H. R. 4321. An act for the relief of the Chippewa Indians of Minnesota;

H. R. 4465. An act to authorize the exchange of certain lands in Minnesota;

H. R. 4578. An act to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes;

H. R. 4804. An act for the relief of Claud R. Johnston;

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

H. R. 4975. An act to add certain lands to the Sequoia National Forest, Calif.;

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

H. R. 5554. An act to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States;

H. R. 5714. An act for the relief of William H. Cogswell, Jr.;

H. R. 5884. An act for the relief of Mrs. Maude C. Massey, Ocala, Fla.;

H. R. 5898. An act for the relief of the legal guardian of Leonard Almas;

H. R. 5920. An act for the relief of E. A. Williams;

H. R. 5957. An act to provide compensation for Mrs. Marion Yarnott for injuries sustained by her in a collision between a United States mail truck and a car in which she was riding as a passenger on May 23, 1940, in Venice, Calif., and to appropriate money therefor, and for other purposes;

H. R. 5961. An act for the relief of Alfred Lee Poynor;

H. R. 6016. An act for the relief of Michael-Leonard Seed Co.;

H. R. 6061. An act for the relief of Mr. and Mrs. Werner M. Bertelson and Ellen W. Sessions;

H. R. 6226. An act for the relief of B. H. Wilford;

H. R. 6450. An act to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; title 8, sec. 155), as amended;

H. R. 6491. An act for the relief of the heirs of John W. Adams;

H. R. 6545. An act for the relief of Spencer Meeks;

H. R. 6558. An act for the relief of Anne Berbig and Alfred E. Berbig, Jr.;

H. R. 6591. An act for the relief of the estate of Emily Kraft, deceased;

H. R. 6619. An act for the relief of M. Ray Waldron;

H. R. 6629. An act for the relief of the estate of Paul W. Layman;

H. R. 6721. An act for the relief of Mildred G. Gordon;

H. R. 6781. An act for the relief of the legal guardian of Lorraine Novak, a minor;

H. R. 7061. An act for the relief of D. A. Sullivan & Sons, Inc.;

H. R. 7149. An act for the relief of David E. Clark;

H. R. 7263. An act for the relief of Mrs. J. R. Bennett;

H. R. 7480. An act for the relief of Mrs. Claud Tuck and Darrell Claud Tuck, a minor; and

H. R. 7792. An act to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 46 minutes p. m.), under its previous order, the House adjourned until Monday, December 7, 1942, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2015. A letter from the Postmaster General, transmitting a draft of a proposed bill to amend the act of September 7, 1916, providing compensation for injuries to employees of the United States; to the Committee on the Judiciary.

2016. A letter from the Acting Secretary of Agriculture, transmitting a draft of a proposed bill to repeal the assignment provisions of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

2017. A letter from the Executive Director and Chief Examiner of the United States Civil Service Commission, transmitting the quarterly reports of especially meritorious salary increases submitted by the various Government departments and agencies for the fiscal year ended June 30, 1942; to the Committee on the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DOWNS: Committee on Public Buildings and Grounds. H. R. 7826. A bill to authorize the sale or transfer of property belonging to the Government for other purposes; with amendment (Rept. No. 2692). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATTON: Committee on Accounts. House Resolution 381. Resolution granting a gratuity to Edna Ramsay; without amendment (Rept. No. 2694). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. KEOGH: Committee on Claims. H. R. 6265. A bill to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Christoffer Hannevig through his trustee in bankruptcy; with amendment (Rept. No. 2693). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PLUMLEY:

H. R. 7838. A bill to establish a Chief of Chaplains in the United States Navy; to the Committee on Naval Affairs.

By Mr. COSTELLO:

H. R. 7839. A bill to provide that vessels under the control of the War Shipping Administration shall be named for soldiers, sailors, and marines who are killed or die of wounds received in action during the present war; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROBINSON of Utah:

H. R. 7840. A bill providing for the suspension of annual assessment work on mining claims held by location in the United States, including the Territory of Alaska; to the Committee on Mines and Mining.

H. R. 7841. A bill relating to the administration of grazing districts; to the Committee on the Public Lands.

By Mr. THOM:

H. R. 7842. A bill to provide that the heads of the executive departments may occupy seats on the floor of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. HOFFMAN:

H. Res. 580. Resolution to appoint a committee to protect the integrity of Congress; to the Committee on Rules.

PETITIONS, ETC.

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

3478. By Mr. LAMBERTSON: Petition of A. M. Reed, of Manhattan, Kans., and 80 others of Riley County, against liquor and vice among America's armed forces and war workers; to the Committee on Military Affairs.

3479. By Mrs. NORTON: Senate Concurrent Resolution No. 21 of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States concerning Federal regulation of salaries and wages paid to State, county, and municipal employees; to the Committee on Banking and Currency.

3480. By Mr. SMITH of Wisconsin: Petition of L. W. Van Natta, of Racine, Wis.; to the Committee on Banking and Currency.

3481. By Mr. WIGGLESWORTH: Petition of members of the Braintree Baptist Church, Braintree, Mass., against liquor and vice among America's armed forces and war workers; to the Committee on Military Affairs.

3482. Also, petition of the mayor and city council of Brockton, Mass., opposing the discrimination being shown to New England in fuel oil rationing; to the Committee on Interstate and Foreign Commerce.

3483. By the SPEAKER: Petition of the municipal council of St. Thomas and St. John, V. I., petitioning consideration of their resolution with reference to their petition dated October 16, 1942; to the Committee on Insular Affairs.

SENATE

FRIDAY, DECEMBER 4, 1942

(Legislative day of Monday, November 30, 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, clouds and darkness are around Thee, yet righteousness and judgment are the habitation of Thy throne. Through the shadows give us eyes to see that Great White Throne which is established forever upon the moral pillars of the world. Thou hast called us to play our part in one of the creative hours of human history. Help us so to speak and so to act in this day of destiny that tomorrow we may live unashamed with our memories. Above the smoke and dust of battle may we see the Lord high and lifted up; as the changing social landscape melts away before our gaze may we hear the voice of the Holy One

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whose kingdom is forever, declaring, "Behold, I am making all things new." In the midst of broken plans and ruined rainbows grant us sight and insight to meet with triumph and disaster and treat those two imposters just the same. So may we be delivered from the paralysis of pessimism and cynicism. Across the debris of ancient wrongs may our glad eyes see the glory of the coming of the Lord, as selfish exploitation makes way for brotherhood and for man. In Thy Name we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, December 3, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce;

H. R. 7788. An act to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities; and

H. R. 7801. An act to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority.

SENATOR FROM MINNESOTA—CREDENTIALS

Mr. SHIPSTEAD presented the credentials of JOSEPH H. BALL, duly chosen by the qualified electors of the State of Minnesota a Senator for that State for the term beginning January 3, 1943, which were read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942, JOSEPH H. BALL was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1943.

Witness: His excellency our Governor Harold E. Stassen, and our seal hereto affixed at the Capitol in St. Paul, Minn., this 30th day of November, in the year of our Lord 1942.

HAROLD E. STASSEN,
Governor of the State of Minnesota.
[SEAL] MIKE HOLM,
Secretary of State of the State of Minnesota.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF DIRECTOR OF THE COURTS ADMINISTRATIVE OFFICE

A letter from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1942 (with an accompanying report); to the Committee on the Judiciary.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Department of the Treasury (2), Tennessee Valley Authority, the National Archives, and Office of War Information which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

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

PETITIONS

Petitions, etc., were presented and referred as indicated:

By Mr. CAPPER:

A petition of sundry citizens of Attica, Hazelton, and Hardtner, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

A resolution of the Woodson County Grange, Gridley, Kans., favoring the enactment of legislation to eliminate the liquor traffic and to suppress vice in the vicinity of military camps; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of Colorado, from the Committee on Military Affairs:

H. R. 2970. A bill for the relief of Hyram Colwell; without amendment (Rept. No. 1781); and

H. R. 2973. A bill for the relief of George O. Hanford; without amendment (Rept. No. 1782).

By Mr. ELLENDER, from the Committee on Claims:

H. R. 4029. A bill for the relief of Catherine Barrett; without amendment (Rept. No. 1783);

H. R. 4898. A bill for the relief of Bothilda Stender; without amendment (Rept. No. 1784);

H. R. 5274. A bill for the relief of Michael Leo Fitzpatrick; without amendment (Rept. No. 1785);

H. R. 5409. A bill for the relief of Gwendolyn Anne Olhava and Anthony L. Olhava; without amendment (Rept. No. 1786);

H. R. 5649. A bill for the relief of Alice Comas, Robert Comas, and Frances Williams; without amendment (Rept. No. 1787);

H. R. 6366. A bill for the relief of Alex Lawson; without amendment (Rept. No. 1788);

H. R. 6489. A bill for the relief of I. Arthur Kramer; without amendment (Rept. No. 1789);

H. R. 6520. A bill for the relief of Jane A. Thornton; without amendment (Rept. No. 1790);

H. R. 6653. A bill for the relief of William R. Ivey; without amendment (Rept. No. 1791);

H. R. 6695. A bill for the relief of Mrs. Esther Mann; without amendment (Rept. No. 1792);

H. R. 6749. A bill for the relief of Mrs. Bessie Schakett; without amendment (Rept. No. 1793);

H. R. 6771. A bill for the relief of Lillian J. Delavergne and Myrla Delavergne; without amendment (Rept. No. 1794);

H. R. 6780. A bill for the relief of J. M. Jesse; without amendment (Rept. No. 1795);

H. R. 6863. A bill for the relief of Thomas W. Dowd; without amendment (Rept. No. 1796);

H. R. 6873. A bill for the relief of Maude Leach; without amendment (Rept. No. 1797);

H. R. 6923. A bill for the relief of Mrs. Ada F. Ogle; without amendment (Rept. No. 1798);

H. R. 6924. A bill for the relief of Joseph F. Gordon; without amendment (Rept. No. 1799);

H. R. 7035. A bill for the relief of Mr. Garland Gailey, of Baldwin, Ga., and Mrs. Clara Mae Gailey, of Baldwin, Ga.; without amendment (Rept. No. 1800);

H. R. 7167. A bill for the relief of Elmore Lee Lane; without amendment (Rept. No. 1801);

H. R. 7168. A bill for the relief of Grover C. Wedgwood; without amendment (Rept. No. 1802);

H. R. 7288. A bill to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers; without amendment (Rept. No. 1803);

H. R. 7316. A bill for the relief of Dr. J. M. Scott and Mrs. J. M. Scott; without amendment (Rept. No. 1804);

H. R. 7333. A bill for the relief of Arkansas Gazette, Hope Star, the Hope Journal, Arkansas Democrat Co.; without amendment (Rept. No. 1805);

H. R. 7518. A bill for the relief of Bernice Pyke, Arthur P. Fenton, Carl E. Moore, and Clifford W. Pollock; without amendment (Rept. No. 1806);

H. R. 7649. A bill for the relief of Ralph B. Randall, rural rehabilitation supervisor, Farm Security Administration, Visalia, Calif.; without amendment (Rept. No. 1807);

H. R. 7651. A bill for the relief of William F. Perkins, rural rehabilitation supervisor, Farm Security Administration, Pinal County, Ariz.; without amendment (Rept. No. 1808);

H. R. 7652. A bill for the relief of Warren M. Engstrand, grant supervisor, Farm Security Administration, Bakersfield, Calif.; without amendment (Rept. No. 1809); and

H. R. 7705. A bill for the relief of James E. Savage; without amendment (Rept. No. 1810).

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

S. 2899. A bill to extend the jurisdiction of naval courts martial in time of war or national emergency to certain persons outside the continental limits of the United States; with amendments (Rept. No. 1811); and

S. 2917. A bill to amend sections 3, 4, 5, and 6 of the act approved March 7, 1942 (Public Law 490, 77th Cong.), providing for continuing pay and allowances of certain missing persons; with amendments (Rept. No. 1812).

By Mr. RADCLIFFE, from the Committee on Commerce:

H. R. 7424. A bill to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes; (this bill had been recommitted); with amendments (Rept. No. 1813).

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

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

H. R. 6729. An act to authorize the Secretary of Commerce to establish fees or charges for services performed or publications furnished by the Department of Commerce; to the Committee on Commerce.

H. R. 7788. An act to amend section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, so as to include farm wages in determining the parity price of agricultural commodities; to the Committee on Agriculture and Forestry.

H. R. 7801. An act to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority; to the calendar.

ASSISTANT CLERK, COMMITTEE ON MINES AND MINING

Mr. GUFFEY submitted the following resolution (S. Res. 330), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 60, agreed to March 17, 1941, authorizing the Committee on Mines and Mining to employ an assistant clerk during the Seventy-seventh Congress to be paid from the contingent fund of the Senate at the rate of $1,800 per annum hereby is continued in full force and effect until the end of the Seventy-eighth Congress.

CHARLES E. SALMONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2195) conferring jurisdiction upon the United States District Court for the Western District of Missouri to hear, determine, and render judgment upon the claim of Charles E. Salmons, which were, to strike out all after the enacting clause and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles E. Salmons, of Sedalia, Mo., the sum of $3,500, in full settlement of all claims against the United States for the death of his wife, Nadine Salmons, as a result of a collision between the automobile in which she was riding and a United States Army Air Corps tractor on Highway No. 50, near Tipton, Mo., on August 10, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The title was amended so as to read: "An act for the relief of Charles E. Salmons."

Mr. TRUMAN. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

JAMES B. SHULER

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1953) conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of James B. Shuler in his individual capacity and as husband and legal representative of the estate of Elise Morrison Shuler, deceased, and as father of Ellie S. Shuler, deceased, which were, to strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James B. Shuler, of McClellanville, S. C., the sum of $10,000, in full settlement of all claims against the United States for the death of his wife, Elise M. Shuler, and his son, Ellie S. Shuler, and personal injuries to himself sustained as a result of a collision between the automobile in which he was driving and a Civilian Conservation Corps truck, on Highway No. 17, near McClellanville, S. C., on August 7, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The title was amended so as to read: "An act for the relief of James B. Shuler."

Mr. MAYBANK. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ASSISTANCE TO FARMERS AND SMALL LOGGERS

Mr. WILEY. Mr. President, lately I have received many letters from farmers and small loggers in the State of Wisconsin. Because of years of experience in the past, many Wisconsin farmers have had to supplement their earnings by small logging operations. Now the War Production Board has demanded a great supply of birch and other veneer lumber. Many hundred farmers in the communities of Wisconsin produce both milk and logs for the War Production Board. There has been great maladministration in the gasoline program in that section of the country, and as a result I receive letters each day stating that mills have shut down and that farmers will not be able to haul their milk to market.

Mr. President, I think I have some good news which should go into the RECORD. I understand that lately the O. P. A. and the O. D. T. got together and issued an order which provides for relief until the first of the year, and it is hoped that their program will thereafter be so arranged that the farmers and the loggers who operate trucks will get the gas necessary to carry on.

I wish to read the substance of the new order:

Any farmer who feels he has not been allowed sufficient gasoline to carry on his milk hauling and logging operations should apply at once to his Office of Price Administration war price rationing board for a temporary transport ration sufficient to operate through January 31.

That would give him 2 months. Then the rest of the order will go into operation.

This allotment will be made on the operator's own estimate of his needs regardless of allotment specified in his Office of Defense Transportation certificate of war necessity.

I may say, in respect to the certificate of war necessity, that there has been a great deal of maladministration, as I have heretofore stated. Apparently the persons who issued the O. D. T. certificates did not know what it was all about. The result was they caused a great furor among the people who produce throughout the country. I continue the reading:

After he has obtained temporary transportation ration the farmer should appeal for a revised certificate through the Farm Transportation Committee of his United States Department of Agriculture County War Board. The Farm Transportation Committee will study his case and make a recommendation to the farmer's Office of Defense Transportation District Office as to the amount of mileage and gasoline that should be allowed the farmer to operate through 1943. Office of Defense Transportation District Managers have been instructed to accept these recommendations unless errors in the Committee's calculations are detected. In such cases the Office of Defense Transportation District Managers will get in touch with the Farm Transportation Committee at once.

The gist of this is that the farmer or the small logger who operates trucks can immediately get a temporary suspension of the former certificate, which suspension will operate until February 1, 1943. Meanwhile he should assemble his facts, get his information together, so that he can present his case. Then, it is hoped, at least a rational certificate will be issued to him, so that he may carry on constructively during the remainder of 1943.

FARMING TO WIN THE WAR—ADDRESS BY SENATOR BANKHEAD

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an address on the subject Farming to Win the War, delivered by Senator BANKHEAD on December 2, 1942, at the Orangeburg, S. C., Farming for Victory celebration, which appears in the Appendix.]

GASOLINE RATIONING—STATEMENT BY SENATOR CONNALLY

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD a statement on the subject of gasoline rationing made by Senator CONNALLY on December 4, 1942, which appears in the Appendix.]

SOME PRINCIPLES OF CIVILIAN ECONOMIC ORGANIZATION IN TOTAL WAR—ADDRESS BY HON. HERBERT HOOVER

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD an address on the subject Some Principles of Civilian Economic Organization in Total War, delivered by former President Hoover before the National Association of Manufacturers in New York on December 2, 1942, which appears in the Appendix.]

FIRST PROGRESS REPORT OF OFFICE OF RUBBER DIRECTOR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD, Progress Report No. 1, submitted to the Chairman of the War Production Board by William M. Jeffers, Rubber Director, together with a letter of transmittal, which appears in the Appendix.]

WE MUST GIVE HUMAN NEEDS PRIORITY—STATEMENT BY SURGEON GENERAL PARRAN

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a statement by Dr. Thomas Parran, Surgeon General, United States Public Health Service, entitled "We Must Give Human Needs Priority," which appears in the Appendix.]

ADMIRAL ROSS T. McINTIRE—THE PRESIDENT'S PHYSICIAN

[Mr. McNARY asked and obtained leave to have printed in the RECORD an article relative to Admiral Ross T. McIntire, published in the Sunday Oregonian, Portland, Oreg., of November 8, 1942, which appears in the Appendix.]

POWER TO REGULATE WHEAT PRODUCTION—EDITORIAL FROM NEW YORK TIMES

[Mr. McNARY asked and obtained leave to have printed in the RECORD an editorial entitled "Power to Regulate," published in the New York Times of November 13, 1942, which appears in the Appendix.]

REVENUES OF RURAL ELECTRIC SYSTEMS FINANCED BY R. E. A.

[Mr. NORRIS asked and obtained leave to have printed in the RECORD a release issued by the Department of Agriculture entitled "R. E. A. Systems Report Record High Revenues," which appears in the Appendix.]

MURRAY D. VAN WAGONER, GOVERNOR OF MICHIGAN—ARTICLE BY W. A. MARKLAND

[Mr. BROWN asked and obtained leave to have printed in the RECORD an article entitled "State to Lose a Good Governor," written by W. A. Markland, and published in the Detroit News of November 29, 1942, which appears in the Appendix]

CONDITIONS IN ENGLAND—LETTER FROM A BRITISH CITIZEN

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter addressed to him by Mr. Harry Dowsett, of Clacton on the Sea, Essex, England, dated July 27, 1942, which appears in the Appendix.]

WAYS FOR CITIZENS TO HELP WIN THE WAR—ARTICLE FROM NEW ORLEANS ITEM

[Mr. PEPPER asked and obtained leave to have printed in the RECORD the column entitled "How You Can Help Win the War," published in the New Orleans (La.) Item, which appears in the Appendix.]

EXECUTION OF CERTAIN OBLIGATIONS UNDER TREATIES WITH PANAMA

The Senate resumed the consideration of the joint resolution (S. J. Res. 162) authorizing the execution of certain obligations under the treaties of 1903 and 1936 with Panama, and other commitments.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. GILLETTE], which will be stated.

The LEGISLATIVE CLERK. On page 2, line 23, before the period, it is proposed to insert a colon and the following: "*Provided*, That any such instruments of conveyance shall contain a provision under which the Panama Railroad Company and any of its successors in interest agrees to fully protect the Government of the United States against any claims for damages or losses heretofore or hereafter incurred by any lessee of any of the lands covered by such conveyance."

Mr. NYE. Mr. President, is it understood that the amendment is to be acted on without the Senator from Iowa being present?

Mr. CONNALLY. I suppose it would be agreeable to him.

Mr. NYE. I think we ought to have a quorum, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Green	Pepper
Andrews	Guffey	Radcliffe
Austin	Gurney	Reed
Bailey	Herring	Russell
Barkley	Johnson, Calif.	Schwartz
Brewster	Johnson, Colo.	Shipstead
Brooks	Kilgore	Shott
Brown	Langer	Spencer
Bulow	Lee	Stewart
Bunker	Lucas	Taft
Burton	McCarran	Thomas, Idaho
Byrd	McKellar	Thomas, Okla.
Capper	McNary	Tobey
Caraway	Maloney	Truman
Chavez	Maybank	Tunnell
Clark, Idaho	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

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 Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. McNARY. The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

My colleague the Senator from Oregon [Mr. HOLMAN] is necessarily absent on public business.

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. GILLETTE].

Mr. JOHNSON of California. Mr. President, I should not occupy the time of the Senate today if I did not believe that there is at stake a very important principle which has been overlooked by many Senators.

In my opinion, nothing could be of greater consequence than the right of the Senate to pass upon treaties. There has been a determined effort for some years to take that right away and prevent its exercise by the Senate of the United States. There has also been a well defined effort on the part of many to deprive the Senate of its full position in respect to treaties and place it in such a position as that it should, under the circumstances of each case, determine the various matters involved, and then do what those who may present a treaty desire it to do.

Mr. President, I decline to submit to any such doctrine. I decline to submit myself mentally, intellectually, or otherwise, to the idea propounded by many Members of this body that we should not act upon treaties, and should not have the power to act in accordance with the Constitution. The proponents of this matter have presented to the Senate a joint resolution. The joint resolution propounds and sets out certain things which must be done. I read from section 1 of the joint resolution:

> That pending the establishment of an independent water-supply system, and so long as the Republic of Panama desires to utilize a supply of water from the Canal Zone, it shall pay quarterly to the appropriate Canal Zone authorities the rate of B/0.09 per 1,000 gallons—

I am not sure that I read that correctly, but that is the way I interpret or translate the amount which is required to be paid under the joint resolution—

> or such other reasonable rate as may be agreed upon by both Governments: *And provided further*, That the turning over to the Government of the Republic of Panama of the physical properties of the water and sewerage systems and the administration thereof, including the collection of the water rates, does not in any way modify the existing arrangement in respect to responsibility for the public health services of the cities of Panama and Colon as specified in the second paragraph of article VII of the convention between the United States of America and Panama, signed at Washington, November 18, 1903.

Mr. President, if there were nothing else in the whole transaction than that one paragraph, it would seem to me a certainty that we must exercise the right which is ours to pass upon this document as a treaty, rather than to accept it as a mere proposal for legislative enactment.

Section 2 of the joint resolution is as follows:

> SEC. 2. The Panama Railroad Company is hereby authorized to convey to the Republic of Panama, in whole or in part, all of its right, title, and inte est in and to so much of the lands of the Panama Railroad Company located in the cities of Panama and Colon as in the opinion of the Secretary of War are no longer needed for the operation of the Panama Railroad or for the operation, maintenance, sanitation, or defense of the Panama Canal. The authority conferred by this section shall not be exercised after June 30, 1944.

That is another clause which makes it perfectly obvious that this document should be ratified by the Senate in the manner provided by the Constitution, but the endeavor is made to by-pass—that is a favorite word now—the Senate in the exercise of its formal duties.

> (a) Any conveyance of any land in pursuance of the authority contained herein shall be deemed to release any and all reversionary rights of the United States in said property.

Mr. President, those who present this document are here dealing with the prop-

erty of the United States, are dealing with it specifically, and they ask that the Senate abandon its privileges and its prerogatives, and that it assent to this proposal.

(b) The provisions of the joint resolution entitled "Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Company on Manzanillo Island, Republic of Panama," approved July 10, 1937, so far as they may conflict with the provisions of this joint resolution, are hereby modified accordingly.

I do not know where the Island of Manzanillo is, and I do not care a rap, but those who present this document deal in that subsection with property over which the United States exercises jurisdiction, and the United States Senate, in connection with the exercise of that jurisdiction, must perform its constitutional function.

Then comes the third section:

SEC. 3. There is hereby authorized to be appropriated out of any moneys in the Treasury, not otherwise appropriated, a sum not to exceed $2,700,000, to enable the Secretary of the Treasury to pay to the Republic of Panama an amount equivalent to the principal and interest paid by that Government on account of the credit of $2,500,000 made available to it by the Export-Import Bank for the construction of Panama's share of the Chorrera-Rio Hato Highway, and to pay to the Export-Import Bank an amount sufficient to liquidate the remaining obligation of the Republic of Panama to that bank on account of the aforesaid credit.

Mr. President, it would seem crippling to a man's intellect to have to stand here and argue about these provisions of the joint resolution which require the Senate of the United States to act in a fashion and manner in which it may be supposed not to wish to act. Those who sponsor the joint resolution deal with property of the United States, with money of the United States, and they deal with it exactly as they see fit, and in no other fashion. For heaven's sake, is there anyone within the sound of my voice who cannot realize that what is dealt with here should be the subject of a treaty between the United States and Panama and not in any sense the subject of legislation?

As to the authorities upon this matter, they are not few but many. It will be appropriate at this time to supply the definition of "treaty." The law dictionaries, Webster, and the decisions of the courts agree that—

A treaty is an agreement, league, or contract between two or more independent states, nations, or sovereigns, formally signed by commissioners, properly authorized, and solemnly ratified by the several sovereigns of the supreme power of each state.

Citing Blank's Law Dictionary, *Cherokee Nation* v. *Georgia* (5 Pet. 60); *Edge* v. *Robinson* (112 U. S. 580); *Holmes* v. *Jennison* (14 Pet. 571); *United States* v. *Rauscher* (119 U. S. 407); *Ex parte Ortiz* (100 Fed. 962); Burr, Treaty-Making Power (p. 306); *United States* v. *Arredondo* (31 U. S. 691); *Santovincenzo* v. *Egan* (248 U. S. 30), and other citations.

There, Mr. President, is the law. Why should we disobey that law? Why should we run contrary to the Constitution of the United States, which all of us have sworn to obey? Why should we in any respect take the Constitution of the United States and toss it out the window, when the power of the Senate of the United States is so plainly and exactly written in the Constitution?

It is true that the power of the Senate of the United States is very great. No wonder that certain persons want to see its power curtailed, want to see it emasculated. No wonder that gentlemen who at this time and for some time past have felt the necessity for crying out against the powers of the United States Senate, as granted by the Constitution with respect to treaties, stand aghast and say, "We will not permit it any longer. We will no longer permit the United States Senate to stand as a bulwark of the liberties of this Nation, but we will destroy its treaty-making power which is set forth in the Constitution, and will not permit the Senate to have any redress." Why is it that they are opposed to the Senate having that power? Why is it that they try to emasculate the Constitution in that respect, and why is it that they demand that the Senate of the United States shall abrogate its power with respect to treaties? They wish it for reasons which are deep seated and ought to be fully understood. They wish it because they have some particular ulterior motive in preventing the exercise of the treaty-making power in the manner required by the Constitution.

Why should we permit it? That is the question. I care not if the majority in this body is 12 to 1 or 50 to 0; I care not whether Senators are from one State or another; they will rue the day they ever interfered with the Constitution or permitted it to be raped in the fashion which has been suggested. I am speaking now in the abstract. It should not be done. It should not be tolerated. Senators should be men enough to stand upon their feet and defend the Constitution as it stands, and insist that its provisions be carried out to the fullest extent.

So much for the law. I have not heard any law cited by the proponents of the pending joint resolution. I have not heard a single case in relation to this particular matter cited by Senators on the other side of the argument. Why must they put themselves in the position of being despoilers of the particular provision of the Constitution which I invoke? That is the whole question in a nutshell. If Senators wish to take the viewpoint of the proponents of the proposed legislation and seek to destroy the Constitution, they need not consider this a treaty. They need not consider the rights of one or the rights of another. They need not consider whether one side has been high-handed and has decided the question in a fashion which would not be tolerated in the case of the smallest litigant in any State.

Mr. President, it is the height of effrontery for the proponents of the pending measure to talk about appropriating $2,700,000 for the purpose of enabling the Secretary of the Treasury to pay to the Republic of Panama an amount equivalent to the principal and interest paid by that Government.

All the treaties to which reference has been made stem from the treaty of 1903. I leave out of view, because I wish to finish, the particular characteristics of those treaties. However, they all stem from the treaty of 1903, which was entered into by John Hay on the one hand and P. Bunau-Varilla on the other. If I were to digress for a moment I should like to say something concerning the life of P. Bunau-Varilla. However, I shall refrain from doing so at the present time.

It is proposed to pay at least part of the money which was given in 1903. It would be, of course, a payment by the United States of America out of one hand into the other.

I could cite many authorities holding that before a treaty can become effective it must be agreed to by the Senate, in whom rests the authority to ratify it.

Paragraph 2, section 2, of article II of the Constitution of the United States provides:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

The framers of the Constitution made that provision so absolutely plain that nobody should be mistaken concerning it. Yet neither of the agreements referred to in the pending joint resolution has been submitted to the Senate for its concurrence.

It is proposed to give this money to Panama for her to do with it as she pleases. In doing so we violate every principle of government which exists today. We do not ask anybody's consent. The State Department asks no man's consent. It may decide to give $20,000,000. The figure has now increased to something like $50,000,000 or $100,000,000. I do not know how much it is. However, it has greatly increased since the figures were first received by me.

Mr. President, I took the pains to ask Mr. Jesse Jones for a statement of the amounts of money he had paid to South American republics. He very kindly, and within a reasonable time, sent me a complete roster of those loans. Later, when the subject of this treaty came before us, I again asked him to send me a list of the amounts which had been expended on behalf of those countries; and from that time until now I have heard not a word from him. If Mr. Jones labors under the delusion that I am going to beg him to send me the figures, he has another thought coming to him. I will get along without figures rather than beg for them from someone who refuses or neglects to give them.

Mr. President, the money which was furnished to Panama was in the first instance loaned to her under the treaty of 1903. After it was loaned to her the money was given to her for the purpose of enabling her to make up the sum due and to discharge her debt to our country. It is a splendid idea; $2,500,000 is taken from one pocket, slapped into one hand, and given to Panama, and then we ask Panama to pay it back to Mr. Jesse Jones. Perhaps Panama has paid it back. I do not know. However, assuming that she has paid it back, she has paid an old debt

which she owed under the treaty of 1903. That is a marvelous way to do business. That process can be continued indefinitely, until the country is broke.

Panama insists that we have been guilty of creating an irritation, that we have treated her in a very bad fashion; but for the life of me I cannot see it—when she gets the money she owes, in order to pay it off in the fashion provided by the joint resolution. That is a nice way to do; is it not? It reminds me of the line in Tennyson's Locksley Hall:

> But the jingling of the guinea helps the hurt that Honor feels.

She feels the hurt which comes from the order which originally she entered into and gave to us. Despite her fear, and her hatred of us arising from that fear, we then turn around and give her the money; and so we continue on that course.

There is just one thing those people want. It is unfortunate that the people who have loaned the money or have made their investments in Panama are Americans. That is the unfortunate part of the whole situation. If they had been Englishmen they would have demanded their rights and would have been given their rights accordingly; but because they are simple Americans, men who themselves have earned the money which they have put into that country, they cannot get a hearing anywhere. It is nonsense to say that they have had a hearing before the State Department, because they had no hearing of any kind or character. They did have in the beginning. Their figures were accepted, their accounts were checked, and they were given the "go ahead" signal by the State Department; but afterward a change came over the spirit and the dreams of the Department. Now they have no remedy whatsoever, no remedy of any kind or character. It is because of that situation that we are asking that the Members of the Senate do not make any such mistake as that.

Those who are supporting the measure have said that they do not want the great record of this country marred or do not want our generosity in any degree denied. I do not want it denied. I do not want to see this country's record marred. I want to see this country stand up and be as it always has been, as it was under Theodore Roosevelt, at least—a country that would stand up to the rack and take its medicine when it was necessary to take it.

This whole matter arises in the most singular manner that could be imagined. The whole structure is created in such a way that it cannot be figured out. I am reminded of the mule in whose case a method was pursued which left him neither with pride in his ancestry nor hope of posterity. That is exactly what has been done in the present case, and that method has been pursued to the utmost.

I shall not talk long to the Senate. I realize how things are. I realize exactly how things may be in this body. I realize that no Member of this body can have anything to say here unless he says "Yes." I realize that there is no way in which a Member of this body can push himself unless he says "Yes." I realize that all the yeses gathered together give a singular majority. Let that come! Do not let it bother us! Let anyone here believe that to be a Senator was once something of an honor! To be a Senator is an honor yet; and if Senators have in their minds any sense of propriety as to their work, they should permit no individual to direct as to how or why they should vote.

To make the proposed gift to the Republic of Panama is a rank and rotten thing to do, a rank and rotten idea. It should not be done. To give what should be given to the men who made the investments in Panama is right, and should be done. I say to the Members of the Senate: Choose ye between. You are the bosses. I recognize that there is not much to say concerning the bosses here. They have things their way. Let them have their way if they will. The present proposal is just one more injustice, just one more instance of—

> Truth forever on the scaffold, wrong forever on the throne.

It is just one more case of taking the bread and butter from poor people. The people who made their speculations there were not rich people; all of them were poor people. Every one of them is a poor man, and he simply is asking that he be given some modicum of care, that there be manifested some little mothering instinct which might result in having aid extended to him as well as to the great office of the Secretary of State. He asks that the people who have been fussing and fuming at him for a long time shall give him justice. He asks only that he be given the right to which he is entitled by virtue of being one of many. He asks only that—only the right to be heard, only the right to present his case, only the right to have the officials of the State of which he is a citizen be his partisan. It would not be the same thing if the poor people had five or six officers of the State Department present at the hearing, representing them. The State Department's representatives were in the committee room all the time. No one represented the poor people except one lawyer. He was the only one who represented the individuals concerned.

In the last that I shall say upon this matter I leave to the Members of the Senate the determination of what should be done. Should they aid Panama or should they aid American citizens. That is the whole story. When American citizens are absolutely in the right, should the Members of the Senate take the side of Panama and determine the matter according to Panama's desire?

The PRESIDING OFFICER (Mr. ANDREWS in the chair). The question is on agreeing to the amendment of the Senator from Iowa [Mr. GILLETTE].

Mr. TUNNELL. Mr. President, there are just three parts, as I understand, to the joint resolution. The first refers to the taking over by Panama of the water and sewerage systems in its two cities of Colon and Panama.

The second provision would turn over to Panama the interest or right which the Panama Railroad Company has in certain lands which are no longer needed either by the Canal itself or for the defense of the Canal or by the railroad.

The third is to authorize the appropriation, out of any moneys in the Treasury not otherwise appropriated, of a sum not exceeding $2,700,000 for the purpose of balancing the amount due to the Export-Import Bank as the share of the Republic of Panama in certain roads built in Panama.

We have just been exhorted to be men. I have the highest opinion and esteem for the Senator who made the exhortation, and, therefore, I have no feeling of resentment at such advice. It is my opinion that those who will vote for the joint resolution think that they are men, that their votes will be their own votes, and I do not think they will vote because they have been told to do so, as was suggested in the speech to which we have just listened.

There are different methods, apparently, by which questions of international moment are met. This is not a new question. Sometimes those who have objected to the course of the Executive have been more fortunate than those who are now making this objection. In this instance the Constitution specifically provides for this method. In article IV, section 3, second paragraph, I find this language:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

It seems to me that if any other method than that of transfer by Congress had been attempted, we should have been met by the objection that Congress was the only power by which this territory or this property could be disposed of. There is no other method or authority to dispose of property of the Nation than that which is reposed in the Congress.

The three methods by which the Government acts are, first, that which is now suggested, namely, by treaty. There is objection made at this time, as I understand, that this attempt should have been made by treaty, notwithstanding the plain provision of the Constitution as to the power of Congress in the disposition of territory or other property.

The second objection, as I have understood it to be, is that, even though we are proceeding in the proper way, there should not be the transfer either of the waterworks, the sewerage system, or land, or the money provided in the third section.

I shall devote myself principally to the first of these objections, that is, as to whether or not a statute is the proper method or is a method by which this international agreement can be consummated. In doing so, I point first to the section of the Constitution read yesterday by the chairman of the Foreign Relations Committee and this morning by myself.

This question has been raised many times. Numerous books have been written on it. A most interesting discussion on the subject of Treaties and the Constitution was delivered by Hunter

Miller, Esq., historical adviser and editor of treaties, Department of State, to the students of Columbus University, Washington, D. C., on January 13, 1937.

The United States Supreme Court in the case of United States against Curtiss-Wright Export Corporation, on December 31, 1936, is quoted, as follows:

As a result of the separation from Great Britain by the Colonies, acting as a unit, the powers of external sovereignty pass from the Crown not to the Colonies severally, but to the Colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the Colonies were a unit in foreign affairs, acting through a common agency, namely, the Continental Congress, composed of delegates from the Thirteen Colonies. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change, but sovereignty survives. A political society cannot endure without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect to the Colonies ceased, it immediately passed to the Union.

I quote further from the same case:

It results that the investment of the Federal Government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal Government as necessary concomitants of nationality.

From 1776 until March 1, 1781, there was no written fundamental law governing the Union of the Colonies. The Articles of Confederation were adopted by the Continental Congress on November 15, 1777. However, it was necessary for each of the 13 States to accept those articles in order for them to be fully enforced. A treaty with France was negotiated and signed on February 6, 1778. This was a treaty not alone of friendship and commerce but a treaty of alliance. This treaty reached the Continental Congress on May 2, 1778. Under the Articles of Confederation, each of the States had one vote. It was very desirable that there should be no votes against the ratification of this treaty. The minutes of the meeting simply state that the treaty was ratified unanimously.

Mr. Miller states that we can be sure that New Hampshire and North Carolina were not represented and there is doubt as to Delaware and Massachusetts. The minutes did not state what States were not represented. Under the Articles of Confederation, the assent of nine States was necessary to the ratification of any treaty. Of course, at that time there was no President and the entire control of foreign relations was in Congress. This procedure was entirely changed by the Constitution. In the case of United States against Curtiss-Wright Export Corporation, heretofore cited, the Court is quoted as follows:

Plenary and exclusive power * * * as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution.

Mr. Miller, in the same discussion, states as follows:

It is the President who begins, or severs, or resumes relations with another government. It is he who names plenipotentiaries and frames their instructions, a very important part of the process of treaty making. Again I quote: "The President * * * alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it."

The power of negotiation of treaties, the signing of treaties on the part of the United States, is absolutely in the President. After a treaty is signed, he exercises his own wishes as to sending it to the Senate for its advice and consent. After it is sent to the Senate, he may withdraw it at his pleasure. Even after the Senate acts favorably upon a treaty, he may refuse to ratify it. He may even ratify it, and then refuse to exchange the ratifications with the other nation negotiating the treaty. At every stage in the matter of the making of a treaty, the President has the right to terminate not only the negotiations, but the whole proceedings. When it comes to the ratification of a treaty by the Senate, it requires only two-thirds of a quorum. Under the Confederation, nine States were necessary for the ratification of a treaty. In 153 years, no treaty has ceased to function because of the fact that it was not constitutional. No portion of any treaty has ever been officially declared to be unconstitutional. This is particularly interesting in view of the fact that seldom is a treaty negotiated without the charge being made that the Executive has exceeded his constitutional authority in the negotiation of the contract. Mr. Miller further states as follows:

The international act that we call a bilateral treaty or convention embodies agreement between the two governments on the matters covered. In many cases substantially the same result may be and often has been reached without the making of any international act but by means of similar and more or less concurrent national acts on the one side and the other.

During the administration of President Jackson, the question of British colonial trade was a bothersome one. This matter was settled in 1830 by the passage of a statute on the part of the United States, together with a proclamation of the President, and on the part of Great Britain by a statute and two orders in council. There was no treaty.

A maximum and minimum tariff was provided by the Tariff Act of 1909. The President was authorized to apply the minimum tariff to countries which did not discriminate by tariff against the trade of the United States. President Taft issued 134 proclamations in 1910 applying the minimum tariff to the greater part of the commercial world. This was a national act on the part of the Government of the United States. It was not a treaty or other international act. Mr. Miller states as follows:

I suppose that the expression "executive agreements" may be said to mean international acts of the United States which are not submitted for the advice and consent of the Senate.

He states further that some executive agreements are made by authority of the President alone under express grant of power from the Constitution. He refers under this head to armistice or modus vivendi. His discussion of the settlement of claims, such as those referred to in Panama, in the following language is particularly interesting:

Not referring here to cases of mere contract obligations, it is well settled that claims against other governments arising from acts alleged to have been done in violation of international law or treaty and injuriously affecting American citizens are the subject of negotiation and agreement by the President. It is, of course, true that such claims may be and at times have been dealt with by treaty, but that the President may himself dispose of them conclusively is established by a practice which goes back in precedent to the administrations of Washington and John Adams.

However, a large majority of the executive agreements of our history have been made pursuant to legislative authority, or, in other words, authority of Congress, as distinguished from the authority of two-thirds of the Senators present. Both in number and in importance the field is extraordinarily extensive. The number of our executive agreements cannot be precisely stated, partly for the reason that here, as elsewhere, there is a twilight zone, but there must be more than 1,000 of them. In relativity of importance of the subject matter they range from vitally momentous to very minor. I shall mention a few of them.

In the political campaign of 1844, the question of the annexation of Texas was a burning issue. An annexation treaty with the independent republic of Texas, submitted to the Senate by President Tyler, had been rejected by the Senate in the spring of that year by a very decisive vote. A majority of the Senate were against the treaty; but the Democratic platform favored annexation and James K. Polk was elected President. Since the method of annexation by treaty had proved impossible the method of joint resolution was adopted. The enactment which granted authority for the proceedings which led up to annexation was passed by both Houses of Congress—in the Senate by the very close vote of 27 to 25; it was signed by President Tyler just at the close of his administration. Before the year 1845 was over annexation had become complete and Texas had been admitted as a State of the Union.

Had it been held to be necessary that a treaty be negotiated and ratified, I suppose that Texas would not yet be in the Union. I continue reading from Mr. Miller's address:

In 1897, under the McKinley administration, a treaty for the annexation of the independent republic of Hawaii was signed; but when it was found that such a treaty could not command the necessary two-thirds vote in the Senate the method of joint resolution was again adopted, and Hawaii became United States territory.

These two instances are of extraordinary significance in our constitutional history, for each of them was of highest importance: In each the treaty method of action was attempted and abandoned, and in each proceedings under authority of Congress were had.

The war debts to us from the governments of Europe totaled about $10,000,000,000 principal. Under the Harding and Coolidge administrations agreements were made for the adjustment of those obligations and their payment over long periods of years. Certainly such agreements might have been made by

treaty, but they were not. They were authorized or approved by statute.

One of the major policies of the Hoover administration has been the making of reciprocal trade agreements with other countries, more than a dozen of which have been entered into, some of very great importance. Authority for the making of these trade agreements was granted to the President by statute. All of us well remember that the enactment was bitterly opposed in Congress, but less than two-thirds of the Senate favored it, and that the policy was similarly opposed and overwhelmingly sustained in the recent election.

It was by authority of statute that the United States became a member of the International Labor Organization. The charter of that organization is to be found in the labor clauses of the Treaty of Versailles, a treaty which the United States rejected. But by executive action following congressional authority, the United States has become a party to those treaty provisions.

It will be observed that he here contends that not even a statute is necessary to enable the President to settle such claims. It is estimated that there have been more than a thousand of these executive agreements in the history of the United States, most of them by legislative authority, and none of them by treaties. I quote at length from the address by Hunter Miller as follows:

The subject matter of other executive agreements is very varied: Tariff duties, arbitration, copyrights, patents, most-favored-nation treatment, radio, aviation, shipping, measurement of vessels, and the cession of Horseshoe Reef in Lake Erie, are among them.

The most numerous category of executive agreements comprises the postal conventions and treaties of this Government which are now and since 1792 have been made under congressional authority. There are three exceptional instances of such treaties or conventions made following submission to the Senate. But the postal conventions made pursuant to the statutes with the approval of the President number several hundred.

So any picture of international acts of the United States which left the executive agreements out of consideration would be fragmentary. Such agreements have played a major part in our history from an early period and are making history now. To doubt their validity in law at this day would be almost as futile as to doubt their existence in fact. On this point I commend to your consideration the following observations from an opinion of the Supreme Court already cited, United States against Curtiss-Wright Export Corporation, one which is destined to be famous in our law:

"As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of the other members of the international family. Otherwise, the United States is not completely sovereign. The power to acquire territory by discovery and occupation, the power to expel undesirable aliens, the power to make such international agreements as do not constitute treaties in the constitutional sense, none of which is expressly affirmed by the Constitution, nevertheless exist as inherently inseparable from the conception of nationality. This the Court recognized, and in each of the cases cited found the warrant for its conclusions not in the provisions of the Constitution, but in the law of the Nation."

In a well-known work by Edward S. Corwin, page 40, the following language is used:

But though neither Congress nor the courts may direct the President in the discharge of his constitutional powers, yet either the Senate or the House separately, or both concurrently, may pass resolutions expressive of their desires in relation to questions of an international character, and the President may give such resolutions any weight he chooses, notwithstanding that they have no legal effect. Indeed, it is a part of the President's discretion to pay heed to such resolutions or not, as he elects.

Sometimes, however, Congress or one of the Houses has endeavored to go beyond an informal tendering of advice to the President and has sought to force his hand in some matter affecting his foreign policy. A noteworthy instance of this sort occurred in 1826, when opponents of the Panama Congress sought to attach to the appropriation bill for the mission certain conditions to it. Their efforts were frustrated, the principal argument on the constitutional question being that offered by Webster:

He would recapitulate only his objections to this amendment. It was unprecedented, nothing of the kind having been attempted before. It was, in his opinion, unconstitutional; as it was taking the proper responsibility from the Executive and exercising, ourselves, a power which, from its nature, belongs to the Executive, and not to us. It was prescribing, by the House, the instructions for a minister abroad. It was nugatory, as it attached conditions which might be complied with, or might not. And lastly, if gentlemen thought it important to express the sense of the House on these subjects, or any of them, the regular and customary way was by resolution. At present, it seemed to him that we must make the appropriation without conditions, or refuse it. The President had laid the case before us. If our opinion of the character of the meeting, or its objects, led us to withhold the appropriation, we had the power to do so. If we had not so much confidence in the Executive as to render us willing to trust to the constitutional exercise of the executive power, we have power to refuse the money. It is a direct question of aye or no. If the ministers to be sent to Panama may not be trusted to act, like other ministers, under the instructions of the Executive, they ought not to go at all.

Another instance of the same character occurred in 1864, when Congress was growing restive at the apparent complacency of the Administration at the progress of French aggressions in Mexico. On April 6 of this year Henry Winter Davis, chairman of the Foreign Affairs Committee of the House, introduced the following resolution:

"*Resolved*, etc., That the Congress of the United States are unwilling, by silence, to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico; and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge a monarchial government erected on the ruins of any republican government in America, under the auspices of any European power."

I call this to the Senate's attention, to show that Mr. Davis, chairman of the Foreign Affairs Committee of the House in 1864, was protesting against a trend, which I heard Senators protest against yesterday, as if it had just begun.

I continue to read from Mr. Miller's address:

The resolution was passed unanimously, no constitutional question being suggested. Mr. Seward, however, in explaining it to Mr. Dayton, our Minister to France, wrote that while "it truly interprets the uniform sentiment of the people of the United States in reference to Mexico" yet it is another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States. While the President receives the declaration of the House of Representatives with the profound respect to which it is entitled, as an exposition of its sentiments upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico.

That is, the opinion of President Lincoln.

"It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department; and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt."

This dispatch of Secretary Seward having been communicated by the President to the House at its request, Henry Winter Davis, on June 27, made an elaborate report from the Committee on Foreign Affairs which concluded with the following resolution:

"*Resolved*, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well as in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy, not less in diplomatic negotiations than in the use of the national forces when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power."

When this resolution came up for debate, the following December 15, Mr. Blaine protested thus:

"To adopt this principle is to start out with a new theory in the administration of our foreign affairs, and I think the House has justified its sense of self-respect and its just appreciation of the spheres of the coordinate departments of government by promptly laying the resolution on the table."

In 1876 the Republic of Pretoria—later the Transvaal Republic—sent to Congress its congratulations upon the first centennial of our national independence. On motion of Mr. Swann, of Maryland, a recognition of this message of congratulation was passed. On January 26, 1877, President Grant vetoed the resolution on the following grounds:

Sympathizing as I do in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I cannot escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive. * * * The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers, and to receive all official communications from them, * * * making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states." If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise, when that

officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

On April 22, 1844, President Tyler sent a message to the Senate urging its consent to the ratification of the treaty of annexation of Texas to the United States. The fight against the ratification of this treaty by the Senate was led by Senator Benton. Two days after this treaty was rejected by the Senate, President Tyler took the step of sending the rejected treaty to the House of Representatives. President Tyler, in sending the treaty to the House of Representatives, used the following language:

While the treaty was pending before the Senate, I did not consider it compatible with the just rights of that body or consistent with the respect entertained for it to bring this important matter before you. The power of Congress is, however, fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished.

Both the House and the Senate passed a joint resolution for the admission of Texas to be a State, on an equal footing with the original States. This joint resolution was promptly approved by the President, and Texas became a State of the Federal Union. Hawaii became a part of the Federal Union by a joint resolution passed July 7, 1898. In Haynes, The Senate of the United States, pages 637, 638, and 639, the following language is used:

There is no question that the President may withdraw a treaty, which the Senate already has under consideration, even if it had been submitted by his predecessor. Within 10 days after his first inauguration, President Cleveland withdrew "for purposes of reexamination" three treaties which President Arthur had submitted to the Senate with urgent advocacy insisting that they would "respond to the national policy of intercourse with neighboring communities of the American system." This policy did not commend itself to the new President and these treaties were never returned to the Senate. Again, when Cleveland became President in 1893, there had just been laid before the Senate a treaty of annexation concluded with the Provisional Government of Hawaii, set up by the revolution of January 14, 1893. Impressed with the charges that unjustifiable American influence and force had brought about the revolution which dethroned the Queen and that the new government had been recognized with indecent haste, as a preliminary to investigation by a special envoy the President at once withdrew the treaty "for the purpose of reexamination," and the annexation project was balked.

Aside from withdrawals of treaties because of doubt as to their merit or policy, they have at times been withdrawn merely to perfect their phraseology.

HE MAY REFUSE TO RATIFY AFTER THE SENATE HAS GIVEN ITS CONSENT

What is the situation if the Senate by a two-thirds vote has consented to the ratification of the treaty in the exact form in which the President submitted it to the Senate? "That would conclude the transaction," declared Senator Brandegee. Other Senators have been more emphatic.

When this body by a two-thirds vote has ratified, advised, and consented to that treaty, the point of finality has been reached. Life has been breathed into the treaty by the action of the Senate. The manual delivery of the document has nothing whatever to do with its validity. * * * I do not hold to the doctrine that after this last act that the Government of the United States has to do with the treaty has been performed by the Senate, any man can nullify the action of the Senate by withholding the delivery of the document.

But neither the theory of the Constitution nor practice under it accords with this view of limitation upon the President's discretion when a treaty is sent back to the White House with the Senate's resolution of consent. Says former Ambassador John W. Davis:

"Here there returns to the President all the freedom which he originally enjoyed. He could have declined in the first place to negotiate; he could have elected not to lay the negotiated treaty before the Senate; he could at any time before the final vote have withdrawn it from their further consideration; and now he may decide to proceed no further upon the advice and consent which the Senate express. This is true as well when the action of the Senate is one of unanimous approval, as when it is one of grudging consent or mutilating amendment. In either case he may lock the treaty in his desk or consign it to cold oblivion in the public archives.

"The roster of such diplomatic casualties is by no means short. It displays the constant jealousy with which the Executive and the Senate have guarded their respective powers. There was a tremendous mortality, for instance, when the Senate and President Roosevelt locked horns over the arbitration treaties negotiated by Secretary Hay with a number of nations."

It should be observed that the phrases, "the Senate's ratification" and "the Senate's resolution of ratification," while in almost universal use, are inaccurate and convey a wrong impression. The Senate does not ratify—it gives or it withholds advice and consent to the ratification of a treaty. But the power of ratification belongs to the President alone, and the Senate's advice and consent, while they may be illuminating to him, are in no sense mandatory. In the words of Senator Spooner:

"Out of public necessity the President should be permitted to pocket a treaty, no matter if every Member of the Senate thought he ought to exchange the ratification. Why? Because the President, through the minister, ambassadors, consuls, and all of the agencies of the Government, explores sources of information everywhere; it is his business to know whether anything has occurred since the Senate acted upon the treaty which would render it for the public interest that ratifications be not exchanged. And he is empowered to withhold exchange of ratifications, if upon later knowledge he deems it for the public interest so to do."

I have examined somewhat the history of treaty making and negotiations by the Federal Government. There seems to be no question that the makers of the Constitution intended the Executive to be the one to negotiate treaties, to sign them, and then to obtain the advice and consent of the Senate before the treaties should become effective.

The second objection which has been raised by the opponents of the pending measure is that in any event the provisions of the joint resolution should not be carried into effect. Little has been said along that line. If the Panama Canal should be obstructed in any way because of our conduct here, or our votes, whether it were California, Maine, Delaware, or any other State that might be harmfully affected as the result of our inability to use the Panama Canal, I do not believe that many Senators would desire to assume the responsibility.

The chairman of the committee has already spoken of some of the things which have been done on the part of Panama which, in his opinion, in the opinion of the State Department, and in the opinion of the majority of the members of the Foreign Relations Committee of the Senate, justify the action which is now recommended. It seems to us that the experience which we have had within the past year should be sufficient to show that the State Department and the Executive are in a better position to know and to recommend the things which should be done than is any individual Senator.

We have heard Joe Stalin sneered at in this Chamber. We have heard the suggestion made that the United States was possibly joining in some kind of a league with him; and the President of the United States has been condemned because of some supposed friendliness on his part toward "Joe Stalin," as he has been repeatedly called. Those who have watched the progress of this world cataclysm now realize that without Joe Stalin, and the part which he has taken, the Government of the United States, the Government of Great Britain, and even civilization itself, would have been in a very unfortunate position. Yet within little more than a year we have heard expressed on the floor of the Senate sentiments such as I have indicated.

Mr. President, we have been told that there is no danger to Panama; and yet within the past year I heard one of the most influential, intelligent, and patriotic Senators say that in his opinion the Panama Canal was already gone. I hope there is no danger to the Panama Canal at the present time. I merely remind Senators of the statement to which I have referred because some have thought that there was danger to the Panama Canal. The people of the Republic of Panama have been aiding the United States in the defense of the Canal in a way which could not be specifically set out in any treaty.

If the opponents of the pending measure succeed in blocking it, it is possible that such action may result in obstructing to some extent the use of the Panama Canal. I, for one, do not care to be responsible for the obstruction of the Panama Canal to the extent of one shovelful of dirt, one bucketful of water, or one vote against the program of the President of the United States.

At this time, when we have been assured that the people of the Nation, regardless of party, are supporting the President in his foreign relations, it is particularly unfortunate that such objection should be made on the floor of the Senate, especially when the objection in part comes from the Pacific coast, which needs the Canal as an interocean connection as much as does the Atlantic coast. The Panama Canal is one of the most important things today in the defense of America, as well as in the war in which we are all struggling. I, for one, do not feel that any whim, or any personal dislike which I may have for

any person, in either the executive or legislative department, should prevent me from doing what I believe the President of the United States, the State Department, and the Foreign Relations Committee of the Senate desire to have done for the defense of America.

Let us take up the first objection, which has been referred to quite at length. It has been asserted that even though the joint resolution should be passed, even though it is a proper way to proceed, and even though its provisions are not in themselves objectionable, before passing the measure we should do a little "horse trading." According to the statements of some Senators, certain citizens of the United States have not received proper treatment from the Republic of Panama. I am inclined to believe that those particular citizens of the United States have a claim against Panama, and I believe that, if it is possible to do so without injuring the war position of the United States, the State Department will recognize such claims.

Moreover, in the midst of this war I do not believe that the United States should say, "We are not going to deal with the Republic of Panama, nor are we going to consider it as a sovereign power, until it settles certain private claims which citizens of the United States have against it."

There is a proper way to prove those claims, and they should be proven. If they are just and owing, the Government of the United States can use its good offices to see that the claims are paid. But now, in the midst of a world war, at the most dangerous time in the defense of America, to raise or agitate a question which may result in ill feeling on the part of a government which has the ability and the opportunity to interfere with the defense of America, is beyond what I believe we should do or what I believe the majority of the American people believe should be done.

I believe that the joint resolution should be passed and that the Senate should not interfere with the negotiation and the attempt on the part of the Secretary of State, the State Department, and the President of the United States to maintain perfectly harmonious relations between the Republic of Panama and the Republic of the United States.

Mr. McNARY. Mr. President, I do not know whether or not any other Senator desires to discuss this question. If there is to be a vote, I desire to suggest the absence of a quorum, in order that we may have present a sufficient number of Senators to sanction a yea-and-nay vote.

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

Mr. McNARY. I yield.

Mr. CONNALLY. Would the Senator be agreeable to the suggestion that we dispose of the committee amendments and reach the point of voting, and then make the point of no quorum? I am afraid that the suggestion of the absence of a quorum at this time would result in bringing into the Senate Chamber some Senator with a speech in his bosom.

Mr. McNARY. Mr. President, I do not know about that matter. Senators usually have their speeches in their desks, I think, and have no difficulty in occupying the time available by discussing anything they desire to discuss.

Mr. CONNALLY. Only one committee amendment yet remains to be acted upon, and I shall agree to it.

Mr. McNARY. Is the committee amendment agreeable to the distinguished senior Senator from California [Mr. JOHNSON]?

Mr. CONNALLY. Oh, yes; I believe it is agreeable.

Mr. McNARY. The Senator from California is the ranking Republican member of the Committee on Foreign Relations. He is very much interested in the pending measure, and I make inquiry whether the amendment is agreeable to him.

Mr. GILLETTE. Mr. President, I have no means of knowing whether my amendment is acceptable to the Senator from California, except that I was advised that when the same amendment was presented in the committee the Senator from California voted for it. However, I was not present.

Mr. McNARY. Under those circumstances, and in view of that statement, upon which I may rely, I have no objection to the disposal of the pending amendment.

Mr. McCARRAN. Mr. President, I rise to a point of information.

The PRESIDING OFFICER (Mr. DOXEY in the chair). The Senator will state it.

Mr. McCARRAN. I desire to have the pending amendment read.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Iowa [Mr. GILLETTE] will be read.

The CHIEF CLERK. On page 2, line 23, before the period, it is proposed to insert a colon and the following: "*Provided*, That any such instruments of conveyance shall contain a provision under which the Panama Railroad Company and any of its successors in interest agrees to fully protect the Government of the United States against any claims for damages or losses heretofore or hereafter incurred by any lessee of any of the lands covered by such conveyance."

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

Mr. McCARRAN. Mr. President, I wonder if the Chairman of the Committee on Foreign Relations cares to explain the amendment.

Mr. CONNALLY. I shall be glad to do so. Let me say to the Senator from Nevada that the Committee on Foreign Relations rejected the amendment, not because of any opposition to it on the basis of its inherent merits, but on account of the fact that it might prove a little irritating to Panama. The properties involved are owned by the Panama Railroad. The Panama Railroad is a creature of the Government of the United States; the United States Government owns all the stock of the railroad company.

The pending amendment simply provides that in parting with the titles to the lands the Panama Railroad Company, the owner, shall indemnify the United States against any claim by lessees or others.

Mr. McCARRAN. The curious thing about it, if I understand it from a hurried consideration, is that the United States is the owner of all the stock of the Panama Railroad Company.

Mr. CONNALLY. That is correct.

Mr. McCARRAN. So, by agreeing to the amendment, we should be asking the United States Government, as the owner of all the stock of the Panama Railroad Company, to indemnify itself; should we not?

Mr. CONNALLY. I shall ask the Senator from Iowa to answer the Senator's question.

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

Mr. CONNALLY. I yield.

Mr. GILLETTE. Of course, the language referred to did not meet with the approval of the Senator from Iowa who offered the amendment. The language was the language of the drafting service. However, I desire to call attention to the fact that the amendment provides that the instrument of conveyance shall contain a covenant that the Panama Railroad Company—which, as the Senator says, is a corporation organized under the laws of the United States—and its successors in interest shall hold the United States free and clear; and, of course, the "successor in interest" will be the Republic of Panama, if the joint resolution shall be passed.

Mr. McCARRAN. Will that mean, then, that by passing the joint resolution we can bind the Republic of Panama to hold the United States free and clear from such charges?

Mr. CONNALLY. No. Let me say to the Senator that the Committee on Foreign Relations did not adopt the amendment; because it thought, somewhat along the line of the thought of the Senator from Nevada, that the amendment, if agreed to, would have the effect of asking the railroad to indemnify the United States, which would be a matter of simply taking money out of one pocket and putting it into another.

However, the Senator from Iowa has been very helpful in connection with the proposed legislation, both in the committee and as chairman of the subcommittee; so I assumed responsibility, so far as I have the power to assume any responsibility, to agree to the amendment, for the reason that it does not undertake to do anything to Panama, but simply provides that when any grantor conveys title to a piece of property he may provide in the deed of grant any condition that he may see fit to provide.

All the amendment proposes to do, as I understand, is to require the Panama Railroad when it makes a conveyance to the Republic of Panama of these lands to indemnify the United States against any claims of leaseholders or others that held leases from the Panama Railroad.

Mr. McCARRAN. Then, we merely get back to the same homely, horse language, that the Panama Railroad, being 100 percent owned by the Government of the United States, it is the Government

of the United States that must transfer the property, for the Government of the United States owns the stock; and so again it comes down to the one proposition that the Government of the United States is to indemnify the Government of the United States. I do not think we can get away from that.

Mr. GILLETTE. But, Mr. President, the instrument of conveyance will have to be executed by the Panama Railroad Company.

Mr. McCARRAN. But is not the Panama Railroad Company an instrumentality of the Government of the United States?

Mr. GILLETTE. Yes, but the amendment, if adopted, will require that under the instrument of conveyance the grantee which becomes the successor in interest, namely, the Republic of Panama, will hold the United States free from any claim for damages arising under breach of the covenants of the lease.

Mr. McCARRAN. Which gets back to the same proposition again, that, by this joint resolution, we seek to bind the Panamanian Government to hold this Government free and to indemnify it.

Mr. GILLETTE. That is because these lands are held under lease of the United States or a corporation of the United States; the tenants, who are citizens, in many instances of China, of India, and of other countries, are holding a leasehold interest and they have made extensive improvements. It is proposed to transfer this property to the Republic of Panama under, of course, the laws of the Republic of Panama governing the tenants.

Under those laws, if there are infractions or breaches of the covenants of the lease, there may be claim made on the part of the lessees or the country of their nationality; they may institute a claim because they may say, "We have been dispossessed or we have suffered damages or one of our nationals has suffered damages because of a breach." Where are they going to go to look for their remuneration; where are they going to go; where are they going to present the claim? Are they going to present it to the United States, and say, "You executed a lease in the first place to our national; you have transferred the property to the Republic of Panama through the agency of your subsidiary; but we are going to protect our nationals against a breach of the covenant; they have been despoiled." So the amendment represents an attempt to require the instrument of conveyance to carry a provision that the grantee under the conveyance shall hold the United States free and whole.

So far as I am concerned I do not care whether the amendment shall be adopted or not. It is an attempt to save us from such a situation as might involve complications and an effort on the part of the Government of the Republic of China or some other government to come forward and say, "You executed this lease to our nationals, and you have abandoned them without protection; we are looking to you to protect them."

Mr. McCARRAN. If I am not mistaken—and I hope someone who is more familiar with the subject will correct me if I am—my recollection is from dealing with the subject in the Appropriations Committee that not only does the United States of America hold all the stock in the Panama Railroad but it owns and controls the railroad, and the President of the United States, if I am not in error, appoints and directs the administrative officers of that corporation, which leads all the more to confusion, notwithstanding the fine effort of my friend from Iowa to explain what, to my mind, is rather an unexplainable situation. In other words, we are trying to sugar-coat something for the American public to swallow and perhaps for some others to swallow, when we might just as well be plain with each other. It is merely horseplay.

Mr. GILLETTE. If the Senator will yield, I can assure him that the Senator from Iowa is not trying to sugar-coat anything.

Mr. McCARRAN. I understand that.

Mr. GILLETTE. The Senator from Iowa has been greatly disturbed over a number of the aspects of this important matter, which he tried to discuss yesterday. In an effort to try to protect the United States from these possible contingencies I offered this amendment in the committee. The committee turned it down, probably with the same enthusiasm the Senator might be willing to turn it down, but I again offered it on the floor of the Senate, in the hope that it would be helpful.

Mr. LEE. Mr. President, will the Senator from Nevada yield to me in order that I may ask the Senator from Nevada a question?

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

Mr. McCARRAN. I yield.

Mr. LEE. Would this expression meet what the Senator has in mind in this amendment, namely, that the amendment proposes that the United States shall give a quit-claim deed instead of a warranty deed to this property?

Mr. GILLETTE. Oh, no.

Mr. McCARRAN. No; it is the other way around, if anything.

Mr. LEE. I understood the Senator wanted to relieve the United States of any further obligation and thereby bind the Government of Panama to protect us from any further obligation.

Mr. GILLETTE. From any breaches of covenant under the lease to the lessees or the countries of their nationality.

Mr. McNARY. Mr. President, does the Senator from Nevada desire to discuss the question?

Mr. McCARRAN. Yes; briefly.

Mr. McNARY. I think the Senator from California should be present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Brooks	Caraway
Andrews	Brown	Chavez
Austin	Bulow	Clark, Mo.
Bailey	Bunker	Connally
Barkley	Burton	Danaher
Brewster	Capper	Davis
Doxey	Maybank	Spencer
Ellender	Mead	Stewart
George	Millikin	Taft
Gerry	Murdock	Thomas, Idaho
Gillette	Murray	Thomas, Okla.
Green	Nelson	Tobey
Guffey	Norris	Truman
Gurney	Nye	Tunnell
Herring	O'Daniel	Tydings
Johnson, Calif.	O'Mahoney	Vandenberg
Johnson, Colo.	Overton	Van Nuys
Langer	Pepper	Wagner
Lee	Radcliffe	Wallgren
Lucas	Reed	Walsh
McCarran	Russell	White
McKellar	Schwartz	Willis
McNary	Shipstead	
Maloney	Shott	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. GILLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The CHIEF CLERK. In section 2, page 2, line 23, after the word "Canal" and the period, it is proposed to insert "The authority conferred by this section shall not be exercised after June 30, 1944."

The amendment was agreed to.

Mr. NYE. Mr. President, I move that Senate Joint Resolution 162 be recommitted to the Committee on Foreign Relations with a view to having that committee ascertain why the subject matter of the joint resolution should not be renegotiated and submitted to the Senate in treaty form.

Mr. CONNALLY. I make the point of order that the motion goes far beyond any proper rereference, seeking to instruct the committee how to act and what it should do.

The PRESIDING OFFICER. A motion to refer with instructions is in order.

Mr. CONNALLY. Very well.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota. [Putting the question.] The Chair is in doubt.

Mr. NYE. I ask for a division.

Mr. CONNALLY. Mr. President, this motion goes to the very vitals of the joint resolution, and I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I understand that if present and privileged to vote he would vote "nay." I transfer my pair to the junior Senator from New Jersey [Mr. BARBOUR] and will vote. I vote "yea."

Mr. SCHWARTZ (when his name was called). On this vote I am paired with the junior Senator from New Hampshire [Mr. TOBEY]. I transfer that pair to the junior Senator from Alabama [Mr. HILL], and will vote. I vote "nay."

Mr. STEWART (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD], and will vote. I vote "nay."

The roll call was concluded.

Mr. STEWART. My colleague the senior Senator from Tennessee [Mr. McKELLAR] is necessarily absent. If present, he would vote "nay."

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness. I am advised that, if present and voting, the Senator from Delaware [Mr. HUGHES] would vote "nay."

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family. I am advised that, if present and voting, he would vote "nay."

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business. I am advised that, if present and voting, the Senator from Utah [Mr. THOMAS] would vote "nay."

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 Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. KILGORE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent. I am advised that if present and voting, the Senator from Kentucky [Mr. CHANDLER] and the Senator from West Virginia [Mr. KILGORE] would vote "nay."

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

The Senator from Massachusetts [Mr. LODGE] has a general pair with the Senator from Mississippi [Mr. BILBO].

The Senator from Nebraska [Mr. BUTLER] is necessarily absent.

The Senator from New Jersey [Mr. BARBOUR] is necessarily absent. If present, he would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] would vote "yea" if present. He is necessarily absent.

The result was announced—yeas 26, nays 42, as follows:

YEAS—26

Aiken	Johnson, Calif.	Shipstead
Brewster	Langer	Shott
Brooks	McCarran	Taft
Burton	McNary	Thomas, Idaho
Capper	Maloney	Vandenberg
Clark, Mo.	Millikin	Wheeler
Danaher	Nelson	White
Davis	Nye	Willis
Herring	Reed	

NAYS—42

Andrews	Chavez	Guffey
Austin	Connally	Gurney
Bailey	Doxey	Johnson, Colo.
Barkley	Ellender	Lee
Brown	George	Lucas
Bulow	Gerry	Maybank
Bunker	Gillette	Mead
Caraway	Green	Murdock
Murray	Russell	Tunnell
Norris	Schwartz	Tydings
O'Daniel	Spencer	Van Nuys
O'Mahoney	Stewart	Wagner
Overton	Thomas, Okla.	Wallgren
Pepper	Truman	Walsh

NOT VOTING—28

Bankhead	Glass	McKellar
Barbour	Hatch	Radcliffe
Bilbo	Hayden	Reynolds
Bone	Hill	Smathers
Bridges	Holman	Smith
Butler	Hughes	Thomas, Utah
Byrd	Kilgore	Tobey
Chandler	La Follette	Wiley
Clark, Idaho	Lodge	
Downey	McFarland	

So Mr. NYE's motion was rejected.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, will the Senator from Missouri withhold that request for a moment?

The PRESIDING OFFICER. The presence of a quorum has just been demonstrated by the vote.

Mr. CONNALLY. No business has since been transacted.

Mr. CLARK of Missouri. The joint resolution has been ordered to be engrossed for a third reading, and read the third time since the last vote.

Mr. CONNALLY. I did not rise to make a point of order, but to suggest to the Senator from Missouri that we have just had a test vote on the motion made by the Senator from North Dakota [Mr. NYE], and it was our hope that we could pass the joint resolution by a viva voce vote.

Mr. CLARK of Missouri. Mr. President, so far as I am concerned I think there ought to be a yea-and-nay vote on the passage of the joint resolution.

Mr. CONNALLY. I make the point of order that no business has been transacted since the last vote.

Mr. CLARK of Missouri. In response to that point of order, Mr. President, I call attention to the fact that the joint resolution has just been ordered to be engrossed for a third reading and has been read a third time.

Mr. CONNALLY. I withdraw the point of order.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	George	Nelson
Andrews	Gerry	Norris
Austin	Gillette	Nye
Bailey	Green	O'Daniel
Barkley	Guffey	O'Mahoney
Brewster	Gurney	Overton
Brooks	Herring	Pepper
Brown	Johnson, Calif.	Radcliffe
Bulow	Johnson, Colo.	Reed
Bunker	Langer	Russell
Burton	Lee	Schwartz
Capper	Lucas	Shipstead
Caraway	McCarran	Shott
Chavez	McNary	Spencer
Clark, Mo.	Maloney	Stewart
Connally	Maybank	Taft
Danaher	Mead	Thomas, Idaho
Davis	Millikin	Thomas, Okla.
Doxey	Murdock	Truman
Ellender	Murray	Tunnell
Tydings	Wagner	Wheeler
Vandenberg	Wallgren	White
Van Nuys	Walsh	Willis

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

The question is, Shall the joint resolution pass?

Mr. CLARK of Missouri. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I transfer that pair to the junior Senator from New Jersey [Mr. BARBOUR]. I understand that if present the junior Senator from Kentucky would vote "yea," and that if present the junior Senator from New Jersey would vote "nay." I am at liberty to vote, and I vote "nay."

Mr. STEWART (when Mr. MCKELLAR's name was called). My colleague the senior Senator from Tennessee [Mr. McKELLAR] is necessarily absent. If present, he would vote "yea."

Mr. SCHWARTZ (when his name was called). On this vote I have a pair with the junior Senator from New Hampshire [Mr. TOBEY]. I transfer that pair to the junior Senator from Alabama [Mr. HILL] and will vote. I vote "yea."

Mr. STEWART (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "yea."

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness. I am advised that, if present and voting, the Senator from Delaware [Mr. HUGHES] would vote "yea."

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family. I am advised that, if present and voting, he would vote "yea."

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business. I am informed that, if present and voting, the Senator from Utah [Mr. THOMAS] would vote "yea."

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 Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. KILGORE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily absent. I am advised that if present and voting, the

Senator from Kentucky [Mr. CHANDLER], the Senator from Alabama [Mr. HILL], and the Senator from West Virginia [Mr. KILGORE] would vote "yea."

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS].

The Senator from Massachusetts [Mr. LODGE] has a general pair with the Senator from Mississippi [Mr. BILBO]. These Senators are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] has a general pair with the Senator from Tennessee [Mr. STEWART]. The transfer of that pair has been announced. He is absent on public business.

The Senator from Nebraska [Mr. BUTLER] is necessarily absent.

The Senator from New Jersey [Mr. BARBOUR] is necessarily absent. If present, he would vote "nay."

The Senator from New Hampshire [Mr. TOBEY] is necessarily absent. If present, he would vote "nay." His pair has been announced.

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

The result was announced—yeas 40, nays 29, as follows:

YEAS—40

Andrews	Green	Radcliffe
Austin	Guffey	Russell
Bailey	Gurney	Schwartz
Barkley	Johnson, Colo.	Spencer
Brown	Lee	Stewart
Bunker	Lucas	Thomas, Okla.
Caraway	Maybank	Truman
Chavez	Mead	Tunnell
Connally	Murdock	Van Nuys
Doxey	Murray	Wagner
Ellender	O'Daniel	Wallgren
George	O'Mahoney	Walsh
Gerry	Overton	
Gillette	Pepper	

NAYS—29

Aiken	Johnson, Calif.	Shipstead
Brewster	Langer	Shott
Brooks	McCarran	Taft
Bulow	McNary	Thomas, Idaho
Burton	Maloney	Tydings
Capper	Millikin	Vandenberg
Clark, Mo.	Nelson	Wheeler
Danaher	Norris	White
Davis	Nye	Willis
Herring	Reed	

NOT VOTING—27

Bankhead	Downey	Lodge
Barbour	Glass	McFarland
Bilbo	Hatch	McKellar
Bone	Hayden	Reynolds
Bridges	Hill	Smathers
Butler	Holman	Smith
Byrd	Hughes	Thomas, Utah
Chandler	Kilgore	Tobey
Clark, Idaho	La Follette	Wiley

So the joint resolution (S. J. Res. 162) was passed.

AUTHORIZATION FOR COMMITTEE ON AGRICULTURE AND FORESTRY TO FILE REPORT

Mr. THOMAS of Oklahoma. Mr. President, I understand that it is anticipated that there will be no session of the Senate tomorrow. I ask unanimous consent that the Committee on Agriculture and Forestry be accorded the privilege of filing reports from the committee up until midnight tomorrow night.

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

AUTHORIZATION FOR RECONSTRUCTION FINANCE CORPORATION TO ISSUE ADDITIONAL NOTES, BONDS, AND DEBENTURES

Mr. BROWN. Mr. President, I move that the Senate proceed to the consideration of House bill 7801. House bill 7801 is identical with Senate bill 2900, which would authorize the Reconstruction Finance Corporation to issue additional bonds and debentures in the sum of $5,000,000,000. Senate bill 2900 was reported yesterday from the Committee on Banking and Currency.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill (H. R. 7801) to authorize the Reconstruction Finance Corporation to issue notes, bonds, and debentures in the sum of $5,000,000,000 in excess of existing authority was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $5,000,000,000.

Mr. CONNALLY. Mr. President, does the Senator from Michigan anticipate any debate in connection with the bill?

Mr. BROWN. The bill was reported unanimously by the House committee and by the Senate committee, and it was passed in the House yesterday without objection. I anticipate that there will be a little discussion.

Mr. CONNALLY. It is my purpose to call up the conference report on the Mexican claims bill. I shall withhold that if the discussion is to be brief.

Mr. BROWN. Frankly, I do not believe the discussion will require any great length of time. If it does, I shall be glad to yield to the Senator.

Mr. McNARY. Mr. President, I suggest to the able Senator from Michigan that he permit the conference report to come up. I wish to make several inquiries with respect to the very important measure to which the Senator from Michigan refers.

Mr. BROWN. If the Senator from Oregon insists, I shall be glad to yield to his wishes.

Mr. McNARY. Mr. President, I desire a complete explanation of the bill. I have had occasion to glance at the record of the hearing, which has not been printed, and probably will not be. I am astounded by some of the representations made by witnesses before the committee. For my part, I shall insist upon a very complete statement concerning the reasons for granting to the Reconstruction Finance Corporation a very large sum of money to be used without accounting for it in the usual way. I am not saying that I shall not be satisfied; but I am sure the bill would not be passed in a few minutes.

Mr. BROWN. Does the Senator desire that the conference report referred to by the Senator from Texas be considered first?

Mr. McNARY. Yes.

Mr. BROWN. That is satisfactory to me.

Mr. McNARY. Let me state why. I have always tried to be reasonable. A copy of the hearings before the committee has just been laid on my desk. Some matters were called to my attention which were unsatisfactory, and I desire to have them explained. I should like to have an opportunity to peruse the record a little further. For that reason I suggest that the Senate consider the conference report.

Mr. BROWN. I shall be very glad to withhold the motion and permit the Senator from Texas to proceed.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his motion?

Mr. BROWN. I withdraw the motion.

While I am on my feet, there is a very small claim bill which I should like to have disposed of.

GUY E. MISH

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2742) for the relief of the postmaster at Nome, Alaska, which were to strike out all after the enacting clause and insert:

That the Postmaster General and the Comptroller General are authorized to pay to Guy E. Mish, the postmaster at Nome, Alaska, the sum of $184.40, or to credit his account in that amount, such sum representing a charge against the postmaster based upon his having employed and compensated, through misunderstanding, an employee, now separated from the service, as a temporary clerk instead of as a substitute clerk at the Nome postoffice: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The title was amended so as to read: "An act for the relief of Guy E. Mish."

Mr. CLARK of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. BROWN. Mr. President, this is only a small claim bill.

Mr. CLARK of Missouri. If the Senator from Texas is about to call up the conference report on the Mexican claims bill, I wish to suggest the absence of a quorum.

Mr. CONNALLY. The Senator from Michigan does not have to yield for a quorum call unless he desires to do so.

Mr. BROWN. Mr. President, I feel that, as a matter of courtesy, I should yield to the Senator from Missouri.

Mr. CONNALLY. Mr. President, I claim the floor. I was on my feet when the Senator from Michigan concluded, and I think I am entitled to the floor.

Mr. CLARK of Missouri. Mr. President, I, too, was on my feet. The Senator from Texas has no priority in that regard.

The PRESIDING OFFICER. The Senator from Michigan has the floor at the present time.

Mr. CONNALLY. The Senator from Michigan yielded the floor.

Mr. BROWN. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Guffey	Reed
Andrews	Gurney	Russell
Austin	Herring	Schwartz
Bailey	Johnson, Calif.	Shipstead
Barkley	Johnson, Colo.	Shott
Brewster	Langer	Spencer
Brooks	Lee	Stewart
Brown	Lucas	Taft
Bulow	McCarran	Thomas, Idaho
Bunker	McNary	Thomas, Okla.
Burton	Maloney	Truman
Capper	Maybank	Tunnell
Caraway	Mead	Tydings
Chavez	Millikin	Vandenberg
Clark, Mo.	Murdock	Van Nuys
Connally	Murray	Wagner
Danaher	Nelson	Wallgren
Davis	Norris	Walsh
Doxey	Nye	Wheeler
Ellender	O'Daniel	White
George	O'Mahoney	Wiley
Gerry	Overton	Willis
Gillette	Pepper	
Green	Radcliffe	

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

Mr. BROWN. Mr. President, I call attention to the fact that this claim bill is identical in amount as it passed the Senate and as it passed the House. The only change is the insertion of the name of the postmaster for whose benefit the bill was introduced, and the addition of the so-called 10-percent clause. The amount of the claim is $184.40.

I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. CLARK of Missouri and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, the Senator from Texas repeatedly announced to the Chair that he desired recognition in order to call up a conference report. I should like to know whether there is any hope of the Senator from Texas ever obtaining the floor.

Mr. CLARK of Missouri. The Senator from Missouri was on his feet, and the Chair could not do otherwise than recognize the Senator from Missouri.

Mr. CONNALLY. I, too, was on my feet, seeking to have some business transacted, against an outrageous filibuster.

Mr. CLARK of Missouri. Mr. President, I learned filibustering from the Senator from Texas. He is my master and mentor in that regard. [Laughter.]

The PRESIDING OFFICER. The Senator from Texas was not on his feet, and the Chair recognized the Senator from Missouri.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. I am sorry. I suppose I shall have to stand on my feet for the remainder of the day. I shall be on my feet seeking recognition. I hope the Chair will look in my direction.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

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

SETTLEMENT OF CLAIMS AGAINST MEXICO—CONFERENCE REPORT

Mr. CONNALLY. Mr. President, I submit the conference report on the Mexican claims bill and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The clerk will read the report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2528) to provide for the settlement of certain claims of the Government of the United States on behalf of American nationals against the Government of Mexico, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this act may be cited as the 'Settlement of Mexican Claims Act of 1942.'

"SEC. 2. (a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the 'Commission') and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $10,000 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

"(b) The Commission may, without regard to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necessary to carry out its functions under this act, and shall fix their compensation without regard to the Classification Act of 1923, as amended.

"(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under this act.

"(d) The authority of the Commission under this act, and the terms of office of its members, shall terminate at the expiration of two years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State.

"SEC. 3. (a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

"(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

"(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

"(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

"(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

"(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination on the merits has been made; and

"(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

"(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided*, That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damages suffered, or other evidence thereof which is satisfactory to the Commission.

"(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make; except that with respect to any claim referred to in paragraph (6) of subsection (a), the Commission shall decide

the case upon the basis of the record before the General Claims Commission.

"SEC. 4. (a) All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

"(b) Each decision by the Commission pursuant to this act shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

"(c) In connection with any claim decided by the Commission pursuant to this act in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the amount of the award, unless in special circumstances the Commission shall find that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

"(d) The Commission shall, upon the completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following—

"(1) A list of all claims disallowed;

"(2) A list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and

"(3) A copy of the decision rendered in each case.

"SEC. 5. (a) For the purposes of this act, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

"(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraph (6) of section 3 (a) of this act;

"(2) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

"(3) Appraisals made by the Commissioner designated by the Government of the United States in those cases in which the two Commissioners designated pursuant to said Protocol failed to agree upon appraisals; and

"(4) Appraisals made by the Commissioner designated by the Government of the United States pursuant to the Agrarian Claims Agreement of 1938.

"(b) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards and appraisals made in favor of American nationals in the cases referred to in subsection (a).

"SEC. 6. For the purposes of this act, appraisals made in favor of American nationals in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 per centum per annum and shall run from the date specified in such award or appraisal to November 19, 1941.

"SEC. 7. (a) There is hereby created in the Treasury of the United States a special fund to be known as the "Mexican Claims Fund", hereinafter called the "fund". All payments authorized under section 8 of this act shall be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 9 (b), are hereby permanently appropriated for the making of the payments authorized by such section.

"(b) the Secretary of the Treasury is authorized and directed to cover into the fund—

"(1) the sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

"(2) the sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

"(3) such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

"(4) the sum of $533,658.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 9 (b), to make payments on account of awards and appraisals certified pursuant to section 5 (b) of this act, of an amount not to exceed 30 per centum of the award or appraisal in each case, exclusive of interest.

"(d) The Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 9 (b)—

"(1) to make similar payments of not to exceed 30 per centum on account of the principal amount of the awards certified pursuant to section 4 (d) of this act;

"(2) after completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of this act, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

"(3) after payment has been made of the principal amounts of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest.

"SEC. 8. (a) Subject to the limitations hereinafter provided, payments pursuant to section 7 of this act, the act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

"(b) Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

"(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;

"(2) if an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(3) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

"(4) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

"(5) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

"(6) in the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

"(c) Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

"(d) Any person who makes application for any such payment shall be held to have consented to all the provisions of this act.

"(e) The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject to review by any other officer of the Government.

"(f) Nothing in this act shall be construed a- the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico.

"SEC. 9. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this act.

"(b) There shall be deducted from the amount of each payment made from the fund pursuant to subsections (c) and (d) of section 7, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"SEC. 10. (a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934, including interest on deferred payments.

"(b) So much of the act approved April 10, 1935, and of the joint resolution approved August 25, 1937, as may be inconsistent with this act, is hereby repealed.

"SEC. 11. Nothing in this act is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising

out of any international arbitral award rendered prior to the effective date of the convention between the United States and Mexico signed September 8, 1923.

"SEC. 12. As used in this act—

"(a) The term 'person' includes an individual, partnership, or corporation.

"(b) The term 'United States', when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

"(c) The term 'American national' includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States.

"SEC. 13. The following provisions of law are hereby repealed—

"(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat. 271), as reads as follows: *Provided further*, That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof is reimbursement of the Government of the United States of expenses incurred by it in respect of such claim'.

"(b) That portion of the joint resolution approved April 10, 1939 (53 Stat. 573), reading as follows: '*Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts'."

And the House agree to the same.

WALTER F. GEORGE,
TOM CONNALLY,
ARTHUR CAPPER,
Managers on the part of the Senate.

SOL BLOOM,
LUTHER A. JOHNSON,
CHARLES A. EATON,
Managers on the part of the House.

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

Mr. CLARK of Missouri. I object.

The PRESIDING OFFICER. Objection is made. A motion to proceed to the consideration of the conference report is in order.

Mr. CONNALLY. I move that the Senate proceed to consider the report.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. Is the motion debatable?

The PRESIDING OFFICER. It is not.

Mr. CLARK of Missouri. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of the conference report.

The motion was agreed to; and the Senate proceeded to consider the report.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, what was the motion?

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Is not a conference report a privileged matter? I did not understand that a motion to proceed to its consideration is required.

The PRESIDING OFFICER. The report is privileged. The rule provides that a motion to take it up is not debatable.

Mr. CONNALLY. I do not desire to debate it.

The PRESIDING OFFICER. The motion to take up the conference report was agreed to.

Mr. CLARK of Missouri. Mr. President, I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, I understood that the motion to proceed to consider the conference report was adopted, and that the conference report is now before the Senate.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The conference report is now before the Senate. The Senator from Missouri has suggested the absence of a quorum, and the clerk will call the roll.

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

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

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

Mr. CLARK of Missouri. Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri. [Putting the question.]

The "noes" appear to have it.

Mr. CLARK of Missouri. Mr. President, I call for a division.

On a division, the motion was rejected.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, did the Chair announce the vote on the motion to adjourn?

The PRESIDING OFFICER. The motion to adjourn was not agreed to.

Mr. CLARK of Missouri. Mr. President, I have suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maybank	Truman
Caraway	Maloney	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

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

Mr. CONNALLY and Mr. CLARK of Missouri addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONNALLY. Mr. President, I do not think it necessary for me to take up any time in discussing the conference report. The Senate, after full consideration, passed the bill some days ago. It went to the House of Representatives, and, with some slight amendments, was passed by that body, and was sent to conference.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. I shall yield if I do not thereby lose the floor.

Mr. CLARK of Missouri. I ask the Senator to yield for a question.

Mr. CONNALLY. Very well.

Mr. CLARK of Missouri. Is it not a fact that this bill remained in the Foreign Relations Committee for several months until an amendment was agreed to by the committee on page 7, which reads:

> *Provided*, That the commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the commission may, in its discretion, order the production of further evidence?

And is it not a further fact that this bill could never have passed the Senate in the first place, without a very stiff fight, unless it contained that amendment which has been deleted by the conferees?

Mr. CONNALLY. I do not agree with the latter part of the statement. I will say that this matter was before the Foreign Relations Committee for a considerable period, and was thoroughly gone into. The Senator from Missouri evidently is complaining about some claims.

Mr. CLARK of Missouri. Mr. President, will the Senator yield there?

Mr. CONNALLY. Yes.

Mr. CLARK of Missouri. The amendment was unanimously agreed to by the committee, or by such members as were present; there were only four or five members of the committee, I may say, present at any time during the consideration of this bill. I am not raising

the same point of order which the present distinguished occupant of the chair raised on the poll-tax bill a few days ago, that there was no quorum of the committee present.

Mr. CONNALLY. Is the Senator asking me a question?

Mr. CLARK of Missouri. I am trying to ask a question.

Mr. CONNALLY. I yield only for a question.

Mr. CLARK of Missouri. Very well, I shall be glad to speak in my own time at some length.

Mr. CONNALLY. I hope the Senator will speak at some length. I should like to hear him; he is one of the most eloquent men in the Senate.

Mr. CLARK of Missouri. If the Senator will stick around he will hear me.

Mr. CONNALLY. The Senator is asking me about certain claims. It is true that the committee did adopt the amendment, but the House did not; in conference the members of the conference committee on the part of the House were adamant and would not agree to the amendment; and so the conferees representing the Senate receded from it. If conferees do not recede on something when a measure is in conference it is not possible to have a bill passed. The Senator from Missouri knows that to be so. He is talking about not getting a chance to have his claims adjudicated. The Senator from Missouri is interested in some claims which he thinks ought to have been allowed, but which he says were not allowed.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CONNALLY. No; I will not yield.

Mr. CLARK of Missouri. I do not like to have the Senator put words in my mouth which I did not use. I never said anything along the line of the statement the Senator is now making. I should prefer to have the Senator let me make my own speech.

Mr. CONNALLY. Very well; I do not want to misquote the Senator.

Mr. CLARK of Missouri. I am sure the Senator does not.

Mr. CONNALLY. He referred to this amendment about claims which it was desired to have reopened in order to submit new evidence. Did he not say that?

Mr. CLARK of Missouri. I referred to the amendment but I did not describe the claims I had in mind.

Mr. CONNALLY. But I am describing the claims.

Mr. CLARK of Missouri. The Senator from Texas does not know what they are.

Mr. CONNALLY. I think I do. In all kindness to the Senator, I may say I know a good deal about many of these claims.

The claimants had three different opportunities to file their claims. They had opportunity up to 1927; then we gave them until 1929; then we gave them until 1931 to file their claims and adduce their evidence. Some of the claimants—I do not know whether they were the ones in whom the Senator from Missouri is interested or not—said, "We cannot present our claims because of a clause in the Mexican constitution which will not permit Mexican citizens to testify in a claim against the Government." That law was not adopted until 1934.

Some of the claims covered by the bill go back to 1868. The claims have long been a source of irritation with the Mexican Government. Now we have reached this point, that under the bill before us, if the conference report shall be adopted, $40,000,000 will be paid by Mexico, and the purpose of the bill is to establish a commission to prorate the $40,000,000 among claimants, American claimants, whose claims have been approved heretofore by various Mexican and United States commissions. There are only three claims covered by the bill which have not already been passed upon by one of these commissions.

One of the commissions about which complaint is made was the commission of which Oscar Underwood, Jr., was a member. He was the American representative on the joint general claims commission. The Mexican member served for a while and then declined to serve longer, and the old commission more or less became moribund, and passed out of existence. But Mr. Underwood continued to function much longer than the Mexican commissioner did, and he passed upon practically all the American claims, and made appraisals and made findings. Some of the claimants say, "Oh, well, he had no right to do that." He would certainly have been more generous with an American claimant than the Mexican commissioner would have been if he had been present.

So, Mr. President, these claimants have had, not months, but many years in which to present their claims, and now when it is desired to prorate the money and pay them, some of them wish to defeat all the other claims because their individual claims were not allowed. They want to tie up the money and prevent the payment of all claims which are uncontested, which have been acknowledged to be just, because, they say, "You did not approve my claim just as I wanted it approved, and I will kill the whole bill, and it shall not become law." That is what the Senate is up against in this instance.

This matter has been thoroughly considered. The State Department has over a long period of years labored and toiled with it, and the conference report is in entire agreement with the views of the State Department as to the justness of the claims. The Senate committee, out of a spirit of generosity, adopted an amendment providing that the claims which have already been allowed and approved might go before this new commission and the claimants introduce new evidence, if the commission approved. The House would not agree to that provision, so the conference struck it out. But had it been adopted, it would have resulted not only in delay, it would have resulted in interminable confusion, when the claimants have had years and years in which to present their cases. To grant them now a rehearing and another opportunity to go out and get new evidence would simply result in chaos and confusion and delay to the meritorious claimants whose claims have been passed upon and allowed.

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

Mr. CONNALLY. I yield.

Mr. BARKLEY. As to the claims which might be involved in the amendment to which the committee agreed, and which the Senate adopted, but which the conference committee rejected, have they been considered and gone into and rejected by those who have dealt with the Mexican claims over the years?

Mr. CONNALLY. That is the record.

Mr. CLARK of Missouri. Will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK of Missouri. The Senator does not mean to say that all these claims have been rejected. Some of them have been allowed in part, and some have been treated in a great many different ways by various commissions, as I expect to show. The Senator would not state that all of them had been rejected?

Mr. CONNALLY. No; some of them have been allowed, and the claimants wish to get a little more. Some of them have been partially allowed and partially rejected. But regardless of what happened to them, the claimants have had their day in court; they have had their opportunity before the commissions, and now they want to hold up all the other claims and get a rehearing. One cannot get a rehearing unless he has had a hearing.

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

Mr. CONNALLY. I yield.

Mr. WHITE. I have not yet from the discussion been able to identify the particular measure that is before us, and I should like to ask the Senator a question. Is the conference report on a bill which was referred to a subcommittee of which the Senator from Utah [Mr. THOMAS] was chairman, and of which I was the minority member?

Mr. CONNALLY. The Senator is correct. This is what is called the Mexican claims bill, and the Senator from Utah [Mr. THOMAS] was chairman of the subcommittee having it in charge, and it was on his recommendation, as chairman, that the amendment to which the Senator from Missouri referred was adopted. Many members of the committee did not like it at all, but the committee agreed to it.

Mr. CLARK of Missouri. The Senator says many members of the committee did not like it. As a matter of fact, is it not true that not more than five members of the committee were present when it was approved, and does not the record so show?

Mr. CONNALLY. I did not say anything about the record. I merely referred to what I remembered.

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

Mr. CONNALLY. I yield.

Mr. WILEY. The Senator stated, I believe, that these claims had been considered by some tribunal on which this Government was represented.

Mr. CONNALLY. That is correct, except as to three, the three claims to which

the bill gives special treatment. Other than those three, I know of no claimant who has not had opportunity to go before a tribunal and present his claim.

Mr. WILEY. Some were allowed in full, some partially, and some disallowed?

Mr. CONNALLY. That is correct.

Mr. WILEY. But, in legal parlance, they all had their day in court, and the claims were considered adequately, in the Senator's opinion?

Mr. CONNALLY. That is my view, and under that state of facts I do not care to consume more of the time of the Senate. I shall be glad to yield for any question any Senator may desire to propound, but I very earnestly hope that the Senate will agree to the conference report.

Mr. CLARK of Missouri. Mr. President, I move that the Senate take a recess until Monday next at 12 o'clock.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The question is on the motion of the Senator from Missouri. [Putting the question.] The "noes" appear to have it.

Mr. CLARK of Missouri. I ask for a division.

On a division, the motion was rejected.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. CONNALLY. I make the point of order that a quorum was developed not over 5 minutes ago.

Mr. CLARK of Missouri. Business has been transacted——

Mr. CONNALLY. Just a moment; I have the floor. If we are going to filibuster, let us proceed according to the approved rules.

Mr. CLARK of Missouri. Will the Senator yield?

Mr. CONNALLY. No; I will not yield. I have the floor and I desire to conclude. I make the point of order that a quorum was developed just a short time ago, and there is no occasion to have another quorum call at once. I yield.

Mr. CLARK of Missouri. I do not wish to have the Senator yield. I wish to talk in my own right.

Mr. CONNALLY. That is why I yield the floor.

Mr. CLARK of Missouri. May I address the Chair on the point of order?

The PRESIDING OFFICER. Certainly.

Mr. CLARK of Missouri. Under the uniform practice of the Senate, when business has been transacted, a point of no quorum may be made as a matter of right. Business has been transacted by the defeat of my motion for a recess and, therefore, under the uniform practice of the Senate, I respectfully insist on my suggestion of the absence of a quorum.

So far as the suggestion of the Senator from Texas is concerned that there should be conformance to some rule of filibustering which he lays down, I admit that the Senator from Texas is the greatest filibusterer in the history of the United States Senate or any other body, but I do not think the Senator from Texas should not only make the rules when he is filibustering, but should also attempt to make them for the other side when he is intent on passing a bill. I do not think we should have two sets of rules in the Senate, one when the Senator from Texas is filibustering and one when he is trying to "steam roller" a measure through.

The PRESIDING OFFICER. Business has been transacted since the last quorum call, and the clerk will call the roll.

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

Aiken	Green	Radcliffe
Andrews	Guffey	Reed
Austin	Gurney	Russell
Bailey	Herring	Schwartz
Barkley	Johnson, Calif.	Shipstead
Brewster	Johnson, Colo.	Shott
Brooks	Langer	Spencer
Brown	Lucas	Stewart
Bulow	McCarran	Taft
Bunker	McNary	Thomas, Idaho
Burton	Maloney	Thomas, Okla.
Capper	Maybank	Truman
Caraway	Mead	Tunnell
Chavez	Millikin	Tydings
Clark, Mo.	Murdock	Vandenberg
Connally	Murray	Van Nuys
Danaher	Nelson	Wagner
Davis	Norris	Wallgren
Doxey	Nye	Walsh
Ellender	O'Daniel	Wheeler
George	O'Mahoney	White
Gerry	Overton	Wiley
Gillette	Pepper	Willis

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

Mr. CLARK of Missouri. Mr. President, I move that the conference report be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. CLARK]. [Putting the question.] The "noes" seem to have it.

Mr. CLARK of Missouri. I ask for a division.

On a division, the motion was rejected.

Mr. CLARK of Missouri. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The presence of a quorum has just been established by the call of the roll.

Mr. CLARK of Missouri. Mr. President, business has been transacted since that time.

Mr. BARKLEY. Mr. President, regardless of that, if a roll call within a minute has established the existence of a quorum, the point of order that the suggestion made by the Senator from Missouri is dilatory is in order.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. CLARK of Missouri. Will the Chair hear me on that question? The Constitution of the United States provides that there shall be a quorum present for the transaction of business. Business has been transacted since the presence of a quorum was ascertained, and the Chair is undertaking to overrule the Constitution of the United States in now finding that a quorum is present, when one is not present. Anyone can look at this body and count the Members present, and find that a quorum is not actually, physically present on the floor.

Mr. BARKLEY. Mr. President, I make the point of order that the rules of the Senate not only do not require but do not even permit the Chair to count the Members for a quorum. I wish the rules did so provide, but they do not.

Mr. CLARK of Missouri. Mr. President, I am not suggesting that the Chair has the right to count Members for a quorum, but I am suggesting that it is an obvious physical fact that a quorum is not present, and that, therefore, business having been transacted, it is the constitutional right of any Senator to demand the presence of a quorum before business can proceed.

The PRESIDING OFFICER. The point of order made by the Senator from Kentucky [Mr. BARKLEY] is sustained.

Mr. CLARK of Missouri. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CLARK of Missouri. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. Is the request sufficiently seconded? A sufficient number of Senators have seconded the request.

Mr. BARKLEY. Did the Chair count and find that a sufficient number of Senators had seconded the request?

Mr. CLARK of Missouri. The Chair announced that there was a sufficient number.

The PRESIDING OFFICER. The Chair found that a sufficient number of Senators had seconded the request.

The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN answered in the negative when his name was called. Mr. ANDREWS' name was then called.

Mr. McCARRAN. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CLARK of Missouri. Will the Chair repeat the ruling he made that at this time a Senator does not have the right to demand a quorum?

The PRESIDING OFFICER. The Chair holds that the presence of a quorum was established by the roll call a moment ago, and it is not now necessary.

Mr. CLARK of Missouri. Will the Chair also include in his ruling that that decision is made despite the fact that business has intervened since the last call of the roll?

Mr. CONNALLY. Mr. President, I suggest that the Chair simply rule, and not——

Mr. CLARK of Missouri. Mr. President, I think the Senate is entitled to the facts on which the ruling of the Chair is based.

Mr. CONNALLY. Senators were present and know what has taken place.

Mr. CLARK of Missouri. The Senator from Texas was not present all the time.

Mr. McCARRAN. Mr. President——

Mr. CONNALLY. I want the ruling to be based on the record; not on the word of the Senator from Missouri.

The PRESIDING OFFICER. The present debate is out of order, because the call of the roll has started and cannot be interrupted.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. Will the Chair please restate his ruling.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BARKLEY] made the point of order that a roll call had just been had and the presence of a quorum established; that therefore the Chair had no authority to count for a quorum. The Chair sustained the point of order made by the Senator from Kentucky. The Senator from Missouri [Mr. CLARK] appealed from the Chair's decision. The question now is: Shall the decision of the Chair stand as the judgment of the Senate? The clerk will proceed with the calling of the roll.

Mr. WHEELER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHEELER. Had business been transacted since the previous roll call?

The PRESIDING OFFICER. Business had been transacted. The clerk will continue the call of the roll.

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

Mr. DAVIS. I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. Not knowing how the Senator from Kentucky would vote if present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. STEWART. I have a general pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD], and will vote. I vote "nay."

My colleague [Mr. McKELLAR] is necessarily absent.

Mr. BARKLEY. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

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 Florida [Mr. ANDREWS], the Senators from Alabama [Mr. BANKHEAD and Mr. HILL], the Senators from Mississippi [Mr. BILBO and Mr. DOXEY], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Virginia [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Georgia [Mr. GEORGE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Illinois [Mr. LUCAS], the Senator from Texas [Mr. O'DANIEL], the Senator from Louisiana [Mr. OVERTON], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Utah [Mr. THOMAS]. These Senators are necessarily absent.

The Senator from New Jersey [Mr. BARBOUR], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is necessarily absent on public business.

The result was announced—yeas 7, nays 46, as follows:

YEAS—7

Barkley	Norris	Tunnell
Connally	Pepper	
Johnson, Calif.	Schwartz	

NAYS—46

Aiken	Gurney	Russell
Austin	Herring	Shipstead
Bailey	Johnson, Colo.	Shott
Brooks	Kilgore	Stewart
Bulow	Langer	Thomas, Okla.
Bunker	Lee	Truman
Burton	McCarran	Vandenberg
Capper	Maloney	Van Nuys
Caraway	Maybank	Wallgren
Chavez	Mead	Walsh
Clark, Mo.	Millikin	Wheeler
Danaher	Murdock	White
Ellender	Murray	Wiley
Gerry	Nye	Willis
Gillette	O'Mahoney	
Green	Radcliffe	

NOT VOTING—43

Andrews	George	O'Daniel
Bankhead	Glass	Overton
Barbour	Guffey	Reed
Bilbo	Hatch	Reynolds
Bone	Hayden	Smathers
Brewster	Hill	Smith
Bridges	Holman	Spencer
Brown	Hughes	Taft
Butler	La Follette	Thomas, Idaho
Byrd	Lodge	Thomas, Utah
Chandler	Lucas	Tobey
Clark, Idaho	McFarland	Tydings
Davis	McKellar	Wagner
Downey	McNary	
Doxey	Nelson	

So the decision of the Chair was not sustained.

The PRESIDING OFFICER. In view of the decision of the Senate, the clerk will call the roll on the point of no quorum made by the Senator from Missouri [Mr. CLARK].

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

Aiken	Guffey	Radcliffe
Andrews	Gurney	Reed
Austin	Herring	Russell
Bailey	Johnson, Calif.	Schwartz
Barkley	Johnson, Colo.	Shipstead
Brewster	Kilgore	Shott
Brooks	Langer	Spencer
Brown	Lee	Stewart
Bulow	Lucas	Taft
Bunker	McCarran	Thomas, Idaho
Burton	McNary	Thomas, Okla.
Capper	Maloney	Truman
Caraway	Maybank	Tunnell
Chavez	Mead	Tydings
Clark, Mo.	Millikin	Vandenberg
Connally	Murdock	Van Nuys
Danaher	Murray	Wagner
Davis	Nelson	Wallgren
Doxey	Norris	Walsh
Ellender	Nye	Wheeler
George	O'Daniel	White
Gerry	O'Mahoney	Wiley
Gillette	Overton	Willis
Green	Pepper	

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

Mr. CLARK of Missouri. Mr. President, I now move that the conference report be postponed indefinitely. Upon that motion, Mr. President, I claim the floor for debate.

My reason for the motion to postpone the conference report indefinitely is that I believe a very grave injustice has been done to a large number of claimants by the rejection by the House and the omission in the conference report of an amendment, proposed by the subcommittee of the Senate Committee on Foreign Relations which had the matter under consideration for several months, adopted by the Senate Foreign Relations Committee by a unanimous vote, albeit only four or five members of the committee were actually present when the report was made, and adopted by the Senate without debate because no Member of the Senate questioned the advisability or necessity of the amendment.

Mr. President, to explain the effect of the amendment I refer to Senate bill 2528, page 5, section 4. The preceding sections of the bill, let me say, provide for the setting up of a commission and the reference to it of various classes of claims, to supplement and wind up the findings of the various commissions and parts of commissions which had theretofore acted upon the matter.

Section 4 provides:

SEC. 4. (a) The Commission shall also have authority as hereinafter provided to examine and render final decisions (1) in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844), failed to reach agreements, and the Commissioner so designated by the United States made appraisals, and (2) in those cases in which appraisals were made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

(b) In connection with such cases, the Commission shall, as soon as practicable, notify each claimant, or his attorney, by registered mail to his last-known address, of the appraisals so made. Within a period of 30 days after the mailing of such notice, the claimant shall notify the Commission in writing whether the appraisal so made is accepted as final and binding, or whether a petition for review will be filed as provided in subsection (c). If the claimant fails to so notify the Commission in writing within such period, or if the Commission is notified within such period of the final acceptance of such appraisal, it shall, at the expiration of such period, enter an award on the basis of such appraisal and certify such award to the Secretary of the Treasury.

(c) In any case in which the Commission is so notified in writing that a petition for review will be filed, the Commission shall prescribe a reasonable period, which may be extended in the discretion of the Commission, within which such petition, together with written legal contentions in support thereof, shall be filed. If no petition for review is filed within the period or any extension thereof prescribed by the Commission, it shall enter an award on the basis of the appraisal in such case and certify such award to the Secretary of the Treasury.

Now, Mr. President, I come to subsection (d), which is the section to which the amendment in controversy was appended. Subsection (d) is found on page

6, beginning in line 21, of the Senate bill. It reads as follows:

(d) In any case in which a petition for review is filed within the period prescribed in subsection (c), the Commission shall decide the case upon the basis of (1) the record before the Commissioner at the time his appraisal in such case was made, and (2) the written legal contentions filed with such petition or in connection therewith.

There follows, Mr. President, the amendment which the Senate inserted, which the House rejected, and which the Senate conferees abandoned:

Provided, That the Commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the Commission may, in its discretion, order the production of further evidence.

Mr. President, the amendment is very simple. It simply provides that in cases in which the Commission itself decides that the interest of justice would be served by reopening the evidence and requiring additional evidence, the Commission in its discretion shall have the right to do so.

Such a provision is desirable and necessary, because many contingencies may arise. It is necessary, for one reason, Mr. President, because when some of the Commissions made findings a very limited time was prescribed during which evidence could be adduced or answers filed to the contentions. In one case it was only 70 days; and in the case of claimants of one estate of which I have knowledge the claimants were scattered all over the world. Some were actually in Alaska, some were actually in Australia, and others were scattered in various other parts of the world. Before there was sufficient time to enable them to respond the time prescribed expired.

There was a case in which the Commission itself had before it the matter of the amendment of the Mexican Constitution to penalize by loss of citizenship any citizen who aided in the establishment of any claim of any alien against the Mexican Government. All that has been wiped out now; because those claims are not against the Government but are against the fund which has already been adjudicated and set up; and, therefore, the provision in the Mexican Constitution which originally prevented those persons from being able to present their proof does not now apply. Therefore, it seems to me that the amendment adopted by the Senate committee, and later by the Senate, authorizing the Commission in its discretion to consider additional evidence, is a most reasonable and necessary one.

The Senator from Texas, as I understood him to say a few moments ago, indicated that the amendment had been agreed to without due consideration by the Senate committee.

Mr. CONNALLY. Oh, no.

Mr. CLARK of Missouri. If the Senator did not say that, I do not wish to put words in his mouth. I simply described the procedure which occurred in the committee. The matter was considered for months, and hearings were held for months in a subcommittee of which the Senator from Utah [Mr. THOMAS] was the chairman. He, with great industry, and with his usual meticulous care, devoted great time, attention, and effort to hearings on the subject of the bill.

The matter was presented to me by some of my constituents who are interested in some of the claims. I presented it to the Senator from Utah. He told me that he would have it considered by the subcommittee of which he was chairman. Some time later he told me that he believed it would expedite business to have the whole matter considered in the full committee, rather than merely in his subcommittee; and for that reason I attended a meeting of what was supposed to be the full committee, to present the matter. To my astonishment, only the Senator from Utah and I, of the full committee, happened to be present at the meeting. I presented to the Senator from Utah my arguments as to why an amendment—a more comprehensive amendment, let me say, than the one which was finally adopted—should be adopted; but, inasmuch as there were only two of us present at the full committee meeting, it was impossible for us to take any action.

A month or so later another meeting of the full committee was held, at which I think possibly five members were present. As I recall, the Senator from Texas, the chairman of the committee, the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Utah, and myself were the ones present at that meeting. Various amendments proposed by me were suggested to the committee to take care of the rights of the claimants, merely for the purpose of giving them a day in court when the Commission itself should decide whether it was in the public interest to permit them to submit further testimony.

The first amendment which I suggested at that meeting of the full committee was at the end of subsection (d) of section 4, page 21. The amendment is as follows:

(3) And such additional evidence as the claimant shall file within such periods as the Commision may prescribe.

That amendment was discussed at some length. I think some of the members of the committee who were present rather felt that the amendment gave too extensive a right of reopening the case, and made it a matter of right, and might bring about the reopening of more than a thousand claims which had been rejected outright, as being worthless, by Commissioner Underwood in his ex parte proceeding after the expiration of the Commission, which action has no legal effect at all unless the bill is passed.

I then proposed another amendment, in lieu of that one. In the amendment I provided:

(3) And such additional evidence as the claimant may file in rebuttal to the appraisal.

After some discussion it was suggested that that language was too broad.

I then suggested the amendment which was actually adopted by the full committee on the recommendation of the subcommittee, and which was in the bill as it passed the Senate. In that amendment I added the proviso:

That the Commission may receive and consider any additional evidence which it deems appropriate in the interest of justice and equity, and the Commission may, in its discretion, order the production of further evidence.

That certainly could not prejudice the rights of anyone. It simply means that when the Commission itself, on proper showing made, shall find an injustice would be done unless these people were permitted to furnish further evidence, particularly in view of the changed situation with regard to the attitude of the Mexican Government itself, they shall be permitted to have a day in court, which, in some instances, they have never had, and to have a chance to be heard.

Mr. President, legislation of this character, as the Senator from Texas has said, has been in controversy farther back than 1868. I have a decision of the Supreme Court of the United States which I shall read during the course of this debate—I do not know whether today or next week or next month——

Mr. CONNALLY. Or next year.

Mr. CLARK of Missouri. Which was decided in 1868, in the very year to which the Senator from Texas referred.

In any discussion of this legislation it is desirable to have a definition of terms and of the classes of claims affected. The classification of general and special claims originated with the general and special conventions of 1923. Special claims are those due to the acts of armed forces during the revolution, or revolutions, I should say, of 1910 to 1920. They were adjudicated by the Special Mexican Claims Commission, which was established under the Act of 1935.

I should say that general claims are all other claims, including agrarian claims, arising since 1868, the date of the last settlement.

Agrarian claims are those arising from seizures under the agrarian laws of Mexico. The lands which were seized under the agrarian laws were distributed to the peons by the Mexican Government.

Agrarian claims arising after August 30, 1927, called technically recent agrarians, were submitted to the Agrarian Commission by an exchange of notes dated November 1938.

Mr. McCARRAN. Mr. President, at that point will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. CLARK of Missouri. I yield to the Senator for a question.

Mr. McCARRAN. Did I correctly understand the Senator to say that those claims were submitted to some tribunal or quasi tribunal for adjudication?

Mr. CLARK of Missouri. That is correct.

Mr. McCARRAN. How was that tribunal set up?

Mr. CLARK of Missouri. I will say to the Senator I intended to trace the history of the various tribunals, but I

hesitate to do it from memory, because it is extremely technical. There were several different conventions and several different commissions or tribunals set up under the various conventions. The constitution of the commissions or tribunals was not exactly the same in all cases nor was the basis of the claims submitted to them the same. The convention under which most of the controversies arose was the one under which the Flores-Underwood Commission was set up, which provided, roughly, that the President of the United States should appoint one commissioner to represent the interests of the American claimants, that the Mexican Government should appoint one member to represent the Mexican Government, and that the two should have authority to select the third member.

As I recall—I am not absolutely certain about the facts without referring to my memorandum—the Mexican Government appointed Mr. Flores and the American Government appointed Mr. Underwood. The two were never able to agree upon a third member of the Commission, but they undertook to go ahead and settle the claims between themselves. I think they settled 39 of the claims. I will ask the Senator from Texas, Is that not correct?

Mr. CONNALLY. That is about the number.

Mr. CLARK of Missouri. They settled approximately less than 40 of the claims.

Mr. McCARRAN. They were settled by agreement?

Mr. CLARK of Missouri. By agreement between Flores and Underwood. Flores never attended any further meetings of the Commission, but Underwood, with such data as he had at hand and with such facilities as he had for obtaining data, went ahead and made an appraisal of the various claims on the basis of the information which had been submitted to him. The pending conference report seeks to "freeze" the findings Underwood made in his ex parte proceedings, acting alone without any authority whatever of the convention, and to treat them all on exactly the same basis as the findings of the full commission, that is, of the two-man commission composed of Flores and Underwood.

Mr. McCARRAN. There never was a full commission then?

Mr. CLARK of Missouri. There never was a full commission of 3 members, as I understand. The 2 members were never able to agree on a third member. They simply, by tacit agreement, disposed of some 39 claims by agreement between the 2 Commissioners. Then the Commission broke up, and Underwood went ahead, and with what data he was able to secure made appraisals, which, of course, were entirely unofficial because they did not fall within the terms of the convention.

Mr. McCARRAN. Were those appraisals made by Underwood ever accepted by Flores or the Mexican Government?

Mr. CLARK of Missouri. I do not understand they were except to this extent, that a later convention was entered into which agreed upon a sum of money or set up a fund which was to be prorated among the claimants. Thereafter, of course, the Republic of Mexico had no interest in the determination of the division of the money, because that was left to the United States. The agreement was on a flat sum of money—I believe it was $40,000,000; I will ask the Senator from Texas if that is not correct.

Mr. CONNALLY. I understand so.

Mr. CLARK of Missouri. Forty million dollars was about the sum agreed upon, in which the claimants were to participate. For that reason, as I said a while ago, it was not possible in many instances, to produce testimony as to the value, ownership, and other things which were impossible of production before this time by reason of the provision in the Mexican Constitution that any Mexican citizen would forfeit his citizenship if he were found guilty of giving any aid or assistance to any foreign government or any citizen of any foreign government in making his case. After the Mexican Government had agreed on the amount of the gross settlement, of course, they had no interest in enforcing the laws of citizenship against anybody who furnished evidence. It seems to me to be only fair that the matter should be reopened for further evidence in the discretion of the Commission.

Mr. McCARRAN. Was that the last action taken on these claims?

Mr. CLARK of Missouri. That is my understanding. Of course some claims involved in the conference report go back prior to the General Claims Commission.

I was trying to give a general description of the various kinds of claims because it is very difficult to understand what any one says about them unless we have a definition of the terms.

To repeat, agrarian claims, Mr. President, arising after August 30, 1927, called "recent agrarians," were submitted to the agrarian commission by an exchange of notes dated November 1938. Mr. Lawson, an engineer, is the American commissioner, and he is still acting.

General claims were filed with the old General Claims Commission of 1923 which sat with greater or less frequency, but never continuously, from 1925 until 1931, when it broke up. The old General Claims Commission under the agreement of 1923 made 139 awards. Nothing was done further until the protocol of 1934 which provided for a short-cut procedure and a commission of which Underwood and Flores were members. That is the Commission to which I referred in my answer to the question of the Senator from Nevada.

They agreed on 36 awards. I was in error before; I thought it was 39. They agreed on 36 awards, and dismissed over 1,500 worthless claims. Their time was up in 1937, leaving 850 American claims undecided. The Commission had no further authority to decide them.

Mr. McCARRAN. In the authority creating the Commission, whether it was by statute or otherwise, was a period provided within which they should serve?

Mr. CLARK of Missouri. I have the convention here, and I intend to read it before I conclude, but my understanding is that the Underwood-Flores Commission, appointed under the 1934 protocol, expired by limitation in 1937, and they left 850 American claims undecided. But after the expiration of any meetings of the Commission, Underwood, in a purely voluntary and ex parte proceeding, having no legal force whatever, proceeded to make appraisals of the remaining claims, and filed them with the State Department.

Among the general claims filed with the old General Claims Commission were some special claims inadvertently included. These never got to the 1935 special commission, and are still undecided. These were cases which were on the border line between the specials and the general claims, and they were inadvertently filed as general claims. Then the commission decided that they were not general claims, but should have been filed as special claims, and they were never filed. They never had any determination, because they could not be filed as general claims.

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

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. How long has this matter been a controversial subject before the Committee on Foreign Relations?

Mr. CLARK of Missouri. I shall have to ask the chairman of the committee how long the subcommittee held hearings. The subcommittee had held a number of hearings when the matter was called to my attention, and I know it remained in the subcommittee for at least several months, and afterward was pending in the full committee, to my knowledge, for some 2 or 3 months.

Mr. McCARRAN. If I may address a question to the chairman of the committee without taking the Senator from Missouri off the floor, there has never been any question but that this was a highly controversial subject, I take it?

Mr. CONNALLY. I do not wish to interrupt the Senator from Missouri——

Mr. CLARK of Missouri. I shall be very glad to have the Senator answer the question.

Mr. CONNALLY. As to this particular aspect of these claims, the committee followed the advice of the Senator from Utah, and adopted his recommendation, and it was not very bitterly contested one way or the other, but the House of Representatives was firm against it. The action of Mr. Underwood after the Mexican Commissioner withdrew could not be construed as simply a voluntary and an ex parte proceeding, because he was still the United States Commissioner, and the claims in which he made appraisals were all United States claims. This treaty was negotiated on the theory that the $40,000,000 would take care of the appraisals made by Mr. Underwood and the figures he submitted.

Mr. McCARRAN. What I have in mind, listening to the Senator from Missouri, is that it appears that the appraisals made by Mr. Underwood were made by him largely as an individual, because he was not even sitting with Mr. Flores.

Mr. CONNALLY. The reason why he was not sitting with Mr. Flores was because Mr. Flores just withdrew and went back to Mexico City. But Underwood's status was not disturbed by that in any way, except that if there had been agreements, they would have been more binding, and of greater dignity. But Underwood proceeded, and in every case in which a claimant had a claim and presented any evidence, he passed on it, and made a finding and an appraisal.

Mr. McCARRAN. But those findings and those appraisals were never acquiesced in by the Mexican side of the convention.

Mr. CONNALLY. I would not say that, but since this now is a wholly ex parte proceeding of our own, we having $40,000,000 to divide among claimants, the State Department and others connected with it thought it would be fair to prorate it on the basis of the findings of Mr. Underwood.

Mr. CLARK of Missouri. Let me say to the Senator from Nevada, in answer to his question as to whether this was a controversial matter, that it would have been a highly controversial matter if the committee had not agreed to the amendment which I proposed. I should certainly have made as hard a fight in the committee as would have been possible for me to make, and I am very certain the bill would not have been reported out by four or five members of the committee. It would have been controverted as hard as I, as one Member of the Senate, was able to controvert it, on the original proposition. It was not controversial because of the inclusion of this saving clause which gave those interested a day in court.

Mr. McCARRAN. Will the Senator yield further?

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. Let me express this thought in questioning the Senator.

If this is a controversial question, then I am wondering why we are confronted tonight with this controversial question, which is indeed very highly controversial, in view of the statement of the majority leader, given out to the people of the country and to the Congress, that no controversial legislation would be brought before this body.

Mr. CLARK of Missouri. I should like to say to the Senator from Nevada and the Senate that I am unable to answer that question. Perhaps the majority leader would be able to answer it. I, like the Senator from Nevada, understood that controversial matters were not to be injected into this session. That was the understanding and the announcement after the poll-tax bill was laid aside.

Mr. McCARRAN. Is it not true that that was not only given out to the press by the leader of the majority, but that, in a statement made pursuant to an inquiry by a Member of this body a few days ago, a similar statement was made by the leader, that no controversial legislation would be brought before us?

Mr. CLARK of Missouri. That was my understanding. On the question whether this was a controversial issue, and everyone had notice it was a controversial issue, if the Senator from Nevada will permit me, I should like to recount what I did immediately on learning that the House had passed a bill simply striking out all after the enacting clause of the Senate bill and inserting a canned bill, sent up here by some clerk or assistant in the State Department, which he himself had abandoned before the Committee on Foreign Relations. He was present when we adopted the amendment, and raised no objection, then slipped over to the House and got the House to strike out all after the enacting clause of the Senate bill and take this canned bill, which was sent up from the State Department for the purpose of shutting off all these claimants, and was passed by the House in that form.

As soon as I learned that action had been taken, I waited on the chairman of the Committee on Foreign Relations of the Senate and requested him to give me an opportunity of talking with him before the conference met. The Senator from Texas, as I understood it, agreed to discuss the matter with me before it went to conference, and I think the Senator from Texas merely overlooked the matter of my request. I am not making any complaint about that. We are all very busy in this body, and I make no complaint whatever that the Senator from Texas overlooked my request to allow me to confer with him before he went into conference on the matter. But as soon as I learned of the character of the conference report, I notified the Senator from Texas, the chairman of the committee, and I notified the majority leader, that I considered this a most unfair treatment of a great body of these claimants, that I did not consider it was fair to the action of the Senate, which was taken unanimously, including action on the amendment, and that I proposed to exhaust every parliamentary resource at my command to see that this measure did not become law. So that there was no question on earth of the controversial character of this matter from the moment the conferees agreed.

I took the trouble to call the majority leader up and inform him of my wishes. How the majority leader reconciles the action with the statement that controversial matters would not be brought up I leave to the majority leader.

Mr. BARKLEY. Will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. I did not say categorically at any time that controversial matters would not be brought up. Furthermore, if I had said that, it could not have included conference reports, which are privileged matters. The Senator understood that.

Mr. CLARK of Missouri. I was answering the question of the Senator from Nevada. I am not complaining about anyone bringing the matter up. I am simply taking the rules as I find them, and exhausting every remedy at my command, as long as I am physically able to stand on this floor, to prevent this iniquity and injustice to those bona fide claimants.

Mr. BARKLEY. I confirm what the Senator said to the effect that he notified me several days ago that he was going to do just what he is now doing, and I recognize his right to do it.

Mr. McCARRAN. May I ask another question?

Mr. CONNALLY. Mr. President, not that the statement of the majority leader needs any confirmation, I wish to say that the Senator from Missouri advised me that he was going to exhaust every parliamentary resource against this bill, and I accepted that, and he has a perfect right to do it. I wish to say, however, as to the Senator's remarks about asking me to see him before the conference, I very frankly do not recall that. But I do not dispute the statement.

Mr. CLARK of Missouri. I make no complaint about it. I know Senators are busy, and I have overlooked things of that sort myself. I am merely mentioning it to show diligence on my own part.

Mr. CONNALLY. I do not recall it at all, but I do not question the Senator from Missouri making the request. The committee room is open all the time, and a secretary is always there to give to Senators information that is available. If the Senator made the request, it just slipped my memory entirely.

Mr. CLARK of Missouri. I was not looking for information; I had more information than I wanted then. I wanted to have a chance to urge on the Senator from Texas and the other conferees the justice of the amendment and the desirability of the Senate adhering to the action theretofore taken.

Mr. CONNALLY. It was just as incumbent upon the Senator from Missouri to find out when the conference would meet as it was on the Senator from Texas to hunt him up and tell him.

Mr. CLARK of Missouri. I am making no complaint. I simply stated that the Senator from Texas told me that he would let me discuss the matter with him before the conference met.

Mr. BARKLEY. Assuming the conference report shall be agreed to, I do not understand this is a final and last adjudication between all the United States claimants and Mexico.

Mr. CLARK of Missouri. It is.

Mr. BARKLEY. I mean, does it preclude Congress from coming in again later with a bill to take up any claims which might still exist?

Mr. CLARK of Missouri. Of course it precludes Congress. I know of my own knowledge that the old French spoliation claims used to be brought up every year in the House, and there would be a 2- or 3-day fight, as stringent as the House was on debate. There would be a fight every year, when I was the Parliamentarian of the House and the Senator from Kentucky was a Member, over those old claims, which arose immediately after the Revolutionary War, and which never have been settled.

If the Senator means to say that, after we pass a bill disposing of all the funds which are put up for the settlement of the Mexican claims, claimants shall waste any time or effort in an attempt

to get Congress to open up those questions in the future, it is simply expecting them to do something which would be absurd.

Mr. BARKLEY. As a practical matter——

Mr. CLARK of Missouri. As a practical matter they are absolutely precluded.

Mr. BARKLEY. But from a legal standpoint Congress is never precluded from opening a claim which it desires to open.

Mr. CLARK of Missouri. No; Congress could now go back and grant pensions to a lot of Revolutionary widows, but the Revolutionary widows would be dead, and such action would not do them any good. Congress could go back and pay the old French spoliation claims, but it is not likely to do so. Anyone who is familiar with the practical working of the Congress, as is the Senator from Kentucky, knows it is an absurdity to talk about it. Congress can go back and do justice to the Mississippi Choctaws. That is another matter Congress has been talking about for 50 years to my certain knowledge. But no one who has any sense expects Congress to do that. When Congress takes the action now proposed to be taken it will absolutely slap the door in the face of those whom we are speaking of, and they will not have had their day in court.

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

Mr. CLARK of Missouri. I yield.

Mr. WILEY. I understand the situation to be this, then, that the matter which is now under consideration has nothing to do with Mexico. It is simply a bill which relates to the claimants to a sum of $40,000,000. Mexico has settled with the United States on that basis.

Mr. CLARK of Missouri. That is correct.

Mr. WILEY. I should like to get some information about that.

Mr. McCARRAN. Mr. President, may I interrupt right there? I do not understand it to be a $40,000,000 settlement. I understand that by the Underwood finding the sum of $40,000,000 was fixed, but it precluded a great many claimants. Am I correct about that?

Mr. CLARK of Missouri. Yes. About 850 claims were never determined by the Commission.

Mr. WILEY. I want to come to that. Perhaps we had better settle one thing at a time. There is $40,000,000 here.

Mr. CLARK of Missouri. Yes.

Mr. WILEY. That is a jack pot set aside to handle all claims of the citizens of the United States against Mexico?

Mr. CLARK of Missouri. Yes.

Mr. WILEY. That is determined as a matter of fact?

Mr. CLARK of Missouri. That is correct.

Mr. WILEY. Very well. Now, there are a number of claims which have been adjudicated. Does the Senator know the total amount up to date in dollars and cents of claims adjudicated as valid?

Mr. CLARK of Missouri. I do not have the figures before me, but I can get them for the Senator.

Mr. WILEY. It seems to me that is important. Secondly, it is apparent that those claimants will get only a pro rata share.

Mr. CLARK of Missouri. Yes.

Mr. WILEY. Consequently, if more claims are allowed, the present claimants will receive a smaller pro rata share.

Mr. CLARK of Missouri. That may be.

Mr. WILEY. I just heard the Senator say that some hundred claims had not been passed on. Is that correct?

Mr. McCARRAN. Mr. President, I wish to say to the Senator from Wisconsin, if I may interrupt, that the Senator has in his previous statement used an expression which is a misnomer. It is not a jack pot. If it were a jack pot, it would go to one person. A jack pot goes to one person. This is not a jack pot. This is a pot set up out of which everyone entitled to do so takes a little nibble.

Mr. WILEY. I will agree that the terminology I used is perhaps not correct. I am not familiar with the game of poker.

Mr. McCARRAN. That is not used in connection with poker.

Mr. BARKLEY. Senators should not use language which we do not understand. Perhaps some Senators do not understand the legal implication involved in the word "jack pot."

Mr. WILEY. I am surprised that the Senator from Kentucky would make such a statement to the Senate.

Mr. McCARRAN. Perhaps the Senator from Kentucky can tell us whether there is a legal implication in that word. I have not found any.

Mr. CLARK of Missouri. Mr. President, I will give the information requested more in detail before the debate is concluded. I shall now make a brief statement. General claims were filed with the old General Claims Commission of 1923 which sat more or less to 1931, when it broke up. It made 139 awards. That is the old General Claims Commission, which broke up in 1931.

Mr. WILEY. Can the Senator give the total amount?

Mr. CLARK of Missouri. I do not have the total amount. I simply have the number of awards. Nothing further was done until the protocol of 1934, which provided for a short-cut procedure. The old commission had a very elaborate, long-drawn-out procedure. The commission on which Underwood and Flores sat, that is the commission I described which has never been able to agree on the third man—this commission, composed of Underwood and Flores, agreed on 36 awards and dismissed over 1,500 claims as worthless. Nothing contained in my amendment, or in anything else, is intended to cover the 1,500 claims which were not considered.

Mr. WILEY. Nothing in the bill or in anything else will resurrect those claims?

Mr. CLARK of Missouri. Nothing in the bill or in the amendment will resurrect the claims which were decided by the Underwood-Flores commission to be worthless. They ruled them out because those claimants did not present any evidence which entitled them to have any further hearing. Their time was up in 1937. That left 850 American claims undecided. The Commission did not decide the 850 claims, but after the Commission broke up Underwood proceeded and made appraisals on his own hook and filed them with the State Department. He had no authority under the agreement to do it. It was purely an ex parte act on his part.

Mr. WILEY. Is it the claim of the distinguished Senator from Missouri that on those 850 claims, Mr. Underwood, the Commissioner of this Government, did not take proof, or did not have proof.

Mr. CLARK of Missouri. Mr. President, I have explained, or tried to explain some of the ways in which claimants were not able to make satisfactory proof.

Mr. WILEY. Yes; I understand.

Mr. CLARK of Missouri. Mexico was in an extremely hostile attitude, and would have revoked the citizenship of any Mexican citizen who gave testimony or aid to an alien or to a foreign government. There were several other elements which made it impossible for those claimants to present their proofs. The amendment simply provides that the Commission shall have authority to take further testimony when in its descretion it thinks it advisable to do so. That if the Commission feels that the purposes of justice and equity will be served, and that circumstances justify it, they can take further testimony.

As I said awhile ago, the committee rejected the amendment I proposed originally which would give the Commission the absolute right to reopen the cases. The claimants must show to the Commission that justice and equity will be served by permitting them to introduce evidence, and the only ground, I take it, on which the Commission would permit such evidence to be introduced would be the fact that for one of the various reasons I suggested, or for any other, the claimants have not actually had a day in court. That, it seems to me, is no more than a reasonable proposal.

Mr. WILEY. The only point the Senator makes is that he wants the Commission as now constituted to determine whether these claimants have had their day in court?

Mr. CLARK of Missouri. The Commission is already constituted under the bill. All I want to do is to give the Commission the discretion to permit the introduction of further testimony if they believe justice and equity will be served thereby. The Senator can very readily see what the situation is with respect to the question of value. Here was Underwood sitting in Washington. The attitude of the Mexican Government at that time was unfriendly toward these claims. That is something which has been obviated by an agreement on a gross sum. But here was Underwood sitting in Washington. The property was located in Mexico. One group of claimants in my State had 200,000 acres of land down there, I think. The question of the value of that land was a question which really could best be determined by Mexican sources. But they were shut off from them.

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

Mr. CLARK of Missouri. I yield.

Mr. CONNALLY. Does the Senator know that the law in Mexico which prohibited its citizens from testifying concerning these claims was not passed until 1934?

Mr. CLARK of Missouri. Yes.

Mr. CONNALLY. And most of these claims had already been before the Commission and had been passed upon before 1934.

Mr. CLARK of Missouri. The Underwood-Flores Commission was not set up either until 1934. The law was in effect during the whole life of the Underwood-Flores Commission. The protocol was agreed to in 1934, and the Commission was appointed shortly thereafter.

Mr. CONNALLY. Yes; but there were treaties made before that, in 1927 and 1929. There were three periods in which the claimants had opportunity to present these claims.

Mr. CLARK of Missouri. Some of these claims did not arise until after that, Mr. President. The Mexican Government came along, and for the specific purpose of keeping American citizens, or British citizens, or citizens of any other country except Mexico from being able to prove their claims, inserted this provision in the constitution.

Mr. WILEY. Mr. President, will the Senator again yield?

Mr. CLARK of Missouri. I yield.

Mr. WILEY. It seems to me it is important to ascertain the amount represented by the claims which are at present considered to be valid. Next, it is important to ascertain the amount represented by the 850 claims which the Senator from Missouri contends should have their day in court. Against that, one can easily see that there are two conflicting groups of American citizens here. If the second group is permitted to come in it will naturally take away from the pro rata share of the others.

Mr. CLARK of Missouri. Very well. It does not make the slightest difference to me. A limited sum of money is provided. Whether the pro rata share of some claimants is diminished or not, if other claimants have as good claims to their money as those who are already under the Underwood provision, those new claimants are entitled to their day in court, and to make proof of their claims. If they are under the Underwood appraisal, and the Underwood appraisal grossly undervalues their claims, then they have as much right as anyone else to come in, after proper showing is made, and to be granted by the Commission the right to present their evidence. If they do not present a prima facie case the Commission undoubtedly will not give them the right to present any further evidence. If they then cannot prove their case to the Commission's satisfaction, they will not get any relief. No one is going to profit by this proposal except someone who has a bona fide claim which he can prove if the Commission gives him a chance.

Mr. President, as I stated a moment ago, the so-called general claims against Mexico include all claims arising since the convention of 1868, up to 1927, and they were covered in the convention between the United States and Mexico signed September 8, 1923, and proclaimed March 3, 1924.

Before I conclude this brief statement I intend to read that convention and let the Senate see exactly what is in it.

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

Mr. CLARK of Missouri. I yield.

Mr. BROWN. I wonder if the Senator from Missouri and the Senator from Texas [Mr. CONNALLY] would agree to permit me to take up the R. F. C. bill, to which I understand there is no objection, and dispose of it at this time. I do not believe that consideration of the bill would occupy more than 5 minutes. I am very anxious that the bill be passed, because I am inclined to believe that it will require some additional legislative action in the House.

Mr. CLARK of Missouri. Mr. President, I have no objection to the bill being taken up if it is understood that I shall not lose the floor when the discussion on the conference report is resumed.

Mr. BARKLEY. Mr. President, I hope that there will be no objection. The bill referred to by the able Senator from Michigan should be passed. I believe no objection will be raised against it, and that only a short time will be required to dispose of it. I doubt if a vote will be reached on the pending matter today. If it is agreeable to the Senator from Texas to allow it to go over until Monday we can take up the bill referred to by the Senator from Michigan and pass it today.

Mr. CONNALLY. It is also very desirable that the conference report be adopted, and I dislike very much to lay it aside. The Senator from Oregon [Mr. MCNARY] has stated that he desires a complete discussion of the R. F. C. bill.

Mr. MCNARY. Mr. President, I said that I had read a part of the hearings before the committee. I thought that some restrictions should be placed upon the additional authority proposed to be granted. An amendment has been prepared by the able Senator from Connecticut [Mr. DANAHER] which has been submitted to the able Senator having the bill in charge [Mr. BROWN]. I am satisfied that if the moneys which are to be taken from the Treasury by the R. F. C. have passed the examination and analysis of the R. F. C. Board, the bill should become a law. The Senator from Connecticut [Mr. DANAHER] has an amendment to offer and will make a statement. That is the reason I say to the able Senator from Texas that I stated that I desired to ask some questions.

Mr. CONNALLY. Mr. President, I shall not run counter to the wishes of the leader. However, I do not expect to let everything take precedence over the conference report, and permit it to be placed at the heel of the docket. So far as I am concerned, I will press for consideration of the conference report. If Senators who filibustered against the rubber bill and the silver bill will help me dispose of this matter they can fight out their squabbles among themselves a little later.

Mr. MCNARY. Mr. President, I am not pressing for consideration. It does not matter to me. The Senator need not point his finger at me.

Mr. CONNALLY. I am not pointing at the Senator from Oregon.

Mr. MCNARY. I merely state that if the bill does come up I want the amendment to which I have referred submitted and adopted.

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

Mr. BARKLEY. Mr. President, I have no objection, with the understanding that the conference report will be laid aside only temporarily.

Mr. MCCARRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CLARK of Missouri. Mr. President, I shall first take up for discussion the subject of the general Mexican claims.

The so-called general claims against Mexico include all claims arising since the convention of 1868, up to 1927, and were covered in the convention between the United States and Mexico, which was signed on September 8, 1923, and proclaimed on March 3, 1924. The claims were of a general character, including agrarian claims arising out of the application of Mexican agrarian laws up to August 30, 1927, to property of Americans in Mexico.

The claims did not, however, include those arising out of the series of revolutions which occurred in Mexico from 1910 to 1920. They were called special claims and were dealt with under another convention.

The convention of 1923 provided that all claims of American citizens against Mexico, including claims of corporations, companies, and partnerships, and all claims of Mexican citizens of the same classes against the United States, should be filed with a Mixed Claims Commission to be composed as follows:

> Such a Commission shall be constituted as follows: One member shall be appointed by the President of the United States, one by the President of the United Mexican States, and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments.

That provision is found on page 3 of the convention of 1923.

Each Commissioner was to subscribe to a solemn declaration that he would carefully and impartially examine and decide, according to the best of his judgment, and in accordance with the principles of international law, justice, and equity, all claims presented for decision. That is article 2.

A decision of the majority of the members of the Commission shall be the decision of the Commission.

The convention further declared that the two governments were desirous of effecting an equitable settlement of the claims of their respective citizens, thereby affording them just and adequate compensation for their losses and damages. That is the provision of article 5.

This is important because the House bill is in effect the same as the conference report. The House predominated in that conference, and the Senate yielded its views on practically every essential matter. The House bill, which, as I have said, was the old "canned" State Department bill, would do away with the method of adjudication which had been promised to the claimants.

With the understanding that the claims would be thus adjudicated by a three-man commission, and that the claimants would be afforded just and adequate compensation for their losses and damages, the claimants filed with the Commission 3,617 claims, of which 2,781 were American claims, having a face value of $513,000,000.

My authority for that statement is found on page 57 of the book on Mexican Claims Commissions, 1933 and 1934, by A. H. Feller, Special Assistant to the Attorney General of the United States, and sometime instructor in international law at Harvard Law School.

The convention of 1923 provided that each government should be represented before the Commission by an agent and counsel, who should present, orally or in writing, all the arguments deemed expedient in favor of or against any claim. I am referring to article 3.

Under this convention the claims were presented by memorial, with the evidence attached. To this, the other party filed an answer. The first party then had the right to file a reply. The first party then filed a brief, and the second party filed a reply brief. Sometimes a counter-brief was also filed. The claims were docketed, and each claim, as it was taken up by the Commission, was argued orally at length by the agents and counsel on both sides.

Under this procedure, which I believe everyone will agree was very cumbersome, 139 American claims out of 2,781, including property, death, and personal injury claims, were decided after oral argument by the General Claims Commission. That number of claims was handled from the time the Commission began to sit in 1925 until 1931, when it was discontinued.

In the cases of the 139 American claims considered, 124 awards were made to American citizens. However, it is worthy of note, and I call the attention of Senators to the fact, that no agrarian claims whatever were decided.

I refer again to the definition of agrarian claims. Agrarian claims are those arising from seizure under the agrarian laws of Mexico, when the Republic of Mexico seized vast tracts of land and donated them to the peons of Mexico. The agrarian claims were claims on behalf of American owners of much of that land. In addition, agrarian claims arising after August 30, 1937, which were called recent agrarian claims, were submitted to the Agrarian Commission by an exchange of notes in November 1938.

I again invite attention to the fact that in the 124 awards made to Americans under the convention of 1923 no agrarian claims whatever were included.

Mr. President, I believe it will readily be understood that the number of claims handled by the old General Claims Commission was due not only to extended oral arguments, but also to the difficulty of the two countries agreeing upon a third member of the Commission. Every time the Commission was renewed, which was every 2 or 3 years, it was necessary to make a new agreement as to the third member of the Commission. The first Commission sat for 3 years and was extended from time to time for periods of only 2 years each.

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

Mr. CLARK of Missouri. I yield.

Mr. McCARRAN. As regards the first Commission, am I correct in my understanding that the Senator has said—and of course the Senator is very much more conversant with the subject than am I; he was a member of the Foreign Relations Committee—that the Commission was composed of only two men?

Mr. CLARK of Missouri. No. The General Claims Commission was under the convention of 1923. It was composed of three men. The Commission was originally created for 3 years, and afterward was continued for 2 years at a time, and finally was abandoned. Every time they agreed to set up the Commission each party got into a discussion about who would be the third member.

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

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. I assume that the Senator will not conclude his remarks this afternoon. Does he desire that we suspend?

Mr. CLARK of Missouri. Let me ask whether it is anticipated that when we suspend we shall suspend until tomorrow or Monday?

Mr. BARKLEY. Until Monday.

Mr. McCARRAN. If the Senate now suspends until Monday, would the Senator from Missouri have the floor when the Senate reconvened on Monday?

Mr. CLARK of Missouri. I do not care about that; because when the matter is considered I certainly shall have the right to discuss it until it is disposed of.

VERNON E. DEUS

The PRESIDING OFFICER (Mr. DOXEY in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2292) for the relief of Vernon E. Deus, which were, on page 1, line 5, to strike out "$1,377" and insert "$627"; on page 2, lines 1 and 2, to strike out "Fred Walker, Senior, as guardian for his minor son," and insert "legal guardian for"; on page 2, line 2, to strike out "$1,250" and insert "$500"; and to amend the title so as to read: "An act for the relief of Fred Walker, Senior; legal guardian for Fred Walker, Junior; the District Court of the United States for the District of Columbia."

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

DISTRICT OF COLUMBIA

The legislative clerk read the nomination of Victor S. Mersch, of the District of Columbia, to be Register of Wills for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The legislative clerk read the nomination of Prof. Jerry B. Hoag to be permanent professor with rank of lieutenant commander.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

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

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

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

THE NAVY

The legislative clerk read the nomination of George H. Fort to be a rear admiral for temporary service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

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

That completes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 53 minutes) the Senate took a recess until Monday, December 7, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate December 4 (legislative day of November 30), 1942:

COLLECTOR OF INTERNAL REVENUE

Stanley Granger, of Waynesburg, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, to fill an existing vacancy.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Bennett W. Pruet, Anniston, Ala., in place of B. W. Pruet. Incumbent's commission expired June 23, 1942.

Elmer H. Carter, Castleberry, Ala., in place of E. H. Carter. Incumbent's commission expired June 23, 1942.

Bessie S. Combs, Fairfax, Ala., in place of B. S. Combs. Incumbent's commission expired June 23, 1942.

Benjamin F. Beesley, McKenzie, Ala., in place of B. F. Beesley. Incumbent's commission expired June 23, 1942.

S. Evelyn Selman, Mentone, Ala., in place of S. E. Selman. Incumbent's commission expired June 23, 1942.

Flora Mae Golson, Plateau, Ala. Office became Presidential July 1, 1941.

Russell F. Cowles, Ramer, Ala., in place of N. B. Rushton, deceased.

Ernest L. Stough, Jr., Red Level, Ala., in place of E. L. Stough, Jr. Incumbent's commission expired June 23, 1942.

Lula B. Ledbetter, Sycamore, Ala. Office became Presidential July 1, 1942.

John F. Harmon, Troy, Ala., in place of J. F. Harmon. Incumbent's commission expired June 23, 1942.

ARIZONA

June S. Haymond, Claypool, Ariz. Office became Presidential July 1, 1942.

ARKANSAS

Laura Clements, Cherry Valley, Ark., in place of Laura Clements. Incumbent's commission expired June 23, 1942.

William I. Fish, Dumas, Ark., in place of W. I. Fish. Incumbent's commission expired June 23, 1942.

John W. Paschall, Gould, Ark., in place of J. W. Paschall. Incumbent's commission expired June 23, 1942.

Virgil McCurry, Green Forest, Ark., in place of J. L. Conley, transferred.

Simpson A. Kemp, Hot Springs National Park, Ark., in place of S. A. Kemp. Incumbent's commission expired June 23, 1942.

John Robert Eppes, Madison, Ark. Office became Presidential July 1, 1942.

Norine C. Wilkerson, Newport, Ark., in place of N. C. Wilkerson. Incumbent's commission expired April 12, 1942.

William Quinby Swearingen, Norfork, Ark. Office became Presidential July 1, 1942.

Clyde Brown, Shirley, Ark., in place of Maude Simpkins. Incumbent's commission expired June 23, 1942.

Joseph E. Trahin, Siloam Springs, Ark., in place of C. F. Flatt, removed.

Lois Shaver, Strawberry, Ark. Office became Presidential July 1, 1942.

Charles K. Coe, Tuckerman, Ark., in place of C. K. Coe. Incumbent's commission expired June 23, 1942.

CALIFORNIA

Anna L. Fenton, Biggs, Calif., in place of W. I. Ricketts, deceased.

Paul O. Martin, Burbank, Calif., in place of P. O. Martin. Incumbent's commission expired June 23, 1942.

Leslie F. Ghezzi, Cayucos, Calif. Office became Presidential July 1, 1942.

Mae A. Kibler, Del Mar, Calif., in place of M. A. Kibler. Incumbent's commission expired June 23, 1942.

William D. Mathews, Fort Jones, Calif., in place of W. D. Mathews. Incumbent's commission expired June 18, 1942.

Viola F. Gorrell, French Camp, Calif. Office became Presidential July 1, 1942.

Vernie E. Sherraden, Ludlow, Calif. Office became Presidential July 1, 1942.

Marie J. Smoot, Mendota, Calif., in place of M. J. Smoot. Incumbent's commission expired November 30, 1941.

Augusta E. Pries, Norco, Calif. Office became Presidential July 1, 1942.

Joseph H. Allen, Riverside, Calif., in place of J. H. Allen. Incumbent's commission expired June 23, 1942.

Lillian B. Gilbert, Santee, Calif. Office became Presidential April 1, 1942.

Lena B. Elliot, Summit, Calif. Office became Presidential July 1, 1942.

COLORADO

Charles D. Shively, Holly, Colo., in place of J. T. Adkins, retired.

CONNECTICUT

Irwin C. Bohling, Deep River, Conn., in place of D. J. Kelley, resigned.

Charles Ernest Gray, North Stonington, Conn. In place of C. E. Gray. Incumbent's commission expired April 15, 1942.

Louis Ginsberg, Quaker Hill, Conn. Office became Presidential July 1, 1942.

FLORIDA

Marshall C. Pitts, Okeechobee, Fla., in place of M. C. Pitts. Incumbent's commission expired June 23, 1942.

GEORGIA

Nell V. Devine, Fort Screven, Ga., in place of M. V. Lynch, retired.

Marjorie C. Barineau, McRae, Ga., in place of P. H. Girardeau. Incumbent's commission expired March 30, 1942.

Frank S. Pope, Villa Rica, Ga., in place of L. R. Powell, resigned.

Elizabeth C. Baker, Zebulon, Ga., in place of J. W. Slade, transferred.

ILLINOIS

Viola E. Brown, Aroma Park, Ill. Office became Presidential July 1, 1942.

Dollie Rolla, Buckner, Ill. Office became Presidential July 1, 1942.

William S. Westermann, Carlyle, Ill., in place of W. S. Westermann. Incumbent's commission expired June 23, 1942.

Eugene P. Kline, East St. Louis, Ill., in place of E. P. Kline. Incumbent's commission expired June 23, 1942.

Harry L. Reinoehl, Flat Rock, Ill., in place of I. W. Cawood, deceased.

Jerry J. Zeman, Fox River Grove, Ill., in place of J. J. Zeman. Incumbent's commission expired June 23, 1942.

Frank G. Ring, Harvey, Ill., in place of J. S. Flaherty, deceased.

Melvin R. Begun, Hebron, Ill., in place of M. R. Begun. Incumbent's commission expired June 23, 1942.

James R. Maher, Hillside, Ill., in place of J. R. Maher. Incumbent's commission expired June 23, 1942.

Charles W. Farley, La Grange, Ill., in place of C. W. Farley. Incumbent's commission expired June 23, 1942.

Paul W. Poorman, Mattoon, Ill., in place of P. W. Poorman. Incumbent's commission expired June 12, 1942.

John L. Mead, New Boston, Ill., in place of J. L. Mead. Incumbent's commission expired June 23, 1942.

William A. Reeds, Oakland, Ill., in place of W. A. Reeds. Incumbent's commission expired May 28, 1942.

William C. Dufrenne, Prairie du Rocher, Ill., in place of W. C. Dufrenne. Incumbent's commission expired June 23, 1942.

Lorenz M. Lies, Riverside, Ill., in place of L. M. Lies. Incumbent's commission expired June 23, 1942.

M. Margaret Hawley, Sandoval, Ill., in place of M. M. Hawley. Incumbent's commission expired June 23, 1942.

Elmer M. Bickford, Wyanet, Ill., in place of E. M. Bickford. Incumbent's commission expired June 23, 1942.

INDIANA

Neil D. Thompson, Argos, Ind., in place of N. D. Thompson. Incumbent's commission expired June 23, 1942.

Alma C. Whiteside, Battle Ground, Ind. Office became Presidential July 1, 1942.

Meredith H. Bierly, Elizabeth, Ind. Office became Presidential July 1, 1942.

DeAnvie Griner, Fairland, Ind. Office became Presidential July 1, 1942.

Ellis B. Cates, Greentown, Ind., in place of E. B. Cates. Incumbent's commission expired June 23, 1942.

Pearl E. Barnes, Hamlet, Ind., in place of P. E. Barnes. Incumbent's commission expired June 23, 1942.

Walter J. Smith, Loogootee, Ind., in place of W. J. Smith. Incumbent's commission expired May 14, 1942.

Frank Chastain, Mitchell, Ind., in place of Frank Chastain. Incumbent's commission expired June 23, 1942.

Pauline M. Rierden, Montezuma, Ind., in place of P. M. Rierden. Incumbent's commission expired June 23, 1942.

Ora Stiver, New Paris, Ind., in place of Ora Stiver. Incumbent's commission expired June 23, 1942.

Harold C. Atkinson, Oxford, Ind., in place of H. C. Atkinson. Incumbent's commission expired June 23, 1942.

K. Burnell Hott, Pennville, Ind., in place of Lyman Thomas. Incumbent's commission expired June 23, 1942.

Harvey W. Doering, Wakarusa, Ind., in place of H. W. Doering. Incumbent's commission expired June 23, 1942.

Beulah P. Yates, West Lebanon, Ind., in place of M. N. Judy. Incumbent's commission expired June 23, 1942.

Eva M. Miller, Whitestown, Ind. Office became Presidential July 1, 1942.

IOWA

Margaret Audra Pearson, Ainsworth, Iowa, in place of M. A. Pearson. Incumbent's commission expired June 23, 1942.

Celia Boom, Aplington, Iowa, in place of Celia Boom. Incumbent's commission expired June 23, 1942.

Kenton R. McDermott, Bridgewater, Iowa. Office became Presidential July 1, 1942.

Herbert A. Lowenberg, Donnellson, Iowa, in place of H. A. Lowenberg. Incumbent's commission expired June 23, 1942.

Thomas J. McManus, Keokuk, Iowa, in place of T. J. McManus. Incumbent's commission expired June 23, 1942.

Russell G. Mellinger, Oakville, Iowa, in place of R. G. Mellinger. Incumbent's commission expired June 23, 1942.

KANSAS

Carey Olson, Bazine, Kans., in place of Carey Olson. Incumbent's commission expired June 23, 1942.

Samuel E. Notestine, Burdett, Kans., in place of S. E. Notestine. Incumbent's commission expired June 23, 1942.

Reba A. Fuller, Lenora, Kans., in place of K. E. Schieferecka, removed without prejudice.

Edmund C. Turner, Overland Park, Kans., in place of E. C. Turner. Incumbent's commission expired June 23, 1942.

James J. Owen, St. John, Kans., in place of J. J. Owen. Incumbent's commission expired June 23, 1942.

KENTUCKY

Henry D. Shanklin, Ashland, Ky., in place of S. G. Friel. Incumbent's commission expired March 30, 1942.

Nellie Clubb, Worthville, Ky. Office became Presidential July 1, 1942.

LOUISIANA

Vivien T. Swords, Kinder, La., in place of V. T. Swords. Incumbent's commission expired June 23, 1942.

Richard M. Almond, Tallulah, La., in place of R. M. Almond. Incumbent's commission expired June 3, 1942.

John H. Wise, Woodworth, La. Office became Presidential July 1, 1942.

MAINE

Corice E. Wallace, Mattawamkeag, Maine, in place of H. L. Osgood, resigned.

MARYLAND

Thomas B. T. Radcliffe, Cambridge, Md., in place of T. B. T. Radcliffe. Incumbent's commission expired June 23, 1942.

Roscoe C. McNutt, Fallston, Md. Office became Presidential July 1, 1942.

George Leicester Thomas, Jr., Lilypons, Md., in place of C. C. C. Thomas. Incumbent's commission expired January 20, 1940.

Joseph Wilmer Baker, Union Bridge, Md., in place of J. W. Baker. Incumbent's commission expired June 23, 1942.

MASSACHUSETTS

John H. McDonald, Andover, Mass., in place of J. H. McDonald. Incumbent's commission expired April 12, 1942.

Marceline Monteiro, Dighton, Mass. Office became Presidential July 1, 1942.

J. Francis Sheehan, Millis, Mass., in place of James Sheehan, retired.

Joseph H. LeClair, Southbridge, Mass., in place of A. J. Peloquin, removed.

MICHIGAN

Samuel J. Davison, Alpena, Mich., in place of S. J. Davison. Incumbent's commission expired June 23, 1942.

John C. Bannow, Mount Clemens, Mich., in place of J. C. Bannow. Incumbent's commission expired June 23, 1942.

Eleanor C. Lutz, Pullman, Mich., in place of E. C. Lutz. Incumbent's commission expired April 9, 1942.

Fred T. Cavill, Rapid River, Mich., in place of Fred Cavill. Incumbent's commission expired June 23, 1942.

MINNESOTA

Benjamin M. Loeffler, Albert Lea, Minn., in place of B. M. Loeffler. Incumbent's commission expired May 12, 1942.

Alice P. Nunn, Menahga, Minn., in place of J. H. Pelham, retired.

George Glotzbach, Sleepy Eye, Minn., in place of George Glotzbach. Incumbent's commission expired June 13, 1942.

Walter J. Mueller, Springfield, Minn., in place of W. J. Mueller. Incumbent's commission expired June 3, 1942.

Andrew Anderson, Thief River Falls, Minn., in place of Andrew Anderson. Incumbent's commission expired May 12, 1942.

MISSISSIPPI

Tressie V. Brogan, Petal, Miss. Office became Presidential July 1, 1942.

MISSOURI

Albert W. Mueller, Altenburg, Mo. Office became Presidential July 1, 1942.

Blanche D. Blagg, Harris, Mo., in place of W. L. Klein, transferred.

MONTANA

Theodore P. Hendrickson, Hingham, Mont. Office became Presidential July 1, 1942.

NEBRASKA

Theresa Mullan, Boys Town, Nebr., in place of Theresa Mullan. Incumbent's commission expired June 3, 1942.

Harold C. Menck, Grand Island, Nebr., in place of H. C. Menck. Incumbent's commission expired June 23, 1942.

Harold A. Langford, North Platte, Nebr., in place of H. A. Langford. Incumbent's commission expired June 23, 1942.

Frank C. Sieckman, Ohiowa, Nebr., in place of A. H. Bahe, transferred.

NEW HAMPSHIRE

Gertrude E. Cahalane, Charlestown, N. H., in place of D. V. Cahalane, retired.

Harry E. Plummer, Meredith, N. H., in place of W. J. Neal, resigned.

NEW MEXICO

Dominic Rollie, Gallup, N. Mex., in place of Dominic Rollie. Incumbent's commission expired June 7, 1942.

NORTH CAROLINA

Roy Prillaman, Stoneville, N. C., in place of Roy Prillaman. Incumbent's commission expired June 23, 1942.

OHIO

Joseph Davidson, Chagrin Falls, Ohio, in place of Joseph Davidson. Incumbent's commission expired June 23, 1942.

Leita M. Tuttle, Chardon, Ohio, in place of L. M. Tuttle. Incumbent's commission expired June 23, 1942.

Henry D. Coate, Coldwater, Ohio, in place of H. D. Coate. Incumbent's commission expired June 23, 1942.

Walter A. Geiser, Dunkirk, Ohio, in place of W. A. Geiser. Incumbent's commission expired June 23, 1942.

Daniel P. Mooney, Glouster, Ohio, in place of D. P. Mooney. Incumbent's commission expired June 23, 1942.

Claude E. Archambeault, Holgate, Ohio, in place of C. E. Archambeault. Incumbent's commissioned expired June 23, 1942.

Oscar I. Foster, Johnstown, Ohio, in place of L. V. Lake, deceased.

James A. Anderson, Millersburg, Ohio, in place of J. A. Anderson. Incumbent's commission expired April 1, 1942.

Harvey D. Bowers, Millersport, Ohio, in place of F. H. Kramer, transferred.

Harold H. Wisman, Montpelier, Ohio, in place of H. H. Wisman. Incumbent's commission expired June 23, 1942.

John L. O'Hara, New London, Ohio, in place of J. L. O'Hara. Incumbent's commission expired June 23, 1942.

George Wiest, Uhrichsville, Ohio, in place of George Wiest. Incumbent's commission expired June 23, 1942.

Charles M. Hogan, Wellston, Ohio, in place of C. M. Hogan. Incumbent's commission expired June 23, 1942.

Charles R. Treon, West Carrollton, Ohio, in place of C. R. Treon. Incumbent's commission expired April 1, 1942.

PENNSYLVANIA

Samuel M. Shirk, Denver, Pa., in place of Warren Hoffman, transferred.

Walter L. Huggins, Greensboro, Pa., in place of F. H. Black, resigned.

Allen J. Noble, South Mountain, Pa., in place of A. J. Noble. Incumbent's commission expired June 23, 1942.

John D. Cox, Tyrone, Pa., in place of J. D. Cox. Incumbent's commission expired June 23, 1942.

Dorothy R. Ayers, Webster, Pa., in place of W. M. Hodgson, resigned.

Charles M. Boyer, York Springs, Pa., in place of C. M. Boyer. Incumbent's commission expired June 23, 1942.

SOUTH CAROLINA

William B. Smith, Greer, S. C., in place of W. B. Smith. Incumbent's commission expired June 23, 1942.

Stephen E. Leverette, Iva, S. C., in place of S. E. Leverette. Incumbent's commission expired June 23, 1942.

Frederick W. Scheper, Port Royal, S. C. Office became Presidential July 1, 1942.

William W. Barr, Jr., Springfield, S. C., in place of W. W. Barr, Jr. Incumbent's commission expired June 23, 1942.

SOUTH DAKOTA

William G. Guhin, Aberdeen, S. Dak., in place of G. L. Kemper, deceased.

Mary A. Hornstra, Avon, S. Dak., in place of M. A. Hornstra. Incumbent's commission expired June 23, 1942.

Gertrude S. Severson, Brandt, S. Dak, in place of G. S. Severson. Incumbent's commission expired May 14, 1942.

William J. Nolan, Buffalo Gap, S. Dak, in place of W. J. Nolan. Incumbent's commission expired June 23, 1942.

Mattie E. Smith, Burke, S. Dak., in place of M. E. Smith. Incumbent's commission expired June 23, 1942.

Edward P. Amundson, Colton, S. Dak., in place of E. P. Amundson. Incumbent's commission expired June 23, 1942.

James R. Kohlman, Conde, S. Dak., in place of J. R. Kohlman. Incumbent's commission expired May 14, 1942.

Harm P. Temple, Davis, S. Dak., in place of H. P. Temple. Incumbent's commission expired June 23, 1942.

Lulu A. Turner, Ethan, S. Dak., in place of L. A. Turner. Incumbent's commission expired June 23, 1942.

Mary A. Ralph, Henry, S. Dak., in place of M. A. Ralph. Incumbent's commission expired June 23, 1942.

Harold L. Fetherhuff, Herreid, S. Dak., in place of H. L. Fetherhuff. Incumbent's commission expired June 23, 1942.

J. Russell Andersen, Irene, S. Dak., in place of J. R. Andersen. Incumbent's commission expired May 14, 1942.

Ella M. Ottum, Mellette, S. Dak., in place of E. M. Ottum. Incumbent's commission expired June 23, 1942.

Harry Dettman, Mission, S. Dak., in place of Harry Dettman. Incumbent's commission expired June 23, 1942.

Florence M. Langer, Olivet, S. Dak., in place of F. M. Langer. Incumbent's commission expired May 14, 1942.

George L. Egan, Parker, S. Dak., in place of G. L. Egan. Incumbent's commission expired June 23, 1942.

Cleveland F. Brooks, Platte, S. Dak., in place of C. F. Brooks. Incumbent's commission expired June 23, 1942.

Ena C. Erling, Raymond, S. Dak., in place of E. C. Erling. Incumbent's commission expired June 23, 1942.

Fae Thompson, St. Lawrence, S. Dak., in place of Fae Thompson. Incumbent's commission expired June 23, 1942.

Philip A. McMahon, Salem, S. Dak., in place of P. A. McMahon. Incumbent's commission expired June 23, 1942.

John W. Hoven, Selby, S. Dak., in place of J. W. Hoven. Incumbent's commission expired May 28, 1942.

William P. Smith, Stickney, S. Dak., in place of W. P. Smith. Incumbent's commission expired June 23, 1942.

Orville U. Melby, Summit, S. Dak., in place of O. U. Melby. Incumbent's commission expired June 23, 1942.

Joseph S. Petrik, Tabor, S. Dak., in place of J. S. Petrik. Incumbent's commission expired June 23, 1942.

Matt McCormick, Tyndall, S. Dak., in place of Matt McCormick. Incumbent's commission expired June 23, 1942.

TENNESSEE

Binnie H. Kinser, Alcoa, Tenn., in place of B. H. Kinser. Incumbent's commission expired June 23, 1942.

TEXAS

Julia A. O'Brien, Brownsville, Tex., in place of W. T. Burnett, deceased.

Milton D. Penry, Denton, Tex., in place of B. W. McKenzie, deceased.

Imogene B. Dunn, Goldsmith, Tex., in place of I. B. Dunn. Incumbent's commission expired April 6, 1942.

Anathalie Boyd, Ingleside, Tex., in place of Anathalie Boyd. Incumbent's commission expired April 26, 1942.

Glad Campbell Hill, Mertzon, Tex., in place of G. C. Hill. Incumbent's commission expired June 23, 1942.

Lon M. Peeples, Milano, Tex., in place of L. M. Peeples. Incumbent's commission expired June 23, 1942.

Seth S. Dorbandt, Mullin, Tex., in place of R. H. Patterson, resigned.

Oland A. Walls, Naples, Tex., in place of O. A. Walls. Incumbent's commission expired June 23, 1942.

Effie Rasmussen, Needville, Tex., in place of Effie Rasmussen. Incumbent's commission expired June 23, 1942.

William W. Spear, Nixon, Tex., in place of W. W. Spear. Incumbent's commission expired June 23, 1942.

William A. Gillespie, Overton, Tex., in place of W. A. Gillespie. Incumbent's commission expired June 23, 1942.

John W. Waide, Paint Rock, Tex., in place of J. W. Waide. Incumbent's commission expired June 23, 1942.

Morris W. Collie, Pecos, Tex., in place of M. W. Collie. Incumbent's commission expired June 23, 1942.

Otis T. Kellam, Robstown, Tex., in place of O. T. Kellam. Incumbent's commission expired June 23, 1942.

Ora L. Griggs, Sanatorium, Tex., in place of O. L. Griggs. Incumbent's commission expired June 23, 1942.

Clyde Griffith, Sanderson, Tex., in place of Clyde Griffith. Incumbent's commission expired April 11, 1942.

Hortensia M. Garcia, San Diego, Tex., in place of A. C. Garcia, deceased.

Ferdinand L. Herzik, Schulenburg, Tex., in place of F. L. Herzik. Incumbent's commission expired June 23, 1942.

Kirby L. Scudder, Slaton, Tex., in place of K. L. Scudder. Incumbent's commission expired June 23, 1942.

Thomas A. Bynum, Texas City, Tex., in place of T. A. Bynum. Incumbent's commission expired June 23, 1942.

Madeline G. McClellan, Waller, Tex., in place of M. G. McClellan. Incumbent's commission expired June 23, 1942.

Lou A. Sloma, Yorktown, Tex., in place of L. A. Sloma. Incumbent's commission expired June 23, 1942.

Emilie K. Dew, Ysleta, Tex., in place of E. K. Dew. Incumbent's commission expired June 23, 1942.

UTAH

Wallace H. Sorensen, Richfield, Utah, in place of W. H. Sorensen. Incumbent's commission expired June 23, 1942.

VERMONT

Edward L. Heney, Montpelier, Vt., in place of R. H. Standish, resigned.

VIRGINIA

Sidney H. Barnett, Bluefield, Va., in place of S. H. Barnett. Incumbent's commission expired June 23, 1942.

Josephine N. Porter, Louisa, Va., in place of J. N. Porter. Incumbent's commission expired June 23, 1942.

WASHINGTON

Curtis M. Wormell, Asotin, Wash., in place of C. M. Wormell. Incumbent's commission expired June 23, 1942.

W. Kenneth Kingman, Chelan, Wash., in place of W. K. Kingman. Incumbent's commission expired June 23, 1942.

Joshua J. Peak, Davenport, Wash., in place of J. J. Peak. Incumbent's commission expired June 23, 1942.

Thomas H. Van Noy, Kelso, Wash., in place of T. H. Van Noy. Incumbent's commission expired June 23, 1942.

Ed J. Claiborne, Ridgefield, Wash., in place of E. J. Claiborne. Incumbent's commission expired June 23, 1942.

Paul Rhodius, Sedro Woolley, Wash., in place of Paul Rhodius. Incumbent's commission expired June 23, 1942.

Walter D. Codd, Tekoa, Wash., in place of W. D. Codd. Incumbent's commission expired June 23, 1942.

Donald S. Farver, Tonasket, Wash., in place of D. S. Farver. Incumbent's commission expired June 23, 1942.

George Rodman, Wapato, Wash., in place of George Rodman. Incumbent's commission expired June 23, 1942.

Joseph H. Gill, Washtucna, Wash., in place of J. H. Gill. Incumbent's commission expired June 23, 1942.

Louis O. Cochrane, Yelm, Wash., in place of L. O. Cochrane. Incumbent's commission expired June 23, 1942.

WEST VIRGINIA

Willard I. Gulley, McComas, W. Va., in place of W. I. Gulley. Incumbent's commission expired June 23, 1942.

Ben Gillespie, Sutton, W. Va., in place of Ben Gillespie. Incumbent's commission expired June 23, 1942.

Bess M. Gwinn, Thurmond, W. Va., in place of B. M. Gwinn. Incumbent's commission expired June 23, 1942.

WISCONSIN

Theodore E. Wozniak, Athens, Wis., in place of T. E. Wozniak. Incumbent's commission expired May 31, 1942.

Dale J. Cannon, Birnamwood, Wis., in place of D. J. Cannon. Incumbent's commission expired June 23, 1942.

Homer J. Samson, Cameron, Wis., in place of H. J. Samson. Incumbent's commission expired April 12, 1942.

Alfa Ruth Anderson, Colfax, Wis., in place of A. R. Anderson. Incumbent's commission expired June 23, 1942.

Fern M. Dagnon, Ferryville, Wis., in place of F. M. Dagnon. Incumbent's commission expired June 8, 1942.

Claude E. Rochon, Florence, Wis., in place of C. E. Rochon. Incumbent's commission expired June 18, 1942.

Oliver E. Neuens, Fredonia, Wis., in place of O. E. Neuens. Incumbent's commission expired April 12, 1942.

Ethel E. Welch, Gleason, Wis., in place of E. E. Welch. Incumbent's commission expired June 23, 1942.

Roy E. Lawler, Gordon, Wis., in place of R. E. Lawler. Incumbent's commission expired June 23, 1942.

Max R. Alling, Green Lake, Wis., in place of M. R. Alling. Incumbent's commission expired May 25, 1942.

Edward Snoeyenbos, Hammond, Wis., in place of Edward Snoeyenbos. Incumbent's commission expired June 23, 1942.

James R. Alexander, Hayward, Wis., in place of J. R. Alexander. Incumbent's commission expired May 31, 1942.

Simon Skroch, Independence, Wis., in place of Simon Skroch. Incumbent's commission expired June 23, 1942.

Lillian N. Hughes, New Richmond, Wis., in place of L. N. Hughes. Incumbent's commission expired May 31, 1942.

Edward D. Feeney, Prairie du Chien, Wis., in place of E. D. Feeney. Incumbent's commission expired June 23, 1942.

Patrick H. Laughrin, Prentice, Wis., in place of P. H. Laughrin. Incumbent's commission expired June 23, 1942.

W. Joseph Hand, Random Lake, Wis., in place of W. J. Hand. Incumbent's commission expired April 12, 1942.

Edmund J. Piechowski, Redgranite, Wis., in place of E. J. Piechowski. Incumbent's commission expired April 26, 1942.

John T. O'Sullivan, Washburn, Wis., in place of J. T. O'Sullivan. Incumbent's commission expired May 31, 1942.

Roy D. Fahland, Webster, Wis., in place of R. D. Fahland. Incumbent's commission expired June 23, 1942.

WYOMING

William H. Watson, Dubois, Wyo., in place of W. H. Watson. Incumbent's commission expired June 23, 1942.

Ernest A. Littleton, Gillette, Wyo., in place of E. A. Littleton. Incumbent's commission expired April 15, 1942.

Andrew Morrow, Kemmerer, Wyo., in place of Andrew Morrow. Incumbent's commission expired May 4, 1942.

Dorsey T. Shoemaker, Torrington, Wyo., in place of D. T. Shoemaker. Incumbent's commission expired May 4, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 4 (legislative day of November 30), 1942:

REGISTER OF WILLS FOR THE DISTRICT OF COLUMBIA

Victor S. Mersch to be Register of Wills for the District of Columbia.

UNITED STATES COAST GUARD

Prof. Jerry B. Hoag to be permanent professor with rank of lieutenant commander, to rank from September 9, 1940.

POSTMASTERS

COLORADO

William J. Murphy, Breckenridge.
Mary E. Vogt, Burlington.
Glenn G. Ellington, Delta.
Harold W. Riffle, Eckley.
William H. Rhoades, Jr., Kit Carson.
Lewis Hollenbeck, Salida.

LOUISIANA

Solomon C. Knight, Elizabeth.
Vernon M. Robert, Homer.
Robert E. Loudon, Zachary.

NEVADA

Walter B. Collins, Austin.
Ralph H. Burdick, Tonopah.

NORTH CAROLINA

Roberts H. Jernigan, Ahoskie.
Preston L. Morris, Broadway.
Zula S. Glovier, Catawba.
Rufus C. Powell, Denton.
John F. Lynch, Erwin.
Carl H. Hand, Lowell.
Martin B. Black, Midland.
James C. Reins, North Wilkesboro.
Louella Swindell, Swanquarter.

OKLAHOMA

Berry M. Crosby, Bixby.
Owen R. Hudson, Bluejacket.
Cloyd H. Burton, Commerce.
Sylvia M. Grace, Laverne.
Chester E. Halley, Minco.
John V. Cavender, Porum.
Harry James Barclay, Tonkawa.

PENNSYLVANIA

James F. O'Brien, Allison Park.
L. Banks Wetzel, Beaver Springs.
Daniel E. Hartman, Benton.
Marie Kolasa, Clarence.
James P. Meaney, Conshohocken.
Amy A. Short, Conway.
Beulah E. Hayden, Dalton.
Edwin A. Breinig, Egypt.
Laura E. Rich, Enola.
Charles A. Hanlon, Hazelton.
Bernard A. Devlin, Jenkintown.
Lehman I. Leister, McAlisterville.
Elizabeth B. Miley, Marietta.
Helen T. Henrie, Meshoppen.
Elijah H. Follmer, Milton.
John H. Snyder, Richfield.
William D. McIntire, Stoneboro.
Earl R. Young, Weatherly.
Chester L. Boal, West Middlesex.
Francis G. Ackley, Wyalusing.
Mary A. Fitzgerald, Wysox.

SOUTH DAKOTA

Edwin H. Bruemmer, Huron.

TEXAS

Albert A. Allison, Corsicana.

VERMONT

Maude E. Boucher, Derby.

WASHINGTON

Marvin G. Elwell, Dayton.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO AIR CORPS

Second Lt. John Earl Atkinson.
Second Lt. David Christy Warwick.

PROMOTIONS IN THE REGULAR ARMY

Earl Thomas McCullough et al., for promotion in the Regular Army of the United States.

(NOTE.—A full list of the names of the persons whose nominations for promotion in the Regular Army were confirmed today may be found in the Senate proceedings of the CONGRESSIONAL RECORD for December 3, 1942, under the caption "Nominations," beginning on p. 9288 with the name of Maj. Earl Thomas McCullough and ending on p. 9292 with the name of John Joseph McDonnell.)

APPOINTMENT FOR TEMPORARY SERVICE IN THE NAVY

George H. Fort to be a rear admiral for temporary service, to rank from May 16, 1942.

SENATE

MONDAY, DECEMBER 7, 1942

(Legislative day of Monday, November 30, 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:

God of the Free, on this national anniversary of infamy and perfidy we come asking that Thy everlasting mercy may cleanse our hearts of the poison of hatred and may take from our lips harsh cries for vengeance. On this day of shocked and painful memory we would turn our gaze to One who, betrayed by a mocking kiss, cried out from a cruel cross, "Father, forgive them! They know not what they do." In the new world which even now we see rising from the ashes of ancient towns—a world in which man is more than mammon and persons more than profits—we picture a place of constructive service to the common good for those whom today we call foes—the peoples who have been deluded by false lights and futile hopes.

On this fateful December date we register a new vow in high heaven that we will never falter, never desist, never compromise, never sheathe our righteous sword, until this torn and tortured world is made safe for decency, truth, honor, and the pledged word. Out of the broken bodies, the blasted ships, and the golden stars which since glow in the blue of our banners, we thank Thee for the new national unity, the grim purpose to close ranks, as there sounded out a trumpet that shall never know retreat. Steel and strengthen our hearts and minds for new Calvaries which yet loom ahead, the self-denials, the perils and the losses which will tear our hearts and smite our hearths before tyranny is dead. With deep repentance for our own sins, bring us to a united victory which shall make all men free. Amen.

NAMING OF PRESIDING OFFICER

The Secretary (Edwin A. Halsey) read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., December 7, 1942.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SCOTT W. LUCAS, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. LUCAS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

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

Mr. CLARK of Missouri. Reserving the right to object, I suggest the absence of a quorum.

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

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

Aiken	Gillette	O'Mahoney
Andrews	Green	Radcliffe
Austin	Guffey	Reed
Bailey	Gurney	Russell
Barbour	Herring	Schwartz
Barkley	Hill	Shipstead
Brewster	Johnson, Calif.	Shott
Brooks	Johnson, Colo.	Spencer
Brown	Langer	Stewart
Bulow	Lee	Thomas, Idaho
Burton	Lodge	Thomas, Okla.
Byrd	Lucas	Tobey
Capper	McCarran	Tunnell
Caraway	McNary	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Walsh
Connally	Millikin	Wheeler
Danaher	Murdock	White
Davis	Murray	Wiley
Doxey	Nelson	Willis
Ellender	Nye	
Gerry	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

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 Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] are out of the city on important public business.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. CHANDLER], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Louisiana [Mr. OVERTON], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are conducting hearings for the Special Committee to Investigate the National Defense Program.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], and the Senator from Nebraska [Mr. BUTLER] are necessarily absent.

The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Ohio [Mr. TAFT] is necessarily absent attending a meeting of the Republican National Committee.

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

Without objection, the Journal of the proceedings of the preceding session will stand approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on December 2, 1942, the President had approved and signed the following acts:

S. 2412. An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes; and

S. 2723. An act to amend the Pay Readjustment Act of 1942.

SENATOR FROM NEVADA—CREDENTIALS: ADMINISTRATION OF OATH

Mr. MCCARRAN. Mr. President, I send to the desk the credentials of the newly elected Senator from the State of Nevada, the Honorable JAMES G. SCRUGHAM, and ask that they be read.

The ACTING PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 3d day of November 1942, JAMES G. SCRUGHAM was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States and to fill the vacancy therein caused by the death of Key Pittman, and that said vacancy was filled by the election of JAMES G. SCRUGHAM as aforesaid, according to law.

In testimony whereof, I have hereunto set my hand and caused the great seal of State to be affixed at Carson City, this 5th day of December, in the year of our Lord 1942.

E. P. CARVILLE,
Governor.

By the Governor:
[SEAL] MALCOLM MCEACHIN,
Secretary of State.

The ACTING PRESIDENT pro tempore. The credentials of the Senator-elect will be placed on file.

Mr. MCCARRAN. The Senator-elect is now on the floor of the Senate and ready to take the oath.

The ACTING PRESIDENT pro tempore. If the Senator-elect will present