such a program I resent it, and I shall do all that lies within my power to block that first step. Now, Mr. President, we have in Washington other organizations sponsoring the measure. We have Walter White, a Negro who runs the N. A. A. C. P., who is a great sponsor of this legislation. I understand that White used to be a constituent of mine. He has moved away now, and he has a good job as a Washington lobbyist. Of course, he has to have something to promote or the income will run out, and so he always has a bill. He has a right to urge his bill; but he is behind this legislation, and he appeared before the committee in conjunction with lobbyists from other colored organizations who are doing more to destroy wholesome racial relations in the South than men who have almost given their lives to build up good relations have been able to establish over a long period of years. It is a great tragedy, Mr. President, that we have men who in their haste to secure votes in some sections commit themselves to legislation like this without realizing the full implications of the legislation.

Mr. President, I shall not attempt to address myself to this subject at any length today. I do want to point out that as to those who are referring to the opposition which has been presented to the bill as being guilty of a filibuster, as engendering national disunity, the leadership has but to make a simple motion at 5 minutes past 2 to take up the bill to enable us to proceed to debate it upon its merits, to strip it of all the sham and pretense that have been thrown about it, to dispel all of the fogs of misrepresentation with which it has been shrouded, and to let the American people see what is really in the measure. It is merely a political punitive expedition into eight Southern States, and the forerunner of other efforts of the Federal Government to take charge of all of our election machinery. Vote for it if you will; cram it down our protesting throats if you can; I predict that the day will come when you will regret having given all power to the Federal Government and left the States impotent.

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

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield for a question.

Mr. SMITH. I merely want to call attention to the constitutional provision as

to the poll tax in my State and in the Senator's State. May I read a line from it?

Mr. RUSSELL. I shall be glad to have the Senator do so; but, Mr. President, I want to protect my right to the floor.

The PRESIDING OFFICER. Under the strict interpretation of the rule, the Senator from Georgia can yield only for a question.

Mr. RUSSELL. Then, Mr. President, I shall be compelled to decline to yield for anything other than a question.

Mr. SMITH. Very well; then I shall proceed in my own time, and shall speak for about 40 hours. [Laughter.]

Mr. RUSSELL. Mr. President, I hold in my hand one of the large daily newspapers of my State. In the Sunday edition, which is read by perhaps more people on account of the leisure of the day, there appears the following headline: "The arrest of RUSSELL and seven other Senators voted by associates."

Over on the page to which the article continues—page 14—there is a subheadline in large type: "Senator RUSSELL faces arrest."

I do not know, Mr. President, what has become of the warrant. If it helps to beat this bill, I am ready for it. I have heretofore expressed my indignation and my resentment against the unfair and illegal method by which this matter was handled, the singling out of 8 absentees out of 52 to be held up before the people of the Nation; but I desire to say now, Mr. President, that we who are defending ourselves here, we who are not only undertaking to protect our people but who are expressing our resentment at having them held up to scorn and attack with subtle abuse, have a right to avail ourselves of any privilege which is open to us. For my part I propose to avail myself of every right I have. Let the proponents make the most of it. Your warrants of arrest will not deter us in this fight. They will not stifle my protests or abate the contempt that I feel for some of the forces and motives back of this bill.

Mr. President, I notice that there is a tendency on the part of some Presiding Officers—and I certainly make no reference to the great Senator who is our present Presiding Officer—to take short cuts to deny Senators their rights under the rules, and to avoid seeing Senators who are standing upon their feet clamoring for recognition, look in another direction as if they are hoping and praying that some other Senator will seek recognition, and all the looking is away from those of us who oppose this infamous legislation, and it is all toward those who are seeking to cram it down our throats. In the consideration of the measure we are entitled, as Senators know, to a fair and square deal under the rules of this body. I, for one, shall insist and fight to the limit of my power and strength to see that no Member of this body is denied even one jot or tittle of any right that is his under the rules and precedents of this body merely because he opposes any such invasion of the States and infringements of the rights of the people of the States as is proposed in this legislation. This bill would lynch the Constitution of the United States and the constitution of the State of Georgia, but we shall endeavor to see that the rules of the Senate are not also raped and violated in the process.

Mr. President, there are probably some who are urging this legislation in good faith. They should perhaps be forgiven on account of their ignorance as to what they are doing; but they are doing more to cause race feeling and confusion in the South, they are doing more to delay the elimination of the poll tax in the Southern States, than is any person who might be in favor of retaining the poll tax. The poll tax is on its way out. It has already been voted out in North Carolina; there is no poll tax in the great State of Louisiana; there is no poll tax in the State of Florida, among the Southern States; and, Mr. President, I understand that the Democratic Party in Tennessee proposes to repeal the poll tax in that State this year. I happen to know that it was to be proposed in the Georgia Legislature this year to have the constitution so amended as to abolish the poll tax in the State of Georgia; and if a measure to that effect were submitted to the people of Georgia on a vote, as a voter in that State I should vote to repeal the poll tax as a State function.

That is one question, Mr. President. It is another to have to be compelled to stand on the floor of the Senate at intervals year after year and defend your people against legislation which is conceived with the idea of smearing the South and of putting the southern people in the light of being unable to attend to their own affairs. Let the poll tax be repealed, if it should be, at the proper place. We have not yet come to the state of affairs in Georgia where we need the advice of those who would occupy the position of the carpetbagger and the scalawag of the days of reconstruction to tell us how to handle our internal affairs. We have good government in our States. We have pure elections in our States. I say, further, Mr. President, that we are treating the Negro fairly in our States; and the Negro who is living with us there is not aided any when Walter White and these other Negro lobbyists get up legislation of this kind and bring it on the floor of the Senate.

Mr. President, I challenge all human history to show another instance where in the brief span of 75 years as much progress has been made by an uncivilized race as has been made by the southern Negro who was sold to us as a slave by our friends from the East but a short while ago in the life of a people. I challenge all history since the beginning of man to show any country or any people where two races as different as the white and the black races have been thrown together under such conditions as those by which the blacks and the whites have been thrown together in the South and where as much progress has been made in the brief period of 75 years in establishing fair and just relations between those peoples.

Oh, there are injustices, there are abuses; but I say that despite the burden that we have been carrying in the South, those injustices and those abuses are not any worse, if as bad, than those imposed between two different strata of society in the States which have practically no Negroes today.

I am tired of having the South pilloried with this type of legislation. Any fair-minded man who will study the history of the last 75 years would commend the South on the great work that we have done. Under the leadership of our own people those who were ignorant slaves 75 years ago have made great strides forward. They have been provided with educational facilities largely at the expense of the whites. Many of them own their own homes or businesses, and some have accumulated wealth. No minority race under similar circumstances has ever enjoyed as large a measure of justice and freedom in such a brief period. We have worked hard and painstakingly down through the years to evolve a plan of having the Negro in our midst with the least possible friction, and we have made remarkable progress in adjusting the inevitable problems and conflicts which arise when two races live side by side.

We have made this progress in spite of all the reformers, publicity seekers, vote hunters, and South baiters and haters who harass us year after year by undertaking to tell us from Washington how to run our local affairs, and make a business of criticizing the South. If you expect by this or similar legislation to force social equality and the commingling of the races in the South, I can tell you now that you are doomed to failure. You do a great injury to the southern Negro by urging legislation of this kind, and even though you have the votes to enable you to pass the law, you will never be able to enforce any such system in the Southern States. The Negroes are building up a social system and a civilization of their own within the social system and civilization of the South, but it is separate and apart, and you cannot bring them together by law or edict. It is not to the interest of either the Negro or white race that this should be done.

If some of you zealous reformers would but direct your attention to worse abuses and injustices that are nearer home and leave us of the South, white and black, alone, as we work out this problem, it will be much better for all concerned.

So, Mr. President, speaking as one Member of the Senate, I consider the motion to project this matter into the Senate at this time the most inexcusable one of which I have ever known. It is not justified by any fact or condition that has been brought to the attention of any committee of the Congress. Not a single committee has had before it a witness to testify that any pernicious political activities are being carried on in the Southern States. Not a single witness has appeared to testify that there is any different condition existing today than there was in 1785 when the poll tax was first imposed in Georgia. On the contrary, the Southern States are wiping this tax out step by step. If this bill shall be passed, if it shall be crammed down our throats and the Southern States shall be invaded and their election

machinery taken over, there will be torn down in the twinkling of an eye something that has been constructed very painstakingly and by the rule of trial and error over a period of many years. It will be a great internal tragedy in the midst of war.

We hear much said about disunity; it is asserted that the poll tax is calculated to bring about disunity, when it has been in effect for 150 years; yet no mention is made of the disunity that is caused by Democrats attempting to force down Democratic throats such legislation as this.

So, Mr. President, for my part, I shall fight to the last, to the bitter end, so long as I can stand and speak, against this legislation proposing to repeal by statute, not only the Federal Constitution but also the constitution of my State. The effort is all the more clearly unconstitutional since it was a custom, practice, and law in Georgia when my State approved the original Federal Constitution in 1778. If this bill be passed, it will wipe out the last right of the States. There would be no real excuse for their existence, and the State government would be a useless appendage.

I shall continue to denounce with all the vigor at my command those who assume and take the position that my people in Georgia and those in other Southern States are in need of a Federal guardian sent down from Washington to tell them the type of legislation they shall enact within the State, and who undertake to prescribe rules and requirements covering the life of my people at the behest and insistence of those who either hate them or who would capitalize politically on legislation directed at them. My people in Georgia are the peers of any in this Nation. They are doing their part in this war, as they have ever done in the past. There is no condition which deserves the odium this legislation would heap upon them, and they deserve better and fairer treatment at the hands of their fellow Americans.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. RUSSELL].

Mr. BARKLEY and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. If the Senator from Tennessee wishes to address the Senate, I shall not interfere, but I desire to be recognized.

Mr. McKELLAR. I have no objection to the Senator proceeding. I wish to say, however, that I should like to address myself to a matter which has been adverted to by the Senator from Georgia [Mr. RUSSELL] to some extent, and it ought to be done at this time.

Mr. BARKLEY. I am perfectly willing to yield to the Senator from Tennessee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia. The Senator from Tennessee is recognized.

Mr. McKELLAR. Mr. President, on last Saturday there occurred in the Senate a most shocking performance, the like of which has not been known, so far as I can recall, during the 26 years I have been a Member of the Senate. Authority for it is in the rules, but never during that time, so far as I can recall or so far as I can ascertain, has any further action been taken when a quorum failed to materialize than to request the attendance of absent Senators. The action taken, therefore, was unusual, quite remarkable, and unexpected.

Mr. President, as I have said, I have been a Member of this body for nearly 26 years. During that time I think there has been only one Senator whose record for attendance upon the sessions of this body was so good as mine. That Senator was the late Morris Sheppard, of Texas, whom we had all loved and admired. I am not sure whether he had as good a record for attendance as I have; he might have had; but, if so, he is the only one.

On last Friday it was announced that if the Senate held a session on Saturday the Senator from Mississippi [Mr. BILBO] would consume the entire day. The newspapers carried that statement. I had made up my mind to prepare a speech on the bill under discussion, and, in part, I did so.

At this point, Mr. President, I desire to have the RECORD show a statement of my record of attendance since last January and the record of the Senator from Kentucky [Mr. BARKLEY], who made the motion for the issuance of the warrants, which were afterwards signed by the Vice President, calling for the arrest of certain designated Senators who, he said, were present in the city.

I digress long enough to present this record. I do not want it in my speech, but I ask unanimous consent that the attendance record of the Senator from Kentucky, who ordered my arrest, and that my attendance record be printed in the RECORD. The record is not one, I think, that justified his requesting such an order. I have had the Senate Library prepare this document, and it is official. I find that there have been 267 roll calls since last January when this session began. I find that on those 267 roll calls the Senator from Kentucky has been absent 21 times, and I have been absent only 8 times or a ratio of absence of 2½ times to 1. Yet when I was absent, preparing a speech, the Senator from Kentucky rises on the floor and has adopted an order directing the arrest of Senators, and that they be brought here in order to give him a quorum. Their names are in the RECORD, and I shall read them.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee to print certain matter in the RECORD is granted.

Mr. McKELLAR. I thank the Chair. The document is quite lengthy, but I will ask that it be printed in the RECORD at the conclusion of my remarks.

(See exhibit A.)

Mr. McKELLAR. Mr. President, before I proceed to make a reference to myself, I wish to call attention to those who were singled out for arrest by the Democratic leader, if you please. I have their names. They were Senator DOXEY, Senator MAYBANK, Senator McKELLAR, Senator O'DANIEL, Senator OVERTON, Senator RUSSELL, Senator HILL, and Senator BUNKER. They were the ones who were singled out.

I digress long enough to say that sitting in the Chamber at the present time is the last Senator named, one of the grandest young men who have been in this body for years, who has been chosen more often to preside over this body perhaps than has any other Senator, and who has, at all times, made an excellent presiding officer and a splendid Senator. He, the Senator from Nevada [Mr. BUNKER], was singled out to have placed upon him the indignity of being arrested and brought into this body.

Mr. President, I have said it was a shocking performance, and I wish to tell why. Some 10 years ago there was a very close contest in the Democratic Party in the Senate over who should be its leader in this body. Two gentlemen were candidates for the place. There may have been others, but I think it finally came down to two. One was Senator Harrison, of Mississippi, with whom I had served in the House of Representatives, and whom I had known long and favorably ever since I first shook his hand. The other was Senator BARKLEY, of Kentucky, whom I had known in the same way, never dreaming that after all my years of faithful service, as I believe they were, he would rise on this floor, in my absence, a man who had been sitting here by me for the greater part of the time, one desk next to the other, and single me out as one of the eight who were so unworthy that they would have to be arrested and brought to this body.

As I said, both men, Senator Harrison and Senator BARKLEY, had apparently been friendly to me, and after going over the matter and weighing all the facts as they appeared to me at that time, I concluded to vote for Senator BARKLEY, and I did so. He was elected by one vote. I voted against a man who had been my friend at all times, and, Senators, he was my friend until his death, though I voted against him. Never did a grander man serve in this body than Pat Harrison, of Mississippi.

I would have sworn, prior to last Saturday, that Senator BARKLEY felt about me in the same way. Indeed, only last October 29 I prepared a letter in my own office, addressed to the President of the United States, from a copy of which I shall now read:

OCTOBER 29, 1942.

The PRESIDENT,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: We, the undersigned Members of the Senate of the United States, desire to make a suggestion to you in reference to the filling of the vacancy on the Supreme Court of the United States.

Senator ALBEN W. BARKLEY is a splendidly educated and equipped lawyer. He was educated in the public schools of his home county, then received his A.B. degree in Marvin College, Clinton, Ky. He afterward attended Emory College at Oxford, Ga., and received his legal education at the University of Virginia. He was admitted to the bar in 1901 at Paducah. He has quite a fine experience as a lawyer, being first elected prosecuting attorney for his county and later on was elected judge in that county. He was in the United States House of Representatives from 1913 until 1927, and since that time has been a United States Senator.

For a greater part of your terms of office Senator BARKLEY has been the Democratic leader in the Senate. Therefore, his education, his long experience, his close and long association in legislative affairs, and his great ability all join in making him peculiarly eligible for the high office of Justice of the Supreme Court of the United States.

Senator BARKLEY's fine character, his clean life, his outstanding ability, and his great experience splendidly fit him for this important position.

His faithfulness to you and your administration, his cutting the wood and drawing the water during all these years have made it possible for him to accomplish great things for you in your administraiton.

We all know that to be so.

If ever a man by his work, faithfulness, and ability has come to deserve high favor at the hands of any administration we believe Senator BARKLEY has abundantly earned it.

I do not believe anyone on this floor would dispute that statement. He has served the administration as well as any man who was ever here has served it. I am wondering whether the administration is behind this bill. I am wondering. I do not know. No one answers, and I shall proceed:

We should regret to give him up as leader, but we know that his appointment to this high office in this hour of adversity would have a steadying effect upon the entire Nation. We commend him to you without reservation.

This letter was conceived, is written, and has been signed without the knowledge or consent of Senator BARKLEY.

With high respect,

Very sincerely yours.

That letter was signed by me and a number of other Senators, and was in the hands of Mr. Biffle the last I heard of it, which was last Saturday.

Mr. President, I never consulted Senator BARKLEY about the preparation of that letter. I wrote every word of it. I wrote it in good faith, never dreaming that the man I was recommending so highly would single me out, I who sit here right next to him, to put the indignity upon me of having me arrested, to come here and help out with a quorum, which he could not do anything with after he got it. [Laughter.]

I never mentioned the matter to him at all. Later he did speak to me about it, as I recall, and thanked me for having written the letter. As I recall, he stated he was not an applicant for the place.

For the greater part of the last 8 or 10 years my seat in the Senate has been next to that of Senator BARKLEY. At all times he has asserted friendship for me, and now I wish to read from the RECORD of last Saturday what occurred after the Sergeant at Arms had reported that Senators DOXEY, MAYBANK, MCKELLAR, O'DANIEL, OVERTON, RUSSELL, HILL, and BUNKER were in the city and had not been located. I digress there long enough to say, before I read what actually occurred, that it is very unusual for the Senate to hold sessions on Saturday. We all know that that is rarely done except when we are considering a bill which has been before us for quite a while. We do not usually hold sessions on Saturday.

I had taken Saturday off in order to prepare a speech, and I did prepare it; and I have added something to it since. I had prepared a speech which I shall deliver in a moment or two, after I get through with this preliminary matter.

Mr. President, I was engaged in the Government's business. My record for attendance is known to every Senator; and if there is a Senator who will question the statement that I am not as regular in attendance in this body as any other, I should like to have him rise and say so; and I refer to either side of this Chamber.

After the Sergeant at Arms had reported that Senators DOXEY, MAYBANK, MCKELLAR, O'DANIEL, OVERTON, RUSSELL, HILL, and BUNKER were in the city and had not been located, the following occurred:

Mr. BARKLEY——

[Laughter.]

Mr. BARKLEY, whom I had just recommended for the high office of Justice of the Supreme Court of the United States——

Senators may laugh, but it was not a laughing matter to me last Saturday. I digress from the reading long enough to say that when I was a boy, a student at the University of Alabama, and a classmate and a devoted friend of the distinguished senior Senator from Alabama [Mr. BANKHEAD], away back so long ago that the memory of man runneth not to the contrary, I am sorry to say, I received a letter from my honored and respected father, who was a lawyer in the State of Alabama. I shall never forget that letter. I cannot give the exact words, but the substance of it is indelibly impressed upon my mind. He said, "My son, I cannot live much longer. I have a very small amount of property, and it goes to your mother. I am sorry that I have nothing material to leave you. All I have to leave you is a good name and this advice: Whatever may come, whatever may happen, whatever life may bring you, keep your record clean, keep your record clean."

That was the inheritance, Senators, the only inheritance that I received from my lamented and respected father many years ago, when I was a student at the University of Alabama. It is advice which I have never forgotten. I have tried, as faithfully as ever any man has tried, to follow that advice and to keep my record clean. I thought I had kept it clean, even to the matter of attendance upon the Senate. Then, after having lived as long as I have and having kept my record clean, to think that that record should be besmirched by the man who sits beside me, by his offering and having adopted a motion ordering my arrest. I was shocked at that. I was tremendously shocked. I am hurt. I feel it acutely. I have not deserved it. My record during the 26 years I have been here, if it be examined, as I have had the record for the last year examined, will show that I have been one of the most faithful Senators in my attendance upon this body. Why is that, Mr. President? Because I like this body. Because, as a rule, the men I have met here were all high-minded men.

I continue to read from the CONGRESSIONAL RECORD:

Mr. BARKLEY. Mr. President, there seems to have taken place an exodus from the Senate equal to the exodus of the children of Israel from Egypt.

Mr. President, if I remember the Bible story correctly, and I think I do, when the children of Israel left Egypt they had a leader [laughter]; they had a Moses to lead them out of Egypt. Our leader has led us right square into the lap of the Republican Party; because I think, with one or two exceptions, every one of the Republican Senators voted just as our leader voted, while a great body of Senators on this side voted the other way. I am not criticizing any Senator for his vote. I simply notice great jubilation on the other side of the Chamber. The smile on the face of the Senator from Michigan [Mr. VANDENBERG], my dear friend for whom I have the greatest admiration, has not worn off since this debate started. I cannot blame him. It is true he has a new leader over on this side, but that is the accident of politics.

Listen to this, Mr. President:

Mr. BARKLEY. Mr. President, there seems to have taken place an exodus from the Senate equal to the exodus of the children of Israel from Egypt; but there is a sufficient number of Senators in town—

"There is my desk mate. It is true that he is the most faithful of Senators in his attendance on the sessions of the Senate, but when I want to do something, when I want to carry my point, there is no reason why I cannot have MCKELLAR arrested and bring him in here to help me, although I know he is on the other side. I can invoke a rule under which the Vice President can order his arrest."

And, Mr. President, he invoked that rule.

I continue to read from the RECORD:

but there is a sufficient number of Senators in town to make a quorum. I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators, and that the Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

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

Mr. BARKLEY. I yield.

I was just looking around to ascertain the whereabouts of my associate, the Senator from Texas [Mr. CONNALLY]. He seems to be one of the children of Israel. [Laughter.]

Mr. BARKLEY. I yield.

Mr. CONNALLY. I wish to ask if the execution of the warrants would require the Sergeant at Arms to go to the home States of Senators.

The PRESIDING OFFICER. The motion is not debatable.

Mr. President, the Presiding Officer seemed to be intensely interested in this matter. I may be doing him an injustice. I take it back. I do not know whether the Vice President was presiding at that time, and I withdraw that portion of the statement. The RECORD says "The Presiding Officer," and usually when that appears in the RECORD it means that a Senator is presiding.

Mr. CONNALLY. I am propounding a parliamentary inquiry, and the Senator yielded. He is making a motion.

Mr. BARKLEY. Of course, when the Sergeant at Arms produces a sufficient number to make a quorum—

His desk mate and four others—

which is five—and there are more than that many Senators in Washington, as reported by the Sergeant at Arms—it is not expected that warrants of arrest will be sent to the home States of those who are absent.

The PRESIDING OFFICER. If the motion is so phrased as to exclude them, the warrants will not be sent to the home States; otherwise they would have to be.

Mr. BARKLEY. The motion I made would include all absent Senators, but the practical application of it would be limited to those who are in the city.

The PRESIDING OFFICER. The motion is limited to them?

Mr. BARKLEY. I am willing to limit the motion to those who are reported to be in the city of Washington, in the District of Columbia, for the day.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

Mr. President, I do not know just what time of the day that occurred. All the morning, and up to about 1:30 on Saturday, I was preparing a speech to be delivered on this question. I then took the book containing the celebrated Milligan case—the Seventy-first United States Reports, as I recall—a case which has a great deal to do with that instrument which most of us seem to have forgotten ever existed. I took the book containing the Milligan case under my arm and went on the street car to my hotel. I had lunch and went to my room and started reading the Milligan case. Thereupon the head maid knocked on the door and asked if the regular maid was in there. That was a peculiar question, was it not? I told her she was not. As she asked me the question, in walked Mr. Mark Trice, who told me that he had a warrant for my arrest. I came to the Senate and answered to my name. It is perfectly apparent that Mr. Trice had either overawed the head maid, or he had done something else that caused her to open the door. I make no point of it. I was there. I am against the bill, and I shall filibuster against it if it be called a filibuster. I will take any step that is honorable to defeat it, because I do not believe in the bill, but do believe in the Constitution of the United States.

Mr. President, as I said awhile ago, I was never more shocked in my life. It was unbelievable to think that the Senator from Kentucky [Mr. BARKLEY] would do this when he had known me for so long, and had known of his own personal experience that I was probably as regular an attendant on this body as any other Senator. When I speak of all roll calls, I am not speaking of roll calls on bills; I am speaking of all roll calls. I have missed only eight.

The Senator from Kentucky [Mr. BARKLEY] did not call me himself. He did not even have Mr. Biffle, one of the finest men God ever made, even say that they were thinking about issuing warrants for Senators. I did not know it. I thought, of course, that Senators would be asked to attend, as has been done for 26 years, until this time.

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

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

Mr. McKELLAR. Yes; I yield if I do not lose the floor.

Mr. RUSSELL. I should like to ask the Senator a question. The Senator stated that he has been here for 26 years. He has seen much of Senate proceedings. I ask him if he has ever heard of a case when of 52 absentees only 8, all of whom happened to be against the proposed legislation, were singled out to have warrants issued against them, when an ex parte hearing was held in the Senate, and one witness gave his opinion as to whether Senators were or were not in the city, even though it was later developed that other Senators, for whom warrants were not issued, were in the city, for they put in their appearance on the Senate floor?

Mr. McKELLAR. I have never known such a thing to happen before. I think when we have had contests which were vigorous and active and, let us say more or less determined, each side would keep its own Members here and maintain a quorum. That has been the history of the Senate for the 26 years I have been here. The Senator from South Carolina [Mr. SMITH] has been here a longer time than I have. Has that not been the history of the Senate since the Senator from South Carolina has been here?

Mr. SMITH. Yes; but everything has changed now.

Mr. McKELLAR. I found last Saturday that it was changed.

With respect to the letter which I read awhile ago, as soon as I returned to the Senate I hunted up Mr. Biffle and asked him to take my name off it. I did not want to endorse a man who would have his own deskmate arrested, humiliated, and put in an ignominious position merely to carry a little point the consideration of which lasted about 2 hours.

Mr. President, I wish to be perfectly frank and truthful. I had no interest in making a quorum. On the day before I had asked why this bill was brought up at what is commonly known as a "lame duck" session. I did not receive any answer. I do not know whether or not my rough treatment was the result of that inquiry. However that may be, that is what happened to me.

This is a so-called "lame duck" session. Not only do I mean no disrespect by the use of that term but nobody in the world is more regretful than I to see Senators leave this body. I have enjoyed the friendship of most Senators, and I am always filled with regret to see them leave. I mean no disrespect by the use of the term "lame duck." I merely wish to call attention to the fact that my distinguished friend the Senator from Nebraska [Mr. NORRIS] worked long and faithfully to bring about an end to so-called "lame duck" sessions. After many years he succeeded; but he does not seem to have cut the cloth close enough. Before the change, the "lame duck" session lasted until March 4. By an amendment to the Constitution its length was reduced to the time between election and January 3, and now it is proposed to legislate a provision out of the Constitution at a shortened "lame duck" session.

As the Senator from Nebraska has frequently stated, the reason for the amendment was that after men have been defeated in their own States they ought not to legislate for the country. That was a good reason. I voted for the amendment. The only regret I have is that the length of the so-called "lame duck" session was not reduced a little more, so as to end about November 15 instead of January 3. Last Friday I said that I did not think we ought to legislate during the "shank" of a session of Congress. For the past 4 years Congress has been in practically continuous session.

Mr. President, at this point I wish to have it understood that my position regarding this bill is due to the love I have for the Constitution of the United States and my devotion to that great instrument. I believe that this bill is a violation of its provisions. I want it understood that my position is not the result of any desire on my part to hold any place in the Senate which I do not now hold. Under no circumstances would I become an applicant for the place held by the Senator from Kentucky as leader. In the first place, my health and age would not permit it. In the second place, from my point of view, the positions which I now hold in the Senate are much preferable to any others. If the position of majority leader were tendered to me by the unanimous action of the Senate, including the Senator from Kentucky, I would decline it. I desire to have that question out of the controversy.

Someone caused the statement to be published in the newspapers yesterday that I left my seat in the front of the Chamber and moved to the rear of the Chamber. My dear young friend is entirely mistaken about that. I was merely conferring with my new leader, the Senator from Texas [Mr. CONNALLY]. He is the leader in this matter. I went back to confer with him. There was a vacant chair where my esteemed and much beloved friend the Senator from Virginia [Mr. GLASS] usually sits. I sat in that chair and talked with my leader. That may not be a good reason, but that was the fact. This seat suits me exactly, and I hope to spend a good many more years in it.

Mr. President, I desire to state some reasons for my position on the pending bill. In my humble judgment, the Constitution of the United States is being raped by this bill; and so long as I am here I shall not stand idly by and give consent to a law being enacted which I believe to be absolutely unconstitutional. I know it is popular these days to decry the Constitution. Some even denounce it. Some make excuses for it. Some think it is antiquated. So far as I am concerned, Mr. President, I believe in it and shall abide by it from its beginning to its end. I shall abide by the Constitution and every amendment thereto. I shall do so by my voice and by my acts, and I shall go the limit to uphold it and defend it.

Being called a filibusterer has no terrors for me. I say to Senators that if it is necessary I shall filibuster to the limit against this iniquitous measure which, for

political purposes, is being put forth in heat and passion.

I believe that the Constitution of the United States is the greatest human document ever written. I took an oath to uphold it and defend it. I did not take that oath idly. I took it believing that I ought to stand by it, and I have stood by it to the best of my ability.

Mr. President, I brought with me from my office this morning a copy of the opinion in the Milligan case for the purpose of reading to this body what the Supreme Court of the United States has said about the Constitution in times of war as well as in times of peace. The case is found in Seventy-first United States Report. The opinion is that of Mr. Justice David Davis, of Illinois, who was at one time a distinguished member of this body. He was a member of the Supreme Court at the time the opinion was delivered. Senators are paying me such close attention that I do not ask for anything better. However, this is a very important document, and I desire to read it.

Let me first state something about the case before I read what was said about it by Mr. Justice Davis.

After the Civil War Milligan was arrested in the State of Indiana, and tried by a court martial on the ground that the Constitution was not in force during the war, and that the military authorities had taken over control. He was convicted. The case is referred to as Ex Parte Milligan by lawyers and in the lawbooks. It grew out of a petition for a writ of certiorari. I now read what Mr. Justice David Davis said in 1866 in delivering the opinion of the court:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory and necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

That effort had just occurred.

Mr. President, since that time, under the protecting folds of our Constitution we have fought several great wars. This is the third great war. We have followed the Constitution, lived within it, worked within it, and under its provisions. What has happened? We won the first two wars and, as certainly as the sun shines in the heavens, we will win the present one. We will win it within the terms of our blessed Constitution.

Again Mr. Justice Davis said:

> But it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true—

Said Mr. Justice Davis—

> it could well be said that a country preserved at the sacrifice of all cardinal principles of liberty is not worth the cost of preservation. Happily, it is not so.

Mr. President, that concludes the speech I prepared since yesterday. I now come to the speech on the subject which was prepared on Saturday, and from the preparation of which I was rudely disturbed by a warrant the like of which had not been issued in more than a quarter of a century, and heaven knows how long before. I think it would be well to look at the record and to ascertain whether such a warrant has ever before been issued.

Let me ask the senior Senator from South Carolina, who is the senior Member of the Senate in point of service, if he knows whether such a warrant has ever before been issued?

Mr. SMITH. No.

Mr. McKELLAR. The senior Senator from Nebraska [Mr. NORRIS] is the next Senator in point of length of service in the Senate. Let me ask whether he knows whether such a warrant has ever before been issued.

Mr. NORRIS. Mr. President——

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

Mr. McKELLAR. I yield.

Mr. NORRIS. Does the Senator want me to reply?

Mr. McKELLAR. Yes.

Mr. NORRIS. I think it has. I think that I myself have been submitted to such a warrant on one occasion since I have been a Member of the Senate.

Mr. McKELLAR. Then I feel that I am in better company.

Mr. SMITH. I do not remember that.

Mr. McKELLAR. I believe that the Senator from Nebraska is mistaken, and that such a warrant has never before been invoked since the Senator has been here. It might have been invoked in 1917; I am not sure.

Mr. NORRIS. I do not remember the occasion; but I remember being arrested on a warrant issued in order to secure a quorum, and I remember being brought to the Senate.

Mr. McKELLAR. That helps my feelings a little.

Mr. NORRIS. I never felt offended because I was arrested. I thought it was all right.

Mr. McKELLAR. The Senator is different from me. I do not think it is all right. I feel offended, and very greatly offended.

Mr. President, the provision of the Constitution as to the qualifications of voters is found at the very beginning of section 2, article I; and I ask Senators to listen to these words:

> 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 most numerous branch of the State legislature.

Can anything be clearer than that? That section does not say that Congress has the right to change those qualifications. The matter was actively contested in the Constitutional Convention; but at no place does the Constitution provide that the Congress shall have the power to change those qualifications. If anyone will take the trouble to read the history of that great instrument, as given by the books, he will find that this provision, like so many of the other provisions of the Constitution, was the result of a compromise. Some say that the provision is affected by section 4. I quote section 4:

> SEC. 4. The times, places, and manner of holding elections for Senators and Representatives—

Not qualifications; qualifications had already been dealt with; they had already been fixed; they had already been determined; but this subsequent section was dealing with something else. It was specifically dealing with the times, places, and manner of holding elections—and in another part of the Constitution. I read on:

> 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.

That provision is often inadvertently referred to as giving some excuse for interference by Congress with the qualifications of voters in the States. I cannot believe that any Senator would argue, except by inadvertence, that the section gave any reason for having Congress interfere with the qualifications of voters in the States. Why do I say that? I say that, let me say to the Members of the Senate, because of the fact that for 150 years that provision has been in the Constitution and has been followed absolutely; and never, until a short time ago when the Senator from Florida [Mr. PEPPER] found that the Constitution meant something else, did I hear it seriously contended that it had any other meaning. A mere glance at the provision shows that it applies solely to the times, places, and manner of holding elections. It has nothing to do with qualifications. The question of qualifications had already been settled when section 2 of article I was written.

Mr. President, during more than 150 years, as I have already said, no informed person who has studied the Constitution has questioned that under that provision the States have the right to fix the qualifications of voters in Federal elections. That was the situation throughout all our history until 1913, when the seventeenth amendment to the Constitution was ratified.

In the seventeenth amendment to the Constitution, directing that Senators shall be elected by the people, it is said:

> The electors—

Meaning the voters—

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

If that language had not been proper, if it had not been constitutional, why did we enact it a second time in the amendment relative to the election of Senators? It has never been questioned. It has been upheld by ratification of the amendment relative to the election of Senators.

It will thus be seen, Mr. President, that for 124 years after the founding of our Government not once was the question ever raised as to this provision of the

Federal Constitution; but it was ratified and affirmed by the constitutional amendment providing for the election of Senators by the people.

Mr. President, taken by itself the language of section 2 of article I, the merest tyro in interpreting language must reach the conclusion, if he is capable of reaching a conclusion, that the qualifications of electors—meaning voters, of course—to vote in Presidential, senatorial, and congressional elections are to be fixed by the States. At no place is the Federal Government given the right to fix qualifications of voters in States.

Have Senators ever thought what the situation would be if we should pass the bill and the Supreme Court should declare it to be valid? We would have two elections in every State—a Federal election and a separate State election. We would have two elections proceeding at the same time.

Mr. President, at no place does the Constitution give the Congress the right to fix qualifications of voters in States; but clearly, unequivocally, and specifically the qualifications of electors were to be fixed by the legislatures of the various States when they fixed the qualifications of the electors for the most numerous branches of the State legislatures. However ignorant anyone might be of the use of language, he could not hold from this language that the Federal Government had the right to fix the qualifications of voters voting for the most numerous branches of the State legislatures.

As I have said, the passage of a law of the kind proposed would provide that two elections must be held; namely, one for election to the most numerous branch of the State legislature, and one for an election to Federal offices.

The provisions of section 2 of article I of the Constitution cannot nearly or remotely be construed to give the Federal Government control of the matter at all.

Later on, in section 4 of article II, again the Constitutional Convention specifically excluded qualifications when the right of Congress to alter certain things was mentioned. Under section 4 of article II, after section 2 of article I had been agreed to, the Constitution provides that the Congress can alter regulations as to times, places, and manner of holding such elections; but the matter of qualifications of electors was not included, because that matter had already been determined by the convention. For that reason, it is perfectly clear that section 2, article IV, has no application of any kind nearly or remotely to the qualifications of voters for Federal officers.

Mr. President, I have not learned this by chance. I was taught as a lawyer to go to the bottom of the question. So I went back to the original record to ascertain just what that great Constitutional Convention actually argued and actually concluded. It is all to be found; there is a record of it all; it is perfectly clear. The provision was framed by the committee that had been appointed to pass upon that question, and they had prepared this very language and had reported it favorably to the Convention.

As we all remember, there were some 55 members of that Convention, and they voted by States. When this matter came up it was very seriously objected to. I desire to read what occurred in the Convention, so as to show, beyond a shadow of doubt, that it was intended to leave this matter entirely with the States.

By the way, before I go into that, I should like to make a statement which I overlooked. In Tennessee the political powers that be, who are friendly to me, have declared for the State repeal of the State poll-tax law, and it will probably be repealed by the next legislature. That is perfectly proper. They have the power to do it if they want to do it, and if they have the votes to do it. There cannot be any question that the State has a right to repeal the poll-tax law. In my State the poll tax applies only to voters between 21 and 50 years of age. It does not apply to more than one-third of the voters. The proceeds are devoted to the school fund.

Mr. BANKHEAD. Mr. President, if the Senator will permit me——

Mr. McKELLAR. I yield.

Mr. BANKHEAD. In Alabama it applies only to those between 21 and 45 years of age, and all soldiers, white and black, of any war are exempted.

Mr. McKELLAR. All soldiers in my State are exempted from the poll tax. It may be a very wise thing for the State of Tennessee to repeal its poll-tax law, but the Congress has no power to do it. There is not a scintilla of power that can be found in the Congress to do such an act; anyone who will read the record of the Constitutional Convention is obliged to come to the conclusion, if he will think about it, that the Congress has no constitutional power to pass this bill.

An examination into the history of the Constitution clearly demonstrates that the Convention, after careful discussion, left to the States the fixing of the qualifications of voters as provided by the Constitution. I read from page 487 of the Documents Illustration of the Formation of the Union of the American States:

ART. LV. Sec. 1, 42, 43 taken up.
Mr. Gov'r Morris—

That is Mr. Gouverneur Morris—who was a member of the Convention—

moved to strike out the last member of the section beginning with the words "qualifications of Electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

That was the bone of contention in the convention. To leave the matter to the States was regarded as too liberal. There were certain reactionary members of the Convention who desired to restrict it. Mr. Gouverneur Morris was one of them. He offered the motion to restrict it to freeholders; that is, to those who own real estate.

Mr. Fitzsimmons seconded the motion.
Mr. Williamson was opposed to it.
Mr. WILSON. This part of the report—

That is, the report containing the provision exactly as we find it in the Constitution today and as it was put in the seventeenth amendment, which was ratified in 1913.

Mr. WILSON. This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States.

How natural that was. Think of yourselves in that great Convention and consider it.

Unnecessary innovations, he thought, too, should be avoided. It would be very hard and disagreeable for the same persons 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.

What good reasoning that is.

Mr. GOUVERNEUR MORRIS. Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it, in several of the States. In some the qualifications are different for the choice of the Governor and 44 Representatives; in others for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depends on the will of the States, which he thought not proper.

Just as my friend from Florida now thinks it is not proper and that it ought to depend not on the will of the States but on the Congress, when not a scintilla of authority is given the Congress in that respect.

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing.

That is as provided in the report which had been submitted to the convention.

The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

What a sensible statement! It is true today. Some of the gentlemen who want to disregard our Constitution, kick it under their feet, make waste paper of it, will find that the people back home in their States, if I am any judge, do not think well of what they are doing.

Colonel MASON.—

He was another one who was opposed to it. He wanted freeholders only to vote. By the way, there were 6 or 7 States, I think, in which only freeholders could vote at that time. Only freeholders in about 7 out of the 13 States, as I recall the number, were allowed to vote. I should want to examine the figures in order to be absolutely accurate, but, at any rate, a very considerable number of the States, more than a majority, as I recall, restricted the right to vote to freeholders.

Colonel MASON. The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders.

Anybody who owned land had the right to vote; but eight or nine States had extended it to allow voting on the part of some who were not freeholders.

What will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the legislature.

Mr. BUTLER. There is no right of which the people are more jealous than that of suffrage. Abridgements of it tend to the same revolution as in Holland where they have at length thrown all power into the hands of the Senates, who fill up vacancies themselves, and form a rank aristocracy.

Mr. Dickinson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without principle with which our country like all others, will in time abound. As to the unpopularity of the innovation it was in his opinion chimerical. The great mass of our citizens is composed at this time of freeholders, and will be pleased with it.

Mr. ELLSWORTH. How shall the freehold be defined? Ought not every man who pays a tax, to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear a full share of the public burdens, be not allowed a voice in the imposition of them—taxation and representation ought to go together.

That is exactly what the Constitution provides. It is extended by the States to include all voters.

Mr. GOUVERNEUR MORRIS. He had long learned not to be the dupe of words. The sound of aristocracy therefore had no effect on (45) him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens this (46) country with an aristocracy.

It is remarkable how men will reason.

The aristocracy will grow out of the House of Representatives.

Think of it! He was very badly mistaken.

Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers (47) who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words "taxation and representation." The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest.

He was arguing against the provision which is in the Constitution. It was too liberal for him. He wanted to restrict it.

He did not conceive the difficulty of defining "freeholders" to be insuperable. Still less that the restriction could be unpopular; nine-tenths of the people are at present freeholders, and these will certainly be pleased with it. As to merchants, etc., if they have wealth and value the right they can acquire it. If not, they don't deserve it.

Colonel MASON.—

Col. George Mason was one of the great founding fathers, who lived in Virginia, whose home still stands, one of the most beautiful places in Virginia. He was an able man.

Colonel MASON. We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea, in his opinion, was that every man having evidence of attachment to and permanent common interest with the society ought to share in all its rights and privileges.

And he was right.

Was this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment? Ought the merchant, the moneyed man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens?

Mr. MADISON.—

Students of history will, of course, be interested in what Mr. Madison had to say—

Mr. MADISON. The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a chang would meet with in (48) States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty.

I was astounded when I read that statement long, long ago. I am still astounded that a man so liberal as Mr. Madison could have expressed such sentiments.

In future times a great majority of the people will not only be without landed, but any other sort of, property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty, will not be secure in their hands; or which (49) is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side. The example of England had been misconceived (by Colonel Mason). A very small proportion of the representatives are there chosen by freeholders. The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States and it was in the boroughs and cities rather than the counties, that bribery most prevailed, and the influence of the Crown on elections was most dangerously exerted (50).

Dr. FRANKLIN. It is of great consequence that we should not depress the virtue and public spirit of our common people; of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it.

Ah, he was a grand old man, 82 years old at the time, but he had a level head. I continue:

He related the honorable refusal of the American seamen who were carried in great numbers into the British prisons during the war, to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country; contrasting their patriotism with a contemporary instance in which the British seamen made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country. This proceeded he said from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right in any case to narrow the privileges of the electors. He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing the right of sufferage to persons having freeholds of a certain value; observing that this statute was soon followed by another under the succeeding Parliament subjecting the people who had no votes to peculiar labors and hardships. He was persuaded also that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.

Mr. MERCER. The Constitution is objectionable in many points, but in none more than the present. He objected to the footing on which the qualification was put, but particularly to the mode of election by the people. The people cannot know and judge the characters of candidates. The worse possible choice will be made. He quoted the case of the senate in Virginia as an example in point. The people in towns can unite their votes in favor of one favorite; and by that means always prevail over the people of the country, who being dispersed will scatter their votes among a variety of candidates.

I next come to Mr. Rutledge, from the State of my distinguished friend the senior Senator from South Carolina [Mr. SMITH].

Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people and make enemies of all those who should be excluded.

Here was the provision, and they wanted to strike it out. Those who were taking the matter up at that time wanted to restrict the provision, did not want the States to control the qualifications of electors, and here the vote is stated:

On the question for striking out as moved by Mr. Gouverneur Morris, from the word "qualifications" to the end of the third article.

New Hampshire, no; Massachusetts, no; Connecticut, no; Delaware, aye; Maryland, divided; Virginia, no; North Carolina, no; South Carolina, no; Georgia, not present.

So the provision was retained.

From the reading of this record it is easily seen why the qualifications of voters for Federal officers were left to the several States. A number of members of the Convention, as shown by this record, wanted the Congress to have the right, under the Constitution, to fix the qualifications of voters. Mr. Gouverneur Morris wanted to limit the right to vote. He wanted only freeholders to vote, but this was voted down, because the Convention believed, overwhelmingly believed, as shown by the vote to which I have just referred, that the provision leaving qualifications to be fixed by the several States was in every way more liberal, fairer, more just, and more in accord with the rights of a free people. Here the whole matter was discussed. Some of the most important men in that Convention felt that the Congress should fix the qualifications of voters. Mr. Madison thought so. Dr. Franklin thought so. Gouverneur Morris thought so. Mr. Mason apparently thought so. But when the States began to vote, it was 7½ to 1½, with Georgia not present, and New York, Rhode Island, and New Jersey apparently not voting.

I digress here long enough to say that whenever a question of suffrage is raised it causes a contest. This question is not new. Every time it has been brought up it has caused a contest and probably will continue to do so. I believe that the settlement made by the fathers of the Constitution was the best possible settlement that could have been made of the question. Why should not a State fix the qualifications of its electors? Do Senators want someone from Washington to do that? Do they want someone from some other State to fix the qualifications of electors in their own State? Mr. President, that does not make sense.

This matter was brought up again on August 7 by Gouverneur Morris, and decided as before.

Mr Madison proposed to strike out the clause about a month later in the Convention, which was done. He also proposed to omit the provision fixing the time when the legislature should meet.

Morris: In favor of leaving the time of meeting to the legislature, and observed that if the time be fixed in the Constitution it would not be observed, as the legislature would not be punctual in assembling.

Gorham: In favor of the legislature's meeting once a year and of fixing the time. They should meet, if for no other business, to superintend the conduct of the executive.

Would not that have created a remarkable situation? The more I read about the Constitution of the United States the more I admire and respect the marvelous ability of the framers of that great instrument. Here was a man talking about fixing the time when the legislature should meet in New Jersey, or in Indiana, or in Ohio, or in Michigan, or in Tennessee.

Mr. Mason was in favor of the annual meeting of the legislature. He said the legislatures are also inquisitorial and should meet frequently to inspect the conduct of the public officers. A provision might very well have been made with respect to inspection of the conduct of public officers.

Fourth article, 1. Electors to be the same as those of the most numerous branch of the State legislature.

Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualification of the electors and elected, or to add a clause giving to the National Legislature powers to alter the qualifications

It had already been decided by the committee. It had already been decided by an overwhelming vote of seven and one States to one and one-half. But they insisted upon voting upon the question again.

ELLSWORTH. If the legislature can alter the qualifications, they may disqualify three-fourths, or a greater portion of the electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm.

DICKINSON. It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders but from those who are not freeholders, free governments have been endangered. Freeholds are, by our laws of inheritance, divided among the children of the deceased and will be parceled out among all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States.

ELLSWORTH. Why confine the right of suffrage to freeholders? The rule should be that he who pays and is governed should be an elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them.

MORRIS. I disregard sounds and am not alarmed with the word "aristocracy"—

He said that a month before when he was arguing for the same thing—

but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they all are electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections. Unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders.

A man was never more mistaken than he was.

MASON. Everyone who is of full age and can give evidence of his common interest in the community should be an elector.

He had started out to be a liberal, but he had turned around.

By this rule, freeholders alone have not this common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country. Lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a Twig and Turf are the electors.

MADISON. I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The knights of the shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the crown influence seen, where is corruption in the elections practiced? Not in the counties but in the cities and boroughs.

FRANKLIN. I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freemen. This class possess hardy virtues and great integrity. The revolutionary war is a glorious testimony in favor of plebeian virtue—our military and naval men are sensible of this truth. I myself know that our seamen who were prisoners in England refused all the allurements that were made use of, to draw them from their allegiance to their country—threatened with ignominious halters, they still refused. This was not the case with the English seamen, who, on being made prisoners entered into the American service and pointed out where other prisoners could be made, and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens, the English seamen were not so. In ancient times every freeman was an elector, but afterward England made a law which required that every elector should be a freeholder. This law related to the county elections, the consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made authorizing the justice of the peace to fix the price of labor and to compel persons who were not freeholders to labor for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country.

WEDNESDAY, AUGUST 8—QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES

GORHAM. The qualifications [being such as the several States prescribe for electors of their most numerous branch of the legislature] stand well. Gentlemen are in error who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol, and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city elections, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to the electors; they have been so time immemorial in this country and in England. We must not disregard the habits, usages, and prejudices of the people. Propose a window law in New England and you would offend the people; propose a poor tax in Old England, and it would in like manner offend the people. So if you exclude merchants and mechanics from the list of electors you will offend them.

Question respecting qualification of elector and between resident, inhabitant with residence of 3 years.

Morris proposed that freeholders only should be electors of representatives.

Rutledge proposed residence for 7 years in the State.

MASON. I am in favor of residence being a qualification of representation, otherwise a stranger may offer and by corruption obtain an election. Without this security we may have a borough system and English corruption. After several votes the question settled as in ye Constitution. (Pp. 873–876, documents illustrative of the formation of the Union of the American States, 69th Cong., 1st sess., House Doc. No. 398.)

Thus again the right to fix qualifications by the States was affirmed and confirmed, and it has been a part of the Constitution ever since.

I call especial attention to the statement of Mr. Ellsworth, as follows:

The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm (p. 873, Documents Illustrative of the Formation of the Union of the American States).

Even the Civil War, with all the discussion and heat it brought on, did not bring on a proposal to change or nullify this provision of the Constitution. Everyone, North and South, accepted the provision of the Constitution that the States under the Constitution had the right to fix the qualifications of voters and that these qualifications should be the same as those the several States fixed for the election of their most numerous branches of the State legislature.

Even after the turn of the present century an amendment was offered, passed, and became a part of the Constitution for the election of the United States Senators by the people, and again the qualifications of the voters were fixed the same as those fixed by the State legislatures for the election to their most numerous branches. The matter is so clear that, "He who runs may read."

Mr. President, we still have the Constitution. We have had it for 150 years. It has worked remarkably well. It has made us one of the greatest people and the greatest government on the face of

the earth. Why do we want to change it? Why do we want to change it toward the end of a session of the Congress when we ought to be working on matters relating to the war? I am delighted at the news from the theaters of war received today. We all ought to concentrate upon the winning of the war. We ought not to undertake by statute to repeal a perfectly plain provision of the Constitution. Why have we delayed doing so if it is action which should be taken, if it is action which should be taken so quickly, and if it is so necessary? Why have we waited 153⅞ years to do it? We all have regarded this as a right of the State in the past. Why at this late date should we undertake to repeal a constitutional provision to which everyone has yielded and, until a short time ago, has conceded was a constitutional provision?

Mr. President, I sincerely hope that this measure will not become law at this session. I renew my allegiance to the Constitution, and shall do everything I can to defeat the pending measure.

EXHIBIT A

Call of the roll, 77th Cong., 2d sess.

Prepared by the Senate Library, Nov. 16, 1942

No.	Date	Barkley	McKellar
1	Jan. 5, 1942	Present.	Present.
2	Jan. 6, 1942	do	Do.
3	do	do	Do.
4	Jan. 7, 1942	do	Do.
5	Jan. 8, 1942	do	Do.
6	do	do	Do.
7	do	do	Do.
8	Jan. 9, 1942	do	Do.
9	do	do	Do.
10	do	do	Do.
11	do	do	Do.
12	do	do	Do.
13	Jan. 10, 1942	do	Do.
14	do	do	Do.
15	do	do	Do.
16	Jan. 12, 1942	do	Do.
17	Jan. 14, 1942	do	Do.
18	do	do	Do.
19	do	do	Absent.
20	Jan. 16, 1942	do	Present.
21	do	do	Do.
22	Jan. 19, 1942	Absent	Do.
23	do	do	Do.
24	Jan. 20, 1942	Present.	Do.
25	Jan. 22, 1942	do	Do.
26	Jan. 26, 1942	do	Do.
27	do	do	Do.
28	Jan. 27, 1942	do	Do.
29	Jan. 28, 1942	do	Do.
30	do	do	Do.
31	do	do	Do.
32	Jan. 29, 1942	do	Do.
33	Feb. 2, 1942	do	Do.
34	Feb. 3, 1942	do	Do.
35	do	do	Do.
36	do	do	Do.
37	Feb. 5, 1942	do	Do.
38	Feb. 13, 1942	do	Do.
39	do	do	Do.
40	Feb. 17, 1942	do	Do.
41	do	do	Do.
42	Feb. 18, 1942	do	Do.
43	Feb. 19, 1942	do	Do.
44	do	do	Do.
45	Feb. 23, 1942	do	Do.
46	Feb. 24, 1942	do	Do.
47	do	do	Do.
48	Feb. 25, 1942	do	Do.
49	do	do	Do.
50	do	do	Do.
51	do	do	Do.
52	Feb. 26, 1942	do	Do.
53	do	do	Do.
54	Mar. 2, 1942	do	Do.
55	Mar. 5, 1942	do	Do.
56	Mar. 9, 1942	do	Do.
57	do	do	Do.
58	Mar. 10, 1942	do	Do.
59	do	do	Do.
60	do	do	Do.
61	Mar. 11, 1942	do	Do.
62	do	do	Do.
63	do	do	Do.
64	Mar. 12, 1942	do	Do.
65	do	do	Do.
66	Mar. 13, 1942	do	Do.

Call of the roll, 77th Cong., 2d sess.—Con.

No.	Date	Barkley	McKellar
67	Mar. 13, 1942	Present	Present.
68	Mar. 16, 1942	do	Do.
69	do	do	Do.
70	Mar. 17, 1942	do	Do.
71	Mar. 18, 1942	do	Do.
72	do	do	Do.
73	Mar. 19, 1942	do	Do.
74	do	do	Do.
75	do	do	Do.
76	Mar. 20, 1942	do	Do.
77	do	do	Do.
78	Mar. 23, 1942	do	Do.
79	do	do	Do.
80	Mar. 24, 1942	Absent	Do.
81	do	do	Do.
82	do	do	Do.
83	Mar. 25, 1942	do	Do.
84	do	do	Do.
85	do	do	Do.
86	Mar. 26, 1942	Present	Do.
87	do	do	Do.
88	do	do	Do.
89	Mar. 27, 1942	do	Do.
90	do	do	Do.
91	do	do	Do.
92	do	do	Do.
93	do	do	Do.
94	Mar. 30, 1942	do	Do.
95	do	do	Do.
96	do	do	Do.
97	Mar. 31, 1942	do	Do.
98	do	do	Do.
99	Apr. 1, 1942	do	Do.
100	do	do	Do.
101	Apr. 7, 1942	do	Do.
102	do	do	Do.
103	do	do	Do.
104	Apr. 20, 1942	do	Do.
105	Apr. 27, 1942	do	Do.
106	do	do	Do.
107	Apr. 28, 1942	do	Do.
108	Apr. 30, 1942	do	Do.
109	do	do	Do.
110	May 1, 1942	do	Do.
111	do	do	Do.
112	May 4, 1942	do	Do.
113	do	do	Do.
114	May 5, 1942	do	Do.
115	do	do	Do.
116	May 6, 1942	do	Do.
117	do	do	Do.
118	do	do	Do.
119	May 7, 1942	do	Do.
120	May 11, 1942	do	Do.
121	do	do	Do.
122	May 12, 1942	do	Do.
123	do	do	Do.
124	May 14, 1942	do	Do.
125	do	do	Do.
126	May 15, 1942	do	Do.
127	do	do	Do.
128	do	do	Do.
129	May 18, 1942	do	Do.
130	do	do	Do.
131	do	do	Do.
132	May 19, 1942	do	Do.
133	do	do	Do.
134	May 20, 1942	do	Do.
135	do	do	Do.
136	do	do	Do.
137	do	do	Do.
138	do	do	Do.
139	May 21, 1942	do	Do.
140	May 25, 1942	do	Absent.
141	May 26, 1942	do	Do.
142	do	do	Do.
143	May 27, 1942	do	Do.
144	do	do	Do.
145	May 28, 1942	do	Present.
146	June 1, 1942	do	Do.
147	June 8, 1942	do	Do.
148	do	do	Do.
149	do	do	Do.
150	June 11, 1942	do	Do.
151	June 15, 1942	do	Do.
152	do	do	Do.
153	do	do	Do.
154	June 18, 1942	Absent	Do.
155	do	do	Do.
156	do	do	Do.
157	June 22, 1942	do	Do.
158	do	do	Do.
159	do	do	Do.
160	do	do	Do.
161	June 25, 1942	do	Do.
162	do	do	Do.
163	do	do	Do.
164	June 26, 1942	do	Do.
165	do	do	Do.
166	do	do	Do.
167	June 29, 1942	Present	Do.
168	do	do	Do.
169	June 30, 1942	do	Do.
170	do	do	Do.
171	do	do	Do.
172	do	do	Do.

Call of the roll, 77th Cong., 2d sess.—Con.

No.	Date	Barkley	McKellar
173	July 1, 1942	Present.	Present.
174	do	do	Do.
175	do	do	Do.
176	do	do	Do.
177	July 2, 1942	do	Do.
178	do	do	Do.
179	do	do	Do.
180	July 6, 1942	do	Do.
181	do	do	Do.
182	do	do	Do.
183	July 7, 1942	do	Do.
184	do	do	Do.
185	do	do	Do.
186	July 13, 1942	do	Do.
187	July 14, 1942	do	Do.
188	July 15, 1942	do	Do.
189	do	do	Do.
190	do	do	Do.
191	do	do	Do.
192	do	do	Do.
193	July 16, 1942	do	Do.
194	do	do	Do.
195	July 17, 1942	do	Do.
196	do	do	Do.
197	July 21, 1942	do	Do.
198	do	do	Do.
199	July 22, 1942	do	Do.
200	Aug. 24, 1942	do	Do.
201	Aug. 25, 1942	do	Do.
202	do	do	Do.
203	do	do	Do.
204	do	do	Do.
205	Aug. 27, 1942	do	Do.
206	Sept. 10, 1942	do	Do.
207	do	do	Do.
208	Sept. 14, 1942	do	Do.
209	do	do	Do.
210	Sept. 17, 1942	do	Do.
211	Sept. 21, 1942	do	Do.
212	do	do	Do.
213	Sept. 22, 1942	do	Do.
214	do	do	Do.
215	Sept. 23, 1942	do	Do.
216	do	do	Do.
217	Sept. 24, 1942	do	Do.
218	do	do	Do.
219	do	do	Do.
220	Sept. 25, 1942	do	Do.
221	do	do	Do.
222	do	do	Do.
223	Sept. 28, 1942	do	Do.
224	do	do	Do.
225	do	do	Do.
226	Sept. 29, 1942	do	Do.
227	do	do	Do.
228	do	do	Do.
229	do	do	Do.
230	Sept. 30, 1942	do	Do.
231	do	do	Do.
232	do	do	Do.
233	do	do	Do.
234	Oct. 1, 1942	do	Do.
235	Oct. 2, 1942	do	Do.
236	Oct. 6, 1942	do	Do.
237	do	do	Do.
238	Oct. 7, 1942	do	Do.
239	do	do	Do.
240	Oct. 8, 1942	do	Do.
241	do	do	Do.
242	do	do	Do.
243	Oct. 9, 1942	do	Do.
244	do	do	Do.
245	do	do	Do.
246	do	do	Do.
247	Oct. 10, 1942	do	Do.
248	do	do	Do.
249	Oct. 15, 1942	do	Do.
250	Oct. 19, 1942	do	Do.
251	Oct. 20, 1942	do	Do.
252	do	do	Do.
253	do	do	Do.
254	do	do	Do.
255	Oct. 22, 1942	do	Do.
256	do	do	Do.
257	Oct. 23, 1942	do	Do.
258	do	do	Do.
259	Oct. 24, 1942	do	Do.
260	do	do	Do.
261	do	do	Do.
262	do	do	Do.
263	Nov. 12, 1942	do	Do.
264	Nov. 13, 1942	do	Do.
265	do	do	Absent.
266	do	do	Present.
267	Nov. 14, 1942	do	Absent.

Total number of roll calls (Jan. 5–Nov. 14) 267
Total number of absences:
Senator Barkley 21
Senator McKellar 8

Mr. BARKLEY obtained the floor.

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

Mr. BARKLEY. I am sorry that I cannot yield.

Mr. President, I regret that I find it necessary again to address the Senate at this juncture of the proceedings involving the proposed legislation. I would not do so did I not believe that in my own behalf, as well as in behalf of the Senate, if for no other reason, I should not remain silent in view of what has been said during the debate today regarding me personally and officially.

It is always to be regretted when legislation becomes personal, and when the official conduct of a Member of the Senate is construed to be aimed in a personal way at any of his colleagues. We all have our differences of opinion. We have our own conceptions of what our duty is in regard to measures coming before the Senate.

I have been more or less castigated—which does not bother me a trifle—by some of those who have opposed, and who are now opposing the pending measure, because of my position with reference to it. I do not intend, Mr. President, to be goaded by any Member of the Senate into entertaining any animosity or ill feeling toward any other Member of it. Least of all do I intend to be goaded into any such animosity or ill feeling toward the Senator from Tennessee [Mr. McKELLAR] or the Senator from Georgia [Mr. RUSSELL].

My father was born in Tennessee, and I was educated in Georgia. I have the profoundest respect, admiration, and affection for the people of those two States, in whose soil grew the roots of my own ancestry, as well as for the people of North Carolina, from whom I am descended. The grandfather of the Senator from Oregon [Mr. McNARY] and my grandfather grew up together and were neighbors and friends through boyhood and manhood. They lived within 5 miles of each other in the State of North Carolina. It but illustrates how the human stream, like some sunken river, disappears now and then and reappears at another place on the surface of the earth. I am proud of the fact that the grandfather of the Senator from Oregon and my grandfather were boyhood friends in North Carolina. I am proud of his friendship in the Senate, notwithstanding our differences upon many issues.

Mr. President, the debate has wandered far afield from the motion made by the Senator from Georgia [Mr. RUSSELL] to correct the Journal by adding the names of absent Senators who did not respond to their names yesterday on the various roll calls. The rules of the Senate do not require that the Journal contain those names, although I am thoroughly indifferent to whether it contains them or not. So far as I know, it has never been required by the rules or by practice that the Journal of the Senate contain the names of absent Senators on a quorum call. They are recorded on yea-and-nay votes in connection with motions and measures. However, the mere calling of the roll to ascertain the presence or absence of a quorum has never involved the insertion of the names of absent Members in the Journal of the Senate proceedings. The object of a quorum call is to obtain a quorum; and when a quorum has been obtained, the Senate is not interested in the individual Senators who are absent. It is interested only in knowing that a quorum has answered to a roll call.

I presume that the Senate and the country know that it has been difficult to obtain and maintain a quorum here during the consideration of the proposed legislation. I am not complaining about any Senator exercising any right which he enjoys under the rules. It is obvious, and it has been announced by some of those opposing the pending bill, that a filibuster is in progress. One Senator announced that he would speak for 30 days. There is no use in our quibbling about what that means. Last Friday I made a motion which I had the right to make, and for the making of which I need to make no explanation or apology. Let that be understood, Mr. President.

Friday was spent. I was asked during the day whether we would have a session on Saturday, and I answered that we would have one if I could provide for it. It is always within the power of the Senate to defeat a motion to adjourn to another day. However, I stated then, without any equivocation, that it was my purpose to move that the Senate adjourn until Saturday, and that we should have a session on that day.

When we met at noon on Saturday it was obvious that an effort would be made to prevent the presence of a quorum. It was whispered about through the Chamber that such an effort would not be made until 1:30 o'clock in the afternoon. I had agreed on the day before that the Senator from Mississippi [Mr. BILBO] should have the floor upon the convening of the Senate the following day. That was not an unusual agreement. I had no desire to punish Senators by keeping them here into the night. I do not hesitate to say that in order to obtain a recess it was necessary to agree that the Senator from Mississippi might have the floor on the convening of the Senate on the following day. Instead of resuming the floor at the beginning of the session on Saturday, which the Senator from Mississippi said he was endeavoring to do—it was not obvious to me—whatever the facts may be, the Senator did not take the floor.

The Senator from Texas [Mr. CONNALLY] was recognized and made a point of no quorum and from then until nearly 4 o'clock the Senate was engaged in an effort to produce a quorum, 49 Senators out of 96. The first roll call produced 27 Senators. The second roll call produced a few more. After the second roll call I moved that the Sergeant at Arms be instructed to notify absent Senators that their presence was desired here to make a quorum. That is the usual motion. I made it because of the position which I occupy, because I had a right to make it, and because it was my duty to make it, unless I and the Senate were willing to announce to the country that the Senate was impotent to obtain even a majority of Senators for the transaction of business. I was not willing to make that admission to the country, and evidently the Senate was not willing to do so, because it adopted the motion which I made to instruct the Sergeant at Arms to notify absent Senators that their presence was needed. The Sergeant at Arms executed the order as best he could, and the result was still the absence of a quorum.

I then made the next motion, which was in order, and which was the usual motion, that the Sergeant at Arms be instructed to compel absent Members to attend in order that a quorum might be produced.

All those motions are of varying degree and confer varying degrees of authority upon the Sergeant at Arms. I do not know that I can state legally just what the word "compel" implies when the Senate instructs the Sergeant at Arms to compel Members to attend. Such authority is evidently something short of a warrant for arrest, because the motion to have a warrant for arrest issued is the next motion to make.

The order was that of the Senate, and not my order. The Senate could have defeated any one of my motions, but it did not do so. It was not my order that the Sergeant at Arms notify absent Senators. It was the order of the Senate. It was not my order that the Sergeant at Arms compel absent Senators, against whom my motion was directed, to attend. It was the order of the Senate. It was not at my order that the Sergeant at Arms compelled the attendance of Senators, although I made the motion. It was at the order of the Senate. On Saturday, when the Sergeant at Arms reported to the Senate—and that is according to the rules; from time immemorial when the Sergeant at Arms has been instructed to do something he has made a report to the Senate—he reported that certain Senators were out of the city, and that certain other Senators were in the city; whereupon I moved that the Vice President issue warrants for the arrest of all absent Senators, and that the Sergeant at Arms be instructed to execute the warrants until a quorum was obtained. That would have been the procedure, Mr. President, but for the fact that the distinguished Senator from Texas [Mr. CONNALLY] at that time interjected to inquire about, and by implication to object to, issuance of the warrants against Senators who were at home in their States; and the Senator asked me the question whether the Sergeant at Arms in executing the warrants would be required to go into the States of Senators who were in their home States.

Every Member of the Senate then understood, and now understands that what I was seeking to do and what the Senate was seeking to do was to obtain a quorum; and certainly it was not the duty or the desire of the Senate to send the Sergeant at Arms into States remote from Washington or near Washington in order to bring back Senators who were in their own States when the Sergeant at Arms reported that there were sufficient Senators in the city of Washington,

although they could not be located in their offices or in their homes, to produce a quorum if they could be brought into the Senate. It may be a coincidence that for the most part the Senators whom the Sergeant at Arms reported as being in the city of Washington were opposed to the bill. The motion which I made would have been made if all of them had been in favor of the bill. There was nothing personal whatever about the motion. When the Sergeant at Arms reported the number of Senators—eight, I believe—who were present in the city of Washington but who could not be located in their homes or in their offices, the Senator from Texas suggested that warrants should not be sent into the States, and I modified the motion so as to limit the issuance of warrants to those Members of the Senate who were reported by the Sergeant at Arms as being in the city.

So, Mr. President, if I was diverted from my original purpose to move, as I did move originally, that warrants be issued against all Senators, it was at the suggestion of the Senator from Texas. I am sure that the Senator from Texas had no personal view about the matter.

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

Mr. BARKLEY. I yield.

Mr. CONNALLY. I feel quite sure that the Senator from Kentucky does not want to misconstrue or misinterpret what I said the other day. I did not think it could quite be said that I suggested changing the order or anything of the kind. I merely inquired whether it was the purpose of the majority leader to have the warrants sent to Senators who were in their home States. At this point let me observe, however, that I made another inquiry during the proceedings; I inquired whether a Senator could come into the Senate and report his presence, and then go on about his business, and not be subjected to being served with a warrant, as the other eight Senators were. I happen to know of one Senator who, with a great deal of glee, reminded me that he answered to the roll when his name was called shortly after 12 o'clock, and then left the Senate and spent the rest of the afternoon on the golf course. Of course, he was not included in the group of Senators who were brought in by means of the issuance of warrants of arrest.

Mr. BARKLEY. Of course, Mr. President, that is technical matter. The Senator from Texas, when he made the remarks to which I have referred, made them by way of complaint that the motion I made was all-inclusive, that it included Senators out of the city of Washington as well as Senators in Washington. If the order had been issued so as to include all 52 absent Senators, or whatever the number may have been, every Senator knows that as soon as a quorum was obtained the Senate would have proceeded to transact its business.

The report of the Sergeant at Arms revealed that 44 Senators had answered to their names. The fact that a Senator enters the Senate during a period of 3 or 4 hours when we are seeking to obtain a quorum, answers to his name, and then returns to his office does not change the situation. Senators do that; but in such case they have answered the roll, and they are a part of the roll call.

Following that, two Senators—the Senator from Vermont [Mr. AIKEN] and the Senator from Nevada [Mr. BUNKER]—who had been reported to be out of the city, entered the Senate Chamber and answered to their names. The Senator from Nevada was one of the eight Senators referred to. I do not know whether the Sergeant at Arms apprehended him. He entered the Chamber and answered to his name. He did it in a good-humored way, regardless of whether he was or was not apprehended by the Sergeant at Arms; and other Senators did likewise.

Mr. President, let me say that in connection with the order which was issued by the Senate and the motion which was made by me to issue the order there was not the slightest thought of the personal application of the order or of the motion. I could not tell what three Senators might be brought in in order to make a quorum. When the Sergeant at Arms reported that certain Senators could not be located in their offices or in their homes, how could I tell which three Senators among the eight Senators included, would be the first either to come in or to be brought in by the Sergeant at Arms in order to make a quorum?

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

Mr. BARKLEY. I yield.

Mr. RUSSELL. I am fully cognizant of the responsibilities of one who is selected as leader of the majority. I have not the slightest complaint to make of any stage of the proceedings which were had here on Saturday until it came to the point at which the Senator from Kentucky made the motion to confine the issuance of the warrants of arrest to 8 out of 52 absent Senators. It developed that our Sergeant at Arms was not infallible. The Senator said that he relied absolutely on his statement. The facts themselves disclose that there were at least 2 Senators, if not more, who were reported as being out of the city but who actually were in the city, and who put in their appearance on the floor of the Senate. No warrant was outstanding for either of those 2 Senators.

The effect of the motion of the Senator from Kentucky was to place a greater responsibility for a Senator to attend the session of the Senate because, forsooth, he happened to be in the District of Columbia. Ofttimes a Senator who is present in the District of Columbia has a great deal of business which he must transact, and therefore cannot be present at a session of the Senate, whereas a Senator might be outside the District of Columbia and be engaged in no business whatever. I have no complaint to make or fault to find with any of the motions the Senator made; but I did think it was violative of the precedents, I wish to say to the Senator, to confine the motion to 8 Senators, when there were 52 who were absent.

Mr. BARKLEY. Mr. President, I hope the Senator will believe me, and I think the RECORD will show, if the Senator reads it—and I suppose he has done so——

Mr. RUSSELL. I have read it with great care.

Mr. BARKLEY. That if it had not been for the suggestion of the Senator from Texas—one of the Senators who was strenuously opposing the bill—the motion which I made would have been adopted by the Senate as originally proposed by me and not as modified.

Mr. RUSSELL. Mr. President, I merely wish to say, if the Senator will pardon me, that I wish the Senator from Kentucky would in all cases follow the suggestions of the Senator from Texas as he did in that instance.

Mr. BARKLEY. I have an idea that if the Senator from Georgia will look back over the record of legislation handled here in the last few years since all of us have been in the Senate he will find that every now and then the Senator from Georgia and I have been on the same side of a proposition as to which the Senator from Texas was on the other side; and the Senator from Georgia might not want me to adhere without exception to the rule which he has suggested.

Mr. RUSSELL. I should not object to it for the remainder of the present session of Congress.

Mr. BARKLEY. I am perfectly satisfied that the Senator from Georgia would be perfectly willing to have me adhere to any suggestion made by the Senator from Texas with respect to the proposed legislation under consideration.

Mr. President, if I am blamable or censurable because I modified my motion at the suggestion of the Senator whom the Senator from Tennessee acknowledges as his leader in this particular situation, then I am to be censured. Perhaps I am blamable; but I think at least my action was a natural consequence of the suggestion made by the Senator from Texas.

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

Mr. BARKLEY. I yield.

Mr. CONNALLY. I think the Senator is placing too broad an emphasis upon my part in the matter; and I believe that what I have just said will be borne out if the Senator will examine the RECORD. The Senator from Georgia has the record of what I said. I was anticipating in my own mind that the Senator would not want the Sergeant at Arms sent forth to summon absent Senators who were in their home States. In my own mind I was trying to accentuate, I thought, just what did happen—that the Senator from Kentucky was inquiring only as to absent Senators who were in the city.

Let me refer to the RECORD very briefly. I do not think I could be charged with having suggested what kind of a motion the Senator from Kentucky should make. In fact, I have been trying to fight shy of all the motions of the Senator from Kentucky for some time.

Here is what happened. I refer to page 8839 of the RECORD. The Senator from Kentucky [Mr. BARKLEY] had the floor, and he referred to the exodus of the children of Israel from Egypt, and so on, and then said:

I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators, and that the

Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

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

Mr. BARKLEY. I yield.

Mr. CONNALLY. I wish to ask if the execution of the warrants would require the Sergeant at Arms to go to the home States of Senators.

The PRESIDING OFFICER.—

The Presiding Officer, with that marvelous zeal which every candidate for office usually has, said—

The motion is not debatable.

He would not let me make a suggestion, but said the motion was not debatable.

Mr. CONNALLY. I am propounding a parliamentary inquiry, and the Senator yielded. He is making a motion.

Mr. BARKLEY. Of course, when the Sergeant at Arms produces a sufficient number to make a quorum, which is five—and there are more than that many Senators in Washington, as reported by the Sergeant at Arms—it is not expected that warrants of arrest will be sent to the home States of those who are absent.

The PRESIDING OFFICER. If the motion is so phrased as to exclude them, the warrants will not be sent to the home States; otherwise they would have to be.

Mr. BARKLEY. The motion I made would include all absent Senators, but the practical application of it would be limited to those who are in the city.

The PRESIDING OFFICER. The motion is limited to them?

I do not think it is important; I think it is of minor significance whether I suggested it or not. I simply, in my own mind, had the idea then that in what the Senator from Kentucky proposed, he had no intention of sending for Senators who were out of town, but was going to send for the very ones he did send for, the ones who are opposed to this bill.

Mr. BARKLEY. As I said awhile ago, the fact that those eight Senators, or seven of them, are opposed to this bill was purely coincidental. The Senate has heretofore ordered the arrest of absent Senators. It has been done on previous occasions. It was done in 1927 or 1928 as I recall. The Senator from Nebraska [Mr. NORRIS] stated here a while ago that he was arrested on such an occasion and brought into the Senate in order to help make a quorum. After every other method has been exhausted, and has been unsuccessful, and an order is made for the Sergeant at Arms to arrest of Senators, of course, the Sergeant at Arms will go out and attempt to produce the Senators who are easiest of access. That means, of course, those who are in the District. Even if the motion had not been modified under the inquiry, even without the suggestion of the Senator from Texas, that is precisely what would have happened, anyway.

Mr. RUSSELL. Mr. President, that may be true; I do not desire to be critical in this matter; but I do say that it was improper and illegal and without any precedents to issue warrants for 8 out of 52 absent Senators. If 52 warrants had been issued, the Sergeant at Arms might have arrested the identical Senators who were placed under arrest and brought to the Senate, but it certainly would have created a different impression than to have the news go to the States of some Senators that they had been arrested. In some instances, the press stated, "Senator So-and-So and seven of his associates were arrested and ordered to be brought before the Senate." If it had been stated that warrants were issued for 52 Senators, a much different impression would have been created. In another case I read in the headlines: "RUSSELL and seven associates ordered arrested."

The Senator has referred to the precedents. I took occasion to look into this matter before I referred to it on the floor of the Senate, and I have been unable to find a precedent—and I challenge the Senator from Kentucky to find one—for the issuance of warrants confined to a small group when an effort was being made to obtain a quorum and when, manifestly, more than half of the Senate was not present.

Mr. BARKLEY. That may be true; I make no question about that; but I think the Senate understands the situation that existed here Saturday and the reason why the motion was made, or modified, in the form in which it was. I am not responsible for the newspaper headlines or for what commentators may say over the radio. Frequently they misinterpret and color the news as to what happens here, which is an injustice to the Senate. I am as sorry as anyone possibly could be if any Senator was done an injustice by what I did. Certainly I had no desire to do any Senator an injustice. Mr. President, let that be as it may, the record is made; it cannot be changed.

The Senator from Tennessee has brought before the Senate a matter the discussion of which I think would be embarrassing to any Senator. I do not know that it has any pertinent place in this discussion, and it certainly has no bearing upon the motion made by the Senator from Georgia.

The Senator from Tennessee and I have been friends for 30 years, and, so far as I am concerned, we are friends now. I have sat here beside the Senator. I have enjoyed his association and his friendship, and, so far as I am concerned, nothing that I will do or say or think regarding the Senator from Tennessee is going to interfere with that friendship. I mention that because the Senator has seen fit to bring into this discussion a letter which he addressed to the President pertaining to me. I am embarrassed to discuss it even, but I cannot do otherwise, in view of what he said about it.

Mr. President, as soon as Mr. Justice Byrnes resigned from the Supreme Court, Members of the Senate, Democrats and Republicans alike, came to me and asked if I would permit them to suggest my name to the President. One of the first ones who came to me with the suggestion was the distinguished Senator from Oregon, the minority leader, [Mr. MCNARY]. Other Senators on both sides, the very day on which it occurred, came to me, but I refused to give my consent to any or all of them to present my name to the President, though I appreciated, of course, the compliment involved in such a suggestion. No man could be otherwise than appreciative, because it is a goal which is the worthy ambition of every lawyer in America. It is a high and distinguished position; but it is a position in appointment to which, in my judgment, the President of the United States should always, without influence, without pressure, be left free to make his choice. Therefore I declined, because I was, in no sense, an applicant for the position; I have not been at any moment since the vacancy occurred, and am not now.

I went away to vote at my home in Kentucky. The next day after I arrived at my home I read in the newspapers an Associated Press dispatch that the Senator from Tennessee [Mr. MCKELLAR] had circulated what the newspapers called a "round robin" among Senators, most of whom were absent also, and that many signatures had been obtained to it, both of Democrats and Republicans. I was out in the country on a little farm which I own; the newspapers called me up and told me about it and asked what I had to say. It was embarrassing to say anything, but finally I said that, while I appreciated the compliment involved, it was being done without my knowledge, consent, or approval; and that was the truth.

When I returned to Washington a few days ago the Senator from Tennessee, sitting here by me, advised me that he had inaugurated the petition or letter in my absence because he did not want me to know anything about it; he did not want me to be in such a position that it could be said I approved it. I thanked the Senator from Tennessee. I told him I had read it in the newspapers and I had given out the statement to which I have referred because I did not want my own attitude to be misunderstood. I asked the Senator from Tennessee where was the letter or petition or round robin, whatever it may be called. He advised me that it had already gone to the White House. In that regard he was mistaken.

In his address awhile ago he stated that it was turned over to Mr. Biffle. I concur in what the Senator from Tennessee has said about Mr. Biffle. He is one of the most competent, one of the most honorable, and one of the most loyal men who ever served any legislative body or any other body or any individual. If there is one indispensable man in connection with our legislative duties here, he is Mr. Leslie Biffle. He thought it his duty to advise me that this letter had been written, and had been signed by a number of Senators, because I had said to him before my departure from Washington on numerous occasions, when Senators had asked him and he had asked me, that I desired nothing whatever done, directly or indirectly, to cause the presentation of my name to the President in connection with the vacancy on the Supreme Court.

I said to Mr. Biffle, "Where is that letter?" He advised me that it was still in his possession; and it is yet in his possession, because I instructed him not to send it to the President, and it has not been sent, and will not be sent, so far as I am concerned.

I regret deeply that my friend the Senator from Tennessee felt so hurt, because of the way in which I attempted to perform my duty last Saturday, that he

has asked that his name be stricken from that letter. I can assure him, if it is any consolation, that the letter will never be presented to the President. I hope he will not have his name stricken from it, because I appreciate more than I can express the compliment which actuated him in dictating the letter and in signing it. Though it will never reach the high official to whom it was addressed, if I may do so I should like at least to preserve it in my own files as an evidence of the high esteem which the Senator from Tennessee and other Senators at least once held for me, though I may not enjoy it at this time.

I presume I am like the Irishman who came across the ocean, migrating to the United States. He got all sorts of testimonials of good character from high-ranking men in Ireland in order that he might present them to people in the United States as evidence of their high esteem and of his good reputation. He was so proud of this certificate of good character that all the way across the ocean he took it out of his pocket and read it over and over again. One day while he was reading it a strong wind came along and blew it out of his hands into the ocean, and he was greatly disturbed because of the loss of the certificate of good character. Of course, it could not be recovered. He went to the captain of the ship and related his predicament, and asked if the captain would not write him another one. So the captain, seeing the situation, sat down at his desk and wrote out this document:

This is to certify that Patrick O'Hooligan once had a good character, but he lost it on the boat.

[Laughter.]

So, Mr. President, I suppose I have lost my good character on the boat, or in the Senate.

Having disposed of those personal matters in a way which I hope will leave no rancor in the breast of any person, I wish to discuss for a moment or two the proposed legislation which we are trying to consider.

I have no prediction to make as to whether the bill can come to a vote or cannot. I realize that most all the rules of the Senate favor those who are indulging in filibusters. There is only one rule of the Senate which gives any handle or any weapon to those who are seeking to oppose a filibuster, and that is the cloture rule, and that can be adopted only by a two-thirds majority.

I do not know whether the bill is coming to a vote or not. As I stated yesterday, I feel it my duty to exercise whatever authority I have, and to use whatever means are at my hand, to bring it to a vote. If I fail in that, I shall accept the result, I hope with good humor and in good temper.

If there is no other result that can come from this agitation than to arouse the people in the States involved so that they will themselves repeal the poll-tax requirement as a prerequisite for suffrage, this fight will have been worth while.

It has been intimated here by Senators that I have injected this matter into the Senate in order to divide and destroy the Democratic Party. I do not know whether any other Senator has through the years given more of his time and energy than I have given to promote the interests of the Democratic Party and the interest of democracy in its broader sense. If any Senator here has done more than I have done to promote democracy I yield to him the honor and the crown; but within my limited ability and my limited opportunities I have done everything I could to spread the gospel of democracy.

I am a follower of Thomas Jefferson, who was regarded as the greatest radical of his day, and who was denounced because he advocated equality among the people, because he was for the underdog, because he represented what was in those days called the great mass of the people sometimes referred to as radicals. Some of the historians have charged that Jefferson got his ideas from the French Revolution, whereas as a matter of fact it is more than likely that the French Revolution got its ideas from Jefferson.

He was the author of the immortal Declaration of Independence, in which he said, "All men are created equal." He did not say "all men are created equal if they pay the poll tax." He said, "all men are created equal," and that "they are endowed by their Creator with certain unalienable rights," not unalienable rights if they pay the poll tax. "That among these are life, liberty, and the pursuit of happiness." Not life, liberty, and the pursuit of happiness at a dollar and a half a head, not life, liberty, and the pursuit of happiness if they are deprived of the right to vote, but life, liberty, and the pursuit of happiness under terms of equality among the people of the United States.

Mr. President, the fact that there may have been a requirement for the payment of poll taxes in many of the States over the years, 150 years, is not very pertinent, it seems to me, but that in those States which still require it the question of democracy and its enjoyment and its fulfillment is a matter of pertinent observation.

A few days ago the senior Senator from Mississippi [Mr. BILBO] made the statement, and rather boasted of the fact, that the enactment of the proposed legislation would not enfranchise a single colored voter in his State; and that probably is true. It is probably true as to all the eight States where the poll-tax payment is required. But, although the Senator said that the enactment of the proposed legislation would not result in the enfranchisement of a single colored voter in Mississippi, it would enfranchise 200,000 white voters in Mississippi. In other words, under the poll-tax requirement now 200,000 white citizens of that State are denied the right to vote, although the landlords and the landowners, for whom many of these people may work for a dollar and a dollar and a half a day, can refuse or fail to pay the taxes upon their property until it is sold at the courthouse door for taxes, and can still vote but the man who works on the farm owned by the owner who lets it be sold for taxes at the courthouse door cannot vote unless he pays a dollar and a half for the privilege. And that is called democracy.

A primary was held in Mississippi recently in which the junior Senator from Mississippi [Mr. DOXEY] was interested, and we all regret that the able and courteous and fair and sincere Senator was not renominated. It has been complained that one of the reasons why he not renominated was that many of the great landowners in his State, if not most of them, opposed his renomination. I do not know anything about that, but it was claimed at the time that they opposed his renomination. If it be true that there are 200,000 white citizens of Mississippi who are denied the right to vote because the payment of a poll tax involves a price that may represent a pair of shoes to a barefooted child, and therefore cannot be paid, are we able to say that if they had been enfranchised, the result of the primary in Mississippi might not have been different and that the Senator from Mississippi might not have been returned? I do not know. Certainly if the great landed gentry were opposed to the Senator, and the hired hands on the farm who could not pay the poll tax were allowed to vote, I suppose it is a fair presumption that their suffrages would have been cast in behalf of a man who in the House of Representatives and in the Senate of the United States has been a spokesman of the downtrodden, average men, and those who are regarded as underprivileged. I honor the Senator for being such a spokesman.

Mr. BILBO. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BARKLEY. I yield.

Mr. BILBO. Of course, the Senator remembers that in my remarks the other day I announced that I had been fighting for 5 years to abrogate the poll tax as a prerequisite to a person voting in the primaries in Mississippi, and if the pending bill should pass it would remove, so far as the election of Federal officers is concerned, the payment of poll taxes for about 200,000 whites in the State who do not now participate in the election.

As to the result of the election a few days ago in Mississippi, in which my colleague was defeated, I shall cover that thoroughly in my own time.

I rose to ask a question of the Senator from Kentucky while he is on the subject. If by the passage of the bill we establish the fact that the Congress has the power to go into a sovereign State and strike down and remove certain qualifications which have been established by the State legislature, would not the Congress have the same right to go into the State and impose additional qualifications on the voters?

Mr. BARKLEY. The Senator will recall that that subject was discussed somewhat at length when we had before the Senate the soldiers' voting bill.

Mr. BILBO. I was not present at the time, and I should be glad to have the Senator's answer to the question I have asked.

Mr. BARKLEY. I appreciate the Senator's question, and it is a proper question, and I am sure it is propounded with the utmost sincerity. When that bill was before the Senate, and the amendment was offered providing that our soldiers who are outside the United States and away from their own States, should be allowed to vote without the requirement that they pay the poll tax, the question was discussed as to whether the requirement that a poll tax be paid was a qualification or a mere regulation regarding the holding of elections. Decisions of the courts, including the Supreme Court, I think, were quoted in the Senate in behalf of the contention that the payment of a poll tax or the requirement that a poll tax be paid, was not in the same category with a provision as to age of voters, which in most States, if not all, is 21 years of age, and of residence within the State, and so forth; that it was a regulation and not a qualification. I do not categorically adhere to that theory, I will say to the Senator from Mississippi.

Mr. BILBO. I am glad to hear that.

Mr. BARKLEY. But if it be a mere regulation with respect to the holding of Federal elections, and Congress can by legislation modify a regulation, or a State law with respect to the holding of elections for Members of the House and Senate, and President and Vice President, undoubtedly the Senator is correct by the implication of his question that if Congress could do it with respect to the poll tax, it might do it with respect to other regulations, but not do it with respect to fundamental qualifications of voters which are fixed by the legislatures and by the constitutions of some of the States.

Mr. BILBO. I will ask a further question. If the poll-tax payment as a prerequisite for voting is a qualification, would a registration requirement of the constitution or laws of a State be a qualification?

Mr. BARKLEY. It might well be. I think the original object of the law which we passed in regard to absent soldiers was to provide that they might vote without registration, and the amendment regarding the poll tax was offered to that bill.

Mr. BILBO. In other words, in the bill the Congress passed to permit the soldiers to vote during the war, not only was the qualification of the payment of poll tax removed, but Congress went a step further, and removed registration as a qualification?

Mr. BARKLEY. That is correct.

Mr. BILBO. If the Senator finds, as he will if he succeeds in having the pending bill passed, that the poll tax does not reach the end for which the bill is intended, then I take it the next step will be for Congress to pass a law to abolish registration in the States.

Mr. BARKLEY. Well, of course, I cannot——

Mr. BILBO. We have already done it in one case.

Mr. BARKLEY. We have done it so far as absent soldiers are concerned, yes; undoubtedly.

Mr. BILBO. Undoubtedly.

Mr. BARKLEY. So far as a next step is concerned, I will say to the Senator, if he refers to me personally, I have not in contemplation any next step. I pass upon legislation as it comes before me, one step at a time. I do not take steps out over a vast chasm of the future until we have approached the time when the step is appropriate. I do not think it is now.

Mr. BILBO. I am in sympathy with the suggestion of letting the soldiers who are fighting our battles have a voice in civil government at home while they are fighting, and I should be very glad to have them vote. But as I personally understand the Constitution I think the bill to give the soldiers the right to vote without the poll-tax-payment qualification or registration qualification, as provided in the constitutions of some of the States, is clearly in violation of the Constitution of the United States. I do not think we had any right to pass that kind of law. In other words, I think in doing so Congress was striking a death blow at the very thing we are fighting battles for. I consider a Member of the Senate who is fighting to defeat the pending piece of legislation, which strikes at the very heart of our dual scheme of government and which is the entering wedge to destroy the sovereignty of the States, and put all power in the centralized Government on the banks of the Potomac—I consider such a Senator who is fighting to kill this bill as much of a soldier in defense of American Government and American life and American ways as a marine in Guadalcanal who is today fighting the Japs. I do not think there is any difference between them, except that the marine in Guadalcanal is fighting the enemy on the outside and we here are fighting the enemies of the American system of government on the inside.

Mr. BARKLEY. The Senator is entitled to that viewpoint. Of course, there is this difference, that the marine is in much greater danger than anyone in the Senate who happens to be fighting.

Mr. BILBO. I only hope that the marines will be as sure of winning their fight as we are of winning this one.

Mr. BARKLEY. If the Senator is cocksure of that result, it ought to guarantee victory for the marines.

Mr. BILBO. I am cocksure of it.

Mr. BARKLEY. But I am satisfied, whatever the result here in the Senate, that the marines will win.

Mr. BILBO. I think we will win both battles.

Mr. BARKLEY. I am satisfied that the marines will win their battle.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER [Mr. LA FOLLETTE in the chair]. Does the Senator from Kentucky yield to the Senator from Florida?

Mr. BARKLEY. I yield.

Mr. PEPPER. As the author of the bill which is now being considered, I want very heartily to concur in what the able Senator from Kentucky has said. There is no other step within the contemplation of the author of the proposed legislation. This measure is simply intended to accomplish what it shows on its face it is designed to accomplish, namely, to strike down the requirement that any citizen of the United States has to pay to any party or any government a sum of money before he can participate in the election of Federal officials who determine the course and the destiny of this country, and to say, secondly, that, as the Senate knows, the Senator from Florida, who is the author of the bill in substance which is now pending before the Senate, was also the author of the amendment exempting the soldiers and sailors from being required to pay the poll tax.

It was the same Senator who offered it here on the floor of the Senate, who first went before the Senate Committee on Privileges and Elections, and advocated it after he had previously offered it, and had it incorporated in a general bill which went to the Senate Military Affairs Committee, and later offered the amendment on the floor at the time the absentee voting bill for soldiers and sailors was before the Senate.

It is all a part of the same purpose of exempting any citizen from the necessity of being required to pay a poll tax.

It is only fair to say, though not claimed with any vanity, or seeking any compliments, that it was the initiator of this proposed legislation who also initiated the exemption for the soldiers and sailors, and, generally speaking, the Senators who favored the exemption of the soldiers and sailors from the requirement that the poll tax be paid, are favoring, as is the able leader, the passage of the pending bill, which would exempt any citizen from being required to pay a sum of money before voting for a Federal official, such as a Member of Congress.

Mr. BARKLEY. I thank the Senator. Of course, we all know that everybody in the United States, no matter where he lives, is interested in the kind of Congress we have, the kind of President we have, and the kind of Vice President we have. While, of course, a citizen should not be permitted to vote outside his own local jurisdiction, all the people of the United States are tremendously concerned about what sort of Congress they have, for every Senator who casts a vote votes for all the people of the United States; he does not vote merely for the people of his own State. In the consideration of many local issues we undertake to serve the people of our own States. With respect to such issues we are primarily under obligation to them; but in a broad sense, legislation affecting the American people is voted upon by Senators as representatives of all the American people.

Democracy in any nation does not completely exist if there are situations and regions in which it does not prevail. The Democratic Party has enjoyed an unbroken history for 150 years. Thomas Jefferson was its founder. Without interruption it has been a live organization. I have sometimes felt and said that in many periods of our history it was a voice crying in the wilderness. In victory and defeat it has lived and survived, and it has survived because it has been the voice of the great masses of

common men and women in the United States. It will continue to survive in victory and defeat so long as it remains that voice.

I say to my Democratic colleagues, as well as to my Republican friends on the other side of the aisle, that if the only claim for survival on the part of the Democratic Party is the right to tax a man in order that he may cast a vote for Federal officers, then it has built its house on a foundation of sand. It was not born in that atmosphere. It has not lived in that atmosphere. God grant that it may not die in that atmosphere. I believe in democracy, because I believe in representative government; because I believe that our Nation is the finest example of democracy and representative government that has ever existed in all history. We are fighting for it today. Many of our men will give up their lives for it. I want that democracy to be universal. I do not want it handicapped by any relic of what I believe to be the feudalistic system by which men are required to pay for the privilege of exercising the right of suffrage.

The fact that the poll-tax once existed in wide sections of our country is no excuse for its continued existence. The fact that it existed in the New England States at one time is no longer any reason why it should continue. So far as I am concerned, I should infinitely prefer that the States themselves abolish it.

I have a feeling that when the issue is presented to the people of the States and they understand all its implications, its inconsistency with democracy and freedom, and its inconsistency with the very things for which we are now fighting here and throughout the world, they themselves will abolish it; but until that happens I believe that the Congress of the United States has the power and the duty to deal with the subject.

It has been stated in the debate that some of those advocating the proposed legislation have said that they are certain that the Supreme Court of the United States would declare it to be constitutional. I have not heard any such statement on the part of anybody who advocates the proposed legislation. I do not know what the Supreme Court will decide. Frequently the opinions I have expressed in the Senate and in the House of Representatives have been overruled by the Supreme Court. So let me say to the Senator from Mississippi and other Senators that I am not one of those who can predict in advance what the Supreme Court will decide on any subject. However, I believe that I have a right to vote for this measure under the Constitution; and if the bill should be enacted into law and the Supreme Court should sustain the act, I should be sustained. If the Supreme Court should overrule it, of course I should be wrong about it; but it would not be the first time I have ever voted for a measure which was later declared unconstitutional by the Supreme Court of the United States. I am not disturbed by that fact.

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

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

Mr. BARKLEY. I shall yield in a moment.

Most of us claim some knowledge of the Constitution. We all have a duty to uphold it. We know that ever since it was framed and established and ratified by the required number of States, it has been the subject of dispute and controversy. Sometimes those controversies have been resolved by decisions of the Supreme Court. Sometimes they have not been so resolved. Many controversies are still raging and in existence in the minds of the people. I believe that the proposed law would be a constitutional enactment. However, if it is enacted into law, the final word can never be spoken upon it except by the Supreme Court of the United States; and, as in all such cases, I will accept the decision of that Court in regard to this measure.

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

Mr. BARKLEY. I yield first to the Senator from Louisiana.

Mr. OVERTON. I understood the Senator from Kentucky to make the statement that he has not been advised of any proponent of the bill suggesting that its constitutionality would be upheld by the Supreme Court of the United States.

Mr. BARKLEY. I presume the Senator has reference to some of those who appeared before the committee.

Mr. OVERTON. I have reference to the statement made by the author of the bill.

Mr. BARKLEY. He may have stated that in his judgment——

Mr. OVERTON. I should like to read the statement into the RECORD.

Mr. BARKLEY. He may have stated that in his judgment it would be constitutional. That opinion, however sincere, would have no quality of finality about it.

Mr. OVERTON. Absolutely none; but in order to keep the record straight I should like to read into the RECORD what the author of the bill has said.

Mr. PEPPER. I hope the Senator will permit it to be read.

Mr. BARKLEY. The Senator from Florida seems as anxious to have it read as is the Senator from Louisiana.

Mr. OVERTON. I quote from page 4 of the hearings before the subcommittee of the Committee on the Judiciary. In testifying before the subcommittee the Senator from Florida [Mr. PEPPER] said:

> In the third place, we shall endeavor to show the committee that there is no doubt about the power of Congress to act in this premise, but at most, there is no more than a doubt; that there are now six Justices of the Supreme Court who were not members of the Supreme Court—two-thirds of the entire membership when the Breedlove case was decided, December 6, 1937; that the Breedlove case related to a State constitution and the statutory provisions governing qualifications for State election of State officers and not an election for Federal officers and has no connection with the issue which is presented by the bill in question.

Let me say incidentally that I believe that the general interpretation of the Breedlove case is to the effect that the bill which is now before the Congress is an effort on the part of the Congress to enact unconstitutional legislation.

Continuing with the quotation:

> The proponents of the measure therefore feel justified in asking Congress to pass upon the merits of the measure, and if, in the wisdom of Congress, the merit of the bill is such as to obtain approval of the Congress, then any legal doubt, particularly under the circumstances mentioned, should be removed in favor of allowing the presently constituted Court to pass upon the specific question presented by this bill.
>
> Senator O'MAHONEY. Are you suggesting that the change in the personnel of the Court might change the decision?
>
> Senator PEPPER. I am suggesting, Mr. Chairman, that just as a court will take judicial notice of certain legislative circumstances, the legislative branch of the Government may take legislative notice of change in judicial conditions.

Mr. BARKLEY. Of course, the Senator knows that the membership of the Supreme Court changes from time to time, and that it reverses other courts, and sometimes reverses itself.

Mr. OVERTON. That is not the question I am discussing. The Senator said that he had not been advised that any proponent of the proposed legislation had suggested that its constitutionality would be upheld by the Supreme Court.

Mr. BARKLEY. I suppose my remarks on that question would be subject to the modification that the Senator from Florida felt that the Supreme Court would hold it to be constitutional. Of course, he is entitled to that opinion.

I express no opinion. So far as I am concerned, I am never cocksure of what the Supreme Court will do about anything. It is like any other court. It not only has the power, but it has the duty to reverse itself whenever it feels that former decisions are erroneous.

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

Mr. BARKLEY. I yield to my colleague.

Mr. CHANDLER. I do not think it is unusual for a Senator sponsoring a bill to believe in its constitutionality. I believe it is his duty to ascertain to his own satisfaction that the measure which he is seeking to have enacted is constitutional. If it will be of any help to the Senator from Louisiana, I will join the Senator from Florida by saying that after listening to the discussion in the Judiciary Committee I formed the opinion that the bill, if enacted into law, would be constitutional. I do not know whether it would be so held; but I am not deliberately trying to have the Senate enact what I believe to be an unconstitutional measure. I should not want to waste my time or the time of the Senate in that way. I do not believe that there is any ground for objection because a Senator believes that a measure which he is sponsoring is constitutional. I do not believe that such a measure should be objected to on that ground.

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

Mr. BARKLEY. I yield.

Mr. OVERTON. I wish to correct an erroneous impression under which the junior Senator from Kentucky seems to be laboring. As I interpret the testimony of the Senator from Florida, it is to the effect that in his judgment the Supreme Court of the United States, as presently constituted, would depart from the decision laid down by its predecessor in the Breedlove case.

Mr. CHANDLER. The Supreme Court is not bound by the decision in the Breedlove case. The Senator from Florida had a right to call attention to what everybody in the country knows, namely, that there are new members on the Supreme Court, that they are not bound by the decision in the Breedlove case, and that they may reach a different conclusion when and if they consider the question involved in the pending measure. There is nothing wrong with that attitude. Certainly if the membership of the Court had remained the same, the Senator from Florida might not be justified in making such a statement; but inasmuch as the membership of the Court has changed, he may have the feeling that perhaps the Court would reach a different conclusion.

Mr. BARKLEY. Even if the present Court should not hold such an act to be constitutional, there will be future changes in the Court; and some future Court, composed of different men, who may have a different viewpoint upon the constitutionality of such legislation, might even reverse the present Court, and hold it to be constitutional.

However, Mr. President, I have taken more time than I anticipated taking. So far as the motion of the Senator from Georgia is concerned, to include the names of absent Members in the Journal of yesterday, I do not care anything about it one way or the other, although, in view of the unbroken precedents of the Senate I think that on a quorum call the names of absent Senators are not put in the Journal, not even in the RECORD. Only the names of Senators who answered to their names are included in the RECORD; and they have never been included in the Journal. I think it would be establishing a bad precedent to require that the names of absent Senators be included in the Journal itself. So far as I am concerned, it is agreeable to me to have the Senate act upon the matter as it sees fit.

Mr. MAYBANK. Mr. President, I wish to say only a few words in connection with the warrants of arrest which were sworn out against certain Senators last Saturday. The distinguished Senator from Tennessee [Mr. MCKELLAR] has stated that we were singled out. I am glad to have in the RECORD the statement that we were singled out; because a leading newspaper in my State has carried the headline "MAYBANK dragged back to the Senate as the New Deal presses the poll-tax bill."

All my life I have adhered to law and order, and never in my life have I been arrested. I do not now consider that I was arrested, and I wish the RECORD so to show.

Insofar as the poll-tax bill is concerned, let me say that there are nearly 100,000 South Carolinians in the armed services, and I cherish among them many relatives of mine. The people of South Carolina want the Senate to go forward in the effort to help win the war, not to discuss a poll-tax bill, which has no connection with the war or with the efforts to achieve victory on land or on sea.

For the benefit of the Senators now present, I desire to say that the poll tax was first levied in South Carolina in 1702. I shall read the law.

I quote from the testimony of Governor Jefferies before the Committee on the Judiciary:

> The custom of levying a per capita tax on the people of South Carolina originated at a very early day. As early as 1702 an act of the general assembly to make Charles Town defensible provided:
>
> "That the said 550 pounds per annum be raised by a pole"—they spelled it p-o-l-e—"every man within the bounds of the town that is capable of bearing arms to pay 20 shillings per annum.
>
> "And every single woman or widow that is a housekeeper and finds a watchman in the constable's watch to pay also 20 shillings per annum."

The poll tax was used by the colony to defend itself against the Indians. When the carpetbaggers and scallawags, whom the distinguished Senator from Georgia [Mr. RUSSELL] so eloquently and aptly described on this floor today, met in South Carolina when the State was readmitted into the Union, they wrote their constitution. I wish to read article I, section 1, of the constitution written by the group which was sent there by the then President of the United States. I quote further from the testimony of Governor Jefferies:

> The convention adopted a new constitution for the State, and section 1 of article I thereof provided:
>
> "The general assembly, whenever a tax is laid upon land, shall at the same time impose a capitation tax, which shall not be less upon each poll than one-fourth of the tax laid upon each hundred dollars' worth of assessed value of the land taxed; excepting, however, from the operation of such capitation tax all such classes of persons, as from disability or otherwise, ought, in the judgment of the general assembly to be exempted."

Let me say that in the Democratic primary in South Carolina there is no poll tax. Every man and women who belongs to the Democratic Party is eligible to vote in the primary; and in order to make certain that the people are allowed to vote we send the books even into their homes, so that everyone may register. In the general election in a one-party State, such as is South Carolina, the payment of a poll tax is required before a person in eligible to vote; but in South Carolina there are 225,000 people who pay poll taxes, and less than 30,000 or 40,000 ever vote except when a Presidential election occurs; and even then the highest vote which I can recall was about 100,000.

However, in our primary more than 500,000 persons register. If they cannot write their own names, which, unfortunately, is the case in some instances because of the poverty of many of our people brought about by the activities of outsiders from 1865 to 1876, someone is sent along to write their names for them.

So, Mr. President, the issue is not an issue as to whether the Negro is to be disenfranchised. The issue, as I see it, is purely one relative to the constitution of our State. It is purely an issue as to the right of the people of South Carolina to pass their own election laws.

Mr. President, I do not propose to speak at length at this time; I do propose to take quite a long time to discuss the bill if it shall be considered by the Senate; but before I take my seat I should like to say that, although I do not consider myself as having been arrested or dragged in, but merely as singled out, as the distinguished Senator from Tennessee said, yet if my singling out will defeat the bill I hope I shall be singled out, if necessary, 100 times.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia [Mr. RUSSELL].

Mr. BARBOUR. Mr. President, out of order I ask unanimous consent to have printed in the Appendix of the RECORD an article entitled "Chiefs of Staff Jointly Plan United States Operations." The article was written by Glen Perry, Washington correspondent of the New York Sun, and appeared in the November 13 issue of that newspaper.

The PRESIDING OFFICER. The Chair regrets that, the Journal not yet having been corrected and the pending motion not having been disposed of, no other business can be transacted.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I desire to call the attention of the present occupant of the chair to rule VIII of the Rules of the Senate, for the reason that the——

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon is being recognized for the purpose of propounding a parliamentary inquiry.

Mr. McNARY. For the reason, Mr. President, that two Senators-elect desire to take the oath for the short term of office, and at the time when they are sworn in I desire to present an order for their assignment to committees. I believe that the taking of the oath, being a privileged matter, would not interfere with the order of business of the Senate. If I may, I should like to have a ruling on that matter. Then I should like to have a further ruling——

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that until the question of the correction of the Journal has been concluded, it would not be in order to present the credentials of Senators-elect or to have them receive the oath. The rule reads:

> The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal.

Of course, what the Senator suggests could be done by unanimous consent.

Mr. McNARY. That is not the question, Mr. President. Probably the Chair, having been occupied in discussing the

matter with the very efficient Parliamentarian, did not follow my request. Assuming that disposition has been made of the matter of correction of the Journal, I refer to a matter to occur tomorrow, when the regular order is before the Senate, namely, an appeal from the decision of the Chair. At that time would it be proper to present the Senators-elect in order to have them take their oaths, and immediately thereafter obtain an order for their assignment to committees? That is the point.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that until the question of the correction of the Journal is disposed of——

Mr. McNARY. I concede that. I have made that exception. I am assuming that that will be done today. What I want to know is whether, after that has been done, and when we are back on the regular order—which, as I stated a moment ago, is an appeal from the decision of the Chair—it would be in order to have the Senators-elect take their oaths and to have an order entered for their assignment to committees. I desire to have a ruling on that matter tonight, because I want to know whether to notify the Senators-elect to be present tomorrow.

The PRESIDING OFFICER. No appeal from the decision of the Chair is pending.

Mr. McNARY. So many motions and quorum calls have been made that I am not informed what motion would follow.

The PRESIDING OFFICER. The pending question is on agreeing to the motion offered by the Senator from Georgia to correct the Journal of yesterday.

Mr. McNARY. I appreciate that; and when that question is disposed of, we shall come back to the regular order of business.

The PRESIDING OFFICER. Unless some other motion to correct the Journal is offered.

Mr. McNARY. I am assuming that the Journal will have been corrected and that disposition will have been made of that matter. I should not attempt to present the Senators-elect until the pending business has been completed. I want to know whether, after that has been done, it will be in order to present those gentlemen in order that they may take their oaths of office, and at that time obtain an order for their assignment to committees.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that the rule is clear that the presentation of credentials can be made at any time except during the reading and correction of the Journal, or while a question of order or a motion to adjourn is pending, or while the Senate is dividing.

Mr. McNARY. I think that is an accurate statement, of course, and that is why I have propounded the inquiry as to whether obtaining the order would in any way interfere with procedure on the floor. Would it take a Senator off the floor? Would he lose the floor thereby? Would it in any way disturb the orderly conduct of the business before the Senate? That is the point I am trying to have decided.

The PRESIDING OFFICER. If a Senator had the floor at the time the Senator desired to present the credentials of Senators-elect, under the precedents of the Senate he could yield for a privileged matter without losing the floor. But of course the present occupant of the chair is unable to say whether the decks will be cleared tomorrow, so to speak, so that the Senator could present the credentials.

Mr. McNARY. I agree to that, but what I have been trying to make myself clear about is concerning the order I wish to obtain relating to the assignment of the Senators to committees. Would the granting of the order in any way interfere with the procedure, or would it take a Senator from the floor?

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the assignment of a Senator-elect to committees is a privileged matter, and that a Senator having the floor could yield for that purpose without losing the floor.

Mr. McNARY. I thank the Chair. That is the decision I expected.

Mr. RUSSELL. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Might not all these difficulties be obviated if the Senator from Kentucky would merely move, when the proper hour has arrived, whenever it may be, to take a recess, rather than to adjourn? I think that would relieve us of a great many of the difficulties. I wish to do all within my feeble limitations to assist the Senator from Oregon in the matter in which he is interested. It occurred to me that if the Senator from Kentucky would merely move to take a recess rather than to take an adjournment, there would be no difficulty whatever in the Senator from Oregon transacting the business to which he has adverted.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that until all questions concerning the Journal of the last session of the Senate are disposed of, no other business can come before the Senate.

Mr. RUSSELL. Of course, that could be altered by unanimous consent. It has been said often that the Senate can do anything by unanimous consent.

The PRESIDING OFFICER. The Senate can do anything by unanimous consent, as the Senator has observed.

Mr. BARKLEY. I had assumed that we would dispose of the Senator's motion to correct the Journal so far as Senators absent at the time of the roll call yesterday were concerned.

Mr. RUSSELL. As I recall, there were some 11 roll calls yesterday. Of course, the same question would apply to all the roll calls.

Mr. BARKLEY. I assumed the Senator's motion contemplated all of them.

Mr. RUSSELL. No; I merely made a test case of the first one, and the pending motion relates only to the first call had on yesterday. I might say that the Senator from Kentucky has shoved off this motion——

Mr. BARKLEY. Done what?

Mr. RUSSELL. The Senator said he did not think it was germane, and that it was contrary to the precedents of the Senate.

Mr. BARKLEY. No; I did not say I did not think it was germane. I said I thought it was not customary.

Mr. RUSSELL. Not pertinent, then.

Mr. BARKLEY. No; I did not even say that.

Mr. RUSSELL. The Senator certainly said he did not think it amounted to anything. He used those identical words, and if that does not mean it is not germane, I should like to have him explain what he did mean.

Mr. BARKLEY. I said I thought it was unusual, that it had not been done heretofore, to require that on a call to develop a quorum the names of absent Senators should be included in the Journal. They are not even included in the RECORD. As the Senator will note if he will examine every quorum call in the CONGRESSIONAL RECORD, from time immemorial, there are simply stated the names of those who answer to their names. The names of absent Senators are not stated.

Mr. RUSSELL. I stated definitely that the CONGRESSIONAL RECORD did not disclose the names, but I gave my reason for thinking the Journal should. Of course, the CONGRESSIONAL RECORD has no standing in a court of law. Courts do not pay any attention to the CONGRESSIONAL RECORD.

Mr. BARKLEY. But the Journal has never contained the names of Senators absent on quorum calls.

Mr. RUSSELL. Mr. President, in his discussion the Senator from Kentucky said that when a roll call vote was had the names of absent Senators did appear. Then certainly a very serious error has been made in preparing the Journal, because the Journal of the proceedings of yesterday did not contain the names of absent Senators.

Mr. BARKLEY. If I said what the Senator has stated I said, I did not mean just that. What I meant to say was that the RECORD shows those who vote for and against a proposition. The affirmative and negative votes are shown in the RECORD and in the Journal, but I did not mean to say that the names of absent Senators, who did not vote at all, were included in the Journal.

Mr. RUSSELL. I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. In the event the pending motion should be disposed of by the Senate, and the Senator from Kentucky were to obtain the floor—and I have commented heretofore on the happy facility of the Senator from Kentucky in obtaining the floor—what would be the parliamentary status of objections which other Senators might tomorrow like to lodge against the Journal of yesterday, if a motion to adjourn were carried?

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that in the absence of any motion to change or amend the Journal, if the

Senate were then to adjourn, the Journal would stand. In other words, there is nothing in the rules of the Senate which provides for approval of the Journal. There is a provision that the Journal of the preceding day shall be read and corrected. Therefore, it is the opinion of the present occupant of the Chair that, when there are no further motions pending concerning the Journal, and an adjournment is taken, the Journal of the preceding day would stand.

Mr. RUSSELL. Under the ruling of the Chair, a simple motion to adjourn would make it absolutely impossible to conform to the provisions of rules III and IV. There might be the most glaring defects and errors in the Journal, and the Senate would be absolutely helpless to correct those errors at any time, if a simple motion to adjourn were made. A motion to adjourn would cut off all debate, and no Senator would have the right or the power to refer to those errors, he could not discuss them in the Senate, and some very grave error might be in the Journal which could never be corrected, if the ruling of the Chair is correct. An appeal would not lie from the statement of the Chair at this time, of course.

The PRESIDING OFFICER. The Chair has only responded to a parliamentary inquiry and stated his opinion as to the interpretation of the rule.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. RUSSELL. I yield.

Mr. BARKLEY. Of course, the rule applies to the Journal of the previous day. It does not apply to any other Journal. While the motion of the Senator from Georgia is pending, no other business can be transacted. If the motion of the Senator from Georgia should be disposed of, either by its being adopted or being defeated, of course, the Senator could move for other corrections of the Journal. I am thoroughly aware of that. I do not have to advise the Senator of that, because he is so good a parliamentarian that I do not have to give him advice as to what to do to postpone consideration of this bill.

Mr. RUSSELL. I am always happy to have suggestions.

Mr. BARKLEY. Of course, the Senator would have the same right tomorrow he has today, and could proceed along the same line with regard to today's Journal.

Mr. RUSSELL. I am fully aware of my rights as to today's Journal, and I conceive that there may be many errors in yesterday's Journal, but that today's Journal might be letter perfect. There might not be any errors in it.

Mr. BARKLEY. I have no doubt that——

Mr. RUSSELL. And then there would go into the archives of the Nation this incorrect Journal of yesterday, with all its defects, and we never would have any opportunity to correct it.

Mr. BARKLEY. It would be a serious matter, which would have a tremendous effect upon the welfare of future generations, if by some oversight the Journal of today should slip through without correction. Very likely the Senator from Georgia can find the same defect in today's Journal that he found in yesterday's Journal. We have had a quorum call or two, and I do not suppose that the absent Members are included in the quorum call. We have had at least one or two quorum calls. We have had a roll call today. The absent Members are not included in the Journal on that call. So that the situation would be the same, and would be the same at the beginning of any day with respect to the Journal of the previous day's proceedings.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. RUSSELL. I yield.

Mr. THOMAS of Oklahoma. I should like the floor in my own right if I may.

The PRESIDING OFFICER. Has the Senator from Georgia concluded?

Mr. RUSSELL. I yield the floor at this time.

Mr. WAGNER. Mr. President——

Mr. THOMAS of Oklahoma. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. What is the question pending before the Senate?

The PRESIDING OFFICER. The pending question is the motion made by the Senator from Georgia relating to the Journal.

Mr. THOMAS of Oklahoma. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Is that motion debatable?

The PRESIDING OFFICER. It is. It has been debated for some hours.

Mr. THOMAS of Oklahoma. I desire to debate it.

The PRESIDING OFFICER. The Senator has been recognized.

Mr. THOMAS of Oklahoma. Mr. President, in a recent issue the Reader's Digest contains an article on our silver policy. [Laughter.]

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

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. THOMAS of Oklahoma. No, Mr. President; I cannot yield.

Mr. BILBO. I simply want to make a small correction in the RECORD.

Mr. THOMAS of Oklahoma. Mr. President, this article in the Reader's Digest contains some glaring misstatements. I have been trying to obtain the floor to ask permission to incorporate in the Appendix of the RECORD a short statement pointing out these misstatements, and if I can obtain permission to insert a short statement in the Appendix of the RECORD I shall not take any further time of the Senate. Otherwise I shall be forced to read my statement.

I ask unanimous consent to have printed in the Appendix of the RECORD a short statement on our silver policy.

The PRESIDING OFFICER. No such business can be transacted until the pending matter is disposed of.

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

Mr. THOMAS of Oklahoma. I refuse to yield. The statement is as follows:

To the question, "Is our silver policy sound?", my answer is, "Yes," and for the following reasons:

Throughout the ages silver, like gold, has been considered one of the precious metals.

Silver has served the nations of the past and still serves our Nation commercially and as a monetary unit and medium of exchange.

Today silver is the only redeemer of the currencies of the world.

What is our silver policy?

Before the birth of our Nation the Spanish milled silver dollar was adopted by the Colonies as the standard of value.

After the adoption of the Constitution the silver dollar was, by law, made the basis of our monetary system.

From the beginning silver has been and still is legal and Constitutional money.

Our Constitution has been amended many times but the amount of pure silver in the standard silver dollar has never been altered since its adoption as our monetary unit.

History records that silver has been slandered, traduced, and condemned, yet today all nations and all peoples are singing the praises of the white metal.

Former enemies of silver—writers, economists, and monetary experts—are now clamoring for silver. All seem to agree that for some war uses silver is indispensable.

The silver-purchase program was adopted in 1934 as a means of checking deflation and combating the depression.

At that time we had scarcely $5,000,000,000 of all kinds of money in circulation and we decided to make a wider use of silver in order to increase the amount of permanent money in circulation. The program was a signal success.

Through the use of silver we increased the circulation by one and one-half billion dollars.

This policy assisted in checking deflation, raised the price level, brought about higher prices and better times.

Today we have over 113,000 tons of silver in our war stock pile.

This is about one-third of all the commercial and monetary silver in the world.

How did we get this great hoard of valuable metal?

The answer—it was secured through our silver policy.

The 1934 law directed the Secretary of the Treasury to print silver certificates and to trade such certificates for silver bullion.

Under this policy we increased our stock pile from some 14,000 to over 113,000 tons of this valuable monetary and strategic war material.

Today we are short of copper, tin, and nickel.

In the production of war equipment silver is not only a substitute but for many uses it is better than either copper, tin, or nickel.

Today we have the silver—over 113,000 tons of the precious white historic metal—immediately available for delivery and use.

Contrary to the inspired and expensive propaganda, this silver has cost the taxpayers just enough to cover the cost of the paper and the printing of the certificates which were traded for the metal.

It is charged that our silver policy has cost the taxpayers $1,500,000,000.

Such charge is not true.

This silver has cost the taxpayers less than the cost of either one battleship or of one modern powder plant.

It is charged that the so-called silver bloc is preventing the War Production Board from using the silver stock pile in making necessary war supplies.

Such charge is likewise not true.

On the contrary, our silver is now being used just as fast as it is needed for war production purposes.

The so-called silver bloc approves of the use of all the silver that is necessary in our war effort.

It is charged that it will require legislation to make our silver available for war-production purposes.

This charge is also untrue.

No law has been passed and none is necessary to make any part or all of such silver available to the War Production Board. About one-half of the stock pile is free and unpledged and by calling in and retiring the outstanding silver certificates, all of such silver may be made available for war-production purposes.

All must admit that our silver policy has produced the vast stock pile now on hand.

All must admit that this silver is invaluable for war-production purposes.

All must admit that the silver is being used as fast as needed in our war effort.

All must admit that legislation is not necessary to make our silver available for making war equipment.

As chairman of the Special Senate Silver Committee, I report that all of our silver stock pile will be used if necessary to win the war.

Our silver policy has already helped us defeat a depression and is now helping us win a war.

Any governmental policy, costing so little and helping so much, must be sound.

Now, before I close, let me ask a question—In view of the existing shortage of copper, tin and nickel, what might have happened to our war effort had we not had this vast stockpile of silver produced by our silver policy?

The answer is obvious.

One other point must not be overlooked. Our silver policy, along with our gold policy, is responsible for the fact that we now have over one-third of the world's silver stock and over three-fourths of the world's gold stock in our Public Treasury today.

This vast treasure chest will help us win the war and after the war will help us dictate the terms of a just and, I hope, a lasting peace.

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a very able statement made by the Senator from Maryland [Mr. TYDINGS] on the occasion of the seventh anniversary of the establishment of the Commonwealth of the Philippines.

The PRESIDING OFFICER. In the opinion of the Chair, that business cannot be transacted.

Mr. WAGNER. I have asked unanimous consent. As I understand, I can always do that.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that no business can be transacted until the pending matter is disposed of.

Mr. WAGNER. Not even by unanimous consent?

The PRESIDING OFFICER. That is the opinion of the present occupant of the chair. The rule provides that such a question shall be deemed a privileged question, and proceeded with until disposed of. The Senator could ask unanimous consent to suspend the rule.

Mr. WAGNER. I ask unanimous consent to suspend the rule so that I may have the statement referred to printed in the RECORD.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. VANDENBERG. Would the consent which the Senator from New York seeks constitute new business, which would then permit the calling of a quorum?

The PRESIDING OFFICER. If the request were agreed to, it would.

Mr. VANDENBERG. I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. Mr. President, I move that the motion made by the Senator from Georgia [Mr. RUSSELL] to amend the Journal of yesterday be laid on the table.

Mr. RUSSELL. I ask for the yeas and nays.

Mr. BARKLEY. I will say to the Senator from Georgia that I do not wish necessarily to dispose of that motion today.

The PRESIDING OFFICER. The motion is not debatable.

Mr. BARKLEY. In view of the pendency of the motion, I should like to ask the Presiding Officer whether, if I should now move to recess until tomorrow the motion would be the pending business upon the reconvening of the Senate?

The PRESIDING OFFICER. It would be.

Mr. BARKLEY. And it would not be debatable?

The PRESIDING OFFICER. It would not be debatable.

Mr. BARKLEY. Having entered the motion, I shall presently move for a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. Mr. President, I should like to have the Chair explain the parliamentary situation. I have given a great deal of attention to the parliamentary situation today, and I have become somewhat confused.

The PRESIDING OFFICER. The parliamentary situation is as follows: The Senator from Kentucky has moved to lay on the table the motion of the Senator from Georgia.

Mr. RUSSELL. I understood the Senator from Kentucky to say that he proposes that action on the motion be postponed until tomorrow, when it will be the pending business.

Mr. BARKLEY. I said that if the Senate should now recess the motion would automatically go over until tomorrow.

Mr. RUSSELL. That is perfectly agreeable to me, if the Senator proposes to bring today's session to a close.

Mr. BARKLEY. That is my object.

Mr. RUSSELL. I did not understand the Senator.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, November 18, 1942, at 12 o'clock noon.

SENATE

WEDNESDAY, NOVEMBER 18, 1942

(Legislative day of Tuesday, November 17, 1942)

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

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

Eternal God, our Father, whose life is the breath of our being, in these times that try our souls, as we gird the might of the Nation to defend our threatened liberties, we pray that we take care to strengthen the spiritual foundations of our democracy, knowing that without Thee we build on sinking sand. Give us hearts and minds big enough for those social reconstructions, for those daring feats of generous good will, that shall yet turn human life into a glad, gracious, and triumphant fraternity around this torn and tortured world.

With uncovered heads we think gratefully and tenderly of those who have so recently given the last full measure of devotion, counting not their own lives dear to themselves, that they might strike a blow for freedom and against tyranny. In this our noontide petition we offer again the prayer which has come from the lips of Thy servant our President, as the speaking air gave wings to his words:

"We thank Thee, God, for such men as these. May our Nation continue to be worthy of them throughout this war and forever." Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, November 17, 1942, was dispensed with, and the Journal was approved.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Georgia [Mr. RUSSELL] to amend the Journal of the proceedings of Monday, November 16.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Andrews	Caraway	Guffey
Austin	Chandler	Herring
Ball	Chavez	Hill
Bankhead	Clark, Idaho	Johnson, Calif.
Barbour	Connally	Kilgore
Barkley	Danaher	La Follette
Bilbo	Davis	Lee
Brewster	Doxey	Lucas
Bulow	Ellender	McKellar
Bunker	George	McNary
Burton	Gerry	Maloney
Byrd	Gillette	Maybank
Capper	Green	Mead