

vicinity, favoring the enactment of House bill 2082; to the Committee on the Judiciary.

4397. By Mr. VOORHIS of California: Petition of Paul D. Beck, of Pasadena, Calif., and 34 others, with reference to House bill 2082; to the Committee on the Judiciary.

4398. Also, petition of V. G. Story, of El Monte, Calif., and 23 others, with reference to House bill 2082; to the Committee on the Judiciary.

4399. Also, petition of Magda A. Barton, of El Monte, Calif., and 65 others, with reference to House bill 2082; to the Committee on the Judiciary.

4400. By Mr. WADSWORTH: Petition of Joseph Walters, of Rochester, N. Y., and others, opposing proposed legislation providing for partial or national prohibition; to the Committee on the Judiciary.

4401. By Mr. WIGGLESWORTH: Petition of the mayor and City Council of Brockton, Mass., urging enactment of legislation providing for the care and support of our honorably discharged veterans; to the Committee on World War Veterans' Legislation.

4402. By Mr. ARNOLD: Petition of Mr. and Mrs. Clyde Bachman and more than 300 other citizens of Kirksville, Mo., petitioning Congress to pass House bill 2082, introduced by Hon. JOSEPH R. BYRON, of South Carolina, to prohibit the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war, and until the termination of demobilization; to the Committee on the Judiciary.

## SENATE

WEDNESDAY, JANUARY 19, 1944

(Legislative day of Tuesday, January 11, 1944)

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

Dr. Fred S. Buschmeyer, pastor of the Mount Pleasant Congregational Church, Washington, D. C., offered the following prayer:

Almighty God, in all our planning we would seek wisdom and guidance from Thee, whose designs for men and nations are supreme in wisdom and in goodness. Grant us vision to see clearly the lines of Thy holy purpose traced upon the trestle boards of history. Seeing clearly Thy purpose, O Thou who art the strength of our hearts and hands, give us the courage and the power to perform our tasks and to fulfill our responsibilities in a manner pleasing unto Thee.

In times of stress and confusion may we hear the call of Thy voice above all clamor and dispute. In times of sacrifice may we be certain in our own hearts that our lives are being given first to Thee.

Lift us above all unworthy thought or action that as individuals and as a nation we may grow in true greatness.

Bless all who stand in our behalf in places of danger. May they, too, know the joy of a life committed completely unto Thee.

Bless this deliberative body and the Nation it represents that both may be used of Thee for the blessing of Thy people everywhere. In gratitude for all Thy mercies in the past and with reverent hope for the future we pray. Amen.

## THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, January 18, 1944, 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. Maurer, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 653. An act for the relief of Johnny Newton Strickland;

S. 1090. An act for the relief of John Henry Miller, Jr.; and

S. 1488. An act to authorize the Secretary of the Interior to convey to Jose C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, N. Mex.

The message also announced that the House had passed the bill (S. 184) to provide for the presentation of silver medals to certain members of the Peary Polar Expedition of 1908-09 with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 297. An act for the relief of the legal guardian of August Michels, a minor;

H. R. 443. An act for the relief of Dave Hougardy;

H. R. 1469. An act for the relief of Robert Beckwith, Julius Buettner, and Emma M. Buettner;

H. R. 2126. An act for the relief of David Cowan as natural guardian of Gilda Cowan, a minor;

H. R. 2455. An act for the relief of Hassler-Ponder Toy Manufacturing Co., Inc.;

H. R. 2456. An act for the relief of Moses Tennebaum;

H. R. 3195. An act for the relief of Willard Kerr, Jr.; and

H. R. 3504. An act for the relief of Wade Bros., a partnership composed of M. J., G. W., and Ovid Wade.

## CALL OF THE ROLL

Mr. WHITE. 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  
Andrews  
Austin  
Bailey  
Ball  
Bankhead  
Barkley  
Bilbo  
Bone  
Burton  
Bushfield  
Butler  
Byrd  
Capper  
Caraway  
Chavez  
Clark, Mo.

Connally  
Danaher  
Davis  
Downey  
Eastland  
Ellender  
Ferguson  
George  
Gillette  
Green  
Gurney  
Hatch  
Hawkes  
Hayden  
Holman  
Johnson, Colo.  
Kilgore

La Follette  
Langer  
Lodge  
McCarran  
McClellan  
McFarland  
McKellar  
Maloney  
Maybank  
Mead  
Millikin  
Moore  
Murdock  
Murray  
Nye  
O'Daniel  
O'Mahoney

Overton  
Pepper  
Radcliffe  
Revercomb  
Reynolds  
Robertson  
Russell  
Shipstead  
Stewart

Taft  
Thomas, Idaho  
Thomas, Okla.  
Thomas, Utah  
Tobey  
Truman  
Tunnell  
Tydings  
Vandenberg

Van Nuys  
Wagner  
Wallgren  
Walsh, Mass.  
Walsh, N. J.  
Wheeler  
White  
Wiley  
Willis

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

The Senator from Kentucky [Mr. CHANDLER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

The Senator from Nevada [Mr. SCRUGHAM] is absent on official business.

The Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], and the Senator from Illinois [Mr. LUCAS] are detained on public business.

Mr. WHITE. The Senator from Oregon [Mr. McNARY] and the Senator from Iowa [Mr. WILSON] are absent because of illness.

The Senator from Illinois [Mr. BROOKS] is absent on official business.

The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], the Senator from Kansas [Mr. REED], and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

## THE ROTATION OF NAVAL PERSONNEL

Mr. WALSH of Massachusetts. Mr. President, as a result of inquiries made to me and other members of the Committee on Naval Affairs of the Senate, the rotation of officers and enlisted men in the Navy was taken up with Admiral Jacobs, Chief of the Bureau of Personnel.

I ask to have printed in the RECORD at this point a statement made to me by Admiral Jacobs, which sets forth the policy of rotating enlisted personnel in the Navy.

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

The Bureau has announced the policy of rotating enlisted personnel for rehabilitation leave and reassignment, after a minimum period of service of 18 months in hazardous duty afloat or in outlying stations. However, this is promulgated as a matter of policy and not of directive since the granting of leave or rotation must be consistent with the maintenance of the fighting efficiency of the service. The method of effectuating this policy is a matter within the cognizance of administrative commands, and the granting of leave remains the prerogative of the commanding officer.

When men are returned under this plan it is usual to grant leave up to 30 days at the rate of 2½ days for each month served at sea or overseas. Upon return to the receiving station at which received, these men are made available for new construction or assigned to fleet activities from general detail.

In the case of survivors, return to the United States for 30 days' leave and reassignment is recommended, where practicable.

Effectuation of these policies depends materially upon personnel requirements in the particular theater or command, and it is not

possible to state at the time to what extent they will be found feasible.

#### ANNIVERSARY OF BIRTH OF ROBERT E. LEE

Mr. ANDREWS. Mr. President, I wish to take only a few minutes of the time of the Senate to make a few appropriate remarks in commemoration of the birthday of Gen. Robert E. Lee.

As a small boy and all through life I have revered the memory of Gen. Robert E. Lee. Today, on the anniversary of his birth, I take a few moments to honor this great and good man. In the period in which he lived, his every act was motivated by what he deemed to be his duty. He was a kindly Christian gentleman, abundantly endowed with those attributes which attract and hold friends. Though he suffered mental anguish and physical hardships, never once did he complain, and never once did his feet stray from the path of duty he had chosen to follow. In the Lord he put his trust, and in the Lord he was sustained.

The eminent historian, Douglas S. Freeman, selected the following incident to close his four-volume biography of General Lee. It happened in northern Virginia:

A young mother brought her baby to General Lee to be blessed. He took the boy in his arms and, after looking at it and then at the mother, he slowly said: "Teach him he must deny himself."

How timely these words are today. We should all take them to heart, for by doing so we not only would be better men and women but we would also contribute materially toward shortening the war. Time saved means lives saved. It is now, as always, later than we think.

I do not believe it inopportune to invoke the blessings of Providence on our Chief of Staff, Gen. George C. Marshall, who possesses to a marked degree many of the fine qualities and characteristics of General Lee. We are, indeed, most fortunate in having his services at this crucial time. I pray that his health will continue robust; that he will, as in the past, speak when he conceives it his duty to speak; and that in the well-nigh overwhelming responsibility he is called upon to bear, he will be guided and sustained by Him to whom we all turn in moments of supreme crisis.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

##### PERSHING HALL MEMORIAL FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, an itemized report of transactions for account of the Pershing Hall Memorial Fund (with an accompanying paper); to the Committee on Military Affairs.

##### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report stating all the facts and pertinent provisions of law in the cases of 238 individuals whose deportation has been suspended for more than 6 months under the authority vested in the

Attorney General, together with a statement of the reason for such suspension (with accompanying papers); to the Committee on Immigration.

##### SPECIAL STATISTICAL STUDIES, ETC., BUREAU OF FOREIGN AND DOMESTIC COMMERCE

A letter from the Acting Secretary of Commerce, transmitting, pursuant to the act of May 27, 1935 (49 Stat. 292), statements showing the names for whom special statistical work has been performed, the nature of the services rendered, the price charged therefor, and the manner in which the moneys received were deposited or used (with accompanying papers); to the Committee on Commerce.

##### REPORT OF SOCIAL SECURITY BOARD

A letter from the Administrator of the Federal Security Agency, transmitting, pursuant to law, the eighth annual report of the Social Security Board for the fiscal year ended June 30, 1943 (with an accompanying report); to the Committee on Finance.

##### PERSONNEL REQUIREMENTS, THE OFFICE OF CENSORSHIP

A letter from the Chief, Administrative Division of the Office of Censorship, transmitting, pursuant to law, an estimate of personnel requirements of that office for the quarter ending March 31, 1944 (with accompanying papers); to the Committee on Civil Service.

##### REPORT OF THE NATIONAL ARCHIVES TRUST FUND BOARD

A letter from the chairman of The National Archives, transmitting, pursuant to section 10 of the National Archives Trust Fund Board Act, approved July 9, 1941 (55 Stat. 581), the annual report of the National Archives Trust Fund Board for the fiscal year ended June 30, 1943 (with an accompanying report); to the Committee on the Library.

##### RESOLUTION OF CONNECTICUT STATE DENTAL ASSOCIATION CONCERNING SENATE BILL 1161

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be inserted in the body of the RECORD, and appropriately referred, a letter which I have received from Dr. Earle S. Arnold, secretary of the Connecticut State Dental Association, West Hartford, Conn., and a copy of a resolution adopted by the board of governors of that association, concerning Senate bill 1161.

There being no objection, the letter and resolution were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

##### CONNECTICUT STATE DENTAL ASSOCIATION,

West Hartford, Conn., January 16, 1944.  
Hon. FRANCIS MALONEY,  
Senate Office Building,  
Washington, D. C.

MY DEAR SENATOR MALONEY: Enclosed is a copy of a resolution adopted by the board of governors of the Connecticut State Dental Association January 8, 1944.

As required by the resolution, I am forwarding a copy for your attention, so that you may know the feeling of the Connecticut State Dental Association in regard to this proposed Senate bill 1161 (Wagner-Murray-Dingell bill).

Very truly yours,

EARLE S. ARNOLD, D. D. S.,  
Secretary.

Be it resolved, That the board of governors of the Connecticut State Dental Association, while approving the motives of Senate bill

1161 (Wagner-Murray-Dingell bill), does condemn the machinery it proposes to set up for procurement of funds and administration of those funds, and for the procurement of personnel and the administration of that personnel, and that this board of governors so inform the board of trustees of the American Dental Association in whose hands the matter is entrusted, and urge them to do all in their power to defeat this pernicious legislation; be it further

Resolved, That a copy of this resolution be sent to the president of the American Dental Association, to the trustee of the first district, and to each of the United States Senators and Representatives from Connecticut.

##### RESOLUTION AND MEMORIALS OF FLORIDA LEGISLATURE

Mr. PEPPER. Mr. President, I ask unanimous consent to present for appropriate reference and printing in the RECORD, under the rule, a concurrent resolution and two memorials of the Legislature of the State of Florida memorializing or petitioning the Congress.

The VICE PRESIDENT. Without objection, the resolution and memorials will be received and appropriately referred:

To the Committee on Commerce:

##### Senate Memorial 3

A memorial to the Congress of the United States of America urging that all departments and functions of the Federal Government relating to commercial fishing and fisheries be transferred from the United States Department of Interior and placed under the United States Department of Agriculture

Whereas, by reason of the present war in which the United States of America is engaged, there exists a meat shortage in this country; and

Whereas a considerable amount of food produced and consumed by the people of this country consists of fish and sea foods, which is helping to alleviate the existing meat shortage; and

Whereas all departments and functions of the Federal Government relating to commercial fishing and fisheries are now administered by the United States Department of Interior; and

Whereas such department and functions more properly belong under the United States Department of Agriculture and if transferred from the United States Department of Interior to the United States Department of Agriculture, such change would be conducive to greater production of fish and sea foods and would aid and assist our country in combating the existing meat shortage and facilitate the prosecution and successful early termination of the present war: Be it

Resolved by the Legislature of the State of Florida:

SECTION 1. That we do hereby respectfully memorialize and petition the Congress of the United States of America to take such action as is necessary to immediately effect the transfer of all departments and functions of commercial fishing and fisheries under the Federal Government from the United States Department of Interior and place the same under the United States Department of Agriculture.

SEC. 2. That a copy of this memorial under the Great Seal of the State of Florida be immediately forwarded by the secretary of state to the President of the United States Senate, to the Speaker of the House of Representatives of the United States Congress and to each Member of the delegation representing the State of Florida in both the House of



Representatives and Senate of the Congress of the United States of America.

Sec. 3. That a copy of this memorial be spread upon the journal of both the Senate and the House of Representatives of the State of Florida and that sufficient copies thereof be furnished to the press.

Approved by the Governor May 27, 1943.

Filed in office of secretary of state May 27, 1943.

#### Senate Concurrent Resolution 8

Resolution urging the Congress of the United States to take action on a project for the construction of a waterway connecting the St. Johns River and Indian River in Florida in the interest of flood control and navigation

Whereas the agricultural and cattle industries in the valley of the St. Johns River are seriously handicapped and made economically unfeasible by the frequent recurrences of destructive floods; and

Whereas studies have demonstrated that these floods can be controlled and the now existing agricultural and cattle industries can be tremendously expanded by the creation of a channel connecting the two said rivers; and

Whereas such a channel will be susceptible of commercial and recreational navigation affording economic transport facilities connecting the interior of the peninsula with many important centers on the east coast of Florida; and

Whereas the benefits to agricultural and cattle production and commerce would not be confined to the State of Florida, but on the contrary would extend to the entire Atlantic coast region and the territory commercially tributary thereto: Now, therefore, be it

*Resolved by the senate (the house of representatives concurring):*

SECTION 1. That the Congress of the United States is hereby urged to pass proper authorizing legislation for this much-needed project.

SEC. 2. That copies of this resolution be forwarded to the Florida Senators and Congressmen, with the request that they do all in their power to further this project.

Approved by the Governor May 26, 1943.

Filed in office, secretary of state, May 26, 1943.

#### To the Committee on Foreign Relations:

##### House Memorial 15

Memorial to the President and Congress to call a convention to frame a federal constitution for world government

Whereas peace under ordered liberty throughout the world is an end devoutly to be desired and worth making sacrifices to attain; and

Whereas intercommunication has become so rapid and the instruments of destruction so deadly that no nation can now lead a life of isolation in peace and safety; and

Whereas systems of alliance and balances of power and leagues have failed to accomplish more than a breathing space between wars; and

Whereas the people of the Thirteen States once faced the urgent need which freemen throughout the world now face—the vital need of uniting their power in the strongest way to secure their common rights; and

Whereas the people of the Thirteen States then met that need by creating a common government, in the midst of war, and when the war was thus won but the peace was endangered helped develop that emergency government into the more perfect Union embodied in the Constitution of the United States; and

Whereas these principles of federal union have proved for more than 150 years to be

the most successful solution known to history of the problem now confronting all free peoples, viz, how to unite, so that all may live together peacefully, with freedom and prosperity; and

Whereas the American people have never yet explored how far they might apply their federal principles beyond the confines of the 48 States in conjunction with other free peoples so as to secure the lasting world peace that only ordered liberty can provide; and

Whereas such exploration cannot possibly do any harm and may achieve as great good as our Federal Convention of 1787: Now, therefore, be it

*Resolved by the Legislature of the State of Florida, That the President and the Congress be requested to call at the earliest possible moment a convention of representatives of all free peoples, to frame a federal constitution under which they may unite in a democratic world government, subject to ratification by each people concerned; and be it further*

*Resolved, That copies of this resolution be sent to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each of the Senators and Representatives of Florida in the Congress of the United States.*

Approved by the Governor June 5, 1943.

Filed in office of secretary of state June 7, 1943.

#### BILLS INTRODUCED

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

By Mr. BALL:

S. 1660. A bill granting the consent of Congress to the Minnesota Department of Highways and the county of Crow Wing in Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at Mill Street, in Brainerd, Minn.; to the Committee on Commerce.

By Mr. KILGORE:

S. 1661. A bill granting an increase of pension to Jess Musgrave; to the Committee on Pensions.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 297. An act for the relief of the legal guardian of August Michela, a minor;

H. R. 443. An act for the relief of Dave Hougardy;

H. R. 1469. An act for the relief of Robert Beckwith, Julius Buettner, and Emma M. Buettner;

H. R. 2126. An act for the relief of David Cowan as natural guardian of Gilda Cowan, a minor;

H. R. 2455. An act for the relief of Hassler-Ponder Toy Manufacturing Co., Inc.;

H. R. 3195. An act for the relief of Willard Kerr, Jr.; and

H. R. 3504. An act for the relief of Wade Bros., a partnership composed of M. J. G. W., and Ovid Wade; to the Committee on Claims.

H. R. 2456. An act for the relief of Moses Tennenbaum; to the Committee on Immigration.

#### AMENDMENTS TO THE REVENUE ACT

Mr. LANGER submitted an amendment and Mr. FERGUSON (for Mr. Buck) submitted an amendment intended to be proposed to the bill (H. R. 3687) to provide revenue, and for other purposes, which were each ordered to lie on the table and to be printed.

Mr. TRUMAN. Mr. President, I ask unanimous consent on behalf of the Senator from New Mexico [Mr. Hatch] and

myself that I be permitted to offer a substitute for the amendment offered by the Senator from New Mexico [Mr. Hatch] and myself on January 14 as an amendment to section 252, credit against income and excess-profits taxes of sums invested in post-war reconversion bonds. I ask that the amendment intended to be proposed to House bill 3687, the tax bill, may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

#### INVESTIGATION OF RURAL ELECTRIFICATION ADMINISTRATION—LIMIT OF EXPENDITURES

Mr. BILBO (for Mr. SMITH) submitted the following resolution (S. Res. 238), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved, That the limit of expenditures authorized under Senate Resolution 197, Seventy-eighth Congress, first session, agreed to December 9, 1943 (authorizing the employment of assistants and the expenditure of funds in a proposed investigation of the administration of the Rural Electrification Act), is hereby increased by \$15,000.*

#### WILLIAM J. EWING—WITHDRAWAL OF PAPERS

On motion of Mr. WHITE (for Mr. McNARY), it was

*Ordered, That the papers accompanying the bill (S. 914, 75th Cong.) for the relief of William J. Ewing, be withdrawn from the files of the Senate, no adverse report having been made thereon.*

#### BRIEF ANALYSIS OF BENEFITS TO VETERANS AND DEPENDENTS (S. DOC. NO. 146)

Mr. CLARK of Missouri. Mr. President, at my request, in my capacity as chairman of the Subcommittee on Veterans' Affairs of the Committee on Finance, the Veterans' Bureau has prepared an exhibit graphically setting forth all the benefits to which veterans of the various wars of the United States, or of the Regular Establishment, are entitled. They are set out in parallel columns—the Indian Wars; the Civil War; the War with Spain; the Philippine Insurrection; the Boxer Rebellion; benefits to which veterans of the Regular Establishment are entitled; and benefits to which veterans of World War No. 1 and World War No. 2 are entitled.

I believe that this analysis of the pensions and compensation under the law as administered by the Veterans' Administration is sufficiently detailed to be of great value to Members of Congress and should, if published as a Senate document, speed up consideration of veterans' bills by removing, to a great extent, misunderstanding or lack of more complete information as to the benefits now provided by law. A chart of this nature will also meet a long-standing need in our own offices and to organizations and individuals directly interested in veterans' affairs.

The analysis, which was prepared by the Veterans' Administration, covers four main subjects—

First, pension or compensation to veterans for service-connected disabilities;

Second, pension or compensation to widows, children and dependent parents based upon service-connected death;

Third, pension to veterans for non-service-connected disabilities or age; and

Fourth, pension or compensation to widows and children based upon death not shown to be due to service.

Under these headings are found the monthly rates, both general and specific; the conditions of eligibility; dates of service; limitations if any, on eligibility; special provisions governing determination of service connection; and definitions.

The analysis covers all wars and the Regular Establishment, and after each provision under the various headings the citation to the existing law is given, the United States code citation being used for convenience. Where a provision is regulatory, reference is made to published regulations and procedure of the Veterans' Administration.

Mr. President, I believe this will be one of the most valuable documents in the consideration of veterans' legislation under the proper application of the laws already in existence that could possibly be conceived. For that reason I ask unanimous consent that it may be printed as a Senate document. I may say that if that is done, I shall probably subsequently ask unanimous consent that an additional number be printed so that it may be made available for the use of members of Congress and generally by those interested in the subject of veterans' benefits throughout the Nation.

The VICE PRESIDENT. Without objection, the analysis will be printed as a Senate document.

#### PRESENTATION OF SILVER MEDALS TO CERTAIN MEMBERS OF PEARY POLAR EXPEDITION

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 184) to provide for the presentation of silver medals to certain members of the Peary Polar Expedition of 1908-09, which was, on page 2, line 8, to strike out "\$500" and insert "\$750."

Mr. WHITE. I move that the Senate concur in the amendment of the House. The motion was agreed to.

#### REHABILITATION OF VETERANS

Mr. WILEY. Mr. President, in relation to pending legislation having to do with the rehabilitation of veterans, I have a letter from the American Legion headquarters here in Washington; from the American Legion of Bluefield, W. Va.; from the American Legion at Kensington, Md.; and from the American War Dads, which I ask to have printed in the RECORD.

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

THE AMERICAN LEGION,  
NATIONAL HEADQUARTERS,  
Indianapolis, Ind., December 21, 1943.  
Senator ALEXANDER WILEY,  
United States Senate, Washington, D. C.  
DEAR SENATOR WILEY: The American Legion is in complete accord with your thought that there should be an over-all plan for assisting World War veterans into useful em-

ployment, and also providing for their hospitalization and compensation if disabled.

At our Omaha convention the Legion endorsed the placing of all remedies and benefits of this character under the jurisdiction of one agency, the Veterans' Administration.

At the present moment a special committee of the American Legion on rehabilitation and employment, under the chairmanship of John Stell, former Governor of Illinois, are studying the whole problem of aiding the veteran and at the same time benefiting our national economy.

I am forwarding your letter and bill to Chairman Stell, and will discuss them with him on my return in January.

Very truly yours,

WARREN H. ATHERTON,  
National Commander.

THE AMERICAN LEGION,  
BLUEFIELD POST, No. 9,

Bluefield, W. Va., January 3, 1944.

Senator WILEY,

Senate Chamber, Washington, D. C.

DEAR SENATOR: The Bluefield Daily Telegraph, a local newspaper serving southern West Virginia and Virginia carried an article outlining your views on the handling of veterans' affairs.

I wish you to know that many, many Legionnaires are grateful to you for the stand you are taking to have all veterans' affairs handled by one agency, instead of four or more, none of which will admit the gross injuries being done our discharged veterans, through their neglect in handling just claims, and so forth, promptly.

This apparent inefficiency of the several agencies in handling, or rather delaying, just claims of honorably discharged servicemen should be immediately corrected, and I know the American Legion stands ready to do what it can to correct any inefficiency in the handling of veterans' affairs, as soon as our hands are untied.

Yours very truly,

L. J. SOULIER,  
Commander.

ARNOLD WILBURN POST, No. 30,

AMERICAN LEGION,

Kensington, Md., December 3, 1943.

Senator ALEXANDER WILEY,

The United States Senate,

Washington, D. C.

DEAR SENATOR WILEY: Your forthright and far-sighted action on the problem of rehabilitation lends inspiration to every one of us concerned with this solemn duty.

The fine record of the Veterans' Administration has earned the veterans' confidence. This is half the battle.

Your plan is sound and holds promise of seeing this job through without the confusion which threatens to engulf this work.

Sincerely yours,

NEWTON T. CASHION,  
Post Adjutant, Silver Spring, Md.

NATIONAL COUNCIL,

AMERICAN WAR DADS,

Kansas City, Mo., January 12, 1944.

The Honorable ALEXANDER WILEY,

United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has just been called to an article titled "Senators WILEY and BUCK Discuss Future of Veterans," which appeared in the January 6, issue of the National Tribune—Stars and Stripes. I take it you have read this article.

Will you be good enough to let us have for publication in the American War Dad magazine, February issue, the script of your broadcast over the Columbia Broadcasting System on December 28 mentioned in that article.

We at these headquarters are very sure you must be in sympathy with the service objectives of the American War Dads move-

ment. Therefore we would welcome an article from you, with an accompanying photograph of yourself, to the columns of the American War Dad.

As the lay-out for the February issue is now under way, it would be helpful to have word from you by return mail, if possible, as to whether we may count on this contribution from you. If necessary, copy would not need to reach us until January 20.

Blessings on you as you carry the ball in so important a connection as proper and just legislation on behalf of our returning war veterans.

Awaiting your earliest convenient reply, believe me,

Yours sincerely and respectfully,  
VERNE W. GOULD,  
National Program Director.

#### WORLD PEACE—ADDRESSES AT UNITED NATIONS FORUM, JANUARY 17, 1944

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD addresses upon the subject of world peace delivered by Senator Barkley, Senator Taft, Senator Truman, and Senator Ball, and by Hon. A. A. Berle, Jr., Assistant Secretary of State, before the United Nations Forum, Washington, D. C., on January 17, 1944, which appear in the Appendix.]

#### MR. STALIN'S ATTITUDE—EDITORIAL FROM WASHINGTON TIMES-HERALD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial entitled "What's Pal Joey Up To?" published in the Washington Times-Herald for January 19, 1944, which appears in the Appendix.]

#### ADDRESS BY FRANK S. BOICE AT ANNUAL MEETING OF AMERICAN NATIONAL LIVE STOCK ASSOCIATION

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an address delivered by President Frank S. Boice at the forty-seventh annual meeting of the American National Live Stock Association, Denver, Colo., January 13, 1944, which appears in the Appendix.]

#### ADDRESS BY ASSOCIATE JUSTICE LOUIS LE BARON OF THE HAWAIIAN SUPREME COURT

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Associate Justice Louis Le Baron, of the Hawaiian Supreme Court, at the I Am An American Day ceremony at Honolulu, Hawaii, on May 16, 1943, which appears in the Appendix.]

#### THE REVENUE ACT

The Senate resumed the consideration of the bill (H. R. 3687) to provide revenue, and for other purposes.

Mr. REVERCOMB. Mr. President, I offer an amendment to the pending bill, which I ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 114, after line 11, in section 1700 (a), in the column headed "War tax rate," after the language "1 cent for each 5 cents or fraction thereof," it is proposed to add "except admissions to moving-picture shows, for which the tax shall be 1 cent for each 10 cents or fraction thereof."

Mr. GEORGE. Mr. President, I did not hear what the amendment provides. Is it limited to the moving-picture-admittance tax?

Mr. REVERCOMB. Yes. The effect of the amendment is to change the war-tax rate as proposed in the pending bill as to moving-picture shows only.



The VICE PRESIDENT. Is there objection to reconsideration of the vote by which the committee amendment, as amended, was agreed to? The Chair hears none, and the vote is reconsidered. The question is on agreeing to the amendment proposed by the Senator from West Virginia to the amendment of the committee.

Mr. REVERCOMB. Mr. President, I wish to make a brief statement explaining the purpose of the amendment, and submit a few remarks in support of it.

The only effect of the amendment would be to change the newly proposed war-tax rate upon admissions with respect to moving-picture shows only. At the present time the rate of taxation for admissions to moving-picture shows is 1 cent for each 10 cents or fraction thereof. That is the rate as to all admissions. The pending bill proposes that there shall be a change in the rate for all admissions—1 cent for each 5 cents or major fraction thereof. My amendment proposes that the old rate shall apply to moving-picture shows.

Mr. President, I feel that special consideration may be given to taxing admissions to picture shows because that form of entertainment and enlightenment has become almost a national institution. I am not attempting to affect in any way the new proposed tax on admissions to other places of entertainment. But the moving picture shows are found in almost every community.

They are patronized generally by all our people. Together with the press and with the radio they have become institutions of education, maybe good, maybe bad in some instances, but indeed, they have become places where the people of this country repair to see what is going on, to learn of current events, and to be entertained with the pictures they find exhibited there.

The proposed increase in tax will not fall upon the picture theaters. It will fall upon the people who attend those places. In many of the small towns of this country the moving-picture house is the only place to which the citizens may go for entertainment, for diversion; and on that point let me say that it has become quite a place of refuge and of comfort in these trying times. Those who have their loved ones, their sons and their husbands and their fathers, serving in the armed forces, who are living under the constant strain, the constant torment of the news that may come, often go there to find some surcease from worry and some diversion in these days that are so trying for us all.

Mr. President, if it can reasonably be avoided I do not believe that we should add another burden, another tax, upon the privilege of attending motion-picture shows. I doubt very much that the proposed tax will cut down any attendance there. It is not going to be a burden upon the moving-picture theaters, and I hold no brief for that cause whatsoever, but it does lay an extra burden on those people who desire the benefit, the entertainment, the diversion, if you please, so much needed today.

It is for that reason, Mr. President, that I propose to the Senate now that

the tax upon admissions to moving-picture theaters be left alone; that a 10-percent tax, 1 cent upon each 10 cents or fraction thereof is sufficiently high. I therefore ask that the amendment may be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. REVERCOMB] to the committee amendment, as amended. [Putting the question.] The "nays" seem to have it—

Mr. REVERCOMB. I ask for a division.

On a division the amendment to the committee amendment, as amended, was rejected.

The VICE PRESIDENT. Without objection, the committee amendment, as amended, is agreed to.

Mr. MURRAY. Mr. President, I send to the desk an amendment and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 190, after line 4, it is proposed to insert the following:

SEC. 902. Sec. 201 (a) of the Social Security Act, as amended, is further amended by adding at the end of the subsection the following:

"There is also authorized to be appropriated to the trust fund such additional sums as may be required to finance the benefits and payments provided under this title."

Mr. MURRAY. Mr. President, in view of the fact that the committee amendment, which has already been agreed to, will freeze the social-security tax, this amendment is being proposed by me to make clear the intent which I understand the Committee on Finance had in mind in connection with this matter. In the report of the Finance Committee the following statement is made:

It is obviously true that the change to the basis of contingent reserves, as contemplated by the amended statutes, that Congress obligates itself in the future to make whatever direct appropriations (in lieu of appropriations for interest on bonds in reserve) are necessary to maintain the full and complete solvency of the old-age and survivors' benefits funds, because there could be no more solemn public trust. This is inherent in the decision made by Congress in 1939.

That statement is to be found on page 19 of the committee report.

Mr. President, in view of that statement in the report, and in view of the fact that the able Senator from Michigan [Mr. VANDENBERG] has stated—and I quote his exact language:

We pledge the Congress to an equivalent direct appropriation to social security to preserve the integrity of its obligations.

I believe that the amendment which I am proposing will be considered as non-controversial, and will be accepted as merely stating in the law what the Senate has implied by its previous actions and by the statement contained in the committee report.

Of course, I wish to make it clear that I was opposed to the freezing of the social-security tax. However, in view of the fact that the Senate has voted to freeze this tax, I think that the Senate should in good faith enact this necessary

legislation to clarify the provision in the law, and to make the long-run financing of the insurance program completely clear.

I think it was made very clear in the debate that that was the intent, and therefore, as I say, the intent should be stated in the bill so there can be no doubt about it.

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

Mr. MURRAY. I yield.

Mr. VANDENBERG. So far as the principle contained in this amendment is concerned I completely agree with the Senator from Montana. I know of no particular reason why it should not be stated as indicated in the Senator's amendment. I want to make it perfectly clear, however, that this carries with it, so far as I am concerned, and so far as the record is concerned, no implication that any additional sums are necessary now or in the foreseeable future. So far as the immediate situation is concerned, it is perfectly obvious that the current pay-roll-tax collections will be probably four times the sums required to finance the "benefits and payments provided under this title" for the coming year. And when the existing reserves, without any additional collections whatever, are added, it is the testimony of the Social Security Board itself that the funds available are 11 times the "benefits and payments provided under this title" at the highest peak in the next 5 years. I insist that the amendment has no immediate application, it has no immediate menace, it contemplates and anticipates no immediate appropriation; but as the statement of a principle, I agree with the amendment completely, and so far as I am concerned, I have no objection to its inclusion in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MURRAY].

The amendment was agreed to.

Mr. CLARK of Missouri. Mr. President, I call up an amendment which lies on the desk, which I offer, and ask to have read.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. On page 64, after line 6, it is proposed to insert the following:

SEC. —. Unused excess-profits credit.

(a) Section 710 (c) (3) of the Internal Revenue Code is amended by inserting after subparagraph (B) the following new subparagraph:

"(C) Certain reorganized railroad corporations and predecessor corporations deemed to be same taxpayer: For the purposes of this subsection, if the basis of the property of a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended, is prescribed by section 113 (a) (20), the acquiring corporation and the corporation whose property was acquired, within the meaning of section 113 (a) (20), shall be deemed to be the same taxpayer."

(b) Taxable years to which applicable: The amendment made by this section shall be applicable to taxable years beginning after December 31, 1939.

Mr. CLARK of Missouri. Mr. President, the purpose of the amendment is to

correct an obvious and, I am very certain, an unintentional discrimination in the law as it now exists. In the present state of the law, a very material difference is made between railroad corporations which have reorganized and maintained their theretofore existing corporate structure, and railroads in connection with the reorganization of which, by reason of the local law, it has been necessary to form a new corporation. I do not think that was ever the intention of the Congress, in the first place. I think it should be corrected. I do not think there is any basis of distinction as to the carry-over—and that is all the amendment applies to—as between corporations which are organized in States where they are permitted to reorganize with the old corporation in existence and corporations located in States where the local law is different, and where they are required to form a new corporation.

I am frank to say that this matter was not called to my attention in time for it to be offered in the Finance Committee. All that I ask now is that the Senator from Georgia take the amendment to conference and, if he finds merit in the proposition, that he endeavor to keep it in the bill.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield for a question?

Mr. CLARK of Missouri. I yield.

Mr. JOHNSON of Colorado. I have no objection to the amendment—in fact, I am supporting it—but I desire to know where the amendment would go into the bill? Would it go into section 117, on page 64?

Mr. CLARK of Missouri. Mr. President, inasmuch as I was requesting that the matter be taken to conference, I did not specify the physical place in the bill where it should be inserted. I did provide specifically as to the section of existing law which should be modified; and if the conferees thought well of the proposition, I think they would be able, in drafting the final conference report, to locate the proper place.

Mr. JOHNSON of Colorado. That is a very important parliamentary point, Mr. President, for the reason that none of the language in section 115 pertains to railroad reorganizations.

Mr. CLARK of Missouri. Mr. President, I offered the amendment, as it provides, to be inserted in the bill on page 64, after line 6.

Mr. JOHNSON of Colorado. Very well.

Mr. CLARK of Missouri. I offered the amendment to be inserted on page 64, after line 6 of the amendment offered by the Senator from Georgia, and heretofore adopted by the Senate. There was no opposition to the adoption of the amendment. I propose to have my amendment inserted in the bill after the amendment offered by the Senator from Georgia and agreed to by the Senate.

Mr. JOHNSON of Colorado. That is entirely agreeable. However, I desire to be sure that the amendment goes into the bill at that place.

Mr. CLARK of Missouri. If the Senator will read the amendment, which has been printed, he will observe that at the

beginning of the amendment it is stated "Amendment intended to be proposed by Mr. CLARK of Missouri to the bill (H. R. 3687) to provide revenue, and for other purposes, viz: On page 64, after line 6, insert the following."

Mr. JOHNSON of Colorado. That is entirely satisfactory.

Mr. CLARK of Missouri. To be sure, Mr. President, the number of the section has been left blank, because that is a matter of draftsmanship which the drafting clerks of the conference would necessarily have to fill in if the amendment is retained by the conferees.

Mr. JOHNSON of Colorado. I now have a printed copy of the Senator's amendment before me, and the amendment is entirely satisfactory.

Mr. GEORGE. Mr. President, the amendment offered by the Senator from Missouri raises certain highly controversial questions, but I will not oppose taking it to conference and examining it in conference on its merits.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK].

The amendment was agreed to.

Mr. GEORGE. Mr. President, I offer an amendment which I send to the desk and ask to have stated, following which I shall make a brief explanatory statement.

The VICE PRESIDENT. The amendment offered by the Senator from Georgia will be stated.

The LEGISLATIVE CLERK. On page 108, after line 2, it is proposed to insert the following new section:

Sec. 209. Exempt corporations.

(a) Section 727 (h) of the Internal Revenue Code is amended by adding at the end thereof the following new sentence: "For the purposes of this paragraph, such exclusion shall also be made in determining the unused excess-profits credit for such year."

(b) The amendment made by this section shall be effective as of the date of the enactment of the Excess Profits Tax Act of 1940.

Mr. GEORGE. Mr. President, the purpose of this amendment is to provide an excess-profits-credit carry-over for air transport companies for purposes of section 727 (h) of the code, computed consistently with the excess-profits-tax exemption now provided for them under that section.

Under section 727 (h), such companies are exempt from excess-profits tax if, in effect, their excess-profits credit equals or exceeds their excess-profits net income from sources other than mail revenue. The intended effect of this provision was to exempt mail revenue from the excess-profits tax if ordinary income was less than the excess-profits credit. However, a carry-over must be provided in those cases where ordinary income is less than the excess-profits credit in order to effectuate this policy.

This amendment carries out this policy, and treats the amount of the difference between ordinary revenue and the credit as an unused excess-profits credit, to be carried over as a part of the excess-profits-credit carry-over for the purpose of determining the status of the taxpayer

under section 727 (h) for any year which may be affected.

I should add, Mr. President, that I am asking the adoption of this amendment because the matter was discussed in one conference heretofore, and at the time of the discussion it was found that the bill then under consideration was not open in conference for such an amendment. At that time it was believed that an amendment could be formulated which would have Treasury approval. I should say frankly that the Treasury does not approve this amendment, but I have the feeling that it sets forth a sound public policy. I ask for its adoption by the Senate in order that it may have fuller consideration in the conference.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. GEORGE].

The amendment was agreed to.

Mr. GEORGE. Mr. President, I find one or two other amendments on the desk, but they are not being pressed at the moment by the Senators who submitted them. So far as I know, there is no other amendment to be considered to the tax title of the bill.

Mr. THOMAS of Oklahoma. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Oklahoma will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

Amend United States Code, 1940, title 26, section 122 (c), by striking the numeral (1) immediately after the letter (d).

Mr. THOMAS of Oklahoma. Mr. President, I should like to have the attention of the chairman of the committee.

I have just offered an amendment to the law and not to the bill. This amendment is offered to the code, title 26, section 122, relating to net operating loss deduction. It comes under (c), which relates to the amount of net operating loss deduction, and which reads as follows:

(c) Amount of net operating loss deduction.

The amount of the net operating loss deduction shall be the amount of the net operating loss carry-over reduced by the amount, if any, by which the net income (computed with the exceptions and limitations provided in subsection (d) (1), (2), (3), and (4)) exceeds, in the case of a taxpayer other than a corporation, the net income (computed without such deduction), or, in the case of a corporation, the normal-tax net income (computed without such deduction).

The provision of the code relating to exceptions and limitations reads as follows:

(d) Exceptions and limitations.

The exceptions and limitations referred to in subsections (a), (b), and (c) shall be as follows:

(1) The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value or to percentage depletion under section 114 (b) (2), (3), or (4).



The real purpose of the amendment is to strike out what many conceive to be a discrepancy and an injustice to certain classes of taxpayers, both individual and corporate. Paragraph (1) has the effect in some instances of depriving taxpayers of the benefits of percentage depletion for all taxable years since 1938, or for a period of 5 taxable years.

I know that the amendment is a technical and complicated one, and, if it be agreeable, I should like to have it taken to conference. If it possesses merit I am sure the conferees will do the proper thing by it, and if it does not I can have no objection if the amendment is not agreed to. I may say that this is the amendment with reference to which my colleague the junior Senator from Oklahoma [Mr. MOORE] prepared a rather lengthy letter and submitted it to the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

Mr. GEORGE. Mr. President, I do not know what the amendment means. It has not been printed.

Mr. THOMAS of Oklahoma. That is correct.

Mr. GEORGE. It is a complicated amendment. My attention has been called to the fact, however, that the amendment, or the substance of it, was offered in the committee and the committee rejected it. I do not feel at liberty to accept the amendment inasmuch as the committee as a whole passed upon it.

I know that the general effect of the amendment has heretofore been opposed by the Treasury, and inasmuch as the amendment was presented to the full committee and rejected by it, I feel obliged to oppose it. I cannot accept it.

Mr. THOMAS of Oklahoma. Mr. President, as a part of my remarks, and as a further explanation of the amendment, I submit for the RECORD a copy of the letter which was addressed by my colleague the junior Senator from Oklahoma to the Senator from Georgia under date of November 29, 1943. The letter explains the matter in detail. In the event the amendment should be agreed to by the Senate and then, after experts have passed on it, it should be held by the conferees not to have merit, I, of course, would have no objection and would interpose none. I should like to have the amendment go to conference for study in harmony with the suggestion made in the letter submitted by my colleague the junior Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WASHINGTON, D. C., November 29, 1943.  
Senator WALTER F. GEORGE,  
Chairman, Senate Committee on Finance.  
MY DEAR SENATOR: There is now pending before your committee certain amendments to the Internal Revenue Code recently passed by the House, and, in this connection, the effect of section 122 (c), as applied to oil, gas, coal, and other natural-resource producers in certain cases, has been called to my attention.

Section 114 (b) of the Revenue Code permits an allowance for depletion for oil and gas wells, coal mines, and metal mines. In the case of oil and gas wells, the allowance for depletion, under section 23 (m) of the code, is 27½ percent of the gross income from the property during the taxable year, excluding rents or royalties paid or incurred by the taxpayer. Such allowance may not exceed, however, 50 percent of the net income of the taxpayer from the property (computed without allowance for depletion).

Section 122 (c) provides:

The amount of the net operating-loss deduction shall be the amount of the net operating-loss carry-over reduced by the amount, if any, by which the net income (computed with the exceptions and limitations provided in subsection (d) (1), (2), (3), and (4) exceeds, in the case of a taxpayer other than a corporation, the net income (computed without such deduction), or, in the case of a corporation, the normal-tax net income (computed without such deduction).

Section 122 (d) (1) provides:

The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value or to percentage depletion under section 114 (b) (2), (3), or (4).

It will, therefore, be apparent that section 122 (c), in permitting a net operating loss carry-over and a net operating loss carry-back to the taxable year, in determining the net operating loss deduction, limits

(a) Example:

	1941	1942	Projected period		
			1943	1944	1945
Normal tax, net income or loss.....	\$45,000	\$50,000	<sup>1</sup> \$595,000	<sup>1</sup> \$65,000	\$400,000
Excess of percentage over cost depletion.....	105,000	110,000	95,000	100,000	150,000
Net gain or loss.....	150,000	160,000	<sup>1</sup> 500,000	35,000	550,000
Application.....	<sup>1</sup> 150,000	<sup>1</sup> 160,000		<sup>1</sup> 35,000	155,000
Taxable income.....					395,000

<sup>1</sup> Loss.

(b) Comparable example (same aggregate income):

Net gain or loss.....	\$79,000	\$79,000	\$79,000	\$79,000	\$79,000
Excess of percentage over cost depletion.....	105,000	110,000	95,000	100,000	150,000
No taxable income.....	<sup>1</sup> 26,000	<sup>1</sup> 31,000	<sup>1</sup> 16,000	<sup>1</sup> 21,000	<sup>1</sup> 71,000

<sup>1</sup> Loss.

In each case, for the 5-year period, the aggregate net income is \$395,000. The lucky producer with an equal distribution of earning pays no tax and could have realized, on the same distribution basis, an additional net income of \$165,000 or a total net income of \$560,000 without any tax liability. The hard luck producer has an aggregate net income of \$395,000 and pays tax on every dollar of it.

Section 114 (b) provides for percentage depletion. It is a relief section of the law which grants a special privilege to producers of oil and gas, due to the hazardous nature of such a business. It places oil, gas, and other natural resource businesses on an equitable basis with other business enterprises. Its purpose must be to do that particular thing based on the accumulated evidence, or else it has no just or proper place in the tax laws.

All of the reductions with respect to a usable loss (and there are no net additions under subsection (d) even though the words "exceptions, additions, and limitations" are used) are in respect of tangible transactions (resulting in cash in the till) excepting (d) (1)—excess of percentage depletion. The tangible transactions are subject to control without any disastrous consequences to an enterprise and are not apt to be, in the years

depletion for the year in which the net operating loss deduction is claimed to cost depletion, thereby depriving the taxpayer of the benefit of percentage depletion in excess of cost depletion in that year. This, of course, could have the effect of depriving a taxpayer of the benefits of percentage depletion for all taxable years since 1938, or for a period of 5 taxable years.

It is suggested for your consideration that, in order to remedy this injustice, section 122 (c) should be amended by striking therefrom the reference to subsection (d) (1), and the amendment should be applicable to all taxable years beginning after December 31, 1938.

I cannot believe that Congress intended to deprive a taxpayer of statutory depletion as a condition to carrying over a net operating loss from a preceding year or carrying back a net operating loss for a succeeding year where, in computing such net operating loss, percentage depletion is eliminated. I can see why an allowance for statutory depletion should be eliminated in arriving at a net operating loss sustained in some previous or subsequent years, but this should not deprive the taxpayer of his right to percentage depletion, which right is granted to his competitors who have been fortunate enough not to have sustained a net operating loss in a preceding or succeeding year.

The following examples will serve to illustrate the inequitable and unjust application of section 122 (c):

immediately preceding or following a loss year, of material consequence. Percentage depletion, the excess thereof over cost, cannot so readily be manipulated, in fact, cannot be changed in any consequential amounts excepting through changes in operations and no accurate results could possibly be calculated by any manner of scheduled changes.

In example (A) no benefit whatever was derived from percentage depletion, while in example (B) excess percentage depletion was advantageously used to the extent of \$395,000 and could have been used to the extent of the full amount thereof or \$560,000. For the (A) enterprise, section 114 (b) might as well not have been a part of the act.

On the basis of a 40 percent corporate tax, the (A) enterprise retained only \$237,000 of its aggregate income while the (B) enterprise retained the full amount of \$395,000 and could have, had its earnings been ratably increased, retained \$560,000.

Section 114 (b) balance against section 122 (c) deprives the unfortunate enterprise of all of the benefits of percentage depletion until all benefits of the net operating loss deductions are used. Both cannot be used to advantage. A net operating loss in any one year must exceed the excess percentage depletion allowable in the first application

year or it cannot be used to any advantage whatsoever.

Excess percentage depletion should not be one of the exceptions, additions, and limitations contained in subsection (d) of section 122 as it is a special concession for the purpose of placing a hazardous exploitation enterprise on an equal basis with other business enterprises. It surely was not the intention of Congress to use any of the amounts contained in the application year to further reduce the net operating loss deduction correctly computed with respect to all other periods for application with respect to tax computation for that year. If such is the intention, it voids every section or subsection of the revenue act granting the various rights and privileges to all taxpayers alike, with respect to certain taxpayers who are unfortunate and have, within a period of 5 years, one or more net operating loss years. And this is for every year within the period or until the loss is offset or used. A loss that is more than offset by allowable exceptions, additions, and limitations in the first application year is of no use whatsoever.

I call your attention to the example appearing in section 19.122-2 (p. 378) of regulations 103.

The X corporation of the example was a producer of oil or of some natural commodities. In the loss year of 1940, the loss as ordinarily computed for tax purposes is reduced by the following items:

Tax exempt interest (net).....	\$20,000
Excess of percentage depletion over cost.....	70,000
Excess of long-term capital losses over gains.....	10,000

Total reduction of loss..... 100,000

The ordinary tax report loss of \$200,000 was reduced to \$100,000.

In the application year of 1942 a normal-tax net income of \$445,000 was increased to \$450,000. A difference of only \$5,000, representing any or all of the same class of exceptions, additions and limitations aggregating \$100,000 in the loss year of 1940. Either the company dispensed with all or the major portion of its producing properties, and there is no indication of such an occurrence, or something else out of the ordinary happened. The ordinary result would be an increase in the excess of percentage depletion over cost depletion in a net income year and certainly not a reduction from \$70,000 to \$5,000 or a lesser amount.

Other examples illustrating the unfairness of section 122 (c) and its inequitable application to taxpayers who should be entitled to a loss carry-over or a loss carry-back without forfeiting their right to statutory depletion are hereto attached.

The attention of your committee to this matter, in connection with its consideration of the Revenue Act of 1943, will be appreciated.

Yours very truly,

E. H. MOORE.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

Mr. GEORGE. Mr. President, I regret that I cannot take the amendment to conference. Since the letter addressed to me by the junior Senator from Oklahoma has been mentioned, I recall that this subject deals with one of the most highly controversial provisions in our revenue law. It deals with the percentage depletion allowance. The effect of this amendment would be to undo a policy which the committee and the Senate adopted in 1939. It may be that

there should be a reexamination of it, but inasmuch as the amendment was rejected by the full committee and falls within a highly controversial field, I believe that it would be a mistake to put it into this bill even for conference purposes. I will say to the Senator that in connection with the technical and administrative bill which unquestionably will be taken up by the House Ways and Means Committee at a very early date this particular amendment would be a very proper subject matter for study and could then have the advantage of committee judgment both in the House and Senate. I hope the amendment will not be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. THOMAS].

The amendment was rejected.

Mr. AIKEN. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 41, at the end of line 16, it is proposed to strike out the period and the quotation marks and insert a semicolon and the following: "or (7) which is an organization exempt under section 101 (12) or (13)."

Mr. AIKEN. Mr. President, the amendment would exempt under section 112 of the bill, which was not stricken out yesterday, certain farm cooperative organizations which will be unduly hit by that provision.

Mr. GEORGE. Mr. President, I am obliged to make a point of order on this amendment. Yesterday after lengthy debate we adopted section 112. This amendment is an attempt to reopen the debate. I make the point of order that the amendment is not in order.

The VICE PRESIDENT. The point of order is not sustained.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Green	Pepper
Andrews	Gurney	Radcliffe
Austin	Hawkes	Revercomb
Bailey	Hayden	Robertson
Ball	Holman	Russell
Bankhead	Johnson, Colo.	Shipstead
Barkley	Kilgore	Stewart
Bilbo	La Follette	Taft
Bone	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Okla.
Bushfield	McCarran	Thomas, Utah
Butler	McClellan	Tobey
Byrd	McFarland	Truman
Capper	McKellar	Tunnell
Caraway	Maloney	Tydings
Chavez	Maybank	Vandenberg
Clark, Mo.	Mead	Van Nuys
Danaher	Millikin	Wagner
Davis	Moore	Wallgren
Downey	Murdoch	Walsh, Mass.
Eastland	Murray	Walsh, N. J.
Ellender	Nye	Wheeler
Ferguson	O'Daniel	White
George	O'Mahoney	Wiley
Gillette	Overton	Willis

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Seventy-five Senators having answered to their names a quorum is present.

Mr. AIKEN. Mr. President, I am proposing this amendment which, frankly, exempts farm cooperatives from the necessity of filing returns to the collector of internal revenue as is required by section 112 of the pending bill. I am offering the amendment for two reasons: First, because I do not believe the situation was fully understood by some Members of the Senate on the floor yesterday; and secondly, because it would provide a measure of relief for those organizations which will be hit hardest by the provisions of section 112.

I believe that some of the Members of the Senate got the impression yesterday that farm organizations were not opposed to the provisions of this section. This morning I have received from two of those organizations letters explaining their stand in the matter. The first is from the National Cooperative Milk Producers' Federation, which, as is well known, is made up of small and large dairy associations in virtually every State in the Union. The letter reads as follows:

THE NATIONAL COOPERATIVE  
MILK PRODUCERS' FEDERATION,  
Washington, D. C., January 19, 1944.  
HON. GEORGE D. AIKEN,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR AIKEN: Our organization has given careful consideration to the provisions of section 112 of the revenue bill of 1943 which, if passed, will require cooperative organizations to file annual income-tax returns, notwithstanding their exempt status by act of Congress of many years standing.

In view of the existing law and the regulations of the Bureau of Internal Revenue, respecting the tax-exempt status of bona fide cooperative organizations, it is difficult for us to see the need for a requirement that they now file annual tax returns.

As you are aware, under the present law cooperatives must make a showing in order to secure a certificate of exemption from the Commissioner of Internal Revenue. The regulations in this regard are both precise and exacting and if a cooperative organization is not conducting its business consistent with the theory of the statutory exemption and the regulations of the Commissioner, the certificate of exemption is denied such organization.

Apparently the impression prevails that cooperatives are the same as ordinary business corporations, namely, that they are in business for profit and that their exemption from income taxation is in the nature of a special privilege granted by the Government. This, of course, is entirely an erroneous conception of the method in which exempt cooperatives operate. The savings that are effected by a cooperative through its cooperative method of doing business are in no sense profit to the cooperative. Rather, they are the savings of the patrons and the exemption from income taxation is not an exemption in fact at all, but a recognition that such organizations do not engage in business for profit to themselves.

It seems to us that the passage of section 112 will impose an intolerable burden both upon the Treasury Department, Bureau of Internal Revenue, as well as upon the more than 10,000 cooperatives presently operating throughout the country. It will add both to the overhead expense of the cooperative as well as to the Government since it may be presumed that the returns will be examined and audited by the Treasury Department.



We feel that nothing is to be accomplished in requiring cooperatives to file annual returns and it is the position of our organization that cooperatives should be excluded from the provisions of section 112.

Sincerely yours,

CHAS. W. HOLMAN,  
Secretary.

The second letter is from the National Council of Farmer Cooperatives, which is an organization of cooperatives also from virtually every State in the Union, handling all kinds of farm produce. The letter, which is dated January 19, reads as follows:

NATIONAL COUNCIL OF  
FARMER COOPERATIVES,  
Washington, D. C., January 19, 1944.

Hon. GEORGE D. AIKEN,  
United States Senate,

Washington, D. C.

MY DEAR SENATOR AIKEN: Re section 112, H. R. 3687, I attach herewith copy of my statement before the Senate Finance Committee and a letter directed to Members of the Senate dated January 14 regarding the above.

The National Council of Farmer Cooperatives, representing over 2,300,000 farmers affiliated with thousands of farmer cooperatives, is opposed to the filing of annual detailed reports for the following reasons:

1. These cooperatives are now filing reports currently with the Commissioner of Internal Revenue for the purpose of showing the character of their operations. If this information is not sufficient and Congress wishes additional information, the Commissioner of Internal Revenue can change the form accordingly. Cooperatives are now subject to continuous examination by the Government for the purpose of determining their tax status under the provisions of the tax law.

2. Bona fide farm cooperatives are essentially partnerships of farmers and are non-profit in their operations.

3. It would be impossible for a farm cooperative to fill out the form of income-tax return prescribed for an ordinary business corporation because that form calls for a showing of profit and loss. A true farmer cooperative can make no profit or loss.

4. The adoption of a new filing requirement would be a needless and burdensome expense both on the part of the cooperatives and the Government. It would require additional personnel and result in the extension of Government control. On the other hand, I want it clearly understood that farmer cooperatives have nothing to conceal from either the Members of Congress or the American public. It does, however, seem unwise to require on the part of 10,500 farmer cooperatives the filing of annual detailed reports when these associations are already filing reports with one agency of the Government and are subject to current examination by the same agency.

Sincerely yours,

EZRA T. BENSON,  
Executive Secretary.

Mr. President, I have here for the inspection of any Senator the questionnaire which all farmers' cooperative associations have to fill out before they are certified for exemption from filing these returns. I ask unanimous consent that the questionnaire be printed in the RECORD, so that Senators may have some idea of what they are called upon to answer.

The PRESIDING OFFICER. Is there objection?

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

QUESTIONNAIRE FOR FARMERS', FRUIT GROWERS',  
OR LIKE ASSOCIATIONS CLAIMING EXEMPTION  
UNDER SECTION 101 (12) OF THE INTERNAL  
REVENUE CODE AND THE CORRESPONDING PRO-  
VISIONS OF PRIOR REVENUE ACTS

State of \_\_\_\_\_  
County of \_\_\_\_\_, ss:

\_\_\_\_\_ deposes and says that he  
(Name of affiant)

is the \_\_\_\_\_ of the  
(Title of affiant)

\_\_\_\_\_ located at  
(Full name of association)

\_\_\_\_\_ and that  
(Full address, street and number)

the following answers and statements relative  
to the year ended \_\_\_\_\_, 19\_\_\_\_

(Fiscal or calendar year on basis  
of which your books are kept)

are true to the best of his knowledge and  
belief:

1. Date association was organized \_\_\_\_\_

2. Purpose for which organized \_\_\_\_\_

3. Is the association incorporated? \_\_\_\_\_

(Yes or no)

If so, state:

(a) Date incorporated \_\_\_\_\_

(b) Under the laws of what State? \_\_\_\_\_

4. State the amount of each class of capital  
stock outstanding and the value of the con-  
sideration for which it was issued \_\_\_\_\_

(a) State the rate of dividend paid on each  
class of such capital stock \_\_\_\_\_

5. State the amount of each class of capi-  
tal stock owned by: <sup>1</sup>

(a) Producers \_\_\_\_\_

(b) Nonproducers \_\_\_\_\_

(c) Persons who were nonproducers at the  
time stock was acquired \_\_\_\_\_

6. State the circumstances surrounding the  
acquisition of your capital stock by nonpro-  
ducers: \_\_\_\_\_

(a) What provision is made for retiring  
the capital stock held by nonproducers? \_\_\_\_\_

7. If the association issues any nonvoting  
preferred stock, explain whether the owners  
thereof may participate in the profits of the  
association, upon dissolution or otherwise,  
beyond the fixed dividends \_\_\_\_\_

8. What is the legal rate of interest in the  
State in which the association is incorpo-  
rated? \_\_\_\_\_

9. Does the State law require the mainte-  
nance of a reserve? \_\_\_\_\_ If so,

(Yes or no)

state the amount of such reserve, \$ \_\_\_\_\_

10. Does the association maintain any re-  
serves other than required by the State  
law? \_\_\_\_\_ If so, state:

(Yes or no)

(a) Amount of each reserve \_\_\_\_\_

(b) Purpose for which each reserve is  
maintained \_\_\_\_\_

11. What are the requirements for mem-  
bership in the association? \_\_\_\_\_

12. Does the association deal with both  
members and nonmembers? \_\_\_\_\_

13. State the value of products marketed  
during the year for:

(a) Members <sup>2</sup> \_\_\_\_\_ \$ \_\_\_\_\_

(b) Nonmembers \_\_\_\_\_ \$ \_\_\_\_\_

14. State the value of purchases made dur-  
ing the year for:

(a) Members <sup>2</sup> \_\_\_\_\_ \$ \_\_\_\_\_

(b) Nonmembers \_\_\_\_\_ \$ \_\_\_\_\_

15. State the value of purchases made dur-  
ing the year for persons who are neither

<sup>1</sup> The information called for in questions 5 and 6 above need not be supplied with respect to nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends.

<sup>2</sup> If a member is required to own one or more shares of stock, include in 13 (a) and 14 (a) only the amount of business transacted with persons actually owning the required number of shares.

members nor producers. (Do not include this amount in item 14 (b)) \_\_\_\_\_ \$ \_\_\_\_\_

16. State fully the manner in which dis-  
tribution is made of the proceeds of products  
marketed for:

(a) Members \_\_\_\_\_

(b) Nonmembers \_\_\_\_\_

17. State fully the plan followed in charg-  
ing for supplies and equipment purchased  
for:

(a) Members \_\_\_\_\_

(b) Nonmembers \_\_\_\_\_

18. Does the association pay patronage  
dividends? (Yes or no) \_\_\_\_\_ If so, ex-  
plain how such payments are made and  
whether in cash or otherwise:

(a) Members \_\_\_\_\_

(b) Nonmembers \_\_\_\_\_

19. Is the information contained herein  
representative of the purposes and activities  
of the association since January 1, 1925, or  
date of organization, if organized subsequent  
to that date? (Yes or no) \_\_\_\_\_ If not,  
state the changes that have occurred and  
dates of such changes \_\_\_\_\_

20. Has the association filed income-tax  
returns? (Yes or no) \_\_\_\_\_ If so, for what  
year or years? \_\_\_\_\_

21. Attach to this questionnaire a classi-  
fied statement of the receipts and expendi-  
tures of the organization during the year  
covered by this questionnaire and a com-  
plete statement of the assets and liabilities  
as of the end of that year; a copy of the  
articles of incorporation, if incorporated, or  
if not incorporated, a copy of the constitu-  
tion, articles of association, or other docu-  
ment setting forth the aims and purposes  
of the organization; and a copy of the by-  
laws, or other similar code of regulations.  
(N. B.—A separate questionnaire and finan-  
cial statements must be submitted for each  
year for which exemption is being claimed,  
beginning with the year 1924.)

A mere claim or contention by a corpora-  
tion (or other organization) that it is ex-  
empt from income tax under section 101 of  
the Internal Revenue Code and the corre-  
sponding provisions of prior revenue acts,  
will not relieve the corporation from filing  
income-tax returns and paying the tax. Un-  
less the Commissioner has determined that  
a corporation is exempt, it must prepare and  
file a complete income-tax return for each  
taxable year of its existence. Accordingly,  
every organization that claims to be exempt  
should furnish the information and data  
specified herein, together with any other facts  
deemed material to the question, with the  
least possible delay, in order that the Com-  
missioner can determine whether or not it is  
exempt. As soon as practicable after the  
information and data are received, the organ-  
ization will be advised of the Commissioner's  
determination, and if it is held to be exempt,  
no further returns of income will be required.

(Signature of officer making  
affidavit)

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_

[Notary's seal]

(Signature of officer admin-  
istering oath)

(Title)

(If the space provided for the insertion of  
information or data under any of the above  
questions is inadequate, additional sheets  
may be used which should be properly identi-  
fied and securely attached hereto.)

(This affidavit may be executed without  
cost before any internal revenue officer au-  
thorized to administer oaths.)

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

Mr. AIKEN. I yield.

Mr. VANDENBERG. Does the Senator know whether one original filing suffices in respect to the questionnaire he has just submitted? Is not that preliminary to the initial issuance of the certificate of exemption, and is not that the end of it?

Mr. AIKEN. I have not the exact information about that. I understand it has to be filed each year, but I will not be positive as to that.

Mr. GEORGE. Oh, no, Mr. President. They have to qualify under section 101, and thereafter they may change colors from year to year. The Department can call on them for additional information if it wishes to.

Mr. AIKEN. It can call on them every 6 months if it desires, can it not?

Mr. GEORGE. Yes; it can, but it does not, and we are trying to include in the pending bill some provision which would require it to do that.

Mr. VANDENBERG. That is the point I was suggesting. It does not seem to me that the initial questionnaire preceding certification is any substitute in respect to the proposal we are making, because it is conceded that many of the cooperatives, which I am sure the Senator from Vermont himself would concede if he studied the record, are not cooperatives any longer, in a tax-exemption sense. They take on that character after they have been certified, and after they have developed their operations. So, if I may say so to the Senator, I do not think the questionnaire is a substitute in protecting the Government against the only thing in which we are interested, so far as the Senate Committee on Finance is concerned, which is a cooperative that is misused for illegitimate purposes, not for cooperative purposes.

Mr. AIKEN. Mr. President, I dare say there are those who will organize cooperatives, and then take them over for personal profit, if they can do so, and I dare say there are those who get away with it. However, the Treasury has a means of catching up with them, if it has the time. That is also true, however, of others, engaged in other lines.

It so happens that I do not know of any cooperatives which would fall in the category suggested by the Senator from Michigan. In Vermont we require them to furnish such information to the Commissioner of Agriculture each year as he may request. I do not know what he requests at this time, but I assume that during these hard war days he is making it as easy as he can for them.

Mr. President, it seems to me that with the farm cooperatives playing the part they are playing in the food-production program, doing the things they are doing for the Federal Government, acting as distributors of feed and fertilizer and other farm commodities which a farmer has to purchase, we should not impose any heavier burden on them. They are taking over the Maine potato situation from the Federal Government. I do not know what the Federal Government would have done with the potatoes in Maine if there had not been two cooperatives there to handle the situation.

It seems to us that when they are having all this extra work, when all of us are raising a hue and cry against making it harder and harder for anyone and everyone to do business by requiring the filling out of more questionnaires and still more questionnaires, we should not impose this added burden at this time.

I shall not go into the benefits or lack of benefits provided by farm cooperatives. I think most of us know the work they are doing, but it is extremely important, especially during these days, when the Government is urging everyone to produce food so that the world may continue to eat what it should have to eat.

Mr. LANGER. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. LANGER. I have received hundreds of telegrams and letters and petitions, signed by farmers, who belong to cooperatives in North Dakota, and they are very much concerned about the additional work made necessary if the new requirement is complied with. They endorse the amendment offered by the Senator from Vermont.

Mr. AIKEN. Mr. President, I do not believe a great many farmer cooperatives are in a position to fill out regular income-tax returns. I think they are not in a position to go back over the years and figure out the information and furnish the data which would have to be furnished, which has accumulated over a period of years.

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

Mr. AIKEN. I yield.

Mr. GEORGE. The Senator persists in talking about making out income-tax returns. The section under discussion does not require that at all. It requires only that they show the gross receipts, from what source derived, and what they have done with them.

Mr. AIKEN. Does the Senator mean just three or four lines?

Mr. GEORGE. Yes; practically that is all it amounts to; and such other information as the Commissioner, with the approval of the Treasury, may ask for. That is all that is required.

Mr. AIKEN. I cannot imagine the Treasury Department sending out a questionnaire requiring answers covering only three or four lines, although I hope the time will come when the questionnaires will be much briefer than they are now.

Mr. GEORGE. The Senator persists in talking about income-tax returns, when that question is not at all involved in the controversy.

Mr. AIKEN. What I am trying to do this morning is to present the position of the farm cooperatives, which we did not present clearly yesterday, because we did not have the information from them. It should have been here so that it could have been given to the Senate yesterday.

The secretary of the Farm Bureau Federation called me this morning. Reference was made yesterday to the position of that organization. It appears they intended to back up the National Council of Farmer Cooperatives.

The National Council of Farmer Cooperatives at one time stated that they would not object to the enactment of the section under discussion, provided certain amendments were made to it. As I understand from the secretary of the American Farm Bureau Federation, they endorse the position taken by the National Council of Farmer Cooperatives.

Later, at their meeting in Chicago last week, the National Council of Farmer Cooperatives looked into the situation a little deeper and took an outright stand against section 112. But the American Farm Bureau Federation has had no meeting of its executive committee since, and therefore has had no opportunity to endorse and back up the final stand of the National Council of Farmer Cooperatives.

Mr. President, I hope the amendment will be agreed to. It is not accompanied by as many complications as was the provision we were considering yesterday.

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

Mr. AIKEN. I yield.

Mr. SHIPSTEAD. The bill before us is a revenue bill, and is introduced for the purpose of levying taxes on incomes and profits. The question now seems to me to be: Why is the provision in question contained in the bill, unless it be for the purpose of finding out if there is any tax evasion by any organization which has had a profit? As I understand, the cooperatives as such have no profits. They have income, but the income goes back to the individual members, who pay taxes on the income they individually receive.

Mr. AIKEN. That is usually required by State laws under which they are organized, or by their charter or their bylaws.

Mr. SHIPSTEAD. If a cooperative has an income at all, it is used to pay incidental expenses on which, of course, there is no tax to be paid. The cooperative may have a manager who receives a salary, and he pays an income tax on the salary he receives. If any money out of its treasury goes to the members, the members pay taxes on that money. Unless the purpose of the provision is to find out the source of revenue, I cannot understand why it should be contained in the tax bill.

Mr. AIKEN. Mr. President, we have heard that there is an organization with headquarters at Chicago, which was organized for the express purpose of limiting, or delimiting, farm cooperatives—an organization which intends to do away, if possible, with competition which its members have from farm cooperatives.

The usual procedure of a farm cooperative is to sell to its members at the prevailing price for the commodity. In fact, in some communities the cooperatives sell so much that in effect they fix the price. But they sell at the prevailing price; and then at the end of the year they refund to each of their members a certain amount in proportion to the purchases which the members have made from their own cooperative during the year. Some of these cooperatives are



very large. They do business very efficiently and economically. One cooperative has a membership of 180,000, with headquarters in New York State. Suppose that cooperative at the end of their year had \$1,800,000 to be turned back to its members, that would mean \$10 on an average to each of its members. It would not be very much. But suppose, after this entering wedge is established, that the opponents of the cooperatives go on step by step from there until they succeed in having that \$1,800,000 belonging to the 180,000 members taxed as corporation profits, then there would be virtually nothing whatsoever going back to the members of the cooperative, and there would be no inducement any longer for maintaining the cooperative.

I do not know whether the enemies of the cooperatives have that purpose in mind. But it is one thing that they could have in mind.

Mr. SHIPSTEAD. My understanding of a cooperative is that it is an institution organized for the purpose of providing a saving on purchases by means of cooperative buying.

Mr. AIKEN. It enables the farm people to do cooperatively what none of them could do individually. It enables them to buy by the carload instead of in small lots. It enables them to install systems of grading of their products which no one of them could do alone. It regulates quality to a large extent. I remember when farmers used to buy dirt under the name of fertilizer until the cooperatives got on the job and brought about regulation, and the farmers obtained fertilizer of higher-grade material. I remember when we used to buy grass seed which was full of weeds and grain which was full of chaff.

Mr. SHIPSTEAD. Is it not true that if any profits are made above expenses the profits go to the individuals?

Mr. AIKEN. The profits are returned to the individual members.

Mr. SHIPSTEAD. And the individual member pays a tax on what he receives?

Mr. AIKEN. The individual pays a tax on it; yes.

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

Mr. AIKEN. I yield.

Mr. HOLMAN. It is my notion that farm cooperatives are intended to overcome a disadvantageous position occupied by farmers when they are unorganized in their buying and selling. The farmers are required to sell at wholesale prices and to buy at retail prices, and the idea of a farm cooperative is to reverse that process.

Mr. AIKEN. The Senator is correct in that the farm cooperative often enables the farmer to buy at more nearly wholesale prices, and I certainly hate to see any additional burden placed upon these organizations at this time.

Mr. GILLETTE obtained the floor.

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

Mr. GILLETTE. Yes.

Mr. VANDENBERG. I wish to comment very briefly on one thing the able Senator from Vermont said. I do not believe that he intended to imply that

the inspiration for the attitude of the Senate Finance Committee on this proposition is opposition to cooperatives.

Mr. AIKEN. Absolutely not. I think I understand the position of the members of the committee, and I know that they are not party to such purpose as that for which our friends in Chicago have organized.

Mr. VANDENBERG. I thank the Senator for his forthright statement, because I think we are entitled to have him make it. I doubt if the Record will disclose any stauncher friend of cooperatives in the Senate than I have been. I believe in the cooperatives. But I also believe that it is good for legitimate cooperatives to run out illegitimate cooperatives, and I think that in the long run legitimate cooperatives are safer and stronger in proportion as they are defended against the prostitution of the great idea upon which they are organized.

There are cooperatives in this country using the name but violating the principle. The sole purpose of the amendment is to undertake to obtain the information which will identify that fact, and when that fact is identified tax evasion has been identified. Furthermore, Mr. President, all tax evasion must stop in this country if we are going even remotely to approximate the revenues we must raise.

Mr. AIKEN. Mr. President, will the Senator yield briefly?

Mr. GILLETTE. I yield.

Mr. AIKEN. I have in mind one small store, not in my State, which has a sign "Cooperative" over it. I am satisfied that it is owned by an individual, but I am also satisfied that that man makes his return to the Commissioner of Internal Revenue as an individual and not as a cooperative. He is not exempt from making his return because he uses a name to which he has no right.

Mr. GILLETTE. Mr. President, shortly before the holiday recess of Congress I introduced a bill which was designed, through means of a so-called profits tax, to control, or perhaps limit and restrict if not control, the pending threat of a runaway boom in land prices. The bill, in theory at least, was a revenue raising measure, and as such had no constitutional place in this body. At the time I introduced it I announced my intention of offering it as an amendment to the first revenue bill to be considered by the Senate, which of course is the pending measure. I requested the eminent chairman of the committee, during the holiday recess, if possible, to appoint a subcommittee to consider the provisions of the proposal, because it was somewhat intricate, and while he earnestly tried to do so, his time was so limited, and the demands on him so great, that he was unable to do it.

While I have offered it as an amendment, and it is now on the table, I have conferred with the distinguished chairman, and it has been suggested that I not call it up at this time. A number of Senators have asked me if it was my intention so to do. But it seems there is a very good probability that between now and the next revenue bill to come to the

Senate, which will be very soon, there will be an opportunity for study by a subcommittee of the provisions of this proposal, so that its effect can be fully known.

In view of that assurance by the chairman of the Committee on Finance, I announce that I have no intention of calling up the amendment to the pending revenue bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AIKEN].

Mr. GEORGE. Mr. President, I sincerely hope that the amendment will not prevail. As was stated during the debate, this proposal came before the Finance Committee three times. On three occasions the committee voted on it. Yesterday, after 3 hours of debate, with no Member of the Senate offering this section to perfect the amendment at that time, the Senate decided that it would retain the House provision in the bill.

No true farm cooperative need be afraid. The tremendous anxiety of the cooperatives leads me to believe that there are some of them which ought to be examined.

Let me read the law to indicate what will be exempted if the amendment prevails. The Senator from Vermont proposes to exempt all corporations organized under subparagraphs 12 and 13 of section 101 of the Internal Revenue Code. I shall read subparagraphs 12 and 13:

(12) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them—

A perfect description of a commission merchant who is doing a legitimate business and paying the tax, to the extent that he deals for persons not members of the organization—

or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the pur-

chases made for persons who are neither members nor producers does not exceed 15 percent of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph.

Mr. President, the following would also be exempted:

(13) Corporations organized by an association exempt under the provisions of paragraph (12)—

Corporations now are organized by those who are exempted under the provisions of paragraph (12) which I have just read—

or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 percent per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock)—

And so forth—

is owned by such association, or members thereof; nor shall exemption be denied any such corporation because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose.

Mr. President, it is a matter of public record that these so-called farm cooperatives have done a volume of business approximating \$3,000,000,000 annually.

Mr. AIKEN. Mr. President, if the Senator will yield to me, let me inquire whether he infers that the 10,500 member organizations of cooperative associations are not true cooperatives. Does he mean that the letters I have received have not come from—

Mr. GEORGE. No, Mr. President; I do not infer anything. But I have stated that there are many organizations which have a colorable status under which they have obtained this exemption, and they have become nothing more or less than business enterprises.

But I have said in the beginning, and I say again, that I am not inferring anything. The honest farm cooperative association has nothing in the world to fear from making a return. Nobody would want to tax them. But are not the taxing powers of the Congress to have the right to take a look at many who simply have a colorable organization under which they are doing a vast volume of business? That is all the proposal is. The Senator from Vermont is proposing to let labor unions and everyone else under this provision make the returns, but he wants to take out only these special groups.

Mr. AIKEN. Mr. President, there is no comparison between the returns a labor union would have to make and the returns which would have to be made by a farm cooperative doing a half million or a million dollars' worth of business. I deem that the cooperatives which have written to me—this association representing 10,500 farm cooperatives—are all honorable cooperatives.

Mr. GEORGE. I would not question that they are honorable cooperatives.

Mr. AIKEN. But they are the ones that are protesting against this proposal.

Mr. GEORGE. No one is disputing their honesty. But here is the law, and I have read it:

(12) Farmers', fruit growers', or like associations—

Any group of farmers. I am a farmer; my entire investment is in farms. Any group of four or five or a dozen or any other number of farmers can organize; and so long as the organization is a farmers' cooperative, it is all right, and there never would be a proposal even to inquire as to whether it should be taxed. We can organize, and we can do the same amount of business for those who are not farmers, if we wish to do it. There is no way to prevent it; and yet cooperatives are not taxed.

Mr. AIKEN. Will the Senator permit me to explain the reason why it is necessary to permit a farm cooperative to do some business for nonmembers? If they are selling—

Mr. GEORGE. I am not explaining it, but I am saying that when there is a mere colorable organization, as some of them are—

Mr. AIKEN. Will the Senator let me explain?

Mr. GEORGE. Not in my time. The Senator may speak again if he wishes to do so.

Mr. AIKEN. There is a very good explanation.

Mr. GEORGE. I presume this is an effort to whittle down what the Senate did yesterday, whittle down the vote which was taken in this Chamber after 3 hours of debate, by exempting one of them at a time. But I think the Senator will be woefully deceived when the vote comes on this amendment, because I do not conceive that any Member of the Senate will be willing to ask for certain factual information from a large number of other organizations and exempt the farm cooperatives.

The true farm cooperative can make its report to the Bureau of Internal Revenue at the close of its business or fiscal year with practically no trouble at all. How long would it take any business organization to say what its gross receipts are, and from what source it received those revenues? It would not be expected to itemize every dollar, but it could state from what source the revenues were received, and to whom the money was paid. That is all that is asked, unless the Bureau of Internal Revenue, with the approval of the Treasury, wishes to ask some additional questions, which I concede it has a right to ask now if it wishes to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. 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:

Alken	Gurney	Radcliffe
Andrews	Hawkes	Revercomb
Austin	Hayden	Robertson
Bailey	Holman	Russell
Ball	Johnson, Colo.	Shipstead
Bankhead	Kilgore	Stewart
Barkley	La Follette	Taft
Bilbo	Langer	Thomas, Idaho
Bone	Lodge	Thomas, Okla.
Burton	McCarran	Tobey
Bushfield	McClellan	Truman
Butler	McFarland	Tunnell
Byrd	McKellar	Tydings
Capper	Maloney	Vandenberg
Caraway	Maybank	Van Nuys
Chavez	Mead	Wagner
Clark, Mo.	Millikin	Wallgren
Danaher	Moore	Walsh, Mass.
Downey	Murdock	Walsh, N. J.
Eastland	Murray	Wheeler
Ellender	Nye	White
Ferguson	O'Daniel	Wiley
George	O'Mahoney	Willis
Gillette	Overton	
Green	Pepper	

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

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

Mr. AIKEN. Mr. President, I ask for the yeas and nays.

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

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I have no information as to how he would vote. If I were at liberty to vote, I should vote "yea." Under the circumstances, I withhold my vote.

Mr. WHITE (when Mr. HOLMAN's name was called). I am requested to announce that the junior Senator from Oregon [Mr. HOLMAN] has been obliged to leave the Chamber to attend to official business elsewhere. I am informed that he has a general pair with the junior Senator from Tennessee [Mr. STEWART]. I am not advised how the Senator from Oregon would vote if he were present.

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 junior Senator from Pennsylvania [Mr. GURNEY], whom I am informed would, if present, vote "nay." I am, therefore, at liberty to vote, and I vote "nay."

Mr. WAGNER (when his name was called). I have a general pair with the Senator from Kansas [Mr. REED]. I transfer that pair to the senior Senator from Virginia [Mr. GLASS]. I am not advised how either Senator would vote if present. I vote "nay."

The roll call was concluded.

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

The Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Rhode Island [Mr. GERRY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

The Senator from Texas [Mr. CONNALLY], the Senator from Utah [Mr. THOMAS], the Senator from California [Mr. DOWNEY], and the Senator from North Carolina [Mr. REYNOLDS] are detained in Government departments on matters pertaining to their respective States.



The Senator from Nevada [Mr. SCRUGHAM] is absent on official business.

The Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], and the Senator from Illinois [Mr. LUCAS] are detained on public business.

The Senator from New Mexico [Mr. HATCH] is detained because of a slight cold.

The Senator from Kentucky [Mr. CHANDLER] has a general pair with the Senator from Pennsylvania [Mr. DAVIS].

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

Mr. WHITE. The Senator from Oregon [Mr. McNARY] and the Senator from Iowa [Mr. WILSON] are absent because of illness.

The Senator from Maine [Mr. BREWSTER], the Senator from Delaware [Mr. BUCK], and the Senator from Nebraska [Mr. WHERRY] are necessarily absent.

The Senator from Illinois [Mr. BROOKS] is absent on official business.

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

The Senator from Kansas [Mr. REED] is necessarily absent. He has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from Pennsylvania [Mr. DAVIS] is detained on official business. He has a general pair with the Senator from Kentucky [Mr. CHANDLER].

The result was announced—yeas 26, nays 44, as follows:

## YEAS—26

Alken	La Follette	Shipstead
Austin	Langer	Thomas, Idaho
Barkley	McCarran	Thomas, Okla.
Bone	McFarland	Tobey
Capper	McKellar	Wallgren
Chavez	Murdoch	Wheeler
Clark, Mo.	Murray	Wiley
Hayden	Nye	Willis
Johnson, Colo.	Pepper	

## NAYS—44

Andrews	Green	Revercomb
Bailey	Gurney	Robertson
Ball	Hawkes	Russell
Bilbo	Kilgore	Stewart
Burton	Lodge	Taft
Bushfield	McClellan	Truman
Butler	Maloney	Tunnell
Byrd	Maybank	Tydings
Caraway	Mead	Vandenberg
Danaher	Millikin	Van Nuys
Eastland	Moore	Wagner
Ellender	O'Daniel	Walsh, Mass.
Ferguson	O'Mahoney	Walsh, N. J.
George	Overton	White
Gillette	Radcliffe	

## NOT VOTING—26

Bankhead	Downey	McNary
Brewster	Gerry	Reed
Bridges	Glass	Reynolds
Brooks	Guffey	Scruggam
Buck	Hatch	Smith
Chandler	Hill	Thomas, Utah
Clark, Idaho	Holman	Wherry
Connally	Johnson, Calif.	Wilson
Davis	Lucas	

So Mr. AIKEN's amendment was rejected.

Mr. CLARK of Missouri. Mr. President, I send forward an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 57, before line 8, it is proposed to insert the following:

SEC. 115½. Reorganization by adjustment of capital structure prior to September 22, 1938.

(a) Section 113 (a) (relating to the basis of property) is amended by inserting at the end thereof the following:

"(23) Adjustment of capital structure prior to September 22, 1938: Where a plan of reorganization of a corporation, approved by the court in a proceeding under section 77B of the National Bankruptcy Act, as amended, is consummated by adjustment of the capital or debt structure of such corporation without the transfer of its assets to another corporation, and a final judgment or decree in such proceeding has been entered prior to September 22, 1938, then, notwithstanding the provisions of section 270 of the National Bankruptcy Act, as amended, the basis of the property of such corporation shall be unaffected by such proceeding. For the purpose of this paragraph the term 'reorganization' shall not be limited by the definition of such term in section 112 (g)."

(b) The amendment made by subsection (a) shall be effective as if it were a part of the Internal Revenue Code, the Revenue Act of 1938, and the Revenue Act of 1936, on the date of its enactment.

Mr. CLARK of Missouri. Mr. President, the purpose of this amendment is to send to conference the question of the proper construction of a statute which has heretofore been enacted by the Congress. It is a highly technical matter which I shall not undertake to detain the Senate at this time by explaining, but it has to do with the retrospective change of a ruling made by the Bureau of Internal Revenue, having to do with certain corporations whose reorganization under section 77B had been completed and approved by the Federal courts and had gone into effect and been established long before the change in the ruling by the Bureau of Internal Revenue. I am not asking the Senate to commit itself on the final determination of this matter, but I do think that it should be sent to conference in order that the conferees may examine the question as to whether or not there should not be uniformity of ruling with regard to this matter.

As I stated, the ruling is a retrospective ruling of the Bureau of Internal Revenue in which they changed the position they formerly took. If the Senator from Georgia would be willing to take the amendment to conference, I believe it might be very helpful.

Mr. GEORGE. Mr. President, I am not disposed to object to taking it to conference; but I will say to the Senator from Missouri that of course this is a controversial question.

Mr. CLARK of Missouri. I understand it is a controversial question, and I say very frankly to the Senator from Georgia that I shall not be disposed to oppose what may be the decision of the conferees. It seems to me that corporations affected have a square case, from instances which were called to my attention, and I did not think that they ought to be foreclosed by the passage of the tax bill without any consideration of it whatever.

It was not called to my attention in time to present the matter to the Finance Committee, and, if the Senator from

Georgia will be willing to take it to conference, I shall be entirely satisfied.

Mr. GEORGE. I am perfectly willing to take it to conference, because I think it is a question that ought to be carefully examined.

Mr. CLARK of Missouri. I agree entirely with the Senator from Georgia, and I will say in advance that I shall be disposed to adhere to the decision of the conferees.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. JOHNSON of Colorado. I should like to ask the Senator from Missouri a question. I have not had time and opportunity, of course, to read the amendment which he has offered, but I should like to know in what way it would affect any railroads undergoing reorganization.

Mr. CLARK of Missouri. It has nothing whatever to do with railroads. It relates to a general statute having to do with corporations which have heretofore concluded reorganization under section 77B, which have been wound up by the Federal courts that had charge of reorganization, and which are now affected by a reversal of a ruling by the Internal Revenue Bureau. As I say, I am not insisting in any degree whatever on the provisions of this amendment. I offer it for the purpose of having the matter sent to conference.

Mr. JOHNSON of Colorado. I understand, then, that it has nothing to do with any controversy that might later appear between security holders and bondholders and stockholders of railroad corporations.

Mr. CLARK of Missouri. As a matter of fact, Mr. President, the genesis of this amendment has to do with certain companies that had been through the wringer under section 77B without changing their existing corporate structure. I have particularly in mind the Long-Bell Lumber Co., of Kansas City, Mo., which by cutting down all interest and by an adjustment of the rights of the bondholders and the stockholders has been through the wringer without a change in its corporate structure. The reorganization has been approved by the Federal court and the reorganized company is actually engaged in business. Now, along comes the Internal Revenue Bureau and makes a reversal of its previous ruling. The purpose of this amendment is simply to accord to corporations which have not had a new corporate structure the same rights that would be accorded under section 77B to corporations which had reorganized their whole corporate structure.

I do not believe there is any possible objection to it, and as I have stated to the Senator from Georgia, I am perfectly willing for him to take it to conference and if there is any evidence adduced against the proposal, I shall be bound by the decision of the conferees in the matter.

Mr. JOHNSON of Colorado. Would the Senator from Missouri accept an amendment to his amendment with a proviso stating that "Nothing in this section shall be deemed to apply to rail-

roads undergoing reorganization or with respect to security holders, bondholders, or stockholders of such companies?"

Mr. CLARK of Missouri. Mr. President, so far as I am concerned, this amendment was drawn by the head of the staff of the Joint Committee on Internal Revenue Taxation. I believe it is the correct technical amendment. I believe it puts the question into conference, and, rather than inject into it some other questions that have nothing to do with it, I would rather have the amendment defeated.

Mr. JOHNSON of Colorado. Mr. President, I do not desire to defeat the Senator's amendment. I should like to have it go to conference. But of course we have had no opportunity to learn anything with respect to its effect upon the railroads undergoing reorganization.

Mr. CLARK of Missouri. I do not think it would have any effect whatever on railroads undergoing reorganization, but, as I have said, it is a highly technical matter, which was prepared, in full consideration of the problem involved in sending it to conference, by the head of the staff of the Joint Committee on Internal Revenue Taxation, and rather than accept amendments to the amendment with which I am not familiar, and the effect of which I do not know, I should rather have the whole amendment defeated.

Mr. JOHNSON of Colorado. I have just been informed by the staff that this amendment does not affect railroads undergoing reorganization.

Mr. CLARK of Missouri. That is not the purpose of it, as I have stated to the Senator.

Mr. JOHNSON of Colorado. I hope the Senator will bear with me. I want to be certain about this, because presently section 115 does not apply to railroads undergoing reorganization. There is nothing in the bill as it came over from the House which applies to railroads undergoing reorganization, and personally I do not now want to see anything go into section 115 that would make railroads a subject of conference between the House and the Senate. But I have been assured by the staff that this amendment does not affect railroads presently undergoing reorganization, so I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK].

The amendment was agreed to.

#### THE GRAIN SITUATION IN THE NORTHWEST—DIVERSION OF FREIGHT CARS TO CANADA

Mr. LANGER. Mr. President, we have had such beautiful weather in North Dakota in the latter part of 1943 and the first part of 1944 that we are competing with California and Florida in that regard, and it has conducted to a fine grain crop. I wish to call attention to a number of telegrams with relation to the grain situation in North Dakota and the proposal to divert 200 cars a day to hauling grain from Canada.

The farmers in North Dakota have a large amount of grain now lying on the

ground, and naturally they desire to have it hauled in to the elevators, but they find that all the elevators are plugged, practically, in every section of the State. Day after day I have been reading telegrams showing the terrible conditions, the elevators being plugged with grain, and the farmers being unable to deliver their grain to them.

Mr. President, that is not the whole story. We now find that an order has been issued sending 200 railroad cars to Canada in which to haul grain from Canada into the United States, all of which, of course, would be detrimental to the farmers of the United States, in view of the fact that they cannot get their grain to market.

I have here some telegrams which I wish to put into the RECORD. First is one from Max, N. Dak.:

Protest diversion of cars to Canada.

That is signed by the Equity Farmers Elevator Co., C. T. Jacobson, manager.

Another one is from Elgin, N. Dak., reading:

ELGIN, N. DAK., January 16, 1944.  
Senator WILLIAM LANGER,

Washington, D. C.:

Account shortage of grain cars it is necessary that we stop farmers hauling their grain in. We urge that action be taken to stop so many cars being furnished to Canada.

ELGIN FARMERS UNION ELEVATOR CO.

That is signed, also, by the Birdsall Elevator.

Mr. STEWART. Mr. President, will the Senator from North Dakota yield?

Mr. LANGER. I yield.

Mr. STEWART. Has the Senator any information as to whether the movement of cars into Canada has already taken place?

Mr. LANGER. It has not taken place.

Mr. STEWART. We had hearings a few days ago in the Senate Committee on Interstate Commerce on the Senator's resolution, after it developed that the Office of Defense Transportation had ordered the movement of 200 cars a day to Canada. I understood that movement was to be held up, at least temporarily.

Mr. LANGER. The order has been issued to use the 200 cars, but the order stopping it has not been issued.

Mr. STEWART. But the movement of cars into Canada has not as yet begun?

Mr. LANGER. No; but the order directing it to take place was issued, and that is what we are trying to stop.

Mr. STEWART. That was developed at the hearing, but, as I understood, the movement of the cars would not begin, temporarily, until possibly after a few days more spent in investigating the situation.

Mr. LANGER. In any event, the order stopping it has not been issued.

Mr. STEWART. In any event the farmers of North Dakota still have wheat and other grain on the ground, as the Senator himself testified some time ago.

Mr. LANGER. That is correct, hundreds of thousands of bushels are scattered on the ground in the snow, which will be damaged to some extent.

Mr. STEWART. Can the Senator tell me whether in the last 30 or 60 days there

has been any effort to save the grain which is on the ground in North Dakota?

Mr. LANGER. Oh, yes; the elevators have been most cooperative, and whenever they have had any cars at all, instead of shipping out grain in the elevators, they have taken the grain which is piled up in the fields.

Mr. STEWART. What is the present situation, as compared with that 2 months ago?

Mr. LANGER. Roughly, I shall say that about two-thirds has been removed, but the elevators are still plugged, and within a few weeks the spring work will start, and the farmers are desirous of now hauling in their grain, so that they will not be handicapped in performing their spring work.

Mr. STEWART. I thank the Senator.

Mr. LANGER. Returning to the telegrams, I have one here from Arnegard, N. Dak., in the western part of the State, reading as follows:

ARNEGARD, N. DAK., January 17, 1944.  
Hon. Senator WILLIAM LANGER,

Washington, D. C.:

A serious emergency exists in our territory. Many farmers are reporting their grain starting to spoil, due to weevil infestation and poor storage facilities; and unless we get relief by receiving more grain cars, it will be a serious loss to many individuals, as well as to our war effort. We vigorously protest Mr. Eastman's order for the railroads to send 200 cars per day to Canada, while we are sitting with our elevators blocked and watch the grain we have produced in our own country spoil because some official has the power to order our railroads to furnish cars to outside interests before they take care of the emergency that exists at home. We ask that you use every means to prevent this injustice to the loyal farmers of this territory who have used every effort to comply with our Government's request for the highest possible food production which is so vital to our war effort.

FARMERS' COOPERATIVE ELEVATOR CO.,  
MELVIN JOHNSON, Manager.

Here is a telegram from Upham, N. Dak., which is right near the Canadian line:

UPHAM, N. DAK., January 18, 1944.  
Senator WILLIAM LANGER,

Washington, D. C.:

Reference to your telegram January 7, car supply less, rather than better. Current reports that cars going to Canada. Railway officials cannot furnish relief. We expect you to get some results.

UPHAM FARMERS' ELEVATOR CO.,  
B. T. BENSON, President.

I have here a telegram from the eastern part of the State, right next to Minnesota, which reads:

PORTLAND, N. DAK., January 18, 1944.  
Hon. WILLIAM LANGER,

United States Senator,

Washington, D. C.:

No grain cars for 10 days. Car shortage here very serious, except for a period of 10 days in December. We have been plugged since August 15. Elevator capacity of 150,000 bushels, and which is all cash grain. Farmers have thousands of bushels of grain on farms; anxious to haul now, because of the shortage of farm labor, before busy season begins. Elevator has 430 stockholders, who all object to cars going to Canada.

PORTLAND FARMERS' UNION ELEVATOR,  
E. LENABURG, Manager.



CONTINUATION OF COMMODITY CREDIT CORPORATION—REPORT OF BANKING AND CURRENCY COMMITTEE

Mr. BANKHEAD. From the Committee on Banking and Currency, I report back favorably with an amendment the bill (H. R. 3477) to continue the Commodity Credit Corporation as an agency of the United States, to revise the basis of annual appraisal of its assets, and for other purposes, and I submit a report (No. 631) thereon.

I desire to give to the Senate the information that when the tax bill is out of the way the majority leader will probably, on Friday, move to take up the Commodity Credit Corporation bill.

The PRESIDING OFFICER. Without objection, the report will be received, and the bill will be placed on the calendar.

FOREIGN GOVERNMENT NATIONALS IN UNITED STATES AGENCIES

Mr. LANGER. Mr. President, in view of certain information which has come to me, I deem it my duty to bring to the attention of the Senate a situation which, if my information is accurate, seems to me dangerous to the war effort, fraught with peril to the American people, sinister in its implications, involving men high in the Government, destined to make the United States hated by small foreign governments, and robbing the taxpayers of the United States.

I believe, from the information given me, that several hundred persons, many of whom are British subjects, others of whom have only taken out their first naturalization papers, and others deliberately planted here by foreign governments, are holding key positions in agencies controlling American foreign affairs, and that many of them are furthering British aims at American expense.

I realize the seriousness of these charges, and would not make them unless I were satisfied that they are true. It is my understanding that international financiers have formed a powerful British syndicate which has taken over the entire mineral rights of Ethiopia, taking them away from the common people, and that this syndicate has become so powerful that it has thwarted the American mission to Ethiopia, that the American mission has not gotten started because a British subject high in the councils of this Government has stopped the processing of the proper papers for the personnel of the commission, and that this high official has stated that he would see that the members of the American mission would never be granted the necessary passports.

Mr. President, these facts are either true or untrue. They are, however, of such tremendous importance that in my opinion they merit the most careful and fullest consideration by the proper committee, and unless we do something here soon the American people are going to wake up some morning terribly disillusioned. It is for this purpose that I submit the following resolution:

*Resolved*, That an appropriate standing committee of the Senate to be designated by

the President of the Senate is authorized and directed to make a full and complete study and investigation with a view to ascertaining (1) to what extent important American foreign affairs are being directed by self-admitted "international officials," (2) how many key positions in agencies supported by American taxpayers are occupied by British subjects who have never become naturalized citizens of the United States, or have taken out only first papers, (3) whether or not English-Americans have been deliberately planted in these agencies particularly those controlling American foreign affairs not to further American interests but to safeguard and enhance British interests at American expense, (4) how many persons holding positions in the Foreign Economic Administration are pro-British, (5) whether Lauchlin Currie, one of the anonymous executive assistants to the President and who has recently been appointed Acting Deputy Administrator of the Foreign Economic Administration, is a British subject, (6) whether it is true that competent American engineers ready, willing, and anxious to do the work have been ignored while persons who owe allegiance to Great Britain have been hired. Such committee shall report to the Senate at the earliest practicable date concerning the results of its investigation, together with any recommendations it may deem appropriate.

For the purpose of this investigation, the committee designated by the President of the Senate, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$ , shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. President, I ask unanimous consent that the resolution be received and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Without objection, the resolution (S. Res. 239) will be received and referred to the Committee on Foreign Relations.

THE REVENUE ACT

The Senate resumed the consideration of the bill (H. R. 3687) to provide revenue, and for other purposes.

Mr. BARKLEY. Mr. President, I understand there are no further amendments pending, or, so far as I know, to be offered.

Mr. LANGER. Mr. President, I have two or three more.

Mr. BARKLEY. I thought the Senator was not going to offer them.

Mr. LANGER. They are very short.

Mr. BARKLEY. Then what I said is not correct. But the Senator had better get busy with them if he is going to offer them.

Mr. President, the Senator from North Dakota says he has two or three short amendments.

Mr. LANGER. Mr. President, I offer an amendment which I submitted a few days ago, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert a new section, as follows:

SEC. —. Exclusion from gross income of retirement pay of enlisted military and naval personnel.

Section 22 (b) of the Internal Revenue Code (relating to exclusions from gross income) is amended by inserting at the end thereof the following:

"(15) Retirement pay of enlisted military and naval personnel: In the case of retired enlisted personnel of the Army, Navy, Marine Corps, and Coast Guard, the amount received from the United States as retirement pay."

Mr. LANGER. Mr. President, I am advised by some persons who were formerly in the military or naval service but have been retired that the amount of pay they receive is just barely enough to enable them to live. The amounts received by certain widows are very small. If the persons in question are obliged to pay income tax upon the retirement pay it will place a real burden upon them. I offer the amendment for the purpose of relieving them of this burden.

Mr. BARKLEY. Mr. President, this matter has been under discussion heretofore. It involves the question whether retirement pay, which is not a gratuity on the part of the Government, but is a part of a salary which has been earned by reason of longevity in service by men in the Army and Navy, should be exempt from taxation. The same argument would undoubtedly apply to Government employees who have become a part of the retirement system. We might as well exempt from taxation what they receive from the Government of the United States as retirement pay, which they have earned over a period of years. My opinion would be that if the particular individuals of whom the Senator from North Dakota speaks are in such distressed circumstances that what they receive is not sufficient to enable them to live, they would not be paying an income tax anyway. But it seems to me to be a bad policy to exempt from Federal income tax a part of a compensation which has been earned over a period of years and which is being drawn after retirement.

I think the Senator from Georgia the chairman of the committee, who has temporarily absented himself from the Chamber in order to get a bite of lunch, has discussed that matter here on the floor of the Senate and in the committee; and I think the opinion I have expressed is the attitude he has expressed and the attitude the committee has taken with regard to amendments of this type.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. LANGER].

The amendment was rejected.

Mr. LANGER. Mr. President, I offer the amendment which has been printed and lies on the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert a new section, as follows:

Sec. —. Exclusion from gross income of retirement pay of disabled enlisted military and naval personnel.

Section 22 (b) (13) (relating to additional allowance for military and naval personnel) is amended to read as follows:

"(13) Additional allowance for military and naval personnel: In the case of compensation received during any taxable year and before the termination of the present war as proclaimed by the President, by a member of the military or naval forces of the United States for active service in such forces during such war, by a citizen or resident of the United States who is a member of the military or naval forces of any of the other United Nations for active service in such forces during such war, or by a disabled retired member of the military or naval forces of the United States, below the commissioned grades, who served in such forces during any war in which the United States has participated, as retirement pay, so much of such compensation as does not exceed \$1,500."

Mr. LANGER. Mr. President, the amendment simply provides that no disabled veteran, no matter what position he held, will pay a tax on any part of his income which does not exceed the sum of \$1,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was rejected.

Mr. LANGER. Mr. President, I offer the amendment which lies on the desk and has been printed, and ask that it be read, with the exception of the last three words.

The VICE PRESIDENT. The amendment will be read as requested.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert a new section, as follows:

Sec. —. Credit for dependents.

Section 25 (b) (2) (A) (relating to credit for dependents) is amended by inserting before the period at the end of the first sentence thereof a colon and the following: "Provided, That in the case of such persons who are children (including stepchildren and adopted children) of the taxpayer, the allowance shall be as follows: For each child, \$500."

Mr. LANGER. Mr. President, several days ago I submitted an amendment whereby the allowance for the first child would be \$500, and for the second child \$750. Last year the amount of the allowance for each child was \$400. In the pending bill the allowance for each child has been reduced to \$350.

All my amendment would do would be to provide an allowance of \$500 for each child. I wish to call attention once more to the fact that the poor families are the ones which have the most children. The record shows that the small tenant farmers and the men working in the coal mines are the ones who have the largest families. One need only read some of the speeches made by former President Theodore Roosevelt, in which he begged the people of the country not to be guilty of race suicide; one has only to look at the reports made last week, showing that

the birth rate of the United States is again declining; one has only to consider that everyone has to pay taxes, even a man who earns the small amount of \$12 a week; one has only to consider that, because of the high cost of living, it costs more today than it did a year ago to take care of a little child or of any other dependent—one has only to consider those facts in order to know that the amendment should be agreed to.

I hope the Senate will vote that for each dependent, whether an adopted child or an old person who is dependent upon a son or daughter, the person paying the bills shall be allowed an income-tax credit of at least \$500.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. LANGER].

The amendment was rejected.

Mr. LANGER. Mr. President, I offer another amendment which has been printed and lies on the desk, and which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the proper place in the bill, it is proposed to insert a new section, as follows:

Sec. —. Credits against tax for voting in Federal election.

Part III of subchapter B of chapter 1 is amended by adding at the end of such part a new section as follows:

"Sec. 36. Credit for voting in Federal election.

"Against the tax imposed by this chapter there shall be allowed in the case of an individual who shall have voted during the taxable year in one or more elections for electors for President and Vice President, Senator, or Member of the House of Representatives, a credit of \$25: *Provided*, That in the case of a husband and wife filing a joint return only one such credit shall be allowed."

Mr. LANGER. Mr. President, in the last election the number of persons who stayed at home from the election was sufficiently large to have decided the election. If all those who stayed at home had voted for one person, neither Mr. Willkie nor Mr. Roosevelt would have been elected President of this country. Two out of every five persons who were entitled to vote did not vote. Forty percent of the people stayed at home.

In the recent election for mayor of the city of Chicago—I cite this instance merely to show the trend—one-half million people did not vote.

I believe something should be done to offer some inducement to get out the voters. In some of the countries of South America a man who does not vote is put in jail. In other South American countries a man who does not vote is fined. In some of the countries of Europe, according to my understanding, those who do not vote are punished.

I took up the matter with several diplomats from South America. They said that the law they have, under the terms of which persons who do not vote are punished, is rigidly enforced, and that it has resulted in very good government.

Mr. President, I made an investigation before I submitted the amendment, and afterward. We have heard a great deal

from the distinguished chairman of the Committee on the District of Columbia [Mr. McCARRAN] to the effect that the people of Washington wish to have the right to vote. There are thousands of Government employees in Washington. When I asked the chairman of the Committee on the District of Columbia whether or not any of them voted, he said that many of them could vote in Ohio, for example, and other States, by absentee ballot, but they did not. There was no inducement to them to vote.

All this amendment would do would be to allow a credit in the sum of \$25 to any man or woman who votes. Instead of being put in jail or fined, as is done in some of the South American countries, he would be offered an inducement to go to the polls. Our boys are fighting for liberty across the ocean. Mr. President, one of the greatest privileges of a free citizen is the right to vote. I believe we ought to offer some inducement to the people to vote, and I believe that the allowance of a credit of \$25 in a person's income tax for voting is not too much.

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

Mr. LANGER. I yield.

Mr. AIKEN. If a person's income were not large enough to require him to pay a tax, what inducement would he have for voting?

Mr. LANGER. He would have no inducement.

Mr. AIKEN. Could he get a check?

Mr. LANGER. The amendment does not provide for that. It is my hope that possibly some Senator on the other side of the aisle will offer an amendment to the amendment, to provide a payment to poorer people who would not be entitled to the \$25 credit.

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

Mr. LANGER. I yield.

Mr. DOWNEY. If I could be convinced that a vote cast under compulsion, or in the hope of making \$25, would be of any value to the State, I might be inclined to support the Senator's amendment; but if an individual were not sufficiently interested in public affairs to vote without hope of reward or fear of punishment, I cannot conceive that he would cast a vote that would be of very much value.

Mr. LANGER. I believe I can convince the Senator very easily. In some places corporations do not give their employees the opportunity to vote. They keep them working all day.

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

Mr. LANGER. I yield.

Mr. BARKLEY. In most of the States the State laws governing elections require corporations and individuals to give voters in their employ the opportunity to vote, and the employers are subject to a penalty if they do not provide such opportunity.

Mr. LANGER. I should like to have the distinguished Senator show me that law.

Mr. BARKLEY. Under the laws of my State, a corporation or an individual is required to give a voter in his employ



sufficient opportunity, between the hours of 6 and 4 o'clock, to cast his vote.

Mr. LANGER. That may be true in Kentucky, but it is not true in some of the other States. In California, for example, why should not a poor man, who loses a day's pay and travels a long distance to vote, using gasoline in his car, be offered some inducement to vote? What is wrong with paying him to vote? Perhaps he should not receive \$25, but certainly there is nothing wrong with offering him an inducement to go to the polls.

Moreover, in the last analysis, the \$25 would go to the poorer class of people. It would mean more to them than it would to the wealthier class. For example, take a very old person, who may have to travel 6, 10, or 12 miles to vote. He may have to hire transportation. Some of those people are very poor and are living on relief. So it would do no harm to pay them or to offer some inducement. They would not be entitled to the \$25 credit because they pay no income tax.

As I stated before, I believe that it would be to the best interests of the country to get every single voter to the polls. I do not care how we get them there, so long as we get out every man and woman who is entitled to vote—so that we may have a free and honest expression of all the people of the country.

Some of the poor old people in California have children who may have fought for this country. They may have fought in one of the more recent wars. They are too poor to go to the polls. What happens? In some elections organizations with plenty of money which they are willing to spend can hire automobiles and take the voters to the polls, provided they vote right. The allowance of a credit of \$25, as provided in my amendment, with any amendment which the distinguished junior Senator from California may care to offer, would put an end to city and county political gangs which have control of elections.

Recently I was told that in one of the nearby States the city gangs are so bold as to go out upon the streets with dollar bills, carrying them openly, and offering them to the people to go to the polls and vote. It is difficult for a man from the West to believe that, because it is not done in the agricultural States, so far as I know. So the best remedy I can think of is one which provides a credit of \$25 on the income tax. I hope the amendment suggested by the distinguished junior Senator from Vermont [Mr. AIKEN] will be offered, so that those who do not pay an income tax will also have some inducement to vote.

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

Mr. LANGER. I yield.

Mr. AIKEN. I did not suggest paying them \$25 for voting.

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

Mr. LANGER. I yield.

Mr. BILBO. I have been very much impressed by the novel scheme of the distinguished Senator from North Dakota to get out the vote. I think every citizen should vote in every election. I

wonder if he would agree to an amendment. I think his price for each vote is rather excessive. I have heard that in some sections votes can be obtained for \$5, or even less. I think \$5 would be a more reasonable consideration to bring out the vote, for which he seems to be struggling. I should like to amend his amendment further by providing that they vote the Democratic ticket. [Laughter.]

The PRESIDING OFFICER. Does the Senator accept the amendment?

Mr. LANGER. I refuse to accept that amendment. If the Senator will change the word "Democratic" to "Republican" I will accept it. [Laughter.]

Mr. BARKLEY. Mr. President, I think this debate has proceeded far enough in ridiculousness. I hope we may vote on it now.

Mr. LANGER. Mr. President, I am serious about this amendment. I call attention to the fact that some Members of Congress, both in the Senate and in the House, have been elected at elections in which only 3 or 4 percent of the people voted. It is a disgrace. Certainly nothing that we can do here to get out the vote can possibly be wrong. Frankly, I cannot see why a measure which would simply allow a small deduction from the income tax would not be proper. If \$25 is too much, the Senate has the power to amend it. The amendment is absolutely right in principle. I believe every citizen should vote, and I believe that we should do everything we can to get out the vote.

Mr. President, I ask for a vote upon my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. LANGER].

The amendment was rejected.

Mr. LANGER. Mr. President, I offer another amendment, which I have taken up with the distinguished chairman of the committee. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from North Dakota will be stated.

The LEGISLATIVE CLERK. On page 114, in the table appearing after line 11, after the "2402" in the item relating to toilet preparations, it is proposed to insert the following: "(except as respects the sale of toilet preparations to a person operating a barber shop, beauty parlor, or similar establishment, for use in the operation thereof and not for resale, or the use in such operation of toilet preparations purchased by such person for resale)."

Mr. LANGER. Mr. President, the amendment is offered at the request of the Hairdressers' Association and beauty parlor operators of my State and some of the neighboring States, as well as at the request of the national president of the organization to which I have referred. I am advised by them that in the retail trade the merchant can add 2 percent, 3 percent, 4 percent, or 5 percent tax to the price at which they buy it from the manufacturer and resell it locally. I am advised that there is no way

by which they can pass the tax on to the customers. I am also told that in the District of Columbia there were at one time 4,000 beauty operators, and that now there are 1,600. I am informed that the wages of the girls have increased from \$18 a week to \$45 a week. The persons to whom I have referred have also advised me that they really are not in position to pay any additional taxes. They want the tax to remain exactly where it has been under the law. They are opposed to any increase. I promised them to present the matter to the Senate. I believe the amendment is a meritorious one. I invite attention to the fact that in my State, for example—and I believe the statement is applicable with respect to most other States—this business is conducted by young ladies who are trying to make a living. Sometimes they are trying to support their fathers and mothers.

As I have said, in my opinion, the amendment is a meritorious one and I hope that it will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. LANGER].

Mr. TAFT. Mr. President, this question was before us last year. The persons to whom the Senator from North Dakota has referred came to me. I had the impression—and at the time I talked to the Treasury representatives they had the same impression—that an exemption was allowed on articles of this kind which are sold to persons who are, in effect, manufacturers. The question is whether this was intended to be a retail luxury tax. Those who are now required to pay a tax, irrespective of this amendment, are certainly processors and manufacturers. Ordinarily we have not levied a tax on that process. I was surprised to ascertain that such persons were taxed. In fact, when I talked to the Treasury representatives about the matter approximately 3 weeks ago I was told that they thought they were not taxed. I was told in effect, "We are not changing the law, at any rate, and we are not perfectly certain what the present provision is." So it seems to me that the exemption requested would be a reasonable one.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. LANGER].

The amendment was rejected.

Mr. BARKLEY. Mr. President, I believe there are no further amendments to be considered at this time. In view of the fact that the renegotiation section, which has been postponed from day to day, must be again postponed until tomorrow in order that a subcommittee which was appointed this morning by the Committee on Finance may endeavor to work out certain controversial matters pertaining to the section, it will be necessary that we suspend further consideration of the tax bill until tomorrow. However, it is hoped that by tomorrow the renegotiation section may be so adjusted that we can promptly dispose of it. Whether that will be true or not, I do not know.

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

Mr. BARKLEY. I yield.

Mr. O'MAHONEY. I understand that the majority leader has announced that the pending tax bill will go over until tomorrow in order that an opportunity may be afforded the subcommittee to work out substantive language governing renegotiation.

Mr. BARKLEY. That is correct.

Mr. O'MAHONEY. May I ask the Senator if during the interim we may have his consent to proceed to the consideration of Calendar No. 542, Senate bill 469?

Mr. BARKLEY. Yes; I was going to suggest that the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Indiana [Mr. VAN NUYS] are interested in taking up the bill which is known as the Red Cross bill, and which has been pending for some time. I not only have no objection, but I am agreeable to such a program.

Mr. O'MAHONEY. I thank the Senator from Kentucky.

#### NOTICE OF VISIT OF PRESIDENT OF VENEZUELA

Mr. BARKLEY. Mr. President I wish to announce that tomorrow at 12:15 o'clock p. m., the President of Venezuela will visit the Senate, and it is expected he will deliver a brief address. I hope Senators will be present.

Mr. WHITE. Mr. President, I wish to inquire of the Senator from Kentucky if he can give us any information as to what else will be before the Senate tomorrow and the remainder of the week.

Mr. BARKLEY. I announced earlier in the day that we hope to take up tomorrow the renegotiation provisions of the tax bill, and dispose of them. The Committee on Banking and Currency has reported the commodity credit bill, relating to subsidies, and it is now hoped that if we shall finish with the renegotiation provisions of the tax bill tomorrow, we can take up the Commodity Credit bill.

Mr. WHITE. Those two bills will undoubtedly consume the remainder of the week?

Mr. BARKLEY. Undoubtedly.

#### THE RED CROSS

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 542, Senate bill 469.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 469) to implement article 28 of the convention signed at Geneva on July 27, 1929, relating to the use of the emblem and name of the Red Cross.

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

There being no objection, the Senate proceeded to consider the bill (S. 469) to implement article 28 of the convention signed at Geneva on July 27, 1929, relating to the use of the emblem and name of the Red Cross, which had been re-

ported from the Committee on the Judiciary, with amendments.

The first amendment of the Committee on the Judiciary was on page 2, in line 6, to strike out:

It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or the words "Red Cross" or "Geneva Cross," or any combination of these words.

And to insert:

The American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States shall have the sole and exclusive right to use, within the territory of the United States of America and its exterior possessions, the emblem of the Greek Red Cross on a white ground, and the words "Red Cross" and "Geneva Cross." It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for any charitable purpose, or for any person, corporation, or association for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business purpose, to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or the words "Red Cross" or "Geneva Cross," or any combination of these words.

Mr. O'MAHONEY. Mr. President, approximately a week ago the distinguished Senator from Georgia [Mr. GEORGE] spoke to me about this amendment. I observe that the Senator from Georgia has now come into the Chamber. I understood that it was his intention to move a perfecting amendment on page 3, line 9, after the word "made", to strike out "or" and insert "and." I may say that I have discussed the proposed amendment with the chairman of the Committee on the Judiciary, and it is quite agreeable to me that the change shall be made. I therefore move that, on page 3, line 9, after the word "made", the committee amendment be amended by striking out "or" and inserting "and."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

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

The LEGISLATIVE CLERK. On page 3, in line 24, it is proposed to strike out "1944" and insert "1947."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. TYDINGS. Mr. President, I am not objecting particularly to the proposed extension, but, in my opinion, if the bill is passed, the extension ought to be broad enough so that concerns which were incorporated 15, 18, or 20 years before the passage of the congressional Red Cross statute would be given more time than merely 2 years in which to liquidate a vested asset which they have acquired validly and which otherwise would be peremptorily taken away from them.

Mr. O'MAHONEY. Mr. President, I may say to the Senator from Maryland that the question of the time to be allowed was thoroughly canvassed by the Committee on the Judiciary. The original proposal, of course, was that the use should be terminated immediately. There was a proposal that the right to use should be extended in one instance as long as 20 years. The subcommittee to which the bill was referred held protracted hearings and gave long consideration to the matter. The full committee came to the conclusion that an extension of 3 years for the original use, accompanied by another 3 years in which to convert to another insignie, would be sufficient.

The Senator from Georgia has suggested that there should be an additional 3-year period in which to permit the retailers and jobbers to dispose of commodities so marked. The committee has agreed to accept the suggestion of the Senator from Georgia with respect to such extension, and at the proper time I shall suggest that on page 4, line 23, the figures "1953" be inserted instead of "1947."

I may say that with this installment the committee feels sufficient and adequate recognition has been made of prior use and of the facility of disposal.

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

Mr. O'MAHONEY. Certainly.

Mr. TYDINGS. For the information of Senators, many of whom may not be familiar with the matter, let me say that the first official action of any American institution was in the year 1881, when an American committee formed by Miss Clara Barton in 1877, incorporated under the name of the American Association of the Red Cross. That was in 1877. In 1900 the Federal Congress enacted a statute incorporating the American National Red Cross. However, the case of some concerns will show my desire to be fair when I name the dates when they began to use the Red Cross label. There is the case of Johnson & Johnson, about which most people know, but there is also the case of Charles B. Silver & Son, who originally used the Red Cross label, and took out a trade-mark for it in 1876, which was before Miss Barton formed her society, before it was incorporated, and 24 years before the Congress passed the act officially recognizing the Red Cross.

Now, when this concern ever since 1876 has continually used the Red Cross label and has built up a goodwill and has come upon it validly and rightly, it seems to me that what we are doing here is



almost equivalent to taking property without due process of law, and certainly without just compensation. I am very much interested not only in the time in which the transition is to be made but to ask the Senator from Wyoming if the bill goes through and we ride roughshod over the vested rights of these people who have done no wrong, what provisions the bill will contain to compensate them for the taking of their property.

Mr. O'MAHONEY. Mr. President—

Mr. TAFT. Mr. President, it seems to me that this bill is of sufficient importance so that I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Alken	Green	Pepper
Andrews	Gurney	Radcliffe
Austin	Hawkes	Revercomb
Bailey	Hayden	Robertson
Ball	Holman	Russell
Bankhead	Johnson, Colo.	Shipstead
Barkley	Kilgore	Stewart
Bilbo	La Follette	Taft
Bone	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Okla.
Bushfield	McCarran	Tobey
Butler	McClellan	Truman
Byrd	McFarland	Tunnell
Capper	McKellar	Tydings
Caraway	Maloney	Vandenberg
Chavez	Maybank	Van Nuys
Clark, Mo.	Mead	Wagner
Danaher	Millikin	Wallgren
Davis	Moore	Walsh, Mass.
Downey	Murdock	Walsh, N. J.
Eastland	Murray	Wheeler
Ellender	Nye	White
Ferguson	O'Daniel	Wiley
George	O'Mahoney	Willis
Gillette	Overton	

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Seventy-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the committee amendment on page 3, line 24.

Mr. TYDINGS. What is the amendment?

Mr. O'MAHONEY. This is the amendment providing for an additional 3 years in which to continue the use of the Red Cross label.

Mr. TYDINGS. We have not yet come to the amendment we have just been discussing?

Mr. O'MAHONEY. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 3, line 24.

The amendment was agreed to.

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

The next amendment of the committee was, on page 4, at the beginning of line 4, to strike out "1947" and insert "1947."

The amendment was agreed to.

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

The next amendment was, on page 4, line 4, after the date "July 1" and the comma, to strike out "1947" and insert "1950."

Mr. TYDINGS. I understand the Senator from Ohio intends to offer an amendment to this amendment.

Mr. TAFT. Madam President, I move that the figure "1950" be stricken out and that in lieu thereof the figure "1953" be inserted.

This section relates to the provision that after the expiration of the right to use the term "Red Cross" in 1947, the owners of Red Cross trade-marks may advertise that their trade-mark was "formerly Red Cross." Let me take a case I have in mind, of the manufacturers of the Red Cross shoe. They may advertise, let us say, "White Cross shoe," then in small type underneath "formerly Red Cross." I cannot see how that would in any way interfere with the rights of the American National Red Cross. It would enable anyone with these trade-marks to gradually acquaint their customers with the new trade-mark, calling attention to the fact that they formerly had the Red Cross trade-mark.

We must remember that no one can have used the Red Cross trade-mark unless he used it before 1905, in any event, so that all these trade-marks are well established, and of real value to the owners. It seems reasonable that such owners be given a fairly long time, I think longer than that provided in my proposal, but I understand the chairman of the committee feels that that is the limit to which he can agree. It certainly would permit no infringement of the rights of the National Red Cross, and it would help owners of existing trade-marks, and there is every reason to extend the time. I hope the chairman of the committee will accept the amendment.

Mr. O'MAHONEY. Madam President, the theory of the bill is that after a certain date the American Red Cross Society shall have the exclusive right to the use of the Red Cross emblem. It was the belief of the Committee on the Judiciary that the great popular support being given the American Red Cross Society by the people of every State and of every community, and the great humanitarian objectives of the society, are such that we should, out of consideration for the Red Cross Society alone, grant this exclusive right.

In addition to that, Madam Chairman, we have the treaty obligations of the United States. Therefore, in granting these three extensions of 3 years, 3 years in which to continue the lawful use heretofore recognized, 3 years in which to use another insignia and say that the trade-mark was formerly the Red Cross symbol, and then 3 years additional, making a total of 9 years in which jobbers and retailers may dispose of the commodities manufactured, the committee feels that it has manifested its good faith, and has made it possible for commercial users to adjust themselves to the proposed law.

I may say to the Senator from Ohio that I have had numerous conferences with the spokesman for the manufacturer of the Red Cross shoes and I have a great deal of admiration and respect for the manner in which that company has reacted to the suggestions of the proposed law. As a matter of fact, it has already entered upon a campaign of

advertising without the use of the red cross. It has substituted a gold cross for the red cross, and is doing precisely what the bill would require should be done.

For my own part, I think these parties are adequately taken care of, particularly in view of the fact that an amendment which was at one time suggested by the spokesman for this particular shoe company has already been accepted by the committee at the suggestion of the Senator from Georgia [Mr. GEORGE], the amendment to which I referred earlier in the discussion, on page 3, whereby, instead of prohibiting the use of any sign or insignia made or colored in imitation, we are prohibiting only the use of the sign or insignia which is made or colored.

Personally I feel that a sufficient concession has been granted. I should like to have the chairman of the Committee on the Judiciary, who is sitting beside me, and who participated in all the discussions in the committee, give his judgment upon this matter.

Mr. VAN NUYS. Madam President, I can say very truthfully to the Senator from Wyoming, who has worked long and hard as chairman of the subcommittee, that personally I think we have gone very far in conforming to the persistent lobbying or arguing, whatever it may be called, before the committee since the bill has been pending in the last year in the Senate Committee on the Judiciary. I know of no other bill which has been so thoroughly studied as this bill, or in connection with which such complete investigation of all complaints and suggestions of every kind and character has been made by the subcommittee and members of the full committee.

It appears to me that 3 years is sufficient time after which to stop the manufacture of articles bearing the Red Cross emblem, with 3 additional years, making 6, and 3 further additional years, making 9.

Furthermore, I should like to call the attention of the Senator from Ohio to the fact that those interested in the bill have been on notice that it has been for the last year in the Senate Committee on the Judiciary. A similar bill was introduced 5 years ago in the House. The manufacturers of goods using this emblem have had from 10 to 15 years' notice that legislation of this kind was contemplated and have had ample time to change their emblem from the red cross to the gold cross, or a cross of some other color. Personally, I think we have gone the limit with respect to extension of time, but of course decision of the question is up to the Members of the Senate.

I should like to have a vote on the question.

Mr. O'MAHONEY. Madam President, I should like to add a few words more. The Senator from Maryland [Mr. TYDINGS] has been talking to the members of the committee about the bill for a long period of time and has been urging various concessions which the committee to date has not seen fit to make. The Senator from Maryland came to me again today saying that he felt that we should at least add an amendment to the bill which would provide that if such users as

he has described suffer a loss by reason of the action which we are about to take, they may have the right to submit their cases to the Court of Claims. Personally, I make no secret of the fact that I do not believe they will suffer any loss. I believe with the chairman of the Committee on the Judiciary that we are granting every possible concession. But at the insistence of the Senator from Maryland I have consulted this afternoon with the legislative drafting service, and we have prepared an amendment which I am willing to offer, which will grant to the commercial users the right to go into the Court of Claims to show whether or not there is any liability, and then to have determined what the measure of damages, if any, may be. I shall be quite willing to offer that amendment. In these circumstances I feel that the request made by the chairman of the committee that we sustain the committee recommendation and allow the period in question to be 3 years, ought to be acquiesced in by the Senate.

Mr. TAFT obtained the floor.

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

Mr. TAFT. I yield.

Mr. DANAHER. I simply wish to say, in the light of the observation made by the Senator from Wyoming [Mr. O'MAHONEY], that I hope he will not accept such an amendment as that to which he has referred. This matter has been quite thoroughly canvassed in the committee, and if we have any right whatever to do what we are undertaking to do, it certainly is not contingent upon the existence of some claimed right in some person whose so-called claimed right to pursue a claim against the United States Government would otherwise be extinguished. If there is any such amendment as that I, for one, would most certainly wish to be heard in opposition.

Mr. ROBERTSON. Madam President, will the Senator yield?

Mr. TAFT. I yield.

Mr. ROBERTSON. I should like to ask my colleague if in his opinion the use of the Red Cross emblem by a fraternal and nonprofit organization would come within the scope of the bill?

Mr. O'MAHONEY. No; it would not. I will say to the Senator that the language of the amendment which has just been adopted is as follows:

It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for any charitable purpose, or for any person, corporation, or association for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business purpose, to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross.

This is the prohibition which the committee has placed against the use of the emblem for a charitable purpose or for a purpose of trade, and is not a prohibition against the use of the red cross by a fraternal organization such as the Masonic order.

Mr. ROBERTSON. I thank the Senator.

Mr. TAFT. Madam President, I wish to make clear that the amendment I offer in line 4, page 4, is to change the figure "1950" to "1953." Let us see what it is we are requesting should be done. In order to protect, so far as we can protect, consistent with the policy of abolishing these trade-marks, which have been established for 40 years in every case, and in many cases longer than 40 years, I ask that until 1953, in advertising or labeling an article, a firm which has already changed or abandoned the trade-mark may continue to refer to the fact that it was formerly a red cross article. That is the fact. That is no misrepresentation of any fact. I cannot personally see why a firm should not be able forever to say that the article in question was formerly labeled with the red cross. It was perfectly legal when the firm was using it. It was perfectly legal when the firm started to use it. Its use was expressly excepted from the law of 1905, so that those who used it have been justified in believing that Congress intended that they could use it ever since.

Mr. WILEY. Madam President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. TAFT. I yield.

Mr. WILEY. I take it that in the amendment suggested, when "red cross" is used, it means the words "red cross" and not the insignia of the Red Cross?

Mr. TAFT. This is the permission which is given. It is stated in the bill:

(A) If use in the labeling of such article by such person, corporation, or association would have been lawful prior to the date of enactment of this act.

That means prior to 1905, because that is the time when the law forbade anyone to begin anew the use of "red cross."

(B) If a new trade name, design, or insignia is used in such labeling.

In other words, if a firm has now adopted a new trade-mark.

(C) If such use is only of the words "Red Cross," and only for the purpose of indicating, in lettering smaller than the new trade name, design, or insignia, that such article formerly was identified by the red cross.

That is the fact. I cannot see why that should not be advertised. The committee feels that such use should have a termination date. The committee feels it should have a termination date. If so, I think the date should be as remote as possible; because what should be done for these persons, if possible, is to enable them to preserve as much as they can of the valuable trade-mark right they have established. Certainly a great deal of time is required to educate the public. People do not buy shoes of this particular type, for instance, more than once in 2 years; and even by 1953, when such advertising would be stopped, there might be people looking for Red Cross shoes, let us say, who would not be able to find them.

I cannot see anything in the amendment which would weaken the bill. I cannot see anything unreasonable in the request to extend at least until 1953 the period during which it might be said that a certain shoe was formerly known as the Red Cross shoe—an actual fact and an actual condition which existed.

With reference to the amendment suggested by the Senator from Wyoming, those who have talked to me are not asking for compensation. They are not asking for a long, drawn out court proceeding, as in the instance of some of the patent cases in which a master tries to ascertain the value of a trade-mark which, at best, is difficult to determine. They simply feel that, without any loss to the Red Cross or the Government, if Congress can make provision for them to have a little longer period within which they can obtain practically all the value of their trade-mark, while they change to another one, that would be the fair thing to do.

So I think the amendment I request to have agreed to is a perfectly reasonable one.

Mr. CAPPER. Madam President, I have been actively identified with the work of the American Red Cross for more than a quarter of a century. I have served my home chapter in Kansas in many capacities. I have been the Kansas State chairman of the Red Cross a number of times, and I have enjoyed membership on its national board of incorporators for more than 20 years. The members of this board are recommended for election by the delegates from all the Red Cross chapters in the country. I have attended with regularity the meetings of the board of incorporators and, in fact, I do not believe I have missed more than one such meeting in the last two decades. As a result of these intimate and continuous connections with the organization, I have kept myself familiar with its growth and operations, both at home and abroad.

I can assure the Senate, based upon my intimate experience and knowledge of the Red Cross, that this legislation is needed and is in the public interest. Now that this matter is before us for consideration, I know that if this bill is not promptly enacted, hundreds of thousands of volunteers who are carrying on Red Cross activities in every city and hamlet in this country will find it difficult to understand why Congress has failed to give protection to an emblem which to them is sacred.

The Red Cross emblem was adopted in 1864, as a distinct sign for humanitarian work. It was intended to be and has grown to be, all over the world, the symbol of mercy used for the relief of suffering. It was never intended that this emblem should at the same time be used for private gain by commercial advertisers.

It has always seemed a great pity to me that the protection of the Red Cross name and emblem, now to be for all time accomplished by the pending measure, was not provided by Congress immediately after we ratified the 1906 Geneva Treaty. That treaty in plain terms



placed upon the contracting parties the obligation to prevent the use by private persons of the Red Cross name and emblem, whether for commercial or other purposes. The 1929 Geneva Convention reaffirmed in stronger language this obligation, and provided that the signatory parties, of which the United States is one, would make this protective provision effective within 5 years after the treaty was ratified. To say that the matter has been too long delayed is the best of all reasons why it should be delayed no longer.

The activities of the Red Cross have increased manifold, especially during the present world-wide conflict. On every battlefield where American youth serves our country today the Red Cross emblem is used to give protection provided by the Geneva Treaty to those non-combatant members of the hospital corps of the Army and Navy who must care for our wounded. On all fronts workers of the American Red Cross are found extending a helping hand and sustaining the morale of our fighting men. The Red Cross chapters in every county of the United States are working constantly to care for the members of the armed forces or their families. These chapter workers are producing vast quantities of supplies for the relief and comfort of our soldiers and sailors. They carry on the collection of priceless human blood, the use of which in this conflict has saved the lives of countless numbers of our men wounded on the battlefields. Is it right or fair that these volunteers who labor so devotedly in this work should have to see their emblem used by the manufacturers of an endless variety of articles for private gain?

Was not the President right when he wrote:

To great numbers of loyal Americans it seems almost a sacrilege for any person, for private material benefit, to use an emblem created by international agreement solely for humanitarian purposes and as a protective mark for the establishments caring for the sick and wounded of armies and those engaged in extending aid to them.

The bill now before the Senate gives commercial advertisers 3½ years or so in which to select and introduce substitute marks for their products. It gives retailers and jobbers an additional 3-year period in which to dispose of any Red Cross branded merchandise. To me this seems a most generous consideration of commercial users who for many years, by reason of the great increase in the popularity and public esteem in which the Red Cross Society is held by the American people, have benefited by the sale of their products under the Red Cross label.

Personally I would have preferred the bill as originally submitted by the State Department. That bill would have required the cessation of commercial use of the Red Cross emblem within 1 year after its enactment. But I am content with the bill, as amended, which is now before the Senate, realizing that it has had the very careful and prolonged consideration of the Judiciary Committee. I am not content with and would oppose

commercial advertisers who grudgingly agree to make this legislation effective many years in the future. Despairing of defeating the bill on its merits, they hope by indirection to destroy its practical effect by suggesting that they be permitted to continue their present commercial use of the emblem for many years to come.

To further delay the carrying out of the provisions of the Geneva Treaty is tantamount to saying that the Army and Navy and the Red Cross are not entitled to the exclusive use of the Red Cross emblem. That I am unwilling to say, because I know what protection the emblem affords to our armed forces, and the respect and veneration in which it is held by countless thousands of our people at home. I know that all other civilized nations who signed the treaty have long since passed legislation similar to that now before us, and I am not willing that we should longer delay carrying out our solemn treaty obligations. By passing this bill we will declare that the Red Cross emblem is a humanitarian emblem, not a commercial mark to be used for private gain.

Mr. President, this bill is in every respect a worthy and necessary measure. I hope it will receive the unanimous approval of the Senate.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). The question is on agreeing to the amendment of the Senator from Ohio to strike out "1950", in the committee amendment on page 4, line 4, and insert "1953."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 4, in line 21, to strike out "1947", and insert "1950."

Mr. O'MAHONEY. Mr. President, in view of the adoption of the amendment offered by the Senator from Ohio, it will be necessary to amend the committee amendment, and also to change the date in line 25. In each place the date should be July 1, 1953, so as to coincide with the Taft amendment. Therefore, Mr. President, to the committee amendment on page 4, in line 21, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming to the committee amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 4, line 21, it is proposed to strike out "1950", and insert "1953."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the committee was, on page 4, in line 23, to strike out "1944", and insert "1947."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. O'MAHONEY. Mr. President, on page 4, line 8, after the word "act", I move to strike out the semicolon and insert a comma.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I now offer the amendment, which I send to the desk and ask to have stated. It is in line with the previous amendment of the Senator from Ohio to the preceding committee amendment, as I have already stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, in line 25, it is proposed to strike out "1950", and insert "1953."

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

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, on page 4, line 8, I offer a technical amendment, to strike out the semicolon and insert a comma.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. O'MAHONEY. Mr. President, I offer the amendment which I send to the desk and ask to have stated. The amendment is suggested by the Senator from Maryland [Mr. TYDINGS].

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert a new section, as follows:

Sec. — (a) Any person, corporation, or association that had a right to use and actually used the Red Cross, or whose assignor had a right to use and actually used the Red Cross, for any lawful purpose prior to January 5, 1905, and subsequent to January 5, 1905, but prior to the date of enactment of this act, who shall have been deprived of such use because of the enactment of this act, and who deems himself to have been injured thereby, may bring an action in the Court of Claims against the United States for compensation for such injury. Jurisdiction is hereby conferred upon the court of Claims to hear and determine the claim of any such person, corporation, or association, and, in any case in which it determines that such person, corporation, or association has been so injured, to render judgment thereon against the United States in an amount not exceeding the amount of the financial loss which shall have been suffered or may reasonably be expected to be suffered by such person, corporation, or association, by reason of such injury.

(b) Suit upon any such claim may be instituted at any time within \_\_\_\_\_ after the date of enactment of this act. Proceedings for the determination of any such claim, and appeals from and payment of any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Mr. DANAHER. Mr. President, I should like to ask the Senator from Wyoming within what number of years he contemplates suit may lie?

Mr. O'MAHONEY. I thank the Senator for calling attention to the oversight. I had intended to insert "5 years."

Mr. DANAHER. Five years from the date of the enactment of this act?

Mr. O'MAHONEY. Exactly. I thank the Senator. I ask that the amendment be so modified.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DANAHER. Mr. President, there are several objections to the amendment. The first derives from the fact, as I see it, that at a time when, in the public interest, we are extinguishing, or purporting to do so, a right which inures to given individuals, which is established by law, which has been regarded by our own congressional acts, which, in fact, had been agreed to between the American Red Cross itself and certain of the claimants, we would ipso facto give any such injured claimant the right to go into the Court of Claims and assert a claim against the United States to recoup all losses which he can show as flowing from the act of extinguishing that right.

I assert that in this attempt we are creating a precedent which is without foundation. We cannot justify it. If we have the right to extinguish the claim of Johnson & Johnson, the Red Cross shoe manufacturers, the Red Cross mattress manufacturers, or anyone else, then we have the right to do it in 3 years, 6 years, 9 years, or 1 day, and we owe them no compensation of any kind. If, on the other hand, Mr. President, as has been alleged before the committee, the right to extinguish this particular use derives from a treaty which was entered into some 12 or 14 years ago—I have forgotten the exact year, but I think it was 1929—that is where we would find our authority to act. There should not be any compensation available to any claimants. We either have the right to act under this proposal reported from the Judiciary Committee, or we have not, and without loss or claim of right against the United States.

On the factual side, Mr. President, it is my recollection that the testimony shows that the Treasury has already agreed, or at least has computed, that Johnson & Johnson will be entitled to a tax deduction running into millions of dollars for loss arising from extinguishment of the right to use the Red Cross as a mark.

This measure came up today without prior notice to others of us on the committee that it would be called up. Otherwise, I should have had my file before me, and would have been able to supply the exact figures. It is my recollection that it is said that Johnson & Johnson alone would be entitled to a tax deduction of \$11,000,000 by reason of our enacting this legislation. If, in addition, such loss can be shown in terms of the value of the mark which we extinguish, and thereafter there is added the loss which would flow from the business normally to be expected by this company

from the use of this type of advertising, when its sales are vastly increased during wartime, it can easily be seen that it is conceivable that a record can be compiled which will allow the claimant to go into the Court of Claims with an assertion of injury in a prodigious amount. By the adoption of this very amendment we would give color to such a claim.

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

Mr. DANAHER. I yield.

Mr. GEORGE. There is nothing strange in the Government taking over property and paying for it. The Government may be under treaty obligation to do just that, and it may be quite proper to do it. If a property right is involved, the Government should pay for it if it is to take it away from a citizen who has a legal right to use it.

The point I wish to make is this: I think the Senator will find that few users of the Red Cross emblem would be able to establish any considerable damage. After all, it is a trade-mark. It has a good-will value which has been depreciated ever since we have had income-tax laws. I think the Senator will probably find that when we get right down to it there will be no considerable item that would not have been depleted to the owner of the trade-mark. I can see no insurmountable objection to allowing the Court of Claims to find the damage, if any occurs, because even then it would be up to the Congress to decide whether or not to make an appropriation to take care of it.

It occurs to me that there is no substantial basis for worry on this point. Frankly, I do not think any damage of real consequence can be sustained. I do not know whether a cause of action exists, but assuming that we were granting a cause of action by the adoption of this amendment, I do not think any great damage would result. I was appealed to to try to insert something in the tax bill which would compensate taxpayers for the loss of the trade-mark in this very instance. I looked into the question, and I did not think it was a feasible or practical thing to do generally, because I question very much whether anyone would be able to sustain a claim for damages when we take into consideration the depreciation which must have been taken against all items of invested capital by the users of this trade-mark.

Mr. DANAHER. Mr. President, answering the Senator's first point, let me note that this is not a taking by the United States for public use of an existing lawfully employed mark from any owner, such as Johnson & Johnson. We are not taking property. We are extinguishing a lawful user's right to use an established trade-mark. That is the first point to be noted.

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

Mr. DANAHER. I yield.

Mr. McFARLAND. Is not the value of the trade-mark largely due to the fact that it is the same as the emblem of the Red Cross international organization?

Mr. DANAHER. I have no doubt that is the case.

Mr. McFARLAND. If the symbol of the international organization were to be changed to a blue cross, the damage sustained by the users of the trade-mark would be just as great, would it not?

Mr. DANAHER. Likely enough.

Mr. McFARLAND. How are we to determine what the damages are?

Mr. DANAHER. The last question asked by the Senator from Arizona is, of course, a cogent one. We have had no evidence before us as to what the nature of possible claims might be. We have never had any such evidence, in all the long years the chairman tells us this matter has been under consideration. In all the months it was before the Judiciary Committee, not one claimant asserted the suggestion that he be given the right to sue the United States for damages in the Court of Claims.

This whole matter was in a very precarious state throughout all the committee's consideration. Whether the bill would ever be reported from the committee at all was open to considerable doubt. A compromise was finally reached as to the term of years, which we have here discussed. Now, without committee action, and without any evidence before us to assert that we are going to create a cause of action, as to which the Senator from Georgia is willing to guess that there may not be very large claims, or that the damages may not amount to considerable sums, I think would leave us on still more dangerous ground.

Indeed, Mr. President, if we pass this bill there is nothing to prevent any one of these possible claimants from shutting up his business tomorrow and charging off the entire loss.

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

Mr. DANAHER. I yield.

Mr. VANDENBERG. I wonder if I misunderstand the theory upon which the committee developed the bill. I should like to have the attention of the Senator from Wyoming [Mr. O'MAHONEY].

I wonder if I correctly understand the theory upon which the committee recommends the bill, because I do not see how the committee theory can harmonize with the theory of the pending amendment.

Mr. O'MAHONEY. The Senator is correct.

Mr. VANDENBERG. As I understand the committee theory, the user of the Red Cross emblem, within 9 years under the committee theory, can mitigate any possibility of loss through a change in the symbol. Yet, within 5 years the user would be permitted to start suit for damages before he had a chance to run the 9-year mitigating course, to discover whether or not the committee theory is right.

Mr. O'MAHONEY. Mr. President, perhaps I made my statement before the Senator entered the Chamber. I will say to the Senator from Michigan that I agree completely with the theory of the committee and the theory of the report, which is that we have the power to extinguish the right of private commercial users to employ this symbol in trade, and that by extinguishing such



use we are not laying the basis for a suit for damages against the Government of the United States.

But when the Senator from Maryland [Mr. TYDINGS] came upon the floor today pleading the case of a user in the State of Maryland—the original user of the Red Cross symbol in commercial pursuits—

Mr. TYDINGS. Since 1876.

Mr. O'MAHONEY. The Senator informs me that the use by this particular user began in 1876. He urged the submission of such an amendment. To be quite frank, I agreed that I would not object to it, believing that thereby the effective opposition of the Senator from Maryland to the bill would be eliminated. However, at the time, I accepted it, I told him that I believed it would make no difference, that no user could establish a case in the Court of Claims. I agree precisely with what the Senator from Georgia has said. Therefore it is my opinion that this amendment could be agreed to without harm.

Mr. VANDENBERG. Still the Senator has not answered my point. If we are to allow a suit for damages I do not see why we do not require the 9 years to run before the suit can be started in order to discover whether the theory of the committee is correct, that the change-over can be made without loss. We start with the theory that in 9 years the change-over could be made without loss by the user of the symbol. Then an amendment is proposed which would permit the user to sue in 5 years for a loss, which, under the original theory, would be offset in 9 years.

Mr. O'MAHONEY. The Senator overlooks the fact that in the bill the right of usage is only for 3 years, and it was for that reason that the period was made 5 years. Damage to the corporation, institution, or person who has used the symbol would arise only during a period of 3 years, and therefore 5 years is 2 years after that right has been extinguished. That was the theory.

Mr. VANDENBERG. Mr. President, probably it is my fault, but I fail to follow the Senator from Wyoming. After the first 3-year period it is proposed to allow another 3-year period in which the former user of the Red Cross symbol may say that the new symbol has replaced the Red Cross symbol.

Mr. O'MAHONEY. That would not affect his loss, if any.

Mr. VANDENBERG. That might well be another period in which to rebuild his business and overtake any possible loss which he might have suffered.

Mr. O'MAHONEY. That is when the jobber or the retailer who has bought the material which can no longer be manufactured under that insignia would be permitted to dispose of it. I believe that so far as years are concerned, there is nothing complicated at all.

Mr. VANDENBERG. I favor the original bill as reported by the committee, but I think that the pending amendment is cockeyed.

Mr. REVERCOMB and Mr. TRUMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and, if so, to whom?

Mr. DANAHER. I yield first to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, as I understand the amendment suggested by the Senator from Maryland [Mr. TYDINGS], it would permit the present user of the Red Cross symbol who would be deprived of it by the bill, to maintain a suit in the Court of Claims to recover damages for any loss which he might sustain.

As a member of the committee, and likewise as a member of the subcommittee which considered the amendment, it is my recollection that two major questions arise. The first is whether it is proper, by legislation, to take the symbol away from those who had used it as a private symbol over a course of years. The question was raised as to whether the Government should use the funds of the taxpayers to pay damages. As I distinctly recall, it was the sense of the committee that Government funds should not be used to pay for such damages; that that would be virtually a purchase of the symbol from the users for the benefit of the Red Cross.

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

Mr. DANAHER. I yield.

Mr. O'MAHONEY. I desire to recall to the mind of the Senator from West Virginia that the amendment which was discussed in the committee, and to which he now refers, was an amendment which acknowledged a liability on the part of the Government and, of course, it was rejected. As I recall, no member of the committee was willing to sponsor that amendment. That is, not the amendment suggested by the Senator from Maryland. I would not agree to such an amendment.

Mr. REVERCOMB and Mr. TYDINGS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield and, if so, to whom?

Mr. DANAHER. I yield first to the Senator from West Virginia in order that he may make reply to the Senator from Wyoming.

Mr. REVERCOMB. I thank the Senator.

The sum and substance of what the Senator from Wyoming has said bears out what I stated. It was decided in the committee that Federal funds should not be used to reimburse users of the Red Cross symbol.

Mr. O'MAHONEY. That is to say, it should not be so stated in the bill.

Mr. REVERCOMB. Yes. An amendment is now offered—and I must say that somewhat to my surprise—I find that amendment accepted by the able Senator from Wyoming who reported the bill from the committee, providing that a suit may be maintained. I am opposed to it, because, in my opinion if a suit could be maintained, that would be an acknowledgment of the right of recovery; and if the right of recovery is present the claimant can present a claim showing

loss, and in the end it would have to be paid out of Federal funds. In my opinion that is absolutely contrary to the decision reached by the committee.

Mr. DANAHER. Mr. President, I wish to emphasize what the Senator from West Virginia has said. If we accept the pending amendment, we say that if in fact the claimant shall assert injury, and if in fact the court finds injury to have been sustained, the court shall award damages. Every Senator knows that when we extinguish the right of the user, in fact, he is injured. That is exactly why we are passing the bill.

Mr. TYDINGS. Mr. President—

Mr. DANAHER. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I have not interrupted the Senator; but as the advocate of this amendment I wish to say there are a good many statements being made in the debate that I do not believe are sound, and I hope that Members of the Senate will keep an open mind until some of the facts on the other side can be presented. I did not want to interrupt the Senator during his presentation.

Mr. DANAHER. I have reached the point of concluding, anyway.

Mr. President, simply for the reason that we have not factually gone into this situation and we do not know what the possible liability is, since it has not been explored—it was discussed in the committee as a matter of possible award to claimants whose rights indeed would be extinguished but that was ruled out—and because of the uncertainty of the situation, I move that the bill be recommended to the Judiciary Committee in order that the committee may resume hearings on this phase of the question. I was willing to support the bill without this amendment, and I still will support it without it, but otherwise I move, respectfully, that the bill be recommitted for further hearings.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut that the bill be recommended to the Committee on the Judiciary.

Mr. TYDINGS. Mr. President, I think the first thing we ought to do is to get straightened out so as to understand what we are arguing about. All the preceding debate prior to the offering of this amendment was that nobody would suffer any loss; that there was not going to be any loss; a transition period was provided, and, therefore, there would not be any loss; but when we think there may be losses in certain cases and ask for a hearing of them, then those who assert that there will be no losses are not willing to put their contention to the test of a fair, impartial tribunal of the Government of the United States itself. Either there is a loss or there is not a loss. Let us settle that dispute by referring this matter to the Court of Claims. If the contention that this bill will take no rights away from anyone and will cause no losses to anyone is correct, then the Court of Claims will so hold; but if, on the other hand, the men who are

interested can prove a loss in the Court of Claims, then they are entitled to be heard.

The second thing to keep in mind is that we are not in this bill wiping out trade-marks or copyrights which are open to all the people of the United States. We are in this bill wiping out only one trade-mark and one copyright. A particular group who had honestly been using this trade-mark long before this Government in any capacity whatsoever extended the hand of welcome and approval to the Red Cross, are to have it taken away from them and they are to be denied, when their property and the goodwill of their business is taken away, the mere opportunity—and that in a democracy, praise God—to go before a court and prove their case.

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

Mr. TYDINGS. I yield to the Senator from Vermont.

Mr. AUSTIN. I wonder if the Senator is accurate in his statement about priority of use.

Mr. TYDINGS. Yes, sir; I am going to read the history pertaining to the matter.

Mr. AUSTIN. Before the Senator begins to read, I ask him to consider that the evidence before the subcommittee of which I was a member showed the use of the Geneva Cross by the Red Cross as early as 1864.

Mr. TYDINGS. I am not disputing that, but the Government of the United States took no official action until 1905.

Mr. AUSTIN. That is to say, the Government did not create this industry, of course.

Mr. TYDINGS. That is correct.

Mr. AUSTIN. And so far as the equity of priority of use goes nobody has a claim against the Red Cross.

Mr. TYDINGS. Let me develop the facts and let them speak for themselves. On August 22, 1864, the Geneva Convention adopted as its symbol a red cross with a white background. The United States Government was not represented. In 1866 there came the Bellows committee, which had an ephemeral existence and dissolved in 1872 without taking action. In 1869 Miss Clara Barton, founder of the American Red Cross Society, first heard of the Geneva Convention. From 1872 to 1905 numerous firms in the United States used the red cross as a trade-mark. In 1881 an American committee formed by Miss Barton in 1877 was incorporated under the name "The American Association of the Red Cross." In 1900, act of June 6, 1900, the first Federal statute incorporating the American National Red Cross was passed.

The concern I am talking about has used the red cross since 1872 and registered it with this Government in 1876, practically 30 years before the Government of the United States, by an official action, approved by the Red Cross.

Now what is it proposed to do? To wipe out all trade-marks, wipe out all copyrights? No; but a concern that had been using it 25 or 30 years before our Government took any official action is asked in the national interest to sur-

render its copyright, its goodwill, its trade-mark, while all other persons, firms, and corporations in America are to be allowed to retain theirs.

Mr. DANAHER. Mr. President—

Mr. TYDINGS. Let me proceed for a little while and then I shall then yield to the Senator.

I have heard some arguments on this floor today that I can hardly believe would be made in the United States Senate. I have heard that the Government can take a man's property without due process of law.

Mr. AUSTIN. Mr. President, I beg the Senator's pardon, but will he permit a question at this point?

Mr. TYDINGS. I will.

Mr. AUSTIN. I observe that he commenced his address on a point of law and I note that the language of his amendment commences with a clause relating to the "right to use." Therefore, I am inclined to inquire whether the Senator regards it necessary that his amendment should be so worded and so considered by the Senate as to indicate that a condition precedent to any action to recover a loss is the establishment of a legal right of property in the trade-mark. That I ask as a question.

Mr. TYDINGS. I answer generally in the affirmative, but in all detailed respects I should say "No" because in this instance, in my opinion, there is a moral obligation.

Mr. DANAHER rose.

Mr. TYDINGS. Let me proceed for a few moments, because I do not believe that all the Senators are conversant with the fact that we are dealing with cases where users of the Red Cross had adopted and employed that emblem prior to 1905, which was the date of the incorporation by Congress of the American National Red Cross. We are not dealing with anybody who came along after 1905. We are dealing with a group of cases going back to 1872—30 years before the American Congress acted—affecting men who in good faith have been using the Red Cross as a trade-mark to aid in selling their products by giving them a good name, and a designation which the public would recognize as guaranteeing quality.

I have heard on the Senate floor today an argument, which to me is astounding; to the effect that the Government in the public interest can take property without due process of law, as was so ably brought out by the Senator from Georgia. If in the public interest the Government needs the house of the Senator from Connecticut, let the Government take it and do nothing further about it. A trade-mark is just as much a property right, an intangible property right to give it its correct name, as is a tangible property right consisting of acreage. Every Senator has a trade-mark. The Senator from Connecticut has one of the best trade-marks in this body. The name "Danaher" in Connecticut politics stands for integrity and industry and good representation. Let the Senator have his name changed to Jones and run on the Republican ticket and he will not get so many votes as he

would get under the name of Danaher, and he knows it.

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

Mr. TYDINGS. I yield.

Mr. DANAHER. The Senator is perfectly right about that. I would have it made clear, furthermore, that I like the name "Danaher" and have no intention of changing it to Jones; but, above all, I do not want the Senate of the United States extinguishing my trade-mark. Everything the Senator from Maryland is saying on this floor I said in committee.

Mr. TYDINGS. Good.

Mr. DANAHER. I have been one of the last recalcitrants, so to speak, to agree that this bill might be brought up, because I thought we were extinguishing a right which the claimants indeed had. When we get this far, on the other hand, and it is urged that we have a right to extinguish this trade-mark because some treaty has given us the right to do it, and that the treaty as the supreme law of the land indeed imposes upon us the duty to extinguish it, then, Mr. President, I say that, if we have the right to do it on that ground, we do not owe anybody anything, and, therefore, I do not want to leave the Government liable or possibly liable.

Mr. TYDINGS. I am glad the Senator made that remark, because, without flattery, I look upon him as one of the ablest Members of this body, and it was astounding to me, without his qualifying statement of a moment ago, how he could take what seems to me to be the untenable ground that property rights in democratic United States of America can be extinguished without just compensation, although the amendments to the Constitution provide otherwise.

Mr. AUSTIN. Mr. President—

Mr. TYDINGS. Let me proceed for a moment, and then I shall yield to the Senator from Vermont.

The trade-mark is everything in the world that distinguishes one product from another. When we go to a store to buy a pair of shoes, do we say, "Give me a pair of shoes"? When we go to a store to buy any garment at all, do we merely ask for a garment? No; we buy the garment with the trade-mark on it, which we know from experience shows quality.

When we buy canned goods put up by Charles B. Silver, of Havre de Grace, Harford County, Md., we are buying goods which have been sold in every State in the Union under his trade-mark since 1872, known as the Red Cross canned goods, with a standard of quality, under a trade-mark which Mr. Silver honestly came by, which he built up through depressions and adversity so that his is one of the great canning establishments of this country, a business which represents his life work and which he is about to hand over to his son. But we are asked to say, "You may call your goods the Red Circle goods, and you will not lose anything. Then, after he is told he will not lose anything, we are to deny him the opportunity to go into a court of the United States and



prove that he did suffer loss. And that is called democracy; that is called justice.

Suppose one of the Members of this body owned a canning establishment, representing the notes he had paid, and the toil he had put in, the hours of adversity, and the time he had spent fighting unfair competition, extending the sales of his wares here and there, finally coming to the point that people know that when the goods have the Red Cross Canned Goods stamp on them, they are cleanly packed, there is honest weight, there is real quality. The housewife knows, when she goes into any store in any State in this Union and buys those goods, that they come up to that standard. We are asked to say, "Just put a red circle on the label and she will buy them just the same."

It is said he would not suffer any loss, because he would be given 3 years in which to call the goods The Red Circle instead of The Red Cross, after using that trade-mark for 75 years of the hardest kind of work, starting from the infancy of the canning industry, when canned goods were first put up, down to this good hour. We are asked to deny this man a chance to come into the Court of Claims and show what he lost.

Mr. BUSHFIELD. Mr. President—The PRESIDING OFFICER (Mr. WALLGREN in the chair). Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. TYDINGS. I yield.

Mr. BUSHFIELD. I should like to ask the Senator whether it is not a fact that for more than 50 years Congress has recognized that there is a value in trade-marks.

Mr. TYDINGS. That is true.

Mr. BUSHFIELD. And people have built up their businesses on that principle?

Mr. TYDINGS. Of course.

Mr. BUSHFIELD. It is an established principle in our Government to recognize the value of trade-marks.

Mr. TYDINGS. Yes.

Mr. REVERCOMB. Will the Senator from Maryland yield?

Mr. TYDINGS. In a moment, but let me develop the thought suggested by the distinguished Senator from South Dakota.

Senators, it is always easy to settle another man's losses with his money. It is always easy to write down the hardships of another man. But whether one is in the ranching business, or manufactures oilcloth, or is in the shoe business, or the milling business, or in the law business, as many of the Members of this body are, there is something so vital, there is something so overwhelming, in the power of a good name, established over a period of years, that no money on God's earth can buy it. Millions of rich men who have gained great wealth have lost it all because they did not acquire a good name while they were accumulating their wealth.

Mr. Silver is a man who started out as a farmer, and who went into the canning business when there was hardly a thing put up in cans in this country, when half the cans of food would spoil. He gradu-

ally grew up with the industry, he fought competition, and for 75 years has conducted an honest business. Now, it is proposed to say, by the edict of the Federal Congress, that that shall go for nothing. It is proposed to say further, that we should not allow him to go into the Court of Claims, that the Government can take away, but the Government need not restore. And this is to be done in the name of justice and right.

Mr. President, was not this Government established to protect the right of the poorest, the humblest, the most ignorant individual in this country? That is why we have the Constitution. He has as much power and right as any king in Christendom. But here we are asked to depart from that principle. Because there are only a few, they shall sit outside and get the crumbs. As Shakespeare said:

Who steals my purse steals trash; 't is something, nothing;

't was mine, 't is his, and has been slave to thousands;

But he that filches from me my good name  
Robs me of that which not enriches him  
And makes me poor indeed.

After 75 years of honest effort, behind the Red Cross label of Charles B. Silver & Son, of Havre de Grace, Md., without having committed any crime, after having paid his taxes and done his part in all the wars his country has fought in his lifetime—that is all to be done away with by act of Congress, if this amendment shall be rejected, and this man is to be denied, not compensation but denied the mere opportunity to prove he is entitled to it.

Charles Silver first registered his trade-mark in 1876. The Government of the United States first officially recognized the Red Cross by the act of January 5, 1905—an act to incorporate the American Red Cross. Twenty-nine years elapsed between 1876 and 1905 before this Government officially took cognizance of the Red Cross, while this man was working to build up this industry in an honest and American way.

First it is argued that he would suffer no loss whatsoever. Eminent Senators say they believe that, with the transition period provided, there will be no loss at all. Then they say to him, "You shall not have the right to prove there was a loss. There is no loss, but we are not even going to give you the right to prove there was a loss. We are going to take your trade-mark, you cannot use it again, we are going to take from you 75 years of effort to build up a good name, we are going to kick you out of the Senate and House of Representatives as if you were a foreigner. You can go your way. You can suffer whatever loss comes to you. You can be ruined. But you dare not come into any American court and ask for a hearing."

There is nothing in the amendment to provide damages. All it provides is the opportunity for a hearing, because no judgment of the Court of Claims can be paid until approved by the Appropriations Committees of both Houses of Congress and by the Congress itself.

Mr. REVERCOMB and Mr. DANAHHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield, and if so, to whom?

Mr. TYDINGS. I yield first to the Senator from West Virginia, then I shall yield to the Senator from Connecticut.

Mr. REVERCOMB. I am deeply impressed by the eloquence of the Senator from Maryland.

Mr. TYDINGS. I hope it is logic, rather than eloquence.

Mr. REVERCOMB. I may say it is logic.

Mr. TYDINGS. I thank the Senator.

Mr. REVERCOMB. I am deeply impressed by the fact that the Senator has taken the position I took in the committee.

Mr. TYDINGS. I am glad to hear that. I am in good company.

Mr. REVERCOMB. I am in good company now, but I had no company when I stood alone in the committee. Under no circumstances, however, do I feel that the Government of the United States should take its funds and purchase an emblem for any organization.

Mr. President, I ask the Senator from Maryland if his position would not be stronger if he were to oppose the passage of the bill rather than to amend it to require the Government to pay money, in effect, damages by recovery in a court, in order to bestow this mark upon an organization, however worthy?

Mr. TYDINGS. Mr. President, I hope the Senator will not press me to answer that question, because I frankly would not want to make that decision right now.

Mr. REVERCOMB. Then may I say to the able Senator that I regret very much that he did not join me before the committee—

Mr. TYDINGS. I did.

Mr. REVERCOMB. In presenting this matter. May I further not ask if it would not be the wiser course to recommend the bill to the Committee on the Judiciary for further consideration rather than to proceed at this time, in view of the situation which has been developed here by an amendment offered which will require the payment out of the National Treasury of unknown amounts of money not only in the case of the Maryland packer but other users of the Red Cross emblem? It seems to me that the wiser course, indeed, would be to recommend the bill rather than to place the Senate in the situation of passing upon the question of eventual payment of damages by the Government.

Mr. TYDINGS. If the Senator wishes to make that motion, I shall, of course, be governed by the exigencies of the battlefield.

Mr. REVERCOMB. I believe such a motion is pending.

Mr. GEORGE. Mr. President—

Mr. TYDINGS. I wish to make a statement before I yield to the Senator from Georgia, which I shall do in a moment. My good friend, the senior Senator from Michigan [Mr. VANDENBERG] a while ago characterized this amendment as a "cockeyed" amendment. I am going to assume, representing, as

he ably does, the great State of Michigan and our country, that this bill took away the trade-mark of Henry Ford, in the Senator's own State; would the Senator feel that if Mr. Ford were suddenly to lose the right to use the name "Ford" in the particular way it is written, and that he could use the name "Jones"—or "the Jones automobile," that Mr. Ford would suffer no loss whatsoever in the transition from the use of the former Ford name to the Jones name in any kind of normal times?

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

Mr. TYDINGS. I yield.

Mr. VANDENBERG. The Senator mistakes the application of my word. I was applying it to the fact that it is inconceivable to me that the bill should contemplate a 9-year program to overtake the loss incident to the change in trade-mark, yet that the lawsuit could begin in 5 years, before the 9-year period has run.

Mr. TYDINGS. I am glad to have the Senator correct me. If this were a big matter, the loss would be so great that no Senator could escape it. But because it affects one small independent canning establishment in the little country town of Havre de Grace—well, it is just one man; brush him aside. But if it were the Ford interest, whose trade-mark and goodwill were built up in such difficult circumstances in the early days of that industry—if that were the thing that were to be swept aside in the national interest, there would be no question about allowing Mr. Ford to come into a court of law and prove his loss, and he would come close to obtaining a unanimous vote in this body.

Mr. VAN NUYS. Mr. President, I know the distinguished Senator from Maryland does not intentionally want to mislead the Members of the Senate with respect to the facts.

Mr. TYDINGS. Not at all.

Mr. VAN NUYS. I understood the Senator from Maryland to say that the Silver concern had registered the trade-mark in 1876.

Mr. TYDINGS. I said they had used the trade-mark since 1876, and it was registered as soon as the trade-mark laws permitted it to be registered thereafter, and long before, in either case, the Government of the United States took any official action with respect to the Red Cross Society.

Mr. VAN NUYS. Mr. President, that is just as wrong as the facts can be. I read from a letter recently sent me by H. J. Hughes, general counsel of the American National Red Cross.

Mr. TYDINGS. Very well, show me where I am wrong and I shall be glad to admit it.

Mr. VAN NUYS. The trade-mark now being used by the Silver company was registered as a trade-mark March 6, 1906. I read from the letter:

The registration statement under oath declares—

And here is where the 1876 comes in—

1. The trade-mark has been continuously used in the business since 1876.

Mr. TYDINGS. Well, I stand corrected with respect to the date when the trade-mark was registered.

Mr. VAN NUYS. The history of the trade-mark is that—and I quote from the letter—

On February 23, 1917, Charles B. Silver & Son acquired the trade-mark from S. J. Seneca, the original registrant.

Mr. TYDINGS. I knew Mr. Seneca, and I know Mr. Silver. Mr. Seneca employed Mr. Silver, and Mr. Silver built up and extended his business and afterward bought it out and continued it.

Mr. VAN NUYS. I continue to read from the letter:

This is one of the two known cases where a present use of the Red Cross trade-mark is claimed to have begun before the first incorporation of the present American Red Cross.

Mr. TYDINGS. It is probably as strong a case as any case in the whole category. I should equally be interested in it if it were a case in Indiana. What I am interested in seeing is that an American citizen is not bereft of his right to trial in a court of the United States. If that right is to be denied him we had better call off the war with Hitler and let things take their normal course.

Mr. VAN NUYS. I continue to read from the letter:

It is to be noted that the first claimed use starts in 1876, 12 years after the Treaty of Geneva—

Mr. TYDINGS. To which the United States was not a party.

Mr. VAN NUYS. Will the Senator please permit me to continue?

Mr. TYDINGS. Yes, I will; but I want the Senate to know the whole situation.

Mr. VAN NUYS. The Senator has had his opportunity. I continue to read:

Twelve years after the Treaty of Geneva, and from 10 to 12 years after the use of the Red Cross emblem by the United States Sanitary Commission in Civil War days, and by the kindred society, the American Association for the Relief of Misery on the Battlefield.

These associations were the forerunners of the American Red Cross Society as incorporated. So the statement that the red cross had not been used by the Red Cross Society—

Mr. TYDINGS. I did not say that.

Mr. VAN NUYS. Or its predecessor—

Mr. TYDINGS. I did not say that.

Mr. VAN NUYS. I beg the Senator's pardon.

Mr. TYDINGS. I said the Red Cross received no official sanction by the Government of the United States until 1905, and I stand on that statement.

Mr. VAN NUYS. That is the date of its incorporation.

Mr. TYDINGS. That is correct.

Mr. VAN NUYS. But its predecessor, the two associations which I just mentioned, for years and years used the Red Cross as an emblem, and the emblem would not have been worth 5 cents to Mr. Silver, of Havre de Grace, Md., if it had not been for the long history of charity and humanitarianism built up around this traditional symbol.

Mr. TYDINGS. Mr. President, I do not agree with that remark. It is so transparent that it defeats itself. If all that Mr. Silver had to sell was the Red Cross label on the package in 72 years, his customers would have found him out. Mr. Silver is not asking for the Red Cross emblem because of its humanitarian value. He is asking for it because that is the way the customer knows what C. B. Silver's goods are and how they are labeled.

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

Mr. TYDINGS. Yes, I shall yield in a moment. As to the statement made by the Senator from Indiana, Mr. President, let me remind him that the red cross was used by the Crusaders. The red cross appeared on every crusade flag that was carried across Europe by that gallant band of men who went forth with high motives and ideals and impulses to rescue the Holy Grail from the infidel, and who robbed every chicken coop on the way back, and some of them did not get back.

I now yield to the Senator from Vermont.

Mr. AUSTIN. Mr. President, the statement I shall make is a little distant from the point to which it applies, but I desire to ask the Senator from Maryland to consider a possible correction in his statement that the Red Cross emblem and its use for the purpose of humanity were not directly recognized by the United States until after 1900.

Mr. TYDINGS. That is correct.

Mr. AUSTIN. I wish to correct that statement, because the United States became a party to the Geneva Convention in 1882; and from a strictly legal point of view, I doubt whether the Senator would make the claim that any particular private individual could acquire a legal property right to the use of the emblem, as against any of the parties signatory to that treaty.

Mr. TYDINGS. Mr. President, I do not wish to go into that field of argument.

I go back to my statement that the Red Cross emblem—and I hold in my hand a history of the Red Cross which gives the day and month when the emblem came into use—originally came into use and effect in 1864, and that the United States of America was not present and was not represented when that was done. A certain period went by. Miss Barton, a very wonderful American woman, organized the Red Cross in unincorporated form. After a while it grew in prominence, but it was not until the year 1905 that the Congress of the United States recognized it and incorporated it by a legislative act. I maintain that up to that time its official status as a Government institution was rather more indefinite than definite.

Mr. Silver, on the other hand, utilized the Red Cross trade-mark as far back as 1876. I was born in 1890. As a boy of 8 years of age, I can remember the Spanish-American War. During that war a bill was introduced to prevent Mr. Silver using the Red Cross trade-mark, just as today a similar bill has been introduced during the present war. My



predecessor in the House of Representatives was Col. J. F. C. Talbott, of the Confederate Army, who served some 30 years in the House of Representatives, and for a long time was chairman of the Committee on Naval Affairs. He made the same points, in essence, that I have made today.

I have appealed to the representatives of the Red Cross who came to my office. I said to them, "All I ask you to do is to treat fairly those who legally, and in good faith, used the red cross as a trade-mark before the United States Government gave it its official sanction. I like the spirit of your bill. I like the aim of your bill. But it would be an outrage, merely because there are a few of them, not to give them a hearing and the consideration to which their case is entitled."

Mr. President, I do not wish to continue this argument longer. I may be defeated in my efforts in this connection. It may be that, because of the great humanitarian impulses which we all feel and have for the Red Cross, my small voice asking for justice for one man in line with our American traditions will be lost in the wilderness. But I know that if any one of us had a business which was 75 years old and had used the red cross as a trade-mark all that time, in voting on this matter he would not feel so detached as Senators feel when their own pocketbooks and their own economic security are not jeopardized.

All we ask for in the amendment is the right to a hearing. If there are no damages, as many claim, then nothing at all will be found in favor of these claimants. If they have suffered loss, in God's name has the Congress of the United States reached the point where, by statute, it will deprive a man of his honest property without compensation, and even without hearing, if some contentions are to be upheld?

Therefore, Mr. President, I rely on the fairness of my colleagues, representing, as I do, one comparatively small industry, one independent industry; for I feel that in representing the head of that organization I am representing not only him and his concern but the finest traditions for which the American Republic was established and for which, pray God, it may ever stand and uphold.

Mr. GEORGE. Mr. President, before the Senator takes his seat, I should like to make a statement in his time, if that is agreeable to him, because I do not care to discuss the matter in my own time.

Mr. TYDINGS. Certainly.

Mr. GEORGE. I was interested in the bill, and I conferred with its proponents, particularly the senior Senator from Wyoming [Mr. O'MAHONEY]. I felt that the amendments proposed to the bill were very reasonable and liberal, when all of the facts were taken into consideration. However, I cannot see why the amendment offered by the Senator from Maryland—of course, it may be that the phraseology is not quite what it should be—should not be inserted in the bill. I very much doubt, as I have said to him frankly, that anyone could establish damages for the taking of his red cross

trade-mark, because there would enter into the consideration a great many questions; for instance, whether the person concerned had used the trade-mark, whether he had used it continuously, whether he had attempted to protect it as against other users, whether he had lost any exclusive right which he may have had in it, and so forth, and so on.

The present tendency of the courts is to hold that the failure vigorously to assert all rights to an alleged trade-mark results in the loss of the rights to its exclusive use; and the courts will not restrain another person from using it if there has been a failure to protect those rights, to say nothing of awarding damages to the person who claims to have had the exclusive right to the use of the trade-mark.

However, a property right to a trade-mark can properly be asserted with respect to cutting off the use of the trade-mark by others, if action is promptly taken at the time when others attempt to make use of it. That seems to me to be beyond argument.

The only right of the United States to take away such a right with compensation is not because it is taken away by virtue of a treaty but because it is taken away in the public interest.

It is true that the International Red Cross and the American Red Cross are in one way the beneficiaries of the legislation; but we deem it to be in the public interest to give to the International Red Cross and the American Red Cross certain privileges and certain rights because of their great work for humanity. It is in the public interest to do so, just the same as when the Government sends its agents to farms in the West and has them destroy cattle there, not for the benefit of the Government, but for the benefit of all the people of the United States, in order to prevent the spread of a destructive disease in the cattle of the country. Yet Congress right along provides for payment for the cattle taken from Bill Smith and John Jones and other persons, in cases in which there has been a rightful taking.

Frequently there are treaty stipulations, particularly with reference to certain sorts of plant diseases and animal diseases; but that would not excuse the refusal of the Government, if it took the property of another, to pay just compensation.

That is all there is to the present case. There is nothing that anyone could do to take away a property right if it has a value which has not already been amortized and been taken up by its owner. It seems to me we are simply wasting time to say so or to think so; that we are confused in our thought. Undoubtedly we have a right to pass this bill. Undoubtedly, if we made a treaty obligating the Government of the United States to pass the bill, we should carry out the treaty stipulations. But undoubtedly no one has the right by treaty or by any provision of statutory law to take away any property right of a citizen, for the public welfare, without paying him for it or giving him a chance to show his rights regarding it. I am

morally certain in my own mind that the amendment is a hope held out to the users of this Red Cross emblem as a trade-mark on business or commercial articles that will not materialize. In the first place, they may not be able to show that they have any right in it; in the second place, they may not be able to show that they tried to protect it, or that it is an exclusive right.

I know that since 1913 no single individual or corporation in America has failed to take depreciation against his invested capital. I do not believe there is any chance for anyone to recover any substantial amount whatsoever. Of course, users of the emblem may have spent a great deal of money in advertising year by year in order to keep the trade-mark effective, but the cost of the advertising is a deductible item against the Government of the United States. I would not like to be a lawyer working on a contingent basis and taking cases against the Government of the United States to recover damages from the United States under this amendment. I honestly do not think it is worth discussing, because I do not believe there can be any damage; but if there is a damage, then certainly the Government of the United States ought not to take away a right without letting the citizen have the opportunity to establish his claim if he can possibly do so.

Mr. CONNALLY. Mr. President, I dislike very much to disagree with my distinguished friend from Maryland, and to oppose his amendment; but I was on the committee which considered this measure, and I cannot agree to the doctrines urged here.

In the first place, the United States Government in dealing with this matter is not dealing with it as man to man, as would be the case in some private transaction. It is dealing with it in its highest sovereign capacity. Irrespective of having made a treaty, if the Red Cross organization is a great international utility, my own view is that the Government of the United States, as a great sovereign government, would have a right to enact this legislation in the promotion of that organization, irrespective of whether or not we had bound ourselves by treaty.

Furthermore, I do not regard a trade-mark, after it has expired, as giving anyone a property right. It is an act of grace on the part of the Government. When the Government enacts a copyright law, it does so as an act of grace. The copyright user registers his copyright or trade-mark, and so long as he complies with the law he is protected, not against the Government but against competitors who might otherwise use his name or trade-mark. So I cannot subscribe to the theory that every time we enact a law, if someone is hurt by the law, we must pay him damages. Suppose, when we enacted the prohibition law, every man who had had a liquor business or saloon had said, "I have been engaged in this business for 25 years. I have obeyed the law. Congress has enacted a law which takes away my business, and I ought to be recompensed."

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

Mr. CONNALLY. I yield.

Mr. TYDINGS. Is it the Senator's understanding that I maintain that Congress has no right to enact the proposed law?

Mr. CONNALLY. No; I did not say that.

Mr. TYDINGS. I thought the Senator said that under the treaty the Congress has the right to do what is proposed. I am not questioning its right.

Mr. CONNALLY. I said that irrespective of the treaty we have the right to do it.

Mr. TYDINGS. I am not questioning the right to do it, treaty or no treaty.

Mr. CONNALLY. I cannot agree with the Senator's subsequent statement, that because we have the power to do it we are obligated to pay damages.

Mr. TYDINGS. I did not say that.

Mr. CONNALLY. I thought that was the basis of the Senator's argument.

Mr. TYDINGS. I said that we are obligated to do it only if someone suffers a loss in property damages. Does the Senator agree to that?

Mr. CONNALLY. No; I do not agree to it.

Mr. TYDINGS. If anyone suffers a provable loss in property damages, under our Constitution, which I think is sovereign—

Mr. CONNALLY. I would rather not deal with generalities. I will deal with this particular case.

Mr. TYDINGS. Is not a trade-mark a property right?

Mr. CONNALLY. No; I do not think so. It is an act of grace on the part of the Government of the United States; and if the Government wishes to take that privilege back it can do so. I do not think it is a right.

Mr. TYDINGS. The Senator is a member of the Finance Committee.

Mr. CONNALLY. In connection with this bill I am speaking as a member of the Judiciary Committee.

Mr. TYDINGS. Do we not make provision in our tax laws for the value of property rights?

Mr. CONNALLY. Of course.

Mr. TYDINGS. Then they must have a property value.

Mr. CONNALLY. I do not doubt that so long as a copyright is enjoyed it has a business value.

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

Mr. CONNALLY. Let me first answer the Senator from Maryland. I dislike very much to disagree with my distinguished friend from Maryland. I can see his viewpoint. But I do not agree that the granting of a privilege—not a right—is a vested property right in anything. What would there be to prevent us tomorrow from repealing every trade-mark and copyright law on the statute books? Can any Senator answer that question?

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

Mr. CONNALLY. I yield.

Mr. TYDINGS. If that were done, I should not object.

Mr. CONNALLY. Does the Senator doubt our power to do it?

Mr. TYDINGS. No; and I am not questioning the power to pass this bill; but we have not repealed all the laws. We pick out a few individuals and say that everyone else may have a trade-mark. To a few individuals we say, "Even though you have had it before Geneva, you can no longer have it."

Mr. CONNALLY. We are not picking out individuals. We are picking out an international purpose and objective, and we are saying, with respect to the emblem of a great organization, that no matter how many individuals are involved, we propose to prevent their use of that emblem.

Mr. TYDINGS. I agree to that.

Mr. CONNALLY. The freedom of the Congress to enact laws within its sovereign power is unlimited. Congress may declare war, and draft young men and send them into the service. A man might say, "I had a contract to work for my employer at \$25,000 a year. Congress declared war and dragged me off to the battlefield, canceling my contract. I want to be recompensed. I want to be paid \$25,000 a year, which I would have earned." Does any one subscribe to such a doctrine?

We enacted a law cutting down the gold content of the dollar. We did it as an act of high sovereignty. We were not trying to deal with individuals. We were not trying to take something out of one man's pocket and put it into another man's pocket. Was the Government responsible to private owners of credits, gold, or anything else? Was the Government liable in damages for what it did?

Mr. President, we enact laws every day which have their economic and business repercussions. The Government does not become responsible therefor. I regret that anyone should feel aggrieved or suffer under the terms of this bill, if it should be enacted; but users of this trade-mark have enjoyed the privilege for many years. They have had a monopoly, as it were, within the scope of their advertising, their emblems, and their copyrights, which the Government has protected and guaranteed to them. Because they have had that privilege for many years, they claim the right in perpetuity. If that doctrine were sound, we could never change it. If a man once had a copyright, he could have it forever. A man may say, "I have had a copyright for all these years, and you cannot take it away from me." That is not sound. The copyright was meant to protect individuals against one another, not against the Government of the United States. It is a mere privilege. It is a mere act of grace on the part of the Government toward its citizens. Of course a copyright can be taken back whenever the Government wishes to take it back.

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

Mr. CONNALLY. I yield.

Mr. O'MAHONEY. I ask to interrupt merely to sustain the statement which the Senator has made with respect to the lack of any real property right in a trade-

mark. The Supreme Court has held in several cases that there is no property right per se in a trade-mark. The right of the user of the trade-mark grows out of the law of fair competition, and he is entitled to be protected in the use of his trade-mark against some other user who may seek to take advantage of the credit, reputation, or name he may have built up. No such question is involved here, because the truth of the matter is, as the evidence before our committee has shown, that as the American Red Cross Society became better and better known, as it gained the support of an increasing number of people in the United States, the attempt by commercial operators to capitalize upon the good name of the American Red Cross Society increased, and users and owners of trade-marks who had registered their marks in one form abandoned the precise form which they had filed in the trade-mark office in order to simulate the symbol of the Red Cross, to make it appear in greater and greater degree that they were in fact purveying some commodity which was supported or originated by the American Red Cross Society. So it seems to me that the question is absolutely one of privilege.

So far as this particular amendment is concerned, it means only that if a person could prove to a court that he in fact had a property right in the insignia he could have his day in court, and I can see no reason why such consent should not be given. But to regard that as a reason for the defeat of the bill seems to me to be utterly without merit. The fundamental point here is that for centuries the red cross has been in the minds of men a symbol of some sort of humanitarian, idealistic effort. The symbol was used for such purpose for centuries before any commercial user in the United States endeavored to use it. The Geneva Conference was held and it was used there. The American Red Cross Society was formed, and it was used by that society. As the work of the Red Cross Society became more and more important, and engaged more and more the support of the people of the United States, those engaged in commercial enterprises sought to capitalize upon the use of the Red Cross insignia. As the Senator from Texas has well said, we have a right to take this privilege away from all commercial users and to say that henceforth the symbol shall be used only by the Red Cross Society.

The Committee on the Judiciary has made several concessions to good-faith users in the hope of getting the pending bill passed. But all through this struggle commercial users who have preyed upon the reputation of the American Red Cross Society have sought in one way or another to becloud the issue, to change men's minds, and to defeat the proposed legislation.

I submit, Mr. President, that no amendment which has been offered today in any way serves to argue against the fundamental right of the United States, through Congress, to assert that henceforth the American Red Cross Society shall have the sole right to the use of



the symbol—and the Senator from Maryland is not objecting to that right.

Mr. CONNALLY. Mr. President, I thank the Senator from Wyoming. With his approval, and with the help of the decisions of the Supreme Court which he indicated had been rendered, without any investigation of the authorities, but relying only on plain old horse sense, I am very much gratified.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut [Mr. DANAHER] to recommit the bill to the Committee on the Judiciary.

Mr. DANAHER. Mr. President, in order that the Senator from Wyoming may have a vote on his amendment, I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. O'MAHONEY. Mr. President, I ask that the RECORD show that the amendment was offered by me at the request of the Senator from Maryland.

Mr. REVERCOMB. Mr. President, I do not like to argue a motion which has been withdrawn.

It seems to me that this question has been discussed upon this floor more thoroughly and certainly with more conflict of opinion on the part of the Members of the Senate than any question which has arisen heretofore. I do not question for a moment the power of the Senate to pass this bill. I do question its fairness. I make the motion now that the bill be recommitted to the Committee on the Judiciary.

Mr. DANAHER. Mr. President, will the Senator from West Virginia withhold his motion for a moment?

Mr. REVERCOMB. Does the Senator from Connecticut desire to speak to the point?

Mr. DANAHER. No; I wish to ask the Senator a question.

Mr. REVERCOMB. I yield.

Mr. DANAHER. I wish to ask the Senator to join with me and other Senators to vote on the amendment offered by the Senator from Wyoming. Let us vote it down and get rid of it. If we vote it down that will end it. If we do not succeed in voting it down then we will move to recommit the bill. If the Senator will join me in that endeavor we shall achieve a happy solution.

Mr. REVERCOMB. Voting the amendment down would not end the matter. I think the whole question should be considered. Mr. President, I renew my motion.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from West Virginia withdraws his motion to recommit?

Mr. REVERCOMB. No; I have not withdrawn my motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia that the bill be recommitted to the Committee on the Judiciary.

Mr. O'MAHONEY. Mr. President, allow me to say that I hope the motion of the Senator from West Virginia will not prevail. The Judiciary Committee has given ample study to the subject.

The only question in controversy is with regard to the amendment of the Senator from Maryland. If the Senate should decide to agree to the amendment, it perhaps might be incumbent upon some Member who is opposed to the amendment to move to recommit the bill. But suppose the Senate should reject the amendment. Why should we not attempt to decide the question here on this floor? Let us not attempt to recommit the bill until we know whether the amendment to which the Senator from West Virginia [Mr. REVERCOMB] and the Senator from Connecticut [Mr. DANAHER] object will be agreed to.

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

Mr. O'MAHONEY. I yield.

Mr. BARKLEY. In the final analysis would not the recommitment of the bill, considering the chances that it might remain committed indefinitely, do greater harm to the Red Cross than the adoption of the amendment offered by the Senator from Wyoming?

Mr. O'MAHONEY. There is no doubt about it.

Mr. BARKLEY. So, whether the amendment is rejected or agreed to does not seem to offer any reason why the bill should be recommitted.

Mr. O'MAHONEY. Let the Senate express itself on the amendment offered by me in behalf of the Senator from Maryland, and then we can raise the question of recommitment. I hope the Senate will vote to reject the motion of the Senator from West Virginia to recommit the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to recommit the bill.

The motion was not agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] in behalf of the Senator from Maryland [Mr. TYDINGS]. [Putting the question.] The "noes" seem to have it.

Mr. TYDINGS. Mr. President, I ask for a division.

Mr. PEPPER. Mr. President, will the Chair restate the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming in behalf of the Senator from Maryland. A division has been requested.

Mr. PEPPER. Would a vote "aye" be in favor of the amendment?

The PRESIDING OFFICER. Yes.

On a division, the amendment was rejected.

Mr. TYDINGS. Mr. President, for the RECORD will the Chair please announce the vote?

The PRESIDING OFFICER. Under the rules the Chair does not announce the result on a division.

Mr. TYDINGS. I know that the Chair is not obliged to announce the result. However, I do not wish to ask for a roll call, and if the Chair will accommodate the Senator from Maryland he will try to cooperate with the Chair and get on with the discharge of business. There can be no reason why the result of the vote should be secret.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland that the Chair announce the result of the vote?

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TYDINGS. Mr. President, I ask for the "yeas" and "nays."

Mr. LA FOLLETTE. I make the point of order that the request comes too late.

The PRESIDING OFFICER. The Chair rules that the request comes too late.

The point of order is sustained.

The bill is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill (S. 469) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 4 of the entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, as amended, is amended to read as follows:

"SEC. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. The American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States shall have the sole and exclusive right to use, within the territory of the United States of America and its exterior possessions, the emblem of the Greek Red Cross on a white ground, and the words 'Red Cross' and 'Geneva Cross.' It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for any charitable purpose, or for any person, corporation, or association for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business purpose, to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made and colored in imitation thereof, or the words 'Red Cross' or 'Geneva Cross', or any combination of these words. Any person, corporation, or association, or any member, director, officer, agent, representative, or employee thereof, violating any provision of this section shall be guilty of a misdemeanor, and upon conviction in any Federal court shall be fined not more than \$500, or imprisoned for a term not to exceed 1 year, or both."

SEC. 2. Notwithstanding the amendments made by this act to section 4 of such act approved January 5, 1905, as amended, any person, corporation, or association that actually used or whose assignor actually used the Red Cross for any lawful purpose prior to January 5, 1905, may continue to use the Red Cross—

(1) until July 1, 1947, if such use by such person, corporation, or association would have been lawful prior to the date of enactment of this act; and

(2) during an additional period beginning July 1, 1947, and ending July 1, 1953, in the advertising and labeling of any article, (A) if use in the labeling of such article by such person, corporation, or association would have been lawful prior to the date of enactment of this act, (B) if a new trade name, design, or insignia is used in such labeling; and (C) if such use is only of the words "Red Cross", and only for the purpose of indicating, in lettering smaller than the new trade name, design, or insignia, that such article formerly was identified by the Red Cross.

Sec. 3. For purposes of section 4 of such act approved January 5, 1905, as amended, the sale, other than to the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States, of any article in the labeling of which the Red Cross is used, shall be deemed to be a use of the Red Cross, by the vendor of such article; but the resale, prior to July 1, 1953, by a jobber or retail dealer, of any article lawfully sold by the manufacturer or producer thereof prior to July 1, 1947, or, in the case of any article referred to in paragraph (2) of section 2, prior to July 1, 1953, shall not be held to be a violation of section 4 of such act approved January 5, 1905, as amended by this act.

Sec. 4. As used in sections 2, 3, and 4 of this act, the term—

(a) "Red Cross" means the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or the words "Red Cross" or "Geneva Cross", or any combination of such words.

(b) "Labeling" means any written, printed, stamped, or graphic matter upon an article or any of its containers or wrappers.

Mr. O'MAHONEY subsequently said: Mr. President, I ask unanimous consent that there be printed in the RECORD immediately following the action of the Senate upon Senate bill 469 the report of the committee.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report (No. 534) was ordered to be printed in the RECORD, as follows:

The Senate Committee on the Judiciary, to whom was referred the bill (S. 469) to implement article 28 of the convention signed at Geneva on July 27, 1929, relating to the use of the emblem and name of the Red Cross, having carefully considered the same, report favorably thereon with the following amendments and with the recommendation that the bill, as amended, do pass:

Page 2, line 5, after the period, strike out down to and including the word "words" in line 16 and insert in lieu thereof the following:

"The American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States shall have the sole and exclusive right to use, within the territory of the United States of America and its exterior possessions, the emblem of the Greek Red Cross on a white ground, and the words 'Red Cross' or 'Geneva Cross.' It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for any charitable purpose, or for any person, corporation, or association for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business purpose, to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white

ground, or any sign or insignia made or colored in imitation thereof, or the words 'Red Cross' or 'Geneva Cross,' or any combination of these words."

Page 3, line 4, strike out "1944" and insert "1947."

Page 3, line 8, strike out "1944" and insert "1947." In the same line strike out the figures "1947" and insert "1950."

Page 3, line 25, strike out "1947" and insert "1950."

Page 4, line 2, strike out "1944" and insert "1947."

Legislation of this character was suggested for the consideration of the Congress in a message of the President of the United States dated April 3, 1942, and was designed the more effectively to carry out the obligations of the United States under the Red Cross Convention of 1929 by which it was agreed that—

"The government of the high contracting parties whose legislation may not now be adequate shall take or shall recommend to their legislatures such measures as may be necessary at all times:

(a) To prevent the use by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or of the name of the Red Cross or Geneva Cross, as well as any other sign or designation constituting an imitation thereof, whether for commercial or other purposes;

(b) By reason of the homage rendered to Switzerland as a result of the adoption of the inverted Federal colors, to prevent the use, by private persons or by organizations, of the arms of the Swiss Confederation or of signs constituting an imitation thereof, whether as trade-marks, commercial labels, or portions thereof, or in any way contrary to commercial ethics, or under conditions wounding Swiss national pride.

"The prohibition mentioned in subparagraph (a) of the use of signs or designations constituting an imitation of the emblem or designation of the Red Cross or Geneva Cross, as well as the prohibition mentioned in subparagraph (b) of the use of the arms of the Swiss Confederation or signs constituting an imitation thereof, shall take effect from the time set in each act of legislation and at the latest 5 years after this convention goes into effect. After such going into effect it shall be unlawful to take out a trade-mark or commercial label contrary to such prohibitions."

In January 1905, after the American National Red Cross had been reincorporated by an act of Congress, commercial exploitation of the Red Cross emblem was prohibited by Federal statute, but this law operated only as to persons and corporations which at that time were not "lawfully entitled to use the sign of the Red Cross."

With the steady growth of the American Red Cross Society, both as to membership and as to its activities, the significance of the symbol as the sign of international work for the relief of the wounded and the suffering both in time of war and in time of peace became constantly better and better known. The charitable efforts of the people of the United States through the American Red Cross Society and of the people of other nations through similar societies gave the symbol and the words a special meaning, and as the work of the Red Cross Society increased, a tendency developed for the expansion of commercial use far beyond that which was not disturbed by the act of January 5, 1905.

It was the opinion of the committee, after long hearings and much consideration, that legislation should be enacted to implement the treaty and to provide eventually that the use of the symbol and the words should be limited rigidly to the American Red Cross Society.

It was recognized, however, that there have been good-faith uses of the symbol. The bill as reported to the Senate, therefore, gives an opportunity for commercial users gradually to abandon the use by providing: First, that those who were lawfully entitled to the use of the Red Cross prior to the act of January 5, 1905, for commercial purposes might continue such use until July 1, 1947; second, that during an additional period of 3 years, namely, to July 1, 1950, the words or the symbol could be used in advertising and labeling if the use was lawful prior to the date of the enactment of the act, if a new trade name, design, or insignia, is used in the labeling and if such use is "only of the words 'Red Cross' and only for the purpose of indicating, in lettering smaller than the new trade name, design, or insignia, that such article formerly was identified by the Red Cross"; and that retailers may be permitted to deal in articles in the labeling of which the Red Cross is used until July 1, 1950. In other words, the bill provides, in effect, first, 3 years' continued use of the symbol by manufacturers; second, 3 years' additional in which to change to a new insignia, and, third, 3 years after 1947 for retailers to dispose of stocks.

The committee is of the opinion that the international character of the work of the Red Cross Society, its great importance in the alleviation of the sufferings of soldiers and sailors in war, and the universal support which the American Red Cross Society receives from the people of the United States, justify an act of Congress making the symbol the exclusive property of the American Red Cross Society. This is particularly true since the Nation has voluntarily assumed a treaty obligation to this effect.

It may be pointed out that the law of trade-marks was a direct development of the law against unfair competition. The courts recognized the right of a commercial user who had established a reputation and goodwill in his business under a particular trade-mark to the exclusive use of that trade-mark in the specific area of his trade, and this protection was granted solely for the purpose of protecting such a user against the unfair competition of another user who sought to capitalize upon his commercial reputation. It was also designed to protect the public against deception. It has been said by the courts that there is no property right in a trade-mark as such, but only a right to be protected against the unfair and deceptive use of a trade-mark by another commercial user.

For example, it was said by Mr. Justice Pitney in *Hanover Milling Co. v. Metcalf* (240 U. S. 403, 413, 414):

"Common-law trade-marks, and the right to their exclusive use, are, of course, to be classed among property rights (*Trade-mark cases*, 100 U. S. 82, 92, 93); but only in the sense that a man's right to the continued enjoyment of his trade reputation and the goodwill that flows from it, free from unwarranted interference by others, is a property right, for the protection of which a trade-mark is an instrumentality. As was said in the same case (p. 94), the right grows out of use, not mere adoption. In the English courts it often has been said that there is no property whatever in a trade-mark, as such. (Per *Ld. Langdale, M. R., in Perry v. Truefitt* (6 Beav. 73); per Vice Chancellor Sir William Page Wood (afterward *Ld. Hatherly*), in *Collins Co. v. Brown* (3 Kay & J. 423, 426; 3 Jur. N. S. 930); per *Ld. Herschell in Reddaway v. Banham* (A. C. 1896, 199, 209)). But since in the same cases the courts recognized the right of the party to the exclusive use of marks adopted to indicate goods of his manufacture, upon the ground that 'A man is not to sell his own goods under the pretense that they are the goods of another man; he cannot be



permitted to practice such a deception, nor to use the means which contribute to that end. He cannot, therefore, be allowed to use names, marks, letters, or other indicia, by which he may induce purchasers to believe that the goods which he is selling are the manufacture of another person' (6 Beav. 73); it is plain that in denying the right of property in a trade-mark it was intended only to deny such property right except as appurtenant to an established business or trade in connection with which the mark is used."

Later, in the case of *United Drug Co. v. Rectanus* (248 U. S. 90, 97), Mr. Justice Pitney wrote as follows:

"The asserted doctrine is based upon the fundamental error of supposing that a trade-mark is a right in gross or at large, like a statutory copyright or a patent for an invention, to either of which, in truth, it has little or no analogy. (*Canal Co. v. Clark* (13 Wall. 311, 322); *McLean v. Fleming* (96 U. S. 245, 254).) There is no such thing as property in a trade-mark except as a right appurtenant to an established business or trade in connection with which the mark is employed. The law of trade-marks is but a part of the broader law of unfair competition; the right to a particular mark grows out of its use, not its mere adoption; its function is simply to designate the goods as the product of a particular trade and to protect his goodwill against the sale of another's product as his; and it is not the subject of property except in connection with an existing business."

In *Prestonettes v. Coty* (264 U. S. 359, 368) Mr. Justice Holmes said:

"A trade-mark only gives the right to prohibit the use of it so far as to protect the owner's goodwill against the sale of another's product as his."

It was the judgment of the committee that the protection of the public against possible deception into the belief that commodities which were being placed on the market by commercial operators were in fact the product of the American Red Cross Society or endorsed by the American Red Cross Society would warrant the passage of this legislation even if there were no treaty obligations at all.

The message from the President of the United States transmitting a report from the Acting Secretary of State with an accompanying draft bill, designed the more effectively to carry out our obligations under the Red Cross convention of 1929 is hereinbelow set forth in full and made a part of this report:

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING A REPORT FROM THE ACTING SECRETARY OF STATE WITH AN ACCOMPANYING DRAFT BILL, DESIGNED THE MORE EFFECTIVELY TO CARRY OUT OUR OBLIGATIONS UNDER THE RED CROSS CONVENTION OF 1929

THE WHITE HOUSE, April 3, 1942.

To the Congress of the United States of America:

I am transmitting for the consideration of the Congress the enclosed report from the Acting Secretary of State, with an accompanying draft bill, designed the more effectively to carry out our obligations under the Red Cross Convention of 1929.

I commend the report and the proposed legislation to the favorable consideration of the Congress.

FRANKLIN D. ROOSEVELT.

DEPARTMENT OF STATE,  
April 1, 1943.

The President:

The protection of the emblem of the Red Cross and the words "Red Cross" and "Geneva Cross," which was important in times of peace, is even more important now that we are at war, and makes it necessary to take steps to prevent their use for commercial purposes.

The Red Cross was given its distinctive name and emblem by the convention of 1864. The United States became a party to

that convention in 1882. The first American National Association of the Red Cross was formed in Washington in 1881. From the beginning it was contemplated that the distinctive name and emblem should be used only by governments, through their medical, sanitary, and relief services, and by the national societies to be formed in the different countries. Unfortunately, our legislation has never been entirely adequate to protect either the name or emblem against commercial exploitation.

It was not until January 5, 1905, when the American National Red Cross was reincorporated by act of Congress, that commercial exploitation was prohibited by Federal statute, and the prohibition enacted was effective only as to persons or corporations not then "lawfully entitled to use the sign of the Red Cross." Two years later, in 1907, on becoming a party to the revised Red Cross Convention of 1906, the United States assumed an express obligation under the convention to prohibit all commercial exploitation. Notwithstanding the obligation thus freely assumed, the act of June 23, 1910, contains a clause providing that "no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, shall be deemed forbidden by this act to continue the use thereof for the same purpose and for the same class of goods."

The obligation assumed under the 1906 convention was amplified and reaffirmed in the Red Cross Convention of 1929, to which the United States became a party in 1932, but nothing has been done with respect to amending the acts of 1905 and 1910 so as to carry out the obligation contained in chapter VIII, article 28, of that convention, which provides:

"The Governments of the high contracting parties whose legislation may not now be adequate shall take or shall recommend to their legislatures such measures as may be necessary at all times:

"(a) To prevent the use by private persons or by societies other than those upon which this convention confers the right thereto of the emblem or of the name of the Red Cross or Geneva Cross, as well as any other sign or designation constituting an imitation thereof, whether for commercial or other purposes;

"(b) By reason of the homage rendered to Switzerland as a result of the adoption of the inverted Federal colors, to prevent the use, by private persons or by organizations, of the arms of the Swiss Confederation or of signs constituting an imitation thereof, whether as trade-marks, commercial labels, or portions thereof, or in any way contrary to commercial ethics, or under conditions wounding Swiss national pride.

"The prohibition mentioned in subparagraph (a) of the use of signs or designations constituting an imitation of the emblem or designation of the Red Cross or Geneva Cross, as well as the prohibition mentioned in subparagraph (b) of the use of the arms of the Swiss Confederation or signs constituting an imitation thereof, shall take effect from the time set in each act of legislation and at the latest 5 years after this convention goes into effect. After such going into effect it shall be unlawful to take out a trade-mark or commercial label contrary to such prohibitions."

Other nations recognizing their treaty commitments have enacted laws to prevent the use of the name and emblem for commercial purposes. I am told that the extent to which the name and emblem is presently being used in the sale of varied products has grown out of all proportion to its commercial use in the period prior to the passage of the original act. The resulting confusion is today a source of increasing embarrassment and danger to the Medical Corps of our armed

forces, in our relations with foreign countries, and to the far-flung activities of the American Red Cross.

I attach for your consideration a draft bill designed to amend the existing law in a manner which would enable us to discharge our conventional obligations and at the same time protect our medical and sanitary services and the American Red Cross. The bill was prepared in the Department of Justice and has the approval of the Attorney General and the chairman of the American National Red Cross. I also understand that it has the approval of the Surgeons General of the Army and the Navy.

Respectfully submitted.

SUMNER WELLES,  
Acting Secretary of State.

A bill to implement article 28 of the convention signed at Geneva on July 27, 1929, and proclaimed by the President on August 4, 1932 (47 Stat. 2074, 2092), by making it a criminal offense for any person to use the emblem and name of the Red Cross for commercial or other purposes

Be it enacted, etc., That section 4 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905 (33 Stat. 800), as amended (act of June 23, 1910, 36 Stat. 604, U. S. Code, title 36, sec. 4), be, and it hereby is, further amended to read as follows:

"Sec. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as, or represent or pretend himself to be, a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross or any insignia colored, in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the Army and Navy sanitary and hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek red cross on a white ground, or any sign or insignia made or colored in imitation thereof, or of the words 'Red Cross' or 'Geneva Cross' or any combination of these words: *Provided, however,* That any person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, may continue the use thereof for the same purpose and for the same class of goods for a period not exceeding 1 year after the date of the enactment of this act. If any person, corporation, or association, or any member, director, officer, agent, representative, or employee thereof violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any Federal court shall be liable to a fine of not more than \$5,000, or imprisonment for a term not exceeding 1 year, or both, for each and every offense."

Also printed below is a letter from the Secretary of State to the Honorable SOL BLOOM under date of May 23, 1942, with regard to this matter:

DEPARTMENT OF STATE,  
Washington, May 23, 1943.

Hon. SOL BLOOM,

Chairman, Committee on Foreign Affairs,  
House of Representatives.

MY DEAR MR. BLOOM: The following relates to the bill H. R. 6911, introduced by you on



April 9, 1942, to implement article 28 of the convention signed at Geneva on July 27, 1929, by preventing the use of the Red Cross insignia for commercial purposes.

I understand that your committee has held extensive hearings on this bill, which naturally has encountered considerable opposition from people who have been using the Red Cross as a trade-mark on their products and in their establishments. It is not my purpose to review those hearings or to undertake to combat the arguments that have been advanced against the proposed measure, but rather to state from an unbiased point of view my understanding of our obligations under the convention.

The bill relates to paragraph (a) of article 28 of the convention. The article reads:

"The Governments of the high contracting parties whose legislation may not now be adequate shall take or shall recommend to their legislatures such measures as may be necessary at all times:

"(a) To prevent the use by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or of the name of the Red Cross or Geneva Cross, as well as any other sign or designation constituting an imitation thereof, whether for commercial or other purposes.

"(b) By reason of the homage rendered to Switzerland as a result of the adoption of the inverted Federal colors, to prevent the use, by private persons or by organizations, of the arms of the Swiss Confederation or of signs constituting an imitation thereof, whether as trade-marks, commercial labels, or portions thereof, or in any way contrary to commercial ethics, or under conditions wounding Swiss national pride.

"The prohibition mentioned in subparagraph (a) of the use of signs or designations constituting an imitation of the emblem or designation of the Red Cross or Geneva Cross, as well as the prohibition mentioned in subparagraph (b) of the use of the arms of the Swiss Confederation or signs constituting an imitation thereof, shall take effect from the time set in each act of legislation and at the latest 5 years after this convention goes into effect. After such going into effect it shall be unlawful to take out a trade-mark or commercial label contrary to such prohibitions."

I understand that there has been discussion before the committee of the words "shall take or shall recommend to their legislatures" such measures as may be necessary to prevent the use of the Red Cross or Geneva Cross, etc. I think that you and I, as well as members of the committee, can readily appreciate why this obligation was placed in the alternative form, i. e., "shall take or shall recommend." It was realized that this convention, like many other international agreements, would require implementation. Some of the signatory governments might have been able to implement it by orders or decrees, but it was recognized that governments such as our own would be under the necessity of seeking the assistance of their respective legislative bodies. In such cases the executive could only recommend legislation. The provision in this convention is not unique in this respect.

However, our obligation under the convention is not fulfilled merely by making a recommendation. I say this for the reason that the last paragraph of article 28 clearly shows that the prohibition against the use of the Red Cross or Geneva Cross "shall take effect . . . at the latest 5 years after this convention goes into effect." Herein lies our unqualified obligation to restrict the use of the Red Cross insignia to the purposes contemplated by the agreement.

Questions have also been raised at the hearings, I believe, as to why, if the convention contemplated an absolute prohibition, on the use of the emblem for commercial

purposes, the executive branch of the Government did not earlier recommend legislation for this purpose. I shall not undertake to answer this question except by stating that, as you and I well know, it is not uncommon for administrative officials to allow matters of this sort to drift until there is some impelling reason for action.

At the time the act of January 5, 1905, was passed there was no provision in the convention under which we were then operating, namely, that of 1864, regarding the use of the Red Cross emblem for commercial purposes. Yet the Congress restricted the use of persons and corporations who were then lawfully entitled to use it. Later we became a party to the convention of 1906 containing restrictive provisions, and the Congress on June 23, 1910, passed an act confining the use of the emblem to persons, corporations, or associations which had used it for lawful purposes prior to January 5, 1905, but limiting the use to the "same purpose and for the same class of goods."

The convention of 1929 broadened the scope of the earlier convention in many particulars and incorporated article 28, which I have quoted above. There can be no doubt, it seems to me, as to our obligation under that article, and it is hardly worthy of us to rely upon what was done in 1910 as a fulfillment of this unqualified obligation. The fact that we failed in 1910 to enact adequate legislation is no excuse for our failure now to comply with our undertaking. The 32 years which have elapsed since the act of 1910 was passed have brought about many changes in world affairs. We are today in the midst of a struggle for human freedom and for the alleviation of the condition of oppressed peoples. We are in immediate need of the full benefits of the Red Cross convention, which has for its purpose the amelioration of human suffering and the condition of the sick and wounded on the field of battle. Commercial interests in many directions have been required to adjust themselves to the war needs of our country and to requirements for the preservation of our domestic institutions. It should be our purpose to surround the Red Cross, a symbol of missions of mercy, with every safeguard against uses likely to impair its effectiveness. None of us has any desire unreasonably to interfere with the legitimate commerce and trade of our people, but I think that all of us have a desire to foster and advance humanitarian endeavors. This is characteristic of our people. I have great doubt as to whether by confining the use of the Red Cross insignia to Red Cross purposes the general course of our commercial endeavors would be greatly affected, certainly not for long. Our business people are too ingenious to permit such a situation to develop. Moreover, I am disinclined to believe that any manufacturer would desire to hold on to a trade-mark if he felt that to do so would prejudice the common good. In my judgment, the common good can best be served by reserving for the exclusive use of the medical services of the Army and Navy and the Red Cross organizations an emblem which has been chosen as their symbol and which we, along with other governments, have by treaty undertaken to protect. I do not think that we should be less liberal in giving effect to these obligations than have other governments parties to the convention.

I am, therefore, hopeful and strongly recommend that the bill which you have under consideration shall be enacted into law.

Sincerely yours,

CORDELL HULL.

Mr. STEWART subsequently said: Mr. President, I wish to enter a motion to reconsider the votes by which Senate bill 469 was ordered to be engrossed for a third reading, read the third time, and

passed. I think we have done a rather serious thing because, while I did not enter into the debate, I feel rather strongly that there is a very definite moral obligation on the part of the United States Government in this case. That is why I enter the motion. I should like to have the motion go over and not be acted upon this afternoon, but taken up possibly tomorrow, or at some other time which may be satisfactory to the Senate I should like to be allowed to call it up. I do not want it acted on this afternoon, and I do not make it with that in mind. It is a matter I desire to look into carefully. I feel we should give more consideration to it.

The PRESIDING OFFICER. The motion will be entered.

#### THE SWISS COAT OF ARMS

Mr. O'MAHONEY. Mr. President, I wish to call the attention of the Senate to the fact that there is on the calendar Order of Business No. 567, Senate bill 470, which is a measure quite similar to the one we have just passed. It is intended to carry out the provisions of the same treaty we have been discussing, but with respect to the arms of the Swiss Confederation—that is to say, the white cross upon the red background. I think the bill should be passed at the same time, and with the same amendments that were adopted with respect to the bill the Senate has just acted upon. I ask unanimous consent that the measure may be taken up and passed.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 470) to implement article 28 of the convention signed at Geneva on July 27, 1929, relating to the use of the coat of arms of the Swiss Confederation for commercial or other purposes.

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

Mr. WHITE. Mr. President, I did not hear the Senator's request.

Mr. O'MAHONEY. The Red Cross Convention of 1929, to which the Government of the United States was a signatory, contained this provision:

The governments of the high contracting parties whose legislation may not now be adequate shall take or shall recommend to their legislatures such measures as may be necessary at all times—

(a) To prevent the use by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or of the name of the Red Cross or Geneva Cross, as well as any other sign or designation constituting an imitation thereof, whether for commercial or other purposes;

(b) By reason of the homage rendered to Switzerland as a result of the adoption of the inverted federal colors, to prevent the use, by private persons or by organizations, of the arms of the Swiss Confederation or of signs constituting an imitation thereof, whether as trade-marks, commercial labels, or portions thereof, or in any way contrary to commercial ethics, or under conditions wounding Swiss national pride.

Two measures were introduced and two measures were recommended by the Committee on the Judiciary. The first



of these, having to do with the protection of the Red Cross, has just been passed. The second has to do with the protection of the inverted federal colors, the arms of the Swiss Confederation. The two bills are the same to all intents and purposes, and I am asking unanimous consent that, since we have disposed of the one, we now pass the second.

Mr. WHITE. The Senator is asking for the immediate consideration of the bill?

Mr. O'MAHONEY. Yes.

Mr. WHITE. Of course, this bill is not identical with the bill which has just been passed.

Mr. O'MAHONEY. No; because one had to do with the Red Cross, and the one I am now discussing has to do with the white cross with the red background, the emblem of the Swiss Confederation.

Mr. WHITE. How long has the second bill been on the calendar?

Mr. O'MAHONEY. It has been on the calendar practically the same length of time the other has.

Mr. WHITE. Has it been objected to when reached on the call of the calendar?

Mr. O'MAHONEY. It has not been objected to. All the controversy was with respect to the first bill. No representations were made to the committee about the second bill.

Mr. WHITE. I have no objection, in view of the explanation.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 470) to implement article 28 of the convention signed at Geneva on July 27, 1929, relating to the use of the coat of arms of the Swiss Confederation for commercial or other purposes, which had been reported from the Committee on the Judiciary with amendments.

The first amendment of the Committee on the Judiciary was, in section 2, page 2, line 21, after the date "July 1" and the comma to strike out "1944" and insert "1947."

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the date "July 1" and the comma, to strike out "1947" and insert "1950".

Mr. O'MAHONEY. Mr. President, in accordance with the action taken on motion of the Senator from Ohio [Mr. TART] in regard to a similar provision in the Red Cross bill, I move to amend this amendment by striking out "1950" and inserting "1953".

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LANGER. Mr. President, I have just come into the Chamber. What is under consideration?

The PRESIDING OFFICER. Calendar No. 567, Senate bill 470.

Mr. LANGER. I have no objection.

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

The next amendment of the committee was, in section 3, page 3, line 10, after the word "For" to insert the word "the."

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the date "July 1" and the comma, to strike out "1947" and insert "1950."

Mr. O'MAHONEY. Mr. President, in accordance with the action heretofore taken at the instance of the Senator from Ohio [Mr. TART], I move to amend the amendment by striking out "1950" and inserting "1953."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the committee was, on page 3, line 16, after the date "July 1" and the comma, to strike out "1944" and insert "1947."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. O'MAHONEY. Mr. President, I move to amend on page 3, line 4, after the word "act," to strike out the semicolon and insert a comma.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I move to amend on page 3, line 18, after the date "July 1," to strike out "1950" and insert "1953."

The amendment was agreed to.

Mr. O'MAHONEY. Now, returning to page 2, in accordance with the amendment made in the bill we have just passed, I move to amend on line 8, after the word "made," by striking out the word "or" and inserting the word "and."

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill (S. 470) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the act entitled "An act to prohibit the commercial use of the coat of arms of the Swiss Confederation, pursuant to the obligation of the Government of the United States under article 28 of the Red Cross Convention signed at Geneva July 27, 1929," approved June 20, 1936 (U. S. C., 1940 edition, title 22, sec. 248), is amended to read as follows:

"That it shall be unlawful for any person, partnership, incorporated or unincorporated company, or association within the jurisdiction of the United States to use, whether as a trade-mark, commercial label, or portion thereof, or as an advertisement or insignia for any business or organization or for any trade or commercial purpose, the coat of arms of the Swiss Confederation, consisting of an upright white cross with equal arms and lines on a red ground, or any sign or insignia made and colored in imitation thereof. Any person, corporation, or association, or any member, director, officer, agent, representative, or employee thereof, violating any provision of this section shall be guilty of a misdemeanor, and upon conviction in any Federal court shall be fined not more than \$500, or imprisoned for a term not to exceed 1 year, or both."

SEC. 2. Notwithstanding the amendments made by this act to such act approved June 20, 1936, any person, corporation, or association that actually used or whose assignor actually used the white cross for any lawful purpose for 10 years next preceding June 20, 1936, may continue to use the white cross—

(1) until July 1, 1947, if such use by such person, corporation, or association would have been lawful prior to the date of enactment of this act; and

(2) during an additional period beginning July 1, 1947, and ending July 1, 1953, in the advertising and labeling of any article, (A) if use in the labeling of such article by such person, corporation, or association would have been lawful prior to the date of enactment of this act, (B) if a new trade name, design, or insignia is used in such labeling; and (C) if such use is only of the words "white cross," and only for the purpose of indicating, in lettering smaller than the new trade name, design, or insignia, that such article formerly was identified by the white cross.

SEC. 3. For the purpose of such act approved June 20, 1936, the sale of any article in the labeling of which the white cross is used shall be deemed to be a use of the white cross by the vendor of such article; but the resale, prior to July 1, 1953, by a jobber or retail dealer, of any article lawfully sold by the manufacturer or producer thereof prior to July 1, 1947, or, in the case of any article referred to in paragraph (2) of section 2, prior to July 1, 1953, shall not be held to be a violation of the act approved June 20, 1936, as amended by this act.

SEC. 4. As used in sections 1, 2, and 3, of this act, the term—

(a) "White Cross" means the coat of arms of the Swiss Confederation, consisting of an upright white cross with equal arms and lines on a red ground, or any sign or insignia made or colored in imitation thereof.

(b) "Labeling" means any written, printed, stamped, or graphic matter upon an article or any of its containers or wrappers.

#### SCENIC PARKWAY IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK

Mr. STEWART. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 558, House bill 1388, to authorize the acceptance of donations of land for the construction of a scenic parkway to provide an appropriate view of the Great Smoky Mountains National Park from the Tennessee side of the park. The bill was reported favorably from the Committee on Public Lands and Surveys, without amendment, as it passed the House of Representatives, on the 1st of December last by the senior Senator from New Mexico [Mr. HATCH], the chairman of the committee. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. DANAHER. Mr. President, when the calendar was called on December 9, on behalf of Senators who were not then and are not now present, I entered objection to the consideration of the bill on the unanimous-consent call. They were absent on important business, and left it to me to note their objections. In the light of the fact that Senators who are interested in the measure are not present, I think the bill should go over. It well may be, let me say to the junior Senator from Tennessee, that whatever difficulty there may have been in the minds of Senators can easily be resolved, and I will see whether or not it can be done, and I shall notify the Senator.

Mr. STEWART. Can the Senator indicate to me what objection may be in the minds of Senators? I should like to know.

Mr. DANAHER. Yes. I do not have my calendar before me. There was something in the bill to the effect that

the average width of the right-of-way to be acquired should be not less than 300 yards. I think that is what the bill provided. In any case, it specified an average width, whether 300 yards, or a quarter of a mile, or a mile and a half. The point is obviously that out of any such arrangement, in such transfer of property to the Government, in the course of the acquisition, preferred sites for commercial use could easily be allocated to a person who received a roadside privilege, even though the average depth at that point were 800 or 900 or a thousand yards. Therefore, Mr. President, it seemed to some Senators, as I understand, that the question should be inquired into further. I will say to the Senator that I have never even seen the Great Smoky Mountain group—

Mr. STEWART. The Senator has missed one of the great opportunities of his life.

Mr. DANAHER. I have not had time enough to go there, I will say to the Senator. But the Senator must admit that there are such possibilities inherent in this situation, and Senators have had that in mind. If the route were so to be laid out that no preferential advantage might be gained by some grantor who gave his property to his Government, reserving to himself and to his children life use, so long as he obtained a preferred site, perhaps no objection could arise.

Mr. STEWART. I will say to the Senator, since he has interposed objection, that as soon as he can communicate to me the objections of the Senators for whom he speaks, I shall endeavor to arrange to have present at a meeting members of the park commission and others interested, who, I hope, will clear away the objections which the Senators might have.

Mr. DANAHER. I shall be glad to cooperate.

The PRESIDING OFFICER. Objection is heard to the present consideration of the bill.

#### EXECUTIVE SESSION

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

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

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

Charles T. Fisher, Jr., of Michigan, to be a member of the board of directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1944 (reappointment);

Charles B. Henderson, of Nevada, to be a member of the board of directors of the

Reconstruction Finance Corporation for a term of 2 years from January 22, 1944 (reappointment); and

Henry A. Mulligan, of New York, to be a member of the board of directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1944 (reappointment).

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

Howard J. Klossner, of Minnesota, to be a member of the board of directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1944 (reappointment).

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

Sundry postmasters.

#### NOMINATION OF SAM HUSBANDS TO BE A MEMBER OF RECONSTRUCTION FINANCE CORPORATION—REPORT OF BANKING AND CURRENCY COMMITTEE

Mr. MAYBANK. Mr. President, today it is my privilege to report favorably from the Committee on Banking and Currency the nomination of Hon. Sam Husbands, of South Carolina, for reappointment as a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1944. This has given me great pleasure, as Mr. Husbands is a distinguished, able, and highly esteemed citizen of my State.

The PRESIDING OFFICER. The report will be received and the nomination will be placed on the Executive Calendar.

#### NOMINATION OF MARRINER S. ECCLES TO BE A MEMBER OF THE BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM—REPORT OF BANKING AND CURRENCY COMMITTEE

Mr. MURDOCK. Mr. President, from the Committee on Banking and Currency I report favorably the nomination for reappointment of Hon. Marriner S. Eccles, of Ogden, Utah, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1944.

Mr. President, I feel that it would be proper at this time to state that Mr. Eccles has been a member and Chairman of the Federal Reserve Board for a great number of years, and, in my opinion, has rendered very significant and important service to his Government, to the banking fraternity of the United States, and to the people while holding this important position.

Prior to coming to the service of the Government, first in the Treasury Department, and then in the Federal Reserve System, Mr. Eccles was one of the West's greatest and most progressive bankers. Many important improvements, Mr. President, have been made in our Federal Reserve System under the leadership and the sponsorship of Governor Eccles.

In my opinion, there is today no agency of our Government more important to this country's economy than that of the Federal Reserve System. Mr. Eccles has demonstrated without doubt that he is a very faithful, honest, and industrious public servant, and, in my opinion, the Government of the United States and the people of the United States are fortunate in having a man of the ability and the compre-

hension of Mr. Eccles to fill this very important position.

The report made by the Committee on Banking and Currency of the Senate was without opposition, and I trust that the action of the Senate will be the same.

The PRESIDING OFFICER. The report will be received and the nomination will be placed on the Executive Calendar.

If there be no further reports of committees the clerk will state the nominations on the Executive Calendar.

#### MARINE CORPS—NOMINATION PASSED OVER

The Legislative Clerk read the nomination of Col. William P. T. Hill to be quartermaster of the Marine Corps, with the rank of brigadier general, for a period of 4 years from February 1, 1944, which nomination had been previously passed over.

Mr. BARKLEY. Mr. President, yesterday I announced that I would seek to obtain action on this nomination today, if it were agreeable to all Senators concerned. I am now informed that the Senator from South Dakota [Mr. BUSHFIELD] wishes to speak 30 or 40 minutes on the nomination, which I think would be a futile performance at this time of the day.

I think I may state that the only question involved, so far as I can gather, is this: There is no objection to Colonel Hill, but objection is made because in being appointed brigadier general he has been jumped over another officer or two, who have probably inspired the delay in his confirmation.

I know nothing about Colonel Hill or about the ranking officers who seem to take umbrage at his appointment. If what I have said be true, it is nothing more or less than what has been going on since the Government was established. Officers have been appointed by the present President, and by all Presidents, over other men who outranked them from a technical standpoint. The Senate, so far as I know, has never refused to confirm an appointee simply because he was a little below the rank of someone else who, naturally, desired the appointment.

Mr. President, while I am not going to punish the Senate this afternoon by insisting that we proceed with consideration of this nomination, it is my purpose, and it is the purpose of the Senator from Massachusetts [Mr. WALSH], to secure action on the matter as soon as possible.

Mr. WALSH of Massachusetts. Mr. President, I want to add to what the Senator from Kentucky has said, that it so happens that not a single chief of a bureau in the Navy is in his present post of duty by reason of seniority. So there is no rule or practice or custom by which the Senate is to be bound.

The action taken with respect to promotions in the Navy is taken with the knowledge of the head of the Navy Department or the Chief of Naval Operations, or in the case of the Marine Corps, with the knowledge of the Commandant of the Marine Corps. It is their custom to submit names and make recommendations of men best qualified for the particular jobs.



In the case in question, the post involved is in the Quartermaster's Department. It is a very important post, and the man nominated to this post seems to be the one best qualified.

Mr. BARKLEY. Mr. President, it is not only the rule in the Marine Corps, but it is and ought to be the rule in all branches of the service, that those in charge exercise their discretion with respect to appointment of the men best qualified for particular jobs. Those in charge should not be restricted always by the strait jacket of seniority. I do not recall any President, or any Secretary of War, or Secretary of the Navy, or any board of selection regarding himself or themselves as meticulously bound by the question of seniority in the matter of appointing the right man to the right job.

Mr. WALSH of Massachusetts. The present Commandant of the Marine Corps was appointed to his post over another man who was ahead of him. It does not follow that the heads of departments should be restricted in making appointments on the basis of seniority.

Mr. BARKLEY. No. We all recall that a great furor was raised during the administration of President Theodore Roosevelt because he appointed Gen. Leonard Wood over a number of other officers. I think he jumped Leonard Wood over 40 or 50 Army officers who outranked him. That action created quite a furor, but General Wood was confirmed, nevertheless, by the Senate of the United States.

The same statement can be made with respect to the present Chief of Staff, General Marshall. He was appointed by the President, although other Army officers outranked him in seniority of service. I do not think anyone would say that the President made any mistake in appointing General Marshall Chief of Staff of the United States Army.

Mr. WALSH of Massachusetts. The rank which the officer in question is given is a rank which is attached to the position of the chief of the department, and ends at the expiration of 4 years.

Mr. BARKLEY. That is true. I simply wanted to make this comment for the information of Senators. I do not care to indulge now at this late hour in probably an hour's discussion of the nomination, and therefore I agree that it may go over once more.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The clerk will state the next nomination on the calendar.

#### 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 nominations of postmasters are confirmed en bloc.

#### THE MARINE CORPS

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

Mr. WALSH of Massachusetts. I ask that the nominations in the Marine Corps be confirmed en bloc.

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

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be notified immediately of all nominations this day confirmed.

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

#### RECESS

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

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 20, 1944, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate January 19 (legislative day of January 11), 1944:

##### THE JUDICIARY

Sterling Hutcheson, of Virginia, to be United States district judge for the eastern district of Virginia, vice Hon. Luther B. Way, deceased.

##### POSTMASTERS

The following-named persons to be postmasters:

##### ALABAMA

Fannie K. Frederick, Hackleburg, Ala., in place of A. H. Powell, deceased.  
George R. Tyler, Pinson, Ala. Office became Presidential July 1, 1943.

##### ARKANSAS

Mrs. Archie Beard, Barling, Ark. Office became Presidential July 1, 1943.  
Lady E. Weatherston, Pottsville, Ark. Office became Presidential July 1, 1943.  
Edna M. Brown, Peach Orchard, Ark. Office became Presidential July 1, 1943.  
Edith L. Armstrong, Pea Ridge, Ark. Office became Presidential July 1, 1943.  
William M. Dickens, Bigelow, Ark., in place of M. B. Wurzel, deceased.  
Robert H. Bridger, Brookland, Ark. Office became Presidential July 1, 1943.  
John M. Simmons, Harrisburg, Ark., in place of H. D. Landers, removed.  
Kathryn Arnold, Midland, Ark. Office became Presidential July 1, 1943.

##### COLORADO

Glenn F. Frost, Henderson, Colo. Office became Presidential July 1, 1943.

##### CONNECTICUT

Bruce B. Randall, Bridgewater, Conn. Office became Presidential July 1, 1943.  
Robert J. Boyd, South Kent, Conn. Office became Presidential July 1, 1943.  
Ralph A. Booth, Stafford, Conn. Office became Presidential July 1, 1943.

##### FLORIDA

Cecilia G. Hanson, Belleview, Fla. Office became Presidential July 1, 1943.  
Wendell L. Longstreth, Bradenton Beach, Fla. Office became Presidential July 1, 1943.  
Ralph A. McIntosh, Brandon, Fla. Office became Presidential July 1, 1943.  
Etta Matthews, Caryville, Fla. Office became Presidential July 1, 1943.  
Clara Wicker, Coleman, Fla. Office became Presidential July 1, 1943.  
Harriet J. Cooper, Crawfordville, Fla. Office became Presidential July 1, 1943.

Thomas J. Chapman, Goulds, Fla., in place of W. H. Owens, retired.  
Arthur J. Allen, Lake Park, Fla., in place of A. D. Nelms, resigned.

##### GEORGIA

Rossie Harrison, Martin, Ga. Office became Presidential July 1, 1943.  
William D. Bennett, Molena, Ga. Office became Presidential July 1, 1943.  
Richard A. Lawson, Morven, Ga. Office became Presidential July 1, 1943.  
John W. Dugger, Oliver, Ga. Office became Presidential July 1, 1943.  
Laura B. Roberts, Pooler, Ga. Office became Presidential July 1, 1943.  
Lela B. Richardson, Riceboro, Ga. Office became Presidential July 1, 1943.  
William E. Fitts, Rocky Ford, Ga. Office became Presidential July 1, 1943.  
John S. Farrar, Scottdale, Ga. Office became Presidential July 1, 1943.  
Lonnie L. Crow, Statham, Ga. Office became Presidential July 1, 1943.  
Seaborn G. Jones, White Plains, Ga. Office became Presidential July 1, 1943.  
Jewell J. Bailey, Whitesburg, Ga. Office became Presidential July 1, 1943.  
Ralph J. Chandler, Winterville, Ga. Office became Presidential July 1, 1943.

##### ILLINOIS

Chris R. Leins, Danville, Ill., in place of J. H. Elliott. Incumbent's commission expired July 26, 1939.  
Charles L. Altman, Edgewood, Ill., in place of Scottie Brown, resigned.  
Clayton B. Faber, Genoa, Ill., in place of L. J. Kiernan, deceased.  
David H. McClugage, Peoria, Ill., in place of T. J. Cody. Incumbent's commission expired June 23, 1942.

##### IOWA

Stanley G. Douglas, Alden, Iowa, in place of A. H. Blackmore. Incumbent's commission expired June 23, 1942.  
Mary Conway, Cylinder, Iowa. Office became Presidential July 1, 1943.  
Emil H. Engel, Dixon, Iowa. Office became Presidential July 1, 1943.  
Georgetta B. Dolezal, Elberon, Iowa. Office became Presidential July 1, 1943.  
Albert C. Oetzmann, Eldridge, Iowa. Office became Presidential July 1, 1943.  
William Molloy, Galva, Iowa, in place of William Molloy. Incumbent's commission expired March 2, 1941.  
Ray A. Fox, Hampton, Iowa, in place of H. C. Shafer, transferred.  
Mabel I. Olson, Hanlontown, Iowa. Office became Presidential July 1, 1943.  
Lucille M. Wright, Linden, Iowa. Office became Presidential July 1, 1943.  
Frank L. Ratliff, Lynnville, Iowa. Office became Presidential July 1, 1943.  
Marshall D. Thomson, Oakville, Iowa, in place of R. O. Mellinger, transferred.  
Jessie W. Hart, Webb, Iowa, in place of E. A. Howe, deceased.

##### KANSAS

Beulah M. Warner, Carbondale, Kans. Office became Presidential July 1, 1943.  
David Basye, Coats, Kans. Office became Presidential July 1, 1943.  
Dyarl L. Newkirk, Elk City, Kans., in place of Page Manley, transferred.  
Otto B. Critchfield, Mission, Kans., in place of F. A. Wurtenberger, deceased.  
George E. Bartlett, St. John, Kans., in place of J. J. Owen, transferred.

##### LOUISIANA

Mattie P. Jones, Downsville, La. Office became Presidential July 1, 1943.  
Gladys Trask Graves, Norwood, La. Office became Presidential July 1, 1943.  
Eliud D. McCallum, Ruston, La., in place of Z. J. Meadows, removed.

## MAINE

Myrtle S. Hardy, Freedom, Maine. Office became Presidential July 1, 1943.

## MASSACHUSETTS

Theresa K. Larkin, Haydenville, Mass., in place of J. R. Mansfield, retired.  
 Newell A. Ritchie, North Billerica, Mass., in place of N. R. Mahoney, retired.  
 Brantson K. Fuller, South Easton, Mass., in place of Maurice Williams, resigned.  
 Annie W. Baker, South Yarmouth, Mass., in place of F. F. Collins, deceased.

## MICHIGAN

David E. Visnaw, St. Clair Shores, Mich., in place of Helen MacMillan, resigned.  
 George Q. Brace, Sparta, Mich., in place of Lyle O'Connor, deceased.  
 Edwin T. Nyquist, Vestaburg, Mich., in place of E. L. Erskin, transferred.

## MINNESOTA

Earl J. Baker, Dundas, Minn. Office became Presidential July 1, 1942.  
 William J. Janssen, Jr., Mountain Lake, Minn., in place of A. F. Scheibel. Incumbent's commission expired June 23, 1942.

## MISSISSIPPI

Mabel C. Basham, Hamilton, Miss. Office became Presidential July 1, 1943.

## MISSOURI

Grover C. Hayes, Anderson, Mo., in place of E. M. McKinney, resigned.  
 Lee Dickson, Carrollton, Mo., in place of Lee Dickson. Incumbent's commission expired May 22, 1938.  
 Neil Henderson, Lillbourn, Mo., in place of M. L. Castleberry, deceased.  
 James Russell Howerton, Noel, Mo., in place of E. T. Rousselot, transferred.  
 William I. McDougall, Purdy, Mo., in place of W. G. Ray, transferred.  
 Eugene T. Craig, Summersville, Mo., in place of F. E. Scott. Incumbent's commission expired June 23, 1942.

## MONTANA

William E. Conn, Forsyth, Mont., in place of C. A. Westphal. Incumbent's commission expired June 23, 1942.  
 Knute E. Johnson, Ronan, Mont., in place of Godfrey Johnson, removed.

## NEBRASKA

Grace H. Smith, Bennet, Nebr., in place of A. E. Wallick, resigned.  
 James M. Timmons, Eustis, Nebr., in place of E. G. Grabenstein, deceased.  
 Bertha P. Palmer, Fairfield, Nebr., in place of Rex Shubert, resigned.

## NEW JERSEY

John N. Stonaker, Cranbury, N. J., in place of E. W. Walker, retired.  
 Joseph V. Lynch, Kenil, N. J., in place of R. F. Holt, deceased.

## NEW MEXICO

Denzel L. Lee, Dexter, N. Mex., in place of D. L. Lee. Incumbent's commission expired December 23, 1941.

## NEW YORK

DeVerne A. Lewis, Canastota, N. Y., in place of DeVerne A. Lewis. Incumbent's commission expired June 23, 1942.  
 Thomas M. Townsend, Carmel, N. Y., in place of T. M. Townsend. Incumbent's commission expired June 23, 1942.  
 Anson A. La Roue, Harrisville, N. Y., in place of Charles Hogan, resigned.  
 Mary A. Jerzman, Houghton, N. Y., in place of R. B. Ingersoll, resigned.  
 Frances D. McClenon, Jamesville, N. Y., in place of J. T. McConnell, resigned.  
 Joseph L. McKernan, Lake Ronkonkoma, N. Y., in place of A. A. Matson, removed.

William J. Devitt, Montgomery, N. Y., in place of Edward Devitt, deceased.

## NORTH CAROLINA

Robert M. Kiser, Bessemer City, N. C., in place of S. B. Hovis, transferred.

## NORTH DAKOTA

Forrest C. Cowles, Ellendale, N. Dak., in place of J. B. DuRand, removed.

## OHIO

Carl W. Somerville, Frazeyburg, Ohio, in place of O. D. Blizzard, resigned.  
 Frank Cave, Mansfield, Ohio, in place of H. E. Homberger, deceased.

## OKLAHOMA

Ed Whiteaker, Panama, Okla. Office became Presidential July 1, 1942.  
 G. Phillips Hines, Watts, Okla. Office became Presidential July 1, 1943.

## OREGON

Henry R. Crawford, Salem, Oreg., in place of H. R. Crawford. Incumbent's commission expired June 18, 1942.

## PENNSYLVANIA

Frank C. Davis, Alum Bank, Pa. Office became Presidential July 1, 1943.  
 Charlotte E. Capwell, Factoryville, Pa., in place of J. R. Thurston, retired.  
 Bertha M. Flesser, Farm School, Pa., in place of C. L. Goodling, resigned.  
 James A. Donahue, Heliwood, Pa. Office became Presidential July 1, 1943.  
 Walter W. Gilmore, Hillsville, Pa. Office became Presidential July 1, 1943.  
 Olive K. Floyd, Hookstown, Pa. Office became Presidential July 1, 1943.  
 Ralph M. Pearce, Hyde, Pa. Office became Presidential July 1, 1943.  
 Charles M. Brubaker, Intercourse, Pa. Office became Presidential July 1, 1943.  
 W. Herbert Pearsol, Kunkletown, Pa. Office became Presidential July 1, 1943.  
 Charles C. Duck, Lewistown, Pa., in place of J. C. Amig, removed.  
 Martha M. Stamm, Lincoln, Pa. Office became Presidential July 1, 1943.  
 Thomas F. Melody, Locust Gap, Pa. Office became Presidential July 1, 1943.  
 Ella R. Bradley, Mahanoy Plane, Pa. Office became Presidential July 1, 1943.  
 Alexander J. O'Reilly, Mayview, Pa., in place of A. D. Gibson. Incumbent's commission expired December 21, 1941.  
 Marie Sterrett Smith, McKean, Pa. Office became Presidential July 1, 1943.  
 Basil W. Bradley, Middlebury Center, Pa. Office became Presidential July 1, 1943.  
 Lucy M. Labuski, Morris Run, Pa. Office became Presidential July 1, 1943.  
 George P. Kratzert, Neffsville, Pa. Office became Presidential July 1, 1943.  
 Mary F. Wilson, Newportville, Pa. Office became Presidential July 1, 1943.  
 Agnes Susan Whisdosh, Norvelt, Pa. Office became Presidential July 1, 1943.

## SOUTH DAKOTA

F. Marion Brooks, Florence, S. Dak., in place of E. F. Heuer, transferred.  
 Alice M. Hudgel, Garretson, S. Dak., in place of A. C. Lembecke, deceased.  
 Freda Haberman, McLaughlin, S. Dak., in place of C. H. Page, resigned.  
 Jessie E. Hanson, Mound City, S. Dak., in place of A. A. Kluckman, transferred.  
 John A. DeLay, Wessington Springs, S. Dak., in place of Ward Kieser, removed.

## TENNESSEE

Joseph L. Arrington, Cordova, Tenn. Office became Presidential July 1, 1943.  
 Percy E. Beard, Kingston Springs, Tenn. Office became Presidential July 1, 1943.  
 Edgar D. Robinson, Lancaster, Tenn. Office became Presidential July 1, 1943.

## TEXAS

Aileen M. Greer, Chireno, Tex., in place of G. W. Greer, resigned.  
 Lenore H. Boothe, Gonzales, Tex., in place of Fred Boothe, deceased.  
 Allen A. Collet, Handley, Tex., in place of A. A. Collet. Incumbent's commission expired June 23, 1942.  
 Tempest Adams, Skellytown, Tex., in place of D. B. Statton, resigned.  
 Myrtle B. Clark, Vidor, Tex. Office became Presidential July 1, 1943.

## VERMONT

Annie J. Graiff, Readsboro, Vt., in place of M. F. Brown, resigned.

## VIRGINIA

Hugh E. Love, Boissevain, Va. Office became Presidential July 1, 1943.  
 Annie G. Davey, Evington, Va. Office became Presidential July 1, 1943.  
 Emily B. Chinn, Hague, Va. Office became Presidential July 1, 1943.  
 Charles M. Saunders, Milford, Va. Office became Presidential July 1, 1943.  
 Indiana B. Poindexter, Morrison, Va. Office became Presidential July 1, 1943.  
 W. Roger Burgess, Mount Crawford, Va. Office made Presidential July 1, 1943.  
 Dewey B. Bennett, Ringgold, Va. Office became Presidential July 1, 1943.  
 Anna R. Brown, Woodlawn, Va. Office became Presidential July 1, 1943.

## WEST VIRGINIA

Eleanor M. Lantz, Blacksville, W. Va. Office became Presidential July 1, 1943.  
 Charles Pelfrey, Fort Gay, W. Va., in place of G. J. Carter, Jr., resigned.  
 Eddith Fox, Gilbert, W. Va. Office became Presidential July 1, 1943.  
 George L. Carlisle, Hillsboro, W. Va. Office became Presidential July 1, 1943.

## WISCONSIN

Cora J. Sorenson, Mount Horeb, Wis., in place of C. J. Sorenson. Incumbent's commission expired April 26, 1942.

## CONFIRMATIONS

Executive nominations confirmed by the Senate January 19 (legislative day of January 11), 1944:

## IN THE MARINE CORPS

## TEMPORARY SERVICE

## To be major general

DeWitt Peck

## To be brigadier general

Gerald C. Thomas

## REGULAR SERVICE

## To be second lieutenants

Robert P. Smith	Charles H. Scholfield
Carl E. Walker	Jay T. Nichols
William L. Eubank	Arba K. Alford, Jr.
William H. Dennen	Bevan G. Cass

## POSTMASTERS

## ALABAMA

Katherine D. Wright, Auburn.

## KENTUCKY

James A. Usher, Farmington.  
 Elizabeth Godsey, Hardburly.  
 James L. Howard, Kings Mountain.  
 Mary H. Buckler, Loretto.  
 Arnold E. Adkins, Raceland.  
 Thelma Chloe Howard, Summer Shade.

## TENNESSEE

James A. Hudson, Brownsville.  
 John V. Kendall, Troy.

## WEST VIRGINIA

Dallas R. Yeager, Mason.



## HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 19, 1944

The House met at 12 o'clock noon.

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

O Father of all mercies, who dwellest in the hearts of them who love Thee, we wait in this solemn stillness; Thou dost speak not in noisy haste nor in the whirlwind of excitement, but to him who waits in calmness with unfettered thoughts. O Holy Spirit, sweep through us, leaving rich deposits of faith and trust and visions that are deeper and clearer than our aspirations. Let our manhood be self-contained and deliberate, then we shall be able to live and serve worthily.

In the quietude of these moments, may we feel the sacredness of our obligations. Embodiment in our daily lives the influence and the example that our Lord brought to the children of men. As there are changes in the world of men, O give to us Thy changeless hand; lift up our souls and let the tendrils of trustfulness bind our hearts to Thee, believing that character, not power, nor wealth, nor position is of living and of supreme worth. Help us to know the humble way of sacrifice, whose spirit is the royal way of our Saviour. We pray that we may be too strong to be unjust, too noble to be vain, and too generous to be small. Eye hath not seen, neither hath it entered into the heart of man the things which God hath prepared for them that love Him. In our Redeemer's name. Amen.

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

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 108. Joint resolution making an appropriation for contingent expenses of the Senate.

## EXTENSION OF REMARKS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from this morning's Washington Post.

The SPEAKER. Is there objection? There was no objection.

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a newspaper article.

The SPEAKER. Is there objection? There was no objection.

## COOPERATIVE LEAGUE, INTERNATIONAL COOPERATIVE RECONSTRUCTION

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection? There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I wish to call the attention of

the House to the fact that today and tomorrow at the Washington Hotel in this city there is being held a conference of very great significance, sponsored by the Cooperative League of the United States, International Cooperative Reconstruction. There are there in attendance representatives of the cooperatives of many of the nations of the world, as well as our American cooperative leaders. The purpose of the conference is to discuss and bring to public attention the vital and all-important contribution that those cooperatives can make to a rehabilitation of the nations after this war. The answer of the cooperative movement to the problems that face mankind is the most constructive single answer that I know of. Cooperation is the middle way whereby the people can solve many of their problems by their own efforts and by application of the principle of human brotherhood. Congress would find it most worth while to attend the sessions of this conference.

## CONSTRUCTION OF CERTAIN PUBLIC WORKS

Mr. VINSON of Georgia. Mr. Speaker, I call up the conference report upon the bill (H. R. 3741) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3741) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "\$281,060,000"; and the Senate agree to the same.

CARL VINSON,

MELVIN J. MAAS,

Managers on the part of the House.

DAVID I. WALSH,

MILLARD E. TYDINGS,

JAMES J. DAVIS,

Managers on the part of the Senate.

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3741) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the

accompanying conference report as to each of such amendments, namely:

Amendment No. 1: This amendment increases by \$23,000,000 the amount provided in the bill as it passed the House for aviation facilities, making the amount to be authorized \$50,000,000.

Amendment No. 2: This amendment increases by \$3,000,000 the amount provided in the bill as it passed the House, authorizing a total of \$23,000,000 for storage facilities.

Amendment No. 3: This amendment increases by \$20,000,000 the amount provided in the bill as it passed the House, making a total authorization of \$92,000,000 for ordnance facilities.

Amendment No. 4: In this amendment the Senate reduced by \$10,000,000 the amount provided in the bill as it passed the House for miscellaneous structures. The conferees restored this \$10,000,000 to make the total authorized for this item \$14,000,000, which is the amount provided in the bill as it passed the House.

Amendment No. 5: This amendment corrects the total cost as provided in the bill to agree with the sums provided under the individual items.

Amendment No. 6: This amendment was added in the Senate and authorizes the Secretary of the Navy to enter into contracts under the appropriation "Public works, Bureau of Yards and Docks" for public-works equipment, materials, and construction, to the extent of the total cost authorized in the bill.

CARL VINSON,

MELVIN J. MAAS,

Managers on the part of the House.

Mr. VINSON of Georgia. Mr. Speaker, when this public-works bill passed the House it provided for an authorization of \$235,000,000. When it went through the Senate it provided for \$271,000,000, an increase of some \$46,000,000. The first amendment of an increase of \$23,000,000 is for aviation facilities. The Navy Department found that it is absolutely essential to make certain changes in the aviation program which involves an expenditure of this kind. I would like, Mr. Speaker, to be permitted to insert in the RECORD a full and complete explanation in regard to each one of these amendments. The conference report has been unanimously agreed to by the House conferees. The main increase is in dollars and cents.

Mr. MARTIN of Massachusetts. Mr. Speaker, is there no other change in the legislation?

Mr. VINSON of Georgia. There is no other change except permitting the Navy Department to enter into contracts relating to this before the money becomes available.

Mr. Speaker, I ask unanimous consent to insert in the RECORD an explanation in regard to each one of these amendments.

The SPEAKER. Is there objection? There was no objection.

Mr. VINSON of Georgia. Amendment No. 1:

(a) To make general increases in personnel facilities at various stations to permit a greater degree of mobility of fleet units. Experience has shown that capacities somewhat in excess of minimum theoretical requirements are necessary to provide for sudden changes of station by fleet units in accordance with tactical requirements.

(b) To make general increases in basic facilities required as a result of increased plane complements and sizes, training devices, etc.

(c) To improve runways and taxiways to accommodate the later types of heavy planes.

(d) To provide facilities for training of personnel and the maintenance and repair of equipment, in connection with new developments in naval aviation.

It is expected that \$27,000,000 of the funds authorized will be expended as follows:

Expansion of naval air stations and facilities to support fleet and sea frontier forces:	
North Atlantic area.....	\$940,000
Middle Atlantic area.....	3,050,000
South Atlantic area.....	290,000
West coast area.....	10,984,000
Total.....	15,264,000

#### Amendment No. 2:

##### STORAGE FACILITIES

At the present time there are in the Navy Department projects amounting to \$23,000,000 for the development of additional storage facilities to meet the increased requirements for storage space for general stores in all categories. The Navy Department estimates that during the remainder of this fiscal year additional authorization is required for this \$23,000,000 in public-works construction to meet present anticipated demands. The work involves expansion in 16 localities and consists of additional storehouses and miscellaneous improvements and extensions.

The Senate committee authorized an expenditure of \$3,000,000 for additional storage facilities at six different locations in the United States. These funds will be expended for the construction of storehouses, transit sheds, roads, railroad trackage, and other services of this nature.

#### Amendment No. 3:

##### ORDNANCE FACILITIES

In recommending \$92,000,000 for ordnance storage facilities, the Navy Department has been guided by the necessity for economy in its considerations of additional public-works construction but is nevertheless cognizant of the fact that additional ordnance-testing facilities, storage facilities, and reserve facilities are essential to keep pace with the development of new weapons. The principal items included in the Navy Department's request are three shipping depots on the west coast to relieve the shortage in this type of facilities, additional ordnance testing and reserve facilities at seven locations, expansion of ammunition storage facilities at five locations, additional housing facilities for ordnance battalions at various locations, and additional ammunition loading facilities at existing depots. The amount requested by the Navy Department for the above facilities is \$72,000,000.

The additional \$12,000,000 authorized by the House is required for the establishment of shipping facilities in the Puget Sound area to relieve the extremely hazardous condition now existing in the heart of the city of Seattle where high explosives to a large degree are being handled through the congested water front of the city of Seattle. The funds will be employed in the construction of an extension of the railroad from Shelton, Wash., to the vicinity of the Bremerton Navy Yard, a distance of approximately 32 miles, and the development of shipping facilities in the near vicinity to relieve the hazardous condition now existing.

#### Amendment No. 4:

These funds are requested by the Navy Department to provide for deficiencies in

power supply and distribution, water supply and distribution, sewage and sanitary facilities, shore communication facilities, and miscellaneous structures at various naval activities. The funds requested by the Navy Department for this category of projects are \$4,000,000. Included in the miscellaneous facilities and structures stated above, the Navy Department is requesting funds in the amount of \$100,000 to comply with the requirements of H. R. 2886 providing for the removal of oysters from York River and replacing same in unpolluted waters in the vicinity.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### UNITED NATIONS RELIEF AND REHABILITATION

Mr. SABATH, by direction of the Committee on Rules, submitted the following privileged report, House Resolution 401, for printing in the Record:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the resolution (H. J. Res. 192) to enable the United States to participate in the work of the United Nations relief and rehabilitation organization. That after debate, which shall be confined to the resolution and shall continue not to exceed 2 days, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### RECESS OF THE HOUSE ON THURSDAY, JANUARY 20, 1944, TO RECEIVE THE PRESIDENT OF VENEZUELA

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order tomorrow for the Speaker to declare a recess of the House for the purpose of receiving a distinguished visitor to the United States, the President of our neighboring Government of Venezuela.

The SPEAKER. Is there objection? There was no objection.

#### CONTINGENT EXPENSES OF THE SENATE

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to take from the table Senate Joint Resolution No. 108, making an appropriation for the contingent expenses of the Senate and ask that the same be considered.

The Clerk read the joint resolution.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, has the gentleman taken this up with the gentleman from New York [Mr. TABER]?

Mr. CANNON of Missouri. I have, and the gentleman from New York [Mr. TABER] concurs in the action which I have proposed, and submitted to the House.

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

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000 for contingent expenses of the Senate, expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1944: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

The SPEAKER. The question is on agreeing to the Senate joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a recent editorial from the Norwich Sun.

The SPEAKER. Is there objection?

There was no objection.

#### SPECIAL ELECTIONS IN PENNSYLVANIA

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, yesterday two special elections were held in Pennsylvania, one in the congressional district adjoining mine on the north—formerly represented by Representative Ditter; the other—formerly represented by Representative McGranery—almost abutting it on the south.

In both districts Republicans were elected to Congress by overwhelming majorities. It appears that in Montgomery County the majority will show a greater Republican victory than in 1942 and in Philadelphia a district which went Democratic by 50.50 percent in 1942 went Republican yesterday by 56.33 percent on the basis of unofficial but complete returns.

Two days before the election the New Deal's news organ in Philadelphia quoted the Democratic candidate as declaring that the issue was support of President Roosevelt and of his administration. Throughout the campaign the New Deal candidate stressed the national character of the contest and asked for a vote of confidence in the Roosevelt administration. The result speaks for itself.

Now that it has become evident that democracy means bounty no longer but sacrifice—giving by the citizen rather than taking—the Santa Claus type of Democrat seems to have been conspicuous by his absence yesterday.



This poses a problem for New Dealers: "What kind of a new hand-out can we dream up which will be big enough to buy some more gratitude by November?"

The SPEAKER. The time of the gentleman has expired.

#### EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter.

The SPEAKER. Is there objection?  
There was no objection.

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

The SPEAKER. Is there objection?  
There was no objection.

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from one of my constituents and also to extend my remarks concerning a bill that I have introduced.

The SPEAKER. Is there objection?  
There was no objection.

Mr. FULBRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein a newspaper article from the New York Herald Tribune.

The SPEAKER. Is there objection?  
There was no objection.

#### FIGHT AND VOTE

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

The SPEAKER. Is there objection?  
There was no objection.

Mr. LANE. Mr. Speaker, we are reliably informed that 10,000,000 American men and women are serving in our armed forces. Perhaps a million more will be called into service by the end of 1944. Already nearly 700,000 persons have been demobilized because of physical injury or mental disturbance. These young Americans have given and are giving of their best in the service of their country. They are called upon to assume responsibility and make decisions as soldiers which are more significant than any they might be called upon to make in civilian life. Living life as they do, acting in the interest of their Nation and their comrades, matures men. Certainly, then, it is not too much to expect that men called upon to fight and die for their country should be allowed to vote and express their choice in regard to their country's future. Let us be consistent—men who are called on to die should be given the right to vote. Let us resolve to pass legislation as soon as is possible to accomplish this purpose.

#### MABEL T. BOARDMAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include therein a tribute paid by the Chief Justice of the United States to Miss Mabel T. Boardman yesterday.

The SPEAKER. Is there objection?  
There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. GOODWIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?  
There was no objection.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein also a letter.

The SPEAKER. Is there objection?  
There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include a letter.

The SPEAKER. Is there objection?  
There was no objection.

#### THE SOLDIERS' VOTE BILL

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

The SPEAKER. Is there objection?  
There was no objection.

Mr. FISH. Mr. Speaker, time is of the essence. The chairman of the Committee on Rules is fooling no one but himself by refusing to call a committee meeting on the soldiers' vote bill. Alibis and excuses about prior committee hearings is political buncombe and partisan humbug. There was no meeting of the Rules Committee called this morning, and I rise to demand that the chairman stop delaying the consideration of this important war measure.

The public is entitled to know the facts. If there is any further stalling by the chairman of the Committee on Rules, it is up to the members of the committee, both Republicans and Democrats, to place the responsibility publicly and to insist on an open rule on the soldiers' vote bill Thursday, preferably, but not later than next Monday in order to bring it up in the House on Tuesday for consideration and amendments.

The Republican Members will, I am sure, support a wide-open rule to permit any germane amendments. The talk of a gag rule emanates from the Communists, the Daily Worker, PM, and Walter Winchel—who is doing more than anyone in America to create racial disunity and anti-Semitism—in their consistent efforts to undermine the faith of the American people in our representative and constitutional form of government. No member of the Rules Committee, nor any Member of the House, has ever advocated a gag rule on the soldiers' vote bill.

The SPEAKER. The time of the gentleman has expired.

#### EXTENSION OF REMARKS

Mr. COFFEE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### A TRIBUTE TO LABOR

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

The SPEAKER. Is there objection?  
There was no objection.

Mr. COFFEE. Mr. Speaker, at a time when countless words have been spoken condemning organized labor, it is only fair and just that the people of the United States should know of the wholehearted cooperation which labor unions are giving to governmental programs which are unspectacular but essential to winning the war. Too often the light of publicity never shines upon the day-to-day activities of organized labor which result in tremendous gains upon the home front. In the fields of production, transportation, and distribution of goods for our armed forces and for our civilian population labor organizations are rendering yeoman service and are hastening the day of peace.

Labor cooperation in the Government's food-management program was strikingly exemplified in Chicago on January 12. At a stirring meeting at the Hotel Sherman, attended by 3,300 members of Local No. 734, Bakery, Cracker, Pie, and Yeast Wagon Drivers' Union, A. F. of L., the union pledged itself to 100-percent compliance with Food Distribution Order 1, which prohibits consignment selling of bakery products. Convinced that F. D. O. 1 is a necessary and patriotic measure in wartime, the drivers have accepted the challenge of its provisions and are actively cooperating with industry and the Government in order that the distribution economies intended by the order can be fully realized.

Under the leadership of President William Lee, Local No. 734 has an enviable record for patriotic activity. Nearly half its members are blood donors, many of them having made several donations. Purchases of War bonds are notably high in this group, and special money contributions from members recently went for the purchase of ambulances for the Government.

This is but one example of the practical patriotism which motivates millions of American workers to set an example of cooperation with Government which should inspire every citizen of our great country.

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

#### EXTENSION OF REMARKS

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?  
There was no objection.

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

The SPEAKER. Is there objection?  
There was no objection.

(By unanimous consent, Mr. MILLER of Nebraska, was granted permission to extend his own remarks in the RECORD.)

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that upon the conclusion of the legislative business and any other special orders on Wednesday, and also on Thursday of next week, I may

be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection. There was no objection.

#### EXTENSION OF REMARKS

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection? There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter.

The SPEAKER. Is there objection? There was no objection.

#### SOLDIERS' VOTE LEGISLATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection? There was no objection.

Mr. RANKIN. Mr. Speaker, this morning's issue of the radical paper called PM, which is known as the uptown edition of the Communist Daily Worker, and is financed by that wealth of Marshall Field that is escaping taxation, says that I am asking for a "gag" rule on the soldiers' absentee voting bill. There is not a word of truth in that statement.

What PM is trying to do is to muddy the waters and create confusion in the minds of the voters. However, the people of the country are not being misled, but the various States are cooperating by passing enabling legislation.

What I am asking for is for the chairman of the Rules Committee [Mr. SABATH] to call the Rules Committee together and give us an open rule, so that we can vote now and pass this legislation immediately.

While the States of the Union are trying to cooperate in every way to make it possible for the men and women in the armed services to vote in the coming election for everything from President to constable, the chairman of the Rules Committee [Mr. SABATH] ought to call the committee together and help us speed up this legislation.

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

#### CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

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

A call of the House was ordered.

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

#### [Roll No. 3]

Anderson, N. Mex.	Fitzpatrick	Howell
Brooks	Forand	Jackson
Carrier	Fuller	Jones
Chipfield	Furlong	Kleberg
Cooley	Gamble	LaFollette
Courtney	Gathings	Larcade
Dies	Granger	Lea
Dirksen	Hare	Luce
Domeneaux	Harness, Ind.	Magnuson
Engle, Calif.	Hébert	Maloney
Fernandez	Herter	Morrison, La.
	Hoch	Mott

Murphy  
Newsome  
Norton  
O'Leary  
Phillips  
Rivers  
Robertson

Schuetz  
Sheridan  
Simpson, Ill.  
Sparkman  
Taylor  
Treadway  
West

Whitten  
Wickersham  
Wigglesworth  
Winter  
Zimmerman

The SPEAKER. On this roll call 372 Members have answered to their names, a quorum.

On motion of Mr. McCORMACK, further proceedings under the call were dispensed with.

#### MUSTERING-OUT PAYMENT BILL OF 1944

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1543) to provide for mustering-out payments for members of the armed forces, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1543, with Mr. SMITH of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday the gentleman from Missouri had offered a substitute amendment to section 1 of the bill as a substitute for the committee amendment. The question is on the amendment offered by the gentleman from Missouri [Mr. PLOESER].

Mr. MAY. Mr. Chairman, I would like to secure an agreement as to the length of time of debate on the pending amendment.

I ask unanimous consent that all debate on the substitute amendment to section 1 and all amendments thereto close in 30 minutes.

Mr. PLOESER, Mr. CELLER, and Mr. SHAFER objected.

Mr. CELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER to the substitute amendment offered by Mr. PLOESER: On page 1, line 4, after the words "naval forces" insert "and merchant marine."

Mr. CELLER. Mr. Chairman, my purpose in offering this amendment to the Ploeser substitute is to draw attention to the need for offering at least a modicum of security by way of a bonus or discharge pay to the members of our merchant marine. I think the time has now come when we can no longer hide our heads in the sand. We must take cognizance of the tremendous sacrifices that are being made by our merchant seamen for victory.

A recent study made by the United Seamen's Service, a semigovernmental agency whose executive committee is composed of members of the War Shipping Administration, shipowners, and the maritime unions, shows that the annual wage of seamen averages only \$1,677, including bonuses and overtime. This study includes a statement released by the Office of War Information reporting that—

The annual income of the lowest paid Army private has been estimated by Federal authorities to be equivalent to \$1,700 a year

when consideration is given to the value of food, shelter, clothing and equipment, medical, dental, and hospital care, and saving on other personal expenses.

This \$1,700 figure compares favorably with the general average for seamen.

It would appear, unfortunately, that a large number of Americans have been led to believe that the incomes of seamen are higher. Seamen are even excluded, for example, from the 1936 Unemployment Compensation Act, and while working under conditions similar to those of the armed services receive none of the rights, benefits, or privileges of the latter group. You may recall that President Roosevelt recently identified the role of merchant seamen as of importance equal to that of members of the armed forces. Why not, therefore, a common mustering-out pay for seamen, soldiers, and sailors?

The other evening I was in the company of a number of merchant seamen. They hail from my own bailiwick in Brooklyn. Seven or eight of them told me they had had their ship torpedoed from under them four and five times. They had spent hours and hours in the water clinging to life rafts. They often despaired of ever seeing again their homes, hearths, and loved ones. They had gone through the most harrowing experiences. Such trial and tribulation, such patriotism must not remain unrewarded. The Nation can show its gratitude by according those brave men the same treatment as accorded our fighting men. Seamen also fight—fight the subs and terrors of the deep.

The number of dead among the merchant seamen, comparatively and on a percentage basis, is far greater—far greater, I emphasize—than that of all the members of our armed forces. They go through the most wretched experiences often ending in the last call. Many have gone through the valley of the shadow. Yet those who escape the terrors of the submarine come back, in common parlance, for more punishment. They are ever anxious to get back to their ship and to carry our men and goods across. They man veritable bridges across the seven seas over which run the men and ammunition. Ships and seamen in this war are as essential as guns, tanks, planes, and soldiers.

This amendment will not involve too great an amount of money because, as you know, we have been building a huge number of ships across both oceans. It is contemplated to construct in 1944 24,000,000 tons of ships. We constructed 16,000,000 tons during the past year. I am sure it is not in the contemplation of anyone to buckle those ships together again as we did after the last war and let them rot in our harbors. We are going to use those ships. They will carry our flag and commerce to every port as in the halcyon days of the clipper ships. So there will not be too many of the seamen mustered out if we use those ships. Crews will be needed. These robust and daring seamen will continue the service that makes Uncle Sam proud of them.



With reference to the dangers inherent in a merchant seaman's work, the percentage loss of merchant seamen was more than eight times as great as in the armed forces. Between December 7, 1941, and December 31, 1943, the armed forces have lost 0.668 percent of their total manpower. The merchant marine has lost 5.6 percent. Therefore, the total losses of the armed forces represent only 11.9 percent of the total loss of the merchant marine, as given in percentage. The startling low wages and the extreme hazards suffered by merchant seamen make it imperative that Congress enact protective legislation, such as mustering-out pay, immediately.

Because of the arduous nature of their work and the constant dangers under which they labor, many merchant seamen are having a difficult time readjusting themselves upon returning from the war zones. The merchant marine is growing more than threefold. These new seamen are patriotic Americans who have left safer and better-paying shore-side jobs for the duration to deliver the goods. After the war many expect to return to their homes. Mustering-out pay for these men is essential for a speedy readjustment to a productive peacetime civilian life.

I submit a schedule showing total losses of the armed forces of the United States and the merchant marine: Killed, captured, and missing between December 7, 1941, and December 31, 1943, compared with total manpower as of December 31, 1943:

Service	Losses from Dec. 7, 1941, to Dec. 31, 1943	Total manpower, Dec. 31, 1943	Percentage loss to total manpower
Army.....	63,445	7,500,000	0.858
Navy.....	3,097	2,389,000	.129
Marines.....	3,381	403,000	.838
Coast Guard.....	78	173,000	.045
All military services.....	70,001	10,465,000	.668
Merchant marine.....	5,366	96,000	5.6

Total losses of the armed forces represent 11.9 percent of the total losses of the merchant marine.

Source: Army, Navy, Coast Guard and War Shipping Administration.

Mr. GAVIN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, we all recall the thankfulness in our hearts on the day that ended World War No. 1. We recall too the load of anxiety that was lifted from the world of mothers' hearts and how a war-torn world turned back to peace with profound thankfulness to God and thankfulness to the boys who paid for it with their lives.

We now pray that the day is not far distant when again we can offer thanks to the Almighty for the end of World War No. 2, and offer our gratitude to the thousands of men who have already paid and those who will pay the cost with their lives, and those blind, crippled, and maimed with their broken bodies and distorted limbs who will return to live among us.

We are now considering legislation to remunerate the veteran over a period after his discharge to permit him again to find his place in life.

As one veteran of World War No. 1, I am of the opinion that it should be sufficient to enable him to meet the demands that will be made upon him during this critical period.

I often thought of the man who got \$60 discharge pay in World War No. 1, and a railroad ticket to his home town; that if he had no relatives he was dependent upon charity or his wits until he found a job and his place in life.

Jobs at that time were not very plentiful, and nobody was seemingly greatly concerned about finding them for the serviceman.

We have heard some of the distinguished Members talk about the \$300,000,000,000 indebtedness. We have heard that \$100 mustering-out pay will be ample. All I can say is that if a man is married and has two or three children and has \$100 for a period of 30 days, it will not take him or his family very far.

We here in America live in security, free from the horrors of night bombing, most of us carrying on with a few discomfitures, and I want to state that this matter deserves the serious consideration of every Member of this House. If it takes every penny we have to take care of these boys, it would be worth it. We all talk about sacrifice for the war effort. Who is making this sacrifice? The youth of America. We are doing the talking. They are doing the fighting that permits us to do the talking.

We set up \$65,000,000,000 for lend-lease; we spent \$2,700,000,000 on the good-neighbor policy; we dumped \$134,000,000 down a rat hole for a project in the Canadian wilderness; and here today we are considering the veteran who uncomplainingly is doing a great job, turning in a brilliant performance in the various theaters of war—on land, in the air, and on the sea.

Men who are getting shot up in the mud of Italy, blasted out of the air, dying like rats in the submarines or burning oil on the seas; men who are undergoing the horrors and hardships of war—the cold and the heat, the filth and fatigue, the misery and the mud—and not one of them being able to offer an opinion as to whether or not \$100 per month for a period of 3 months will see them through the readjustment period.

If we were to experience the hardships that these men on the various fighting fronts are undergoing, I think that we would have a more generous attitude toward these men who over the months that lie ahead will need our help.

Nothing that we can offer them can ever compensate them for the miseries of mental and physical tortures of mechanized warfare.

No words of mine, I know, can change this situation; however, I do want to be recorded that I think they should receive the largest amount possible to tide them over as an expression of gratitude and appreciation for the sacrifices that they are making in the springtime of their lives.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Celler] to the substitute amendment offered by the gentleman from Missouri [Mr. Ploeser].

The question was taken, and the amendment was rejected.

Mr. SHAFER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SHAFER: Amendment to the substitute bill, subsection (e), section 2, insert the following additional subsection, to be known as (f):

"(f) No payment whatever under this act shall be made to—

"(1) any member of the armed forces who, at the time of discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 1 of the Pay Readjustment Act of 1942, as amended;

"(2) any member of the armed forces who, at the time of discharge or relief from active service, is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay;

"(3) any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service to accept employment or, in the case of any member so relieved from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska;

"(4) any Air Corps Reserve officer who is entitled to receive a lump-sum payment under section 2, as amended (55 Stat. 240), of the act of June 16, 1936;

"(5) any member of the armed forces whose total period of service has been as a student detailed for training under (A) the Army specialized training program, (B) the Army Air Forces college training program, or (C) any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

"(6) any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy;

"(7) any member of the armed forces whose sole service has been as a cadet at the United States Military Academy or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said academies; and

"(8) any commissioned officer unless he is discharged or relieved from active service within 3 years after the termination of the present war as proclaimed by the President."

Mr. SHAFER. Mr. Chairman, my amendment merely covers into the Ploeser substitute sections 1, 2, 3, 4, 5, 6, 7, and 8 of the committee bill. These sections deal with those servicemen the committee believes are not entitled to receive mustering-out pay. I believe my amendment should be adopted if favorable consideration is to be given the Ploeser substitute.

I regret I was unable to be present at the hearings on this legislation. I was prevented by injuries that caused me to be hospitalized most of the month of December. Had I been able to be present I am not so sure that the committee bill would have been unanimously reported.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. SHAFER. Not now, but I shall be glad to yield to my colleague on the committee as soon as I have finished my statement.

Much has been said regarding the merits of the committee bill, Mr. Chairman, but there still remains the question of whether the bill will meet the economic needs of the veterans when they are discharged from the service. I am not so sure that it will.

Of course, many veterans will step right out of the Army or Navy into good jobs in industry. But, too, there will be thousands of others who will not be able to find immediate jobs and will not be able to reestablish themselves in business.

The economic needs of each veteran must be met by this legislation. I dislike to disagree with the committee but I believe the Ploeser substitute comes nearer to accomplishing what is intended here. It will not overpay those who are fortunate enough to find immediate work and it will not overpay those who are unable to find immediate jobs. It will also take care of those disabled veterans pending the adjudication of their claims for compensation.

Of course, we have been told that the Veterans' Administration is now in a position to expedite the adjudication of those claims, but the fact remains and I have this on good authority, that the Veterans' Administration is today 10 months behind in the consideration of the claims now on file. Remember that the heavy end of this job is yet to come.

I did not hear the testimony of General Hines before the Committee on World War Veterans' Legislation recently, but I have been told that he made a statement that some 200,000 applications for compensation had been filed since Pearl Harbor and up to December 1, 1943. Out of that number only 119,000 have been adjudicated. As I said before, we have just started on that program. The Ploeser substitute and its method of payment is an intelligent way of handling this matter.

The purpose of mustering-out pay is not to grant a gratuity. It is, as the term suggests, simply to assist the veteran in the transition from the armed forces back to civilian life. As I see it, the Ploeser substitute does just that. It comes closer than the committee bill to meeting the objective once stated by former President Theodore Roosevelt that "A man who is good enough to shed his blood for his country is good enough to be given a square deal afterward. More than that no man is entitled to, and less than that no man shall have."

I hope the House will give every consideration to my amendment and to the Ploeser substitute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment that has just been submitted to the Committee has been taken almost verbatim out of the House bill as presented to this Committee. It is an indication of just what you are trying to do if you want to rewrite this legislation here on the floor. The Ploeser amendment comes in with a large number of defects and an effort is going to be made now to write intelligence into that amendment and try to make it conform to the legislation that

has been presented by the committee. Unfortunately my colleague from Michigan has not favored the committee with the benefit of his advice during the period in which we have had this legislation up for consideration. If he did, and if he had some worth-while suggestions to offer to us I am quite sure we would have been happy to incorporate them in the bill. Today, however, he comes to us complaining about the committee's bill and he is offering as an amendment to the Ploeser amendment the language taken directly from the committee's bill of which he complains. Now I am not going to go into details regarding the Ploeser amendment, but I might point out to you that the language of that amendment provides that the payments can be made to any person who has been discharged from the service—"period." Now, get that. The Ploeser amendment would give these payments to dishonorably discharged soldiers, and that is what you are going to do if you are going to legislate this way. You do not know the effect of some of the language that is being submitted to the Speaker's desk.

I do not think that the author of the amendment intended that his amendment should read as it does, but here is the language it contains:

who shall have been separated from such service under honorable conditions or released from active duty—

(1) shall be paid—

And so forth. Anyone released from active duty under any conditions whatsoever shall be paid mustering-out pay under the terms of this amendment. Down in subsection (b) of his amendment he restricts those who have already been discharged from the service prior to the passage of this legislation from receiving the pay unless they shall have been honorably discharged. However, anyone released from active duty from now on shall receive mustering-out pay according to this amendment.

And what else is he doing? The very thing we complained about yesterday. He comes in with a proposition to pay \$400 in four monthly installments and then he adds on to it unemployment compensation for the next 8 months. He can get \$60 a month, or a total of \$720 additional. Now, what is the answer? The \$400 payment may run as high as \$4,000,000,000. The other 8 months of payments may run over \$5,000,000,000 or \$6,000,000,000. His bill most probably would cost more than \$10,000,000,000. What does it do? It provides unemployment compensation to whom? To the unemployed? Not at all, to every single soldier that comes out of the service. If we are going to write unemployment compensation, let us give the compensation to the unemployed, not to all those who are employed, and incidentally, to a small group who happen to not be employed. Let us not confuse our issues here today. The committee has spent a long time studying this legislation. We have proposed mustering-out pay. We have proposed a generous mustering-out pay—\$300 to those who have served over 60 days, \$300 with which to provide themselves civilian clothing and a little pocket change—that

should certainly be sufficient for mustering-out pay. But if you are going into unemployment compensation, let us handle that subsequently. Let us provide in the legislation that we will give unemployment compensation to those who are unemployed and not to employed and unemployed alike.

Mr. SHORT. Will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. SHORT. It must not be overlooked that most of the States already have unemployment compensation.

Mr. COSTELLO. That is quite correct.

Mr. SHORT. And in addition to the \$400 provided for in the substitute bill, the veteran is guaranteed \$60 a month up to the limit of 12-month period, until he can find a job. I wonder how many men would seriously go out and hunt for work as long as they could be guaranteed \$60 a month.

Mr. COSTELLO. The gentleman from Missouri presents a genuine question. He will also recall that our committee had testimony regarding conditions in the State of Indiana, where some 15,000 men have already been discharged from the service, yet only 300 of these have applied for unemployment compensation. To these men who have applied, compensation averaging \$60 each has been paid and no more. This definitely shows that at the present time a single payment of \$60 is apparently adequate to take care of the temporary unemployment of those men who are being discharged now. Yet this proposal and others which may be offered will recommend that we continue such payments for at least 1 year.

Let me also call attention to another provision of the Ploeser amendment with reference to the manner of paying these veterans. It provides that all these payments shall be made by check, and the checks covering the so-called extended payments shall contain a form of voucher which must be filled out and sworn to by the veteran giving information regarding his actual income for the month covered by the check. Then before the next month's checks can be issued, each veteran's account must be examined to determine whether he had any income other than the \$60 payment. If he has received any income, then his check the following month must be reduced by that amount or eliminated entirely for the balance of the period of 12 months should the income equal or exceed \$60. Thereafter payments can be reinstated only upon application by the veteran showing his other income has decreased below \$60. A complicated fantastic and impossible program, if ever there was one. There is no provision requiring the veteran to cash his check before the 30th day of the month or at any time. How checks can be prepared by the first of the following month, when hundreds of them might not be cashed at the end of the previous month is not explained. Yet the Government must adjust the amount of the check the following month nevertheless. I need not mention the difficulty that will ensue where the veteran happens to be living



outside the continental limits of the United States and so might not receive his check during the month for which it is intended to be payment. Yet the veteran might still be residing in China, or he might be in Alaska or even closer at hand, as he might be in Hawaii. What is more, the veteran has to indicate exactly what his income is. At the present time an income-tax return is considered to be private. Under this amendment it would be written on this check and go through anybody's hands. I hope this amendment and all amendments to it will be defeated.

Mr. CLASON. Mr. Chairman, I rise in opposition to the amendment offered to the substitute.

Mr. Chairman, the difficulty with the amendment just offered by the gentleman from Michigan is that it includes what is paragraph 3 on page 6 of the committee bill. By his amendment to the substitute it would be impossible for a man who is over 38 years of age who has seen service for 2 or 3 years in the armed forces, who has been a member of the Army since the war started, and perhaps for 18 months after the war started, to receive any muster-out pay. I wish the gentleman from Michigan would strike out from his amendment that section 3. It is possible that some of the restrictions placed upon the payment of mustering-out pay are good, but certainly that section is not. In connection with these restrictions which have been placed in the committee bill, I was interested today in the committee when Colonel Beukema, who perhaps knows as much as anyone about the Army specialized training program, told us, with reference to paragraph 5, on page 6, which is also contained in Mr. SHAFER's amendment, that hardly anyone would be touched by that restriction. As a matter of fact, all boys who go into the Army specialized training program have to serve for a period of time for basic training, and, as that restriction is worded, it does not cover them at all. As a matter of fact it only covers men who were in the medical schools, dental schools, and veterinary schools at the time they went into service. Obviously it was not the intention of the committee to restrict it to that particular group as against all others in the Army specialized training program.

I feel that not only in respect to paragraph 3, but in respect to paragraph 5, that these restrictions have been drawn altogether too broad and that they are unfair to hundreds of thousands of men who have already been discharged from the service and who are truly veterans of the present World War. There are undoubtedly at the present time 1,000 veterans returned to every congressional district in the United States who, by virtue of some restriction which has been placed in this bill, for the most part this paragraph 3, are going to have a stigma placed upon them by this legislation. They are not going to receive mustering-out pay. I say that because these men were in there. They went in there, not because the Army wanted them but because Congress made them subject to

the draft. The Army came in and said to our committee, "We want men between 18 and 31." The majority of the committee—and it was a close vote—said, "We are going to take everybody up to 45 under the Selective Service Act." I recall one day early in 1943, or late in 1942, when General Marshall came before our committee and said a bad mistake had been made; that he had gone through the hospitals in the South and that practically all the beds were occupied by these older men. For that reason he felt they should not be in the service. Shortly thereafter the Army adopted the policy of allowing these men, practically directing the men over 38 years of age, to ask for their discharge, telling them in advance that their requests would be granted.

It was not a question of whether you had a job waiting for you back home. Many of these men had sold their farm stock and machinery when they were drafted. Others had been forced to give up good jobs. Now when they have served for 18 months or 2 years, it seems to me they are more entitled to receive this \$100, or \$300, or whatever it may be, than a lot of these boys who go in there and stay for 20 or 30 days. They were older men. They had places in the community, and they were wiped out.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CLASON] has expired.

Mr. ELSTON of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the Ploeser substitute for the committee bill. I believe there are a number of reasons why this substitute should not be adopted.

In the first place, if you will examine the substitute you will find it would be almost impossible to enforce its provisions. You will note that the service man or woman receiving a monthly check for \$60 must indicate on a voucher attached to the check the extent of his income for the period covered by the check. I submit this would be an exceedingly difficult task for a farmer, whose income is received generally when his crops are sold. It might be equally difficult for business or professional men. Only salaried men or women could comply with the requirement.

Then again, as was pointed out by the gentleman from Missouri [Mr. SHORT] awhile ago, if service men and women are entitled to receive \$60 a month for an 8-month period, in addition to the 4-month period during which they receive their \$100 payments, there would be some who would make no effort to obtain employment until the full 12-month period of time had passed.

You will note that no persons are excluded from payments as provided for in the committee bill. The committee bill has excluded eight different groups. For example, we have excluded students whose total period of service has been in the Army specialized training program, or similar programs under the jurisdiction of the Navy, Marine Corps, or Coast Guard. Persons under these groups obviously are not entitled to mus-

tering-out pay, yet they all are included in the Ploeser substitute. This would cost the Government many millions of dollars.

Let me point out by way of illustration what would happen in the case of a student under one of the service training programs. These students are receiving \$50 a month. Moreover, the Government is paying their tuition. Formerly their parents were paying it, or they worked to pay it. Those boys, when the war is over, would be entitled, under the Ploeser bill, to receive not only the mustering-out pay amounting to \$400 if they had been in school long enough, but in addition will be entitled to receive \$60 a month for 8 additional months for a total of \$880. This will be in addition to their tuition which the Government pays, and in addition to their service pay which is at least \$50 a month. During all that period they are learning some profession, or at least are studying something which may be useful to them in civil life.

There was testimony before the Military Affairs Committee this morning that there are hundreds of boys today who are simply premedical students. They are in many cases doing exactly what they were doing before they became a part of the Army or the Navy. They are preparing themselves for the practice of medicine. Those boys are receiving \$50 a month, plus their tuition, plus all other benefits accorded to men in the armed forces. Those boys would be entitled to the compensation provided for in the substitute if it is adopted, but would not be entitled to it under the committee bill.

No doubt we are going to have to consider later the subject of unemployment compensation. We are going to have to consider adjusted compensation, but I submit this is not the time to do it. The Adjusted Compensation Act of the First World War was not passed until that war was over. Perhaps the time to do it this time will be when the present war is over. The matter of unemployment compensation is not something that should be taken up at this time. I believe the attempt on the part of any Member to bring the subject up at this time, however well intentioned such effort may be—and certainly the able gentleman from Missouri is well intentioned—will only confuse matters and in the end may work an injustice upon those of us seeking to serve by mustering-out-pay legislation. The Military Affairs Committee gave every consideration to every phase of this subject. We decided first of all that we would endeavor to pass solely a mustering-out-pay bill, leaving these other matters for future consideration. That is what the committee endeavored to do in writing the bill before the House today.

I am hopeful, Mr. Chairman, that the House today will consider this solely as a mustering-out-pay bill.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ELSTON] has expired.

Mr. MILLER of Connecticut. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it is my intention to support the committee bill, without any major amendments.

There are two legislative proposals now very much on the minds of the Members of this House. One, to provide adequate mustering-out pay, and the other, which I believe will be taken up later and should be taken up later, the establishment of a sound unemployment compensation program, to provide compensation for returning servicemen who may not be able to find employment immediately.

A great deal has been said about the amount of money involved in this bill, three and one-half billion dollars. That is still a lot of money. But I do think that this thought should be expressed, that the passage of this bill will, in my humble opinion, save the Treasury money in the long run. If these men can come back with what has been referred to as a measly \$300, it will give them the opportunity of getting the minimum of their civilian clothing needs, and an opportunity to at least relax and look around for a week or two. They have not been used to high living, and they will not be looking for it immediately upon their discharge. But, if they can be given time to make that tremendously difficult adjustment of going back into civilian life, after the existence they have led in Italy, Africa, or the islands of the Pacific, it will be money well spent.

If this is all that was to be proposed to be done for the returning servicemen, I would say it was inadequate; but I believe the record should show, and I asked the gentleman from Texas [Mr. THOMASON] yesterday if the statement I made then was correct, that the men and women now serving in our armed forces are entitled to receive every benefit that has ever been made available to the disabled veterans of World War No. 1. Members will recall that it took 20 years to get some of those benefits for the veterans of World War No. 1.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Connecticut. I yield.

Mr. ARENDS. In addition, this \$300 mustering-out pay will make it possible for the disabled men to have some available money until such time as their cases are adjudicated, which General Hines said would be done within that time. There will be no more going on relief from the standpoint of the disabled veteran.

Mr. MILLER of Connecticut. The gentleman is entirely correct. I feel very strongly that no man should be taken off the pay roll of the War or Navy Department until the Veterans' Administration is ready to pick up his case. It should be done before they leave the jurisdiction of the Army or the Navy.

I have one question I would like to ask the chairman of the Military Affairs Committee with reference to paragraph 2 on page 6, disallowing this mustering-out pay for those who return to the retired list. My question is, Will that apply to an enlisted man of the Army or the Navy who had retired with perhaps 16 or 20 years' service and a small pen-

sion and who went back into the service during the period of this war?

Mr. MAY. It will do that. The committee studied that very carefully and came to that conclusion, because we felt that a man who had been previously discharged and went back to the service ought to be given this mustering-out pay.

Mr. MILLER of Connecticut. I thank the gentleman, and I agree with him.

Mr. Chairman, I yield back the remainder of my time.

Mr. FLOESER. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I want to answer some of the statements which have been made in great error by some members of the committee. For the edification of the gentleman from California I will read very briefly from the Ploeser substitute:

Members of the armed forces are entitled to discharge or mustering-out pay who shall have been separated from active duty under other than dishonorable conditions before the effective date of this act.

The gentleman, if he had read the bill, would understand that he is in error.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. FLOESER. I do not yield.

The Shafer amendment contains the exact wording of exceptions provided in the committee bill. If, therefore, the members of the committee are willing to support their own product they can very well, in fact they are duty bound to, support the Shafer amendment which does perfect the Ploeser substitute.

On the subject of unemployment compensation, if these men receive unemployment compensation from their State unemployment-insurance funds it becomes automatically deducted from the Federal allowance. That is provided in the bill. Furthermore, let me say for the benefit of the gentleman from the State of Ohio that the bill very clearly means income during that particular month and this provision could hardly be misinterpreted.

It does not seem the committee is so solid on this thing as we thought they were yesterday. The gentleman from Massachusetts does not agree with the Shafer amendment, which is a very important part of the committee bill. The principal feature of the committee bill is a \$300 bonus for 61 days' service in the Army or the Navy. In that particular portion of your bill you are woefully weak and extremely inequitable. I have sought through the adoption of the major portion of the American Legion proposal in my substitute to correct that glaring inequity as proposed in the committee's bill and I have sought also to eliminate by the provision of this extended pay, which is very clear, very simple, to eliminate the necessity for any great organization of unemployment-compensation boards extended throughout the length and breadth of this land.

This bill calls for \$60 a month with a deductible feature dependent upon what income may be earned during a current month, and there cannot be any misunderstanding.

As for the draftmanship of the bill, it was drafted by the same legislative drafting service used by the committee. I have nothing but praise to pay them for their great ability, their legal ability, their parliamentary ability in drafting bills for this Congress.

If the gentleman from California will take the time and do himself the justice of reading the bill he will find that almost the entirety of his statement came about through some great misunderstanding that could not have possibly been made had the bill been read.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. FLOESER. I yield to the gentleman from Nebraska.

Mr. STEFAN. The gentleman has explained some of the criticism of the bill except the criticism made in connection with the medical students.

Mr. FLOESER. The Shafer amendment puts back the exclusions of the committee bill and therefore excludes all medical students. The gentleman from Ohio instead of attacking the Shafer amendment unintentionally left the impression that the Shafer amendment was not before the House. I hope for the adoption of the Shafer amendment. I hope the Members will vote for it and then vote for the Ploeser substitute.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. SHAFER] to the substitute offered by the gentleman from Missouri [Mr. FLOESER].

Mr. ELSTON of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELSTON of Ohio. Mr. Chairman, my understanding is that the Shafer amendment has already been voted on and the vote announced.

The CHAIRMAN. A division has been demanded.

Mr. ELSTON of Ohio. Mr. Chairman, I believe the Shafer amendment was voted on some time ago.

The CHAIRMAN. No. The question is on the Shafer amendment to the substitute offered by the gentleman from Missouri [Mr. FLOESER].

The question was taken; and on a division (demanded by Mr. FLOESER) there were—ayes 11, noes 86.

So the amendment to the substitute was rejected.

The CHAIRMAN. The question now recurs on the substitute amendment offered by the gentleman from Missouri [Mr. FLOESER].

The question was taken; and on a division (demanded by Mr. FLOESER) there were—ayes 19, noes 113.

So the substitute was rejected.

Mr. MAY. Mr. Chairman, I ask unanimous consent that debate on all remaining amendments to section 1 and all amendments thereto conclude in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?



Mr. CLASON. Mr. Chairman, I object.

Mr. MAY. Mr. Chairman, I move that all debate on the pending section 1 and all amendments thereto close in 20 minutes.

The motion was agreed to.

Mr. CLASON. Mr. Chairman, I offer an amendment, which I have at the Clerk's desk.

The Clerk read as follows:

On page 6, line 7, strike out all of line 7, and all of the subsequent lines down to and including line 14.

Mr. CLASON. Mr. Chairman, this amendment is the one about which I spoke yesterday and also I spoke on the same subject today. This involves about 400,000 men who have returned with honorable discharges to their homes, having been directed by the War Department to ask for their discharges. They were the men and are the men over 38 years of age who were brought into the service under the Selective Service Act. That act did not have the age limit that the Army wanted. The Army wanted 18 to 31. Our committee made it up to 45 and the Congress passed the law providing the age up to 45.

Late in 1942 General Marshall visited hospitals throughout the South, came back to our committee, and told us that most of the beds in these hospitals were occupied by men over 38 years of age and in his opinion we ought not to have men over 38 in the service.

Shortly thereafter, or early in 1943, a policy of the War Department was announced under which men over 38 years of age were told, in fact they were practically directed, to ask for their discharges, being advised that if they did so their requests would be granted. Many of these men had no jobs to return to. Many of them, because the Selective Service Act became effective in 1939, had been in the Army for 2 or 3 years. Those men are veterans of the present World War; they were brought in under the Selective Service and they are entitled to this mustering-out pay.

Mr. BRADLEY of Pennsylvania. Will the gentleman yield?

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

Mr. BRADLEY of Pennsylvania. Is it not true this provision which the gentleman seeks to strike out also prevents payment to those men in the National Guard who served 18 months under orders?

Mr. CLASON. It would, if they were over 38 and requested their discharge in that manner.

It is my understanding from the figures which have been furnished me that there are approximately 1,000 of these veterans returned to every congressional district in the United States. Personally I do not wish by my vote to place a stigma upon these 1,000 men, many of whom I have known, many of whom have spoken to me about it and others have written to me. Some of them are farmers. They sold their stock, they sold their machinery, because they went into the service. They made real sacrifices and need this mustering-out pay more than numbers of those who will receive it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HINSHAW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HINSHAW. The time has been limited by action of the House to 20 minutes. There are several of us who have amendments. Is the time to be divided among those who have amendments to offer or is it to be allotted in some other way?

The CHAIRMAN. The gentlemen who desire some time will indicate that fact and the Chair will divide the time among those Members.

Mr. HINSHAW. Mr. Chairman, I have an amendment at the Clerk's desk and I would like to be recognized in due course.

Mr. MAY. Mr. Chairman, I want to rise in opposition to the amendment that has been offered when an arrangement has been made as to time.

The CHAIRMAN. The gentleman from Kentucky [Mr. MAY] is recognized for 3 minutes.

Mr. MAY. Mr. Chairman, I had hoped very much that my colleague from Massachusetts who has offered the pending amendment would yield to me when I asked him to, not very long ago, on the question of General Marshall's statement with regard to these men that the gentleman says are over and above 38 years of age. First, may I say that in 3 minutes I want to get into the minds of the Members that there is not one word in this bill which says anything about the age of anybody.

General Marshall did come before the committee in support of the bill to draft 18-year-old youths, and his argument was in effect that, because we had lifted the age for selective service up to 45, the group above 38 years of age that has been provided as the maximum by Executive order were not the class of people that they needed as soldiers.

General Marshall did call attention to a visit he paid to the General Hospital at Fort Bragg, N. C., which is one of the largest camps in the United States. The thing the gentleman from Massachusetts did not tell you that General Marshall said about that was this: In addition to saying what the gentleman from Massachusetts said he said, he pointed out the fact that almost all of the men who were in that hospital down there were above 38 and had been in less than 30 days, nearly all of them 10 or 15 days, and some of them only about 3 days.

Mr. ELSTON of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Ohio.

Mr. ELSTON of Ohio. If any one of those men was discharged for a physical disability, he would be entitled to compensation under this bill.

Mr. MAY. That is right. In addition, they could not then be discharged unless they had a job. That was the ground on which they got out. That is another reason why we excluded them.

Mr. ELSTON of Ohio. This amendment does not affect men over 38, exclusively; it affects any man who may have

voluntarily asked to be dismissed from the service to accept a job in industry.

Mr. MAY. That is exactly correct.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I received an inquiry today whether the bill under consideration would exclude one who had been discharged from the service after 18 months, 12 of which were spent in Alaska, in the Aleutians, because of his having passed the age of 38.

Mr. MAY. There is no such provision in the bill. That man will not only get disability compensation, if he is entitled to it, but will be paid mustering-out pay.

Mr. KNUTSON. Are the boys excluded who have been discharged to go back on the farm after having had active combat service?

Mr. MAY. They are excluded unless they have subsequently served in the armed forces.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, speaking under the rule I stated that I would offer the amendment submitted by the gentleman from Massachusetts [Mr. CLASON]. I see no reason whatever to discriminate against these veterans 38 years of age who got out of the service of their own accord but actually at the instigation of the Army itself, which issued directives encouraging those in our armed forces who were 38 or over to apply for discharge as they were a burden upon the Army and it was in the interest of the service for them to get an honorable discharge.

If this precedent is established, these 400,000 veterans will not even get adjusted-service compensation. They will use this precedent against them.

I ask every Member of this House, Republicans and Democrats alike, to read subsection (3) on page 6 of this bill. If they can understand a word of subsection (3), they ought to be on the Supreme Court of the United States, because even Felix Frankfurter could not understand or interpret what this subsection provides for. This subsection ought to be stricken out anyhow, regardless of the arguments about the status of veterans 38 years of age who have received an honorable discharge. Just read subsection (3) on page 6 and see if any Member of the House can understand what it means.

I submit that it would be a gross injustice and a rank discrimination against those veterans who are entitled to more compensation than any other group, those who were compelled to gave up their businesses, practically all of whom were established in some kind of permanent or semipermanent job, and who left their families and had more at stake than younger men. If anybody should be compensated by this bill, it should be those veterans of 38 years of age or over. I hope that they received a job when they got out. Most veterans who will receive honorable discharges expect to get jobs. There is no logical or sound

reason for any discrimination whatever against those over 38 years of age.

Mr. ELSTON of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. ELSTON of Ohio. Does the gentleman know a single man who ever left the Army or the Navy and accepted a job in private industry who got a salary smaller than he received in the service?

Mr. FISH. I am saying this should be the same rule for every veteran. All veterans who get out of the service expect to get a job. The Congress should not discriminate and say they shall not get this mustering-out pay because they got a job when it does not apply to other veterans. We do not even know whether or not they got a job. I submit nobody can understand what is in subsection (3) and it should be stricken out as being vague, meaningless, and making for utter confusion. All I am trying to do is to secure a square deal and fair treatment for those veterans of 38 years of age or over who are entitled, as honorably discharged veterans, to the same treatment as all those veterans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CLASON].

The question was taken; and on a division (demanded by Mr. CLASON) there were—ayes 44, noes 92.

Mr. CLASON. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. HINSHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW: On page 5, line 18, strike out "honorable conditions" and insert "conditions other than dishonorable."

Mr. HINSHAW. Mr. Chairman, I wonder if the chairman of the Committee on Military Affairs and the members of that committee would be willing to accept this amendment. I say this because I am sure they have no intention of doing harm to or failing to take care of a lot of young men who are unfortunately receiving peculiar discharges through no fault of their own.

Mr. MAY. I do not believe the committee has any objection to the amendment, Mr. Chairman.

Mr. HINSHAW. I thank the gentleman. I am glad to know that the committee has no objection to the amendment. At the same time, I recognize that the amendment may require perfection in conference on the bill, as there are certain classes of persons who should not be included, such as those who are discharged for the good of the service to avoid court martial, those who are discharged pursuant to conviction under civil law, and out-and-out fraudulent enlistments.

However, Mr. Chairman, there are many cases receiving ordinary discharges who are as deserving of mustering-out pay as those who receive honorable discharges. I would like to quote from a letter to his mother from a Navy man

who was injured in an accident that happened at Pearl Harbor, as follows:

DEAR MOM: This is important.

Write Mr. HINSHAW and tell him to dig into the reason why they changed all the fellows' discharge papers who have not been wounded in action to an ordinary discharge from an honorable discharge. Everyone here is mad and we think it is very unfair to us. This law came from the Bureau of Medicine and Surgery in Washington. This will mean a lot to me and to the other fellows here. Send it special delivery air mail and soon.

Love,

Bob.

P. S.—I'll be home in 2 weeks for good.

While I was at home recently certain service officers of the American Legion and others brought differing cases to my attention. It seems to me that a soldier, sailor, or marine who is offered a blue discharge should have an opportunity to be heard on record before being discharged, and that none of them should be asked to accept a blue discharge as a condition to release from the service, unless it be among the three categories I first mentioned. Every Member of this body has been called upon to obtain corrections of the service records of men who have been discharged from the Army—some of them as long ago as the Spanish War. Most of these men have borne their shame in secret and have ranked in their hearts against the unjustness which they felt was meted out to them. When these cases are now brought to the War or Navy Department's attention, it is invariably the rule, in my experience, that the record cannot be changed, and seldom is it changed, even by an act of Congress, as the departments invariably give an unfavorable report on the bills introduced for the purpose. Furthermore, when such bills have passed, they are frequently vetoed by the President.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. ANGELL. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Chairman, I hope the committee bill will be passed. It should be understood at the outset that this is not a bill for rehabilitation, adjusted compensation, or for any other purpose than that of supplying a small sum of cash to servicemen and service-women upon being mustered out, to bridge over the gap between the service in the Army and civilian pursuits. It is a stopgap, pure and simple. The fund provided should be ample and sufficient for the purpose intended, but should not infringe upon the larger subject of adjusted compensation, unemployment insurance, and rehabilitation, which will receive the attention of the Congress later.

In the last war we provided \$60 for each serviceman on being mustered out, regardless of length of service. The bill as it comes to us today from the com-

mittee, unanimously reported, provides \$100 for all those who have served less than 60 days at home or abroad, in the war or out of the war, and \$300 in three monthly installments for those who have served longer than 60 days. The \$300 allowance is divided into three equal payments, one to be paid at mustering out, and a like payment on each of the 2 succeeding months.

Much confusion has arisen not only in Congress but with the people at home, over the real purpose of this legislation. I am sure, Mr. Speaker, when it is realized that this legislation is limited to mustering-out pay and does not in any sense seek to cover adjusted compensation or other benefits to which our service men and women are entitled, that the uncertainty will be dispelled and the legislation will have the full approval not only of the Congress but of veterans' organizations, the men and women in the service, and the citizens back home. I am sure that all of us here have the desire to give every consideration to the needs and welfare of the servicemen, who have been and are doing an heroic job in defending our country during these tragic hours.

We do not want to see duplicated again the spectacle that took place following the last World War, when thousands of our heroic fighting men were compelled to stand on street corners seeking employment, or be subjected to the humiliation of accepting menial jobs merely to keep body and soul together during the time they were seeking to rehabilitate themselves and find permanent employment in our economic structure. Not only is the welfare of these men and women involved but the morale and co-operation of the civilian population. I am glad that the Congress has provided adequate and necessary legislation for taking care of the injured, providing hospitalization, care and treatment, and also putting in motion the machinery for rehabilitation and the rebuilding of the battered lives of our disabled soldiers. This legislation will be in line with that program.

I include as a part of my remarks an editorial appearing in the Washington Post of this date, entitled "Home Front Morale." While it does not deal with mustering-out pay, it does call to our attention the broader aspects of fair treatment to the fighting men of our military forces, not alone for their own protection and well-being, but for keeping a healthy morale at home. The editorial is as follows:

#### HOME-FRONT MORALE

According to a news conference given by six Army nurses, one of the chief concerns of mutilated servicemen returning from the front lines to this country is the reception they will receive from their friends and families. After more than a year aboard the hospital ship *Acadia*, these nurses have observed that the spirit of the men is good until they are brought in contact with unimaginative and even thoughtless behavior at the hands of their relatives. "The important war problem," the nurses agreed, "is building not the soldier's morale, but rather that of their relatives at home." In fact, in some cases a serviceman's fear of the manner in which he will be treated even outweighs his desire to



return home. It would seem, therefore, that this gulf between the home front and the battle front calls for immediate attention.

One way of meeting the situation might well be, as Mrs. Roosevelt suggested at her last press conference, for the Navy and War Departments, together with the Red Cross, to set about instructing the public in the best ways to help veterans make their difficult adjustment to civilian life. This is part of the larger problem of supporting the fighting front. Servicemen, though they grumble about our civilian behavior, know and see that our material support of the front line is prodigious. At bottom that doesn't worry them half so much as what we are not doing to set up a society fit for veterans to live in. In respect of the incapacitated, there is a fine distinction to be made between pampering a man to the point at which he becomes a helpless invalid and asking so much of him that he grows discouraged and loses his will to get well. It is common knowledge that we all recover our strength and appetite for life more quickly, whether the illness be physical or psychoneurotic, if we live in a healthy climate of affection and realistic optimism. Surely we cannot afford to destroy on the home front the miracles of medicine which our Army and Navy doctors have performed under enemy fire.

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Chairman, in December 1943, the Senate passed Senate bill 1543 to provide for mustering-out pay to members of the armed forces. This bill came to the House and was referred to the Committee on Military Affairs of the House. After holding hearings on this bill, the Military Affairs Committee of the House amended Senate bill 1543 by striking out all after the enacting clause in the Senate bill and submitted a substitute bill. This House Military Affairs substitute bill is now before us for consideration. This bill provides as follows:

SEC. 1. (a) That except as provided in subsection (b) of this section, each member of the armed forces who shall have been engaged in active service in the present war and who is discharged or relieved from active duty under other than dishonorable conditions on and after December 7, 1941, shall be eligible to receive mustering-out pay.

SEC. 2. (a) Mustering-out pay for persons eligible under section 1 shall be as follows:

(1) \$300 for persons who have performed active service for 60 days or more.

(2) \$100 for persons who have performed active service for less than 60 days.

Those who have performed active service for less than 60 days will receive the full \$100 on discharge, and those who have performed active service for 60 days or more and are entitled to \$300 will receive \$100 at the time of discharge, another \$100 1 month thereafter, and the third \$100 2 months after discharge. This applies to all those who have had such active service since December 7, 1941, and have heretofore been discharged and those who may hereafter be discharged. This mustering-out pay will not be allowed to those who have

secured their discharge in order to take other employment, or to any Air Corps Reserve officer who is entitled to receive a lump-sum payment under section 2 of the act of June 16, 1936, or to any member of the armed forces whose total period of service has been as a student detailed for training under the Army specialized training program, the Army Air Forces college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard, or for such period as such person may be a student in the United States Military, Naval, or Coast Guard Academies.

All those in our armed services and auxiliaries, men and women, up to and including the rank of captain are entitled, unless dishonorably discharged, to this mustering-out pay, with the exceptions we have noted. The WAC's, WAVES, SPARS, and other auxiliaries composed of women will receive this mustering-out pay, provided they served after they became component parts of the Army, Navy, Marine Corps, or Coast Guard. Those women who had active service prior to that date and were discharged on account of disabilities contracted in the service in line of duty, will likewise be entitled to this mustering-out pay.

At the present time, approximately 11,000,000 persons have had active service in our armed forces. Approximately 1,000,000 have already been discharged. Of course, this 1,000,000 or more that have been discharged will be entitled to this mustering-out pay unless they have received a dishonorable discharge or come within the exceptions already mentioned, and if any of them have died, their wives and children, or their husbands and children, as the case may be, will be entitled to this mustering-out pay. The mustering-out pay for all of these men and women that have been discharged and will be discharged of the approximately 11,000,000 who have been inducted into our armed services will amount to approximately three billion and six hundred million. Of course, the war is not over, and perhaps three or four million more may be inducted into our armed services before the war is over. This will add an additional billion and a half. The total cost of mustering-out pay may reach five billions.

I had no communication from my own State or district from anyone in our armed services in regard to these matters. Some of the veterans' organizations in other States have wired me and other Members of Congress urging mustering-out pay. A number of us favored and voted for amendments to increase this amount, but practically all of the members of the Military Affairs Committee of the House that reported the bill and a majority of the Members of the House favor these sums and they will likely be adopted.

This bill places into the hands of the returning service men and women this sum of money to help them get started again. In World War No. 1 the mustering-out pay was fixed at \$60 for one and

all, without regard to the length of service. For those who have served 60 days or more this bill provides 5 times that amount, and for those who have served less than 60 days almost double that amount.

This measure has nothing whatever to do with adjusted compensation, death benefits, disability compensation, insurance, hospitalization, or vocational education. Congress has already provided for the service men and women of World War No. 2 to receive disability compensation, insurance, vocational training, hospitalization, dependency benefits, and many other benefits. It was my good pleasure to vote and help to pass all of these measures. The matter of bonus or adjusted compensation will be considered at a later date and then the important question of where and how long a man or woman served will have an important bearing as to the amount that such service man or woman will receive. I might add that the cost of living was higher when the men were mustered out in World War No. 1 than it is today, and at that time we did not have full hospital facilities, liberal compensation laws, vocational training, and so forth, as we now have for service men and women of World War No. 2. These desirable measures were passed at the close of World War No. 1. The soldiers' adjusted compensation was not passed for many years after the close of World War No. 1, and I am sure that this matter will be taken up and considered and acted on favorably I trust in a much shorter time, perhaps before this war comes to an end.

There are those who complain of the liberal treatment to our service men and women and their dependents, but let us bear in mind that however liberal we may be we cannot pay the debt that we owe these patriotic men and women. The President has already called upon the Congress and the Congress has voted more than sixty-five billion for lend-lease to other countries. Very little of this enormous sum will ever be paid back. The administration, in administering these funds, has been very liberal with millions of people in Central and South America, Europe, Asia, and Africa, and the islands of the seas. Tomorrow the administration is bringing before us a bill calling for an initial sum of nearly one and one-half billion for the people of Europe, Asia, and Africa. This also will be a gift, and if this program is entered upon I am afraid additional billions will be demanded. Knowing these facts, so far as within my power, I do not propose to be niggardly with our own heroic and patriotic men and women who have been and still are doing such a wonderful job on land, sea, and in the air, and who will insure ultimate victory for our country.

There are those in this country who were not adverse to war because of the profits it would bring to them. It may help to keep the peace for these as well as all of us to know that war is a very expensive undertaking and, furthermore, that we owe a debt of gratitude to our

service men and women that we cannot repay.

The Clerk read as follows:

Sec. 2. (a) Mustering-out payment for persons eligible under section 1 shall be in sums as follows:

(1) \$300 for persons who have performed active service for 60 days or more;

(2) \$100 for persons who have performed active service for less than 60 days.

(b) Each person eligible to receive mustering-out payment under subsection (a) (1) shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service. The remaining amount of mustering-out payment shall be made in two equal installments—1 month and 2 months, respectively, from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (2) shall receive the stipulated amount at the time of such discharge or relief from active service.

Mr. LEMKE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEMKE: Strike out all of section 2 and insert the following:

"Sec. 2. The Secretary of War and the Secretary of the Navy are hereby authorized and directed to pay one hundred dollars (\$100) as mustering-out pay and to continue the regular pay to any veteran, as herein defined, that has been or may hereafter be honorably discharged from the armed forces on the basis of the pay of a private in the Army, or an apprentice seaman in the Navy as follows: A veteran who has served 1 month but less than 3 months, for an additional 3 months; one who has served for less than 6 months but more than 3 months, for an additional 6 months; one who has served for less than 9 months but more than 6 months, for an additional 9 months; one who has served 9 months or more, for an additional 12 months."

Mr. LEMKE. Mr. Chairman, this amendment is offered on behalf of myself and 51 Members of this House.

They are: WILLIAM LEMKE, North Dakota; THOMAS J. LANE, Massachusetts; JOHN M. COFFEE, Washington; HAROLD C. HAGEN, Minnesota; FRANK B. KEEFE, Wisconsin; COMPTON I. WHITE, Idaho; BERTRAND W. GEARHART, California; JOHN H. TOLAN, California; FRED E. BUSHEY, Illinois; GERALD W. LANDIS, Indiana; CHARLES M. LAFOLLETTE, Indiana; J. GLENN BEALL, Maryland; PHILIP J. PHILBIN, Massachusetts; JOSEPH P. O'HARA, Minnesota; WILLIAM C. COLE, Missouri; KARL STEFAN, Nebraska; USHER L. BURDICK, North Dakota; VICTOR WICKERSHAM, Oklahoma; KARL E. MUNDT, South Dakota; CHESTER GROSS, Pennsylvania; MERLIN HULL, Wisconsin; CHARLES B. HOEVEN, Iowa; HARRY SAUTHOFF, Wisconsin; MARION T. BENNETT, Missouri; KARL M. LECOMPT, Iowa; STEPHEN A. DAY, Illinois; EDWARD J. HART, New Jersey; THOMAS ROLPH, California; ED. V. IZAC, California; J. HARDIN PETERSON, Florida; WILLIAM A. ROWAN, Illinois; MARTIN GORSKI, Illinois; THOMAS GORDON, Illinois; FRED C. GILCHRIST, Iowa; GEORGE G. SADOWSKI, Michigan; WILLIAM A. PITTINGER, Minnesota; CARL CURTIS, Nebraska; A. L. MILLER, Nebraska; HOWARD J. McMURRAY, Wisconsin; FRANK BARRETT, Wyoming; RAY MADDEN, Indiana; WIRT

COURTNEY, Tennessee; MAURICE J. SULLIVAN, Nevada; ANDREW C. SCHIFFLER, West Virginia; JERRY VOORHIS, California; WILLIAM H. STEVENSON, Wisconsin; CHET HOLIFIELD, California; GEORGE E. OUTLAND, California; WILL ROGERS, Jr., California; THOMAS F. FORD, California; EARL R. LEWIS, Ohio; JAMES M. CURLEY, Massachusetts.

I am sure that it will receive the serious consideration of the Members of this House who have at all given this subject any consideration. The minimum in this amendment is \$100 to those who have served for less than 30 days, \$250 for those who have served 3 months or less; \$400 for those who have served 6 months or less, \$550 for those who have served 9 months or less, and \$700 for those who have served 9 months or more.

Let us see what the reason for this amendment is. It is not an adjusted compensation, but it is giving to the soldiers who have saved not only this Nation, and who are now saving it—yes, for the soldiers who are the best uniformed, the best dressed, the best paid among the United Nations, and who also are the soldiers who are doing the most and the best fighting of all the United Nations—the soldiers but for whom the United Nations would have been defeated long ago—it is giving to those men who have been unfortunate enough to be discharged or who will be discharged in the future, a sufficient amount to readjust themselves into the civil life from which they were taken. Oh, but we are told, nobody asks for this amendment. My colleagues who oppose this amendment told us yesterday that they had received no letters about it. Here are the letters and the telegrams which I have received in favor of this amendment, and among the telegrams are some that are from the American Legion and other organizations, and from those who returned from foreign battlefields and were discharged.

Mr. D'ALESSANDRO. Mr. Chairman, will the gentleman yield?

Mr. LEMKE. Yes.

Mr. D'ALESSANDRO. Mr. Speaker, I agree with the gentleman from North Dakota and shall vote for his amendment. I hold in my hand a telegram which I received from commanders of veterans' organizations from Maryland which reads as follows:

BALTIMORE, Md., January 18, 1944.  
Representative THOMAS D'ALESSANDRO, Jr.,  
Washington, D. C.:

Representing veterans of World Wars No. 1 and No. 2 in Maryland we demand you support bill giving 1 year's pay to all honorably discharged veterans of World War No. 2 as they are returned to civilian life.

DR. HERBERT C. BLAKE,  
Commander, Maryland American Legion.  
GEORGE H. TITTER,  
Commander, Maryland Veterans of  
Foreign Wars of the United States.  
ADOLPH C. WINKLER, Sr.,  
Commander, Disabled American  
Veterans of Maryland.

Mr. LEMKE. I thank the gentleman. Further, it is claimed that these telegrams and letters do not mean anything. Here is one from a man whose name I

shall not give. He is a dentist. In part he says:

After 7 months in the Army I was honorably discharged. About 15 weeks of that time was spent treating an eye of which I almost lost the sight. My dear Mr. LEMKE, I, now after 7 months, sit day in and day out waiting for my business to return. It is just an uphill fight. I am 44 years old. Do not use my name, please, but let this give you an idea of what a hard, hard job it is to take up where one left off and please keep up the good fight for the many who may be worse off than I am.

I have hundreds of these letters, and if you who have not received any letters wish to see these, I should be very glad to let you see them. What does this amendment do? It provides \$100 for those who have served less than 30 days, and yet the correspondence that I have received shows that many of these gave up good positions. It was stated yesterday that they could get their jobs back. That is not a correct statement. There is no truth in it, because the large corporations now demand a physical examination of the discharged soldier, and even if the examination is satisfactory it is still a question if they put them back to work at all. If they do, they may put them at some other job and at less wages than they received when they were inducted. I said at the time we wrote that into the law that it was a joke, and it is. The soldiers are not benefiting by it. They are not all getting their jobs back, and the record shows that.

Then this amendment provides \$250 for those who have been in the service 3 months. That is not too much. The total amount provided by this amendment would be approximately the same as the Senate bill, only it distributes the money over a longer period of time. The soldiers that I have consulted asked that the money be given them in monthly payments, and not in a lump sum.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. ROLPH. Mr. Chairman, the Lemke amendment now before the committee should be adopted. While mustering-out pay has been discussed from every conceivable angle, the fact remains that anything we may do for the veterans falls far short of that to which they are justly entitled.

I am dismayed to find a feeling of hesitancy in authorizing the equivalent of 1 year's pay.

The gentleman from North Dakota [Mr. LEMKE] wants the payments to reach a maximum of \$700. This amount covers \$100 for mustering-out plus \$600, the latter figure being pay of a soldier for 1 year.

To me, it does not seem reasonable that those who are urging the lesser amounts have given the subject the study it deserves. The subject is of deepest import to the Nation.

While we have only this means of showing a small part of our appreciation, no matter what we pay it will be impossible to show the deep debt of gratitude in our hearts.

I hope the Lemke amendment is adopted.



Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Lemke amendment. In a recent meeting 57 or 58 of the Members of the House agreed on this amendment. I think it is a wise amendment. I urge you to support it.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk.

The CHAIRMAN. This amendment cannot be considered at this point as it is not an amendment to the pending amendment.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, a parliamentary inquiry. May I offer this as an amendment to the amendment?

The CHAIRMAN. The amendment is not so worded.

Mr. DEWEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have read the amendment offered by my colleague the gentleman from North Dakota [Mr. LEMKE], and I am very much impressed with the spreading of the pay. We all know we are going to be faced with great difficulties in holding price levels after the war ends; and if our soldiers return and receive a lump sum in 3 months, I think the pressure to spend that fund may do a great deal toward starting a price spiral. I like the idea of Mr. LEMKE's amendment, its spreading the payment in a lesser amount over a longer period. Who can blame a boy, after having gone through what they have gone through, from wanting to spend? We would all want to do that. They might spend that lump sum in 1 month. Whereas, if it is spread monthly over a longer period, I think it would have a beneficial effect. I would like, however, to suggest that if this amendment is considered, it might be advisable for the recipient at the end of 6 months, by affirmation, to make a statement that he is not yet employed. If he is employed at the end of 6 months, further payment should stop. But I think it is advisable to consider the spreading of the payment.

Mr. MAY. Will the gentleman yield?

Mr. DEWEY. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman is referring to the spreading of the payments provided under the Lemke amendment in smaller amounts. According to the Lemke proposal, the smallest amount to be paid to anyone—and that goes to those who served 1 month and not more than 3 months—is \$250. It runs to \$400, to \$550, and \$700.

Mr. DEWEY. I would like to say I did not say "amount"; I said "amounts." He gives \$100, exactly the same as the committee amendment, on mustering out, and he gets \$50 each month, depending on how long he is serving. The total sum, I admit, is greater; but being spread over a longer period, I think it may do a greater good to the soldier; providing, however—and I would like to suggest—that by affirmation the recipient should make a statement at the end of 6 months that he is unemployed. I think it may save a great pressure on the price structure.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield.

Mr. MURDOCK. I agree heartily with the gentleman in favoring this amendment, and that for about the same reasons he has announced, that is, the spreading of the payment over a longer period. That is a better plan than lump-sum payment. I also agree with the Lemke amendment because it is more liberal in its provisions than the committee bill provides. It must be understood that this mustering-out pay is only one of several measures we must pass for veterans.

Mr. DEWEY. Mr. Chairman, I yield back the remainder of my time.

Mr. SNYDER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I want to commend the distinguished gentleman from Kentucky and his committee for bringing before the House this commendable piece of legislation. However, I think that within the next 6 months or year, or by the time the war is over, this legislation will have to be adjusted if it is passed as it is. I introduced a bill on November 12 that had some different provisions in it. All I wish to do is ask unanimous consent that I may insert that bill in the RECORD at this point.

The CHAIRMAN. Is there objection? There was no objection.

The bill is as follows:

H. R. 3656

A bill to grant men and women of the armed forces of the present war base pay and family allowances for 1 year after their separation from the service or release from active duty

*Be it enacted, etc.,* That any person who (1) serves in the armed forces of the United States beginning December 7, 1941, and ending when the cessation of hostilities in the present war is proclaimed by the President, and (2) if separated from such service under honorable conditions or is released from active duty shall be paid monthly, 1 year beginning on the date of such separation or release an amount equal to his monthly base pay (less amount by which such pay may have been reduced pursuant to the Servicemen's Dependents Allowance Act of 1942, as amended) plus amount of the monthly family allowance payable under such act, as amended, to the dependent or dependents of such person at the time of such separation or release.

SEC. 2. The Secretary of the Navy and the Secretary of War, respectively, shall set up such regulations as may be necessary to carry out the provisions of this act.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. MAY. Mr. Chairman, inasmuch as we have debated this particular question for months, I think we ought to agree that we will close all debate on this section and all amendments thereto in about 30 minutes.

Mr. WHITE. Mr. Chairman, reserving the right to object, I would like to remind the distinguished chairman of the Committee on Military Affairs that most of the Members who have spoken on the bill have yielded back time, and we are making fast progress. I suggest that debate continue for some little time.

Mr. MAY. I would like to say to the gentleman that I am not trying to cut him off. I am just trying to conserve time. We would like to get through with this bill.

Mr. O'CONNOR. Mr. Chairman, reserving the right to object, I want to say to the distinguished chairman of the Committee on Military Affairs—

Mr. KEEFE. Mr. Chairman, I object. The CHAIRMAN. Objection is heard.

Mr. MAY. I move that all debate on section 2 and all amendments thereto close in 30 minutes.

The CHAIRMAN. The question is on the motion.

Mr. WHITE. Mr. Chairman, I desire to be heard on the motion.

The CHAIRMAN. The motion is not debatable.

The question was taken; and on a division (demanded by Mr. O'CONNOR) there were ayes 123 and noes 35.

So the motion was agreed to.

Mr. GREEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN. Would it be in order for me, if recognized now, to have my amendment to section 2 of the bill read?

The CHAIRMAN. It can be read for information.

Mr. GREEN. Yes.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, a parliamentary inquiry. I would like to ask the Chair what would be the disposition to an amendment that I have that will come as a new section? Will it be included in the 30 minutes or can it be included in the next section?

The CHAIRMAN. It will be included.

Mr. EDWIN ARTHUR HALL. It will be included in the 30 minutes.

Mr. CHAIRMAN. It will be included in the 30 minutes.

Mr. O'CONNOR. Mr. Chairman, I have two amendments which I have sent to the Clerk's desk. I would like to ask permission for time to discuss those two amendments in connection with the time allotted by the Chair to those standing confined within the 30 minutes.

The CHAIRMAN. All time is confined within the 30 minutes.

Mr. WHITE. How is the time to be allotted?

The CHAIRMAN. The Chair will allot the time.

The gentleman from Florida [Mr. GREEN] is recognized.

Mr. GREEN. Mr. Chairman, I will ask the Clerk to read for information and for consideration at the end of the 30 minutes' debate, an amendment which I am now offering to section 2 of the bill.

The CHAIRMAN. Without objection, the Clerk may read the amendment for information.

There was no objection. The Clerk read as follows:

Amendment offered by Mr. GREEN: On page 7, line 14, after the period, insert the following:

"SEC. 2. That any enlisted man who serves in the land or naval forces of the United States during the present war and is honorably discharged from such service or re-

leased from active duty, shall be paid monthly, for a period of 1 year commencing on the date of such discharge or release or on the date of enactment of this act, whichever date is the later, an amount equal to the monthly base pay which he had been receiving immediately prior to such discharge or release.

"SEC. 3. No enlisted man who is serving in the land or naval forces of the United States on the date of the cessation of all hostilities in the present war shall be honorably discharged or released from active duty, without his consent, prior to the termination of 1 year after such date."

Mr. GREEN. Mr. Chairman, this amendment would permit a man or a woman, if they desired to do so, to remain in the service after the armistice for a period of not to exceed 12 months. That would be their option. Then when the service man or woman is discharged, he or she would receive base pay, paid on the first day of each month from the time of discharge, for a 12-month period, to help him bridge over the ghost period following discharge and his readjustment back to employment or to business.

This legislation was suggested to me by the Harvey Seeds Post of the American Legion, Miami, Fla., and I commend it to the House for consideration.

I introduced this as a bill in April, and I believe it is appropriate to consider it in connection with the mustering-out pay bill now before us. I hope the House may see fit to adopt the substance of this amendment.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Idaho [Mr. WHITE] is recognized.

Mr. WHITE. Mr. Chairman, I rise in support of the Lemke amendment.

It has been stated on the floor that some 52 Members have given this bill most careful scrutiny and consideration. In considering the particular provision of section 2, it was decided that a more equitable distribution and a more equitable rate of pay should be adopted.

This amendment is the result of the resolution adopted by 52 Members of this House who have considered this legislation, and incorporated in this amendment a more equitable rate of pay for the men discharged from the Army. I know we all appreciate what happens to a man who is drafted in the Army. He has to give up his business or his farm. His whole arrangement is disrupted and his private income is lost. It is no more than fair and equitable that some fair plan be worked out to put that man back into his former status until he can rehabilitate his business and support himself and his family.

I hope the Membership will support the Lemke amendment.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

If there are no others who desire to speak on the Lemke amendment, we might better dispose of that amendment at this time.

Mr. IZAC. Mr. Chairman, I desire to speak on the Lemke amendment.

The CHAIRMAN. The gentleman from California [Mr. IZAC] is recognized.

Mr. IZAC. Mr. Chairman, I rise in support of the Lemke amendment. One

great defect of the committee's bill we should all recognize right now. That is, they give \$100 if you are in the service for 59 days, but for that other day they give you another \$200. It is utterly unconscionable. If they are going to give mustering-out pay, why not make it \$100 for everyone? That is given in order to tide these people over who cannot get a job immediately, or who cannot readjust themselves. Then why not run it along at \$50 a month, which is the minimum pay in the Army and the Navy, and keep that going up to a year, depending on the length of service of the individual?

The gentleman from North Dakota [Mr. LEMKE] has figured it out, I think, in the most appropriate manner, because we are not going to make anybody rich with this \$50 payment, even if he gets a job during the first 12 months.

Another thing, the committee bill says 59 days is the limit for the \$100 payment. There is no logic in that at all, because the boot training for the Navy man or the basic training period for a man in the Army is longer than that. So, anybody who has borne the brunt of that basic training is surely entitled to more than the man who serves only a few days. Many a man has been cut down and discharged as a result of the severity of this training. If the committee wants to be logical it should differentiate between the man who has really served and the one who has not—not on a basis of 59 days equals \$100, 60 days equals \$300. Besides this, I believe all those who go through and serve will have 4 months or more to their credit, and therefore they are entitled to that extra \$50 a month that the Lemke amendment provides, because having been subjected to the orientation of military service it will be harder for them to readjust back to civil life.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, I have been greatly impressed by the able and unanimous presentation of the membership of the Military Affairs Committee regarding the mustering-out bill, S. 1543.

We have been assured repeatedly by most of the Members that Senate bill 1543 provides strictly for a discharge gratuity. In answer to my direct question to the respected gentleman from Texas [Mr. THOMASON], who is also a member of the committee, he explicitly stated that this bill in no way attempted to settle the adjusted-compensation question. We have been repeatedly assured that the question of adjusted compensation is not germane to the present bill. Because of this ruling it will be impossible to get consideration at this time on this important subject. On November 24 I introduced H. R. 3735, which provides for discharge compensation of \$1,200, payable at the rate of \$100 per month. I regret that parliamentary pro-

cedure does not allow consideration of my bill at this time. I fear that the passage of a mustering-out bill containing a small gratuity will preclude consideration for many years of proper adjusted compensation for our discharged veterans. In view of the 17 long years after the World War No. 1 before the passage of the so-called bonus bill, I fear a repetition of that disgraceful history.

Under the existing circumstances I shall vote for the Lemke amendment which provides a \$700 maximum, whereas the Senate bill 1543 provides a maximum of only \$300.

If real consideration were given to the adjusted-compensation problem of World War No. 2 veterans at this time, I believe that mustering-out pay could be combined with a complete settlement of the bonus question. As this course has not been pursued under the pending bill, I predict that this question will rise again and again until it is settled equitably. I shall vote for the liberal provisions in the Lemke amendment and if it is defeated I will support other liberalizing amendments offered. If these liberal amendments are also defeated I shall vote for the passage of Senate bill 1543. I do so, however, with mental reservations as to the timeliness of this mustering-out pay bill and to the distinction drawn between those entitled to \$100 for less than 60 days and those entitled to \$300 for over 60 days. It is my opinion that every man and woman who has broken the ties of his civilian life, assumed military obligations, and then through discharge has been faced with readjustment problems is entitled to the maximum provided in this bill. I do not consider that this bill in any way precludes the consideration of an adequate adjusted compensation act which should be designed to cover the terrific problems of readjustment and rehabilitation which will face each and every member of our armed forces immediately upon their discharge.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I am supporting the Lemke amendment, but in case the Lemke amendment is defeated I am going to ask the Membership to support two amendments that I am offering. One is to raise the mustering-out pay to \$600, which means about 1 year's salary to a discharged soldier who has performed services for more than 60 days, and \$250 for services for less than 60 days.

If all amendments are defeated I will vote for the bill as reported by the committee. It provides something to be handed to the boys as they are mustered out although it is small. This assistance should have been granted long ago by this Congress but for some reason or another the bill was not reported to the House until yesterday. Arguments have been made in favor of holding the amounts down for economy purposes. Poor time and circumstance to talk economy, in the light of the spending we are doing for other nations as well as our own for other purposes.



It is very interesting and gratifying to me to note the marked change in sentiment in this House toward the soldiers. I recall the first conscription bill that was introduced in this House provided for base pay of \$5 a month; later that was upped. When the conscription bill came before the House I offered an amendment at that time to raise the pay to \$50 a month. I pioneered that amount. I received support among a few Members of the House, among them my distinguished friend the gentleman from Arizona [Mr. MURDOCK] and my friend the gentleman from Mississippi [Mr. RANKIN], and the gentleman from Washington [Mr. COFFEE]. They spoke for it also, but we only got a few votes. Later on, when we again considered the base pay, we raised it to \$50. The gentleman from Mississippi [Mr. RANKIN] offered the amendment and enough supported it to adopt the amendment. I am glad to see the sentiment changing. I know from my knowledge of the membership of this House that it is not due to the fact that this is an election year. We all realize the sacrifices that these boys are making. We further must realize the fact that when these boys come out, many of them are married men, they will need some money in order to get along on, not only to rehabilitate themselves and to tide them over while trying to secure employment, but in addition, to keep their families. We are not niggardly with foreign nations. We can give them billions of dollars without batting an eye. We had better not be niggardly with the boys who are doing our fighting and dying. They did not make this war. They had no part in reaching the decisions which caused this war. Old men make wars, but young men have to fight them and do the dying.

The CHAIRMAN. The time of the gentleman from Montana has expired.

The gentleman from Illinois [Mr. BUSBEY] is recognized.

Mr. BUSBEY. Mr. Chairman, there are two thoughts in my mind in favoring the Lemke amendment. First, it has been said that if you go beyond the committee bill you are getting into the matter of adjusted compensation and not mustering-out pay. Well, if that is true, what of it? If we do have an adjusted compensation bill before the House at some future date, naturally any consideration given the men at this time will have to be taken into account when we consider that bill.

Secondly, I understand following the mustering-out pay bill we are to consider the U. N. R. R. A. bill—the United Nations relief and rehabilitation bill—and we are going to be asked to appropriate \$1,350,000,000. I have voted for every appropriation bill before this House in the Seventy-eighth Congress to further the activities of this war, and I will continue to do so. But I still say that if we can vote billions for U. N. R. R. A., billions for lend-lease, and many other things to help people in other countries, certainly the least we can do in this House of Representatives is to adopt the Lemke amendment which provides a more substantial recognition of their

services, and expresses our gratitude to these boys who are fighting this war for us.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Wisconsin [Mr. HULL] is recognized for 2 minutes.

Mr. HULL. Mr. Chairman, I am also in favor of the Lemke amendment. I am heartily in support of this legislation. I regret that the time for discussion has been limited. Before the holiday recess we were informed that the measure might have been taken up at that time but for the absence of the chairman of the committee, who was unfortunately called out of the city; consequently a month has elapsed since many of these soldier boys have come home and found themselves out of jobs, many of them disabled, many of them unable to pick up the ordinary threads of life, and with no relief from the Federal Government. This bill should become a law at the earliest moment possible. The Lemke amendment will add to its merit.

I fully agree with the previous speaker, that if we can spend billions in countries far remote from the war centers, if we can spend not merely millions but hundreds of millions of dollars such as are being spent in Canada on the Canol project, for instance, if we can go to such extremes, then it seems to me it is a poor time to talk economy at the expense of wounded and disabled soldiers, coming out of the service without means of subsistence.

I am for the most liberal appropriation which can be made in their behalf. I hope the Lemke amendment will pass. I hope the legislation will pass and that further legislation will follow. I also hope that the further legislation will be brought to the floor under such circumstances that Members will not have their right of discussion curtailed by arbitrary motions. Legislation for those who are or have been fighting for the country is of interest to every district and community, and the right of free speech is as important in Congress as it is elsewhere.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The gentleman from Illinois [Mr. DAY] is recognized for 2 minutes.

Mr. DAY. Mr. Chairman, the feature of the Lemke amendment that appeals to me is the fact that it is immediate and continuing. I have had the opportunity in the last several months to make many contacts with veterans, and especially with sad cases of men who have come back and found no opportunities waiting for them, especially those who came back disabled. The proposition for them was that they could not wait, they had to respond to an immediate call.

This idea of \$100 as provided in the committee bill is all right as a mustering-out proposition. They stop at \$300. Where that fails, in my judgment, is this: We must take care of the immediate needs and if later on we get to the point of adjusted compensation, then full credit will be given for these payments; but whatever we do let us do something now; wait no longer. These men are in

serious need. One hundred dollars now and a continuation of their pay for a few months is only in the name of humanity and for the better protection of the morale of this great country of ours. Let us not be niggardly here today; let us do justice; let us do it quickly and let us do it adequately.

Mr. CURLEY. Mr. Chairman, I ask to be recognized on the Lemke amendment.

The CHAIRMAN. The Chair does not find the name of the gentleman from Massachusetts on the list of Members seeking recognition on the Lemke amendment.

Mr. CURLEY. Mr. Chairman, I ask unanimous consent to speak for 1 minute on the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 1 minute.

Mr. CURLEY. Mr. Chairman, the importance of dealing in a liberal manner with the men in the armed service of the Nation who have already been honorably discharged, or will be at the termination of the war, represents one of the most important duties and obligations confronting the Members of Congress at the present time. Many will return with mind gone, eyes gone, or with a limb or limbs gone, destined to continue to fight against pain and suffering until the kindly Angel of Death calls them to a better world.

To the professional men and to the small businessmen, in fact to all of the men in the service, is presented the task, at the termination of their service, of piecing together the threads that were broken when they entered the war. To the professional men, more particularly physicians and surgeons, this presents a terrific problem, taking up the broken threads and starting to rebuild a practice to which they had devoted a lifetime and which in their absence has been taken over by others. It means in the case of most of these men income of a very limited character for a year or longer—and what is true in the case of the professional man is equally true in the case of men with dependents, whether it be an aged mother or father, or a wife with small children in the home, and that we should deal most liberally to safeguard this most priceless possession that will come out of the war, the patriotic manhood and the character of those who have served devotedly in the hour of the Nation's trial. We must never again resort to the charity system of relief, regardless of what name we cloak it under. We have been so liberal in the aid extended to other nations and to the peoples of other nations that there are countless hundreds of persons in America who are fearful that we will never again enjoy either prosperity or solvency.

Personally, I do not share this view, since I believe that a return to the American way of life, or individual initiative in the event we are not taxed out of existence through Government profi-

gacy or criminally careless expenditures of public money.

We can forego many things, but we cannot forego a duty that is a prime obligation, namely: to deal honorably, generously, and justly with the defenders of American institutions. Not charity for the returning members of the armed forces but a square deal should be our objective to preserve the faith which they have defended in the hour of the Nation's trial.

Personally, I favor the most liberal character of allocation, for it has been my privilege to witness the actual suffering endured by men who served in the First World War, their inability to receive justice with positions held by them before entering the service preempted by less patriotic and less worthy men thus requiring them to become the objects of charity. This should not be the American way of discharging an obligation which we owe to these gallant defenders of democracy and for the best interests of America and Americans I favor the passage of the liberal and equitable Lemke bill.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to speak for 1 minute.

Mr. ANDREWS. Mr. Chairman, I make the point of order that all time on the amendment has expired.

The CHAIRMAN. The point of order is not well taken. The point of order is overruled.

Is there objection to the request of the gentleman from Mississippi?

Mr. ANDREWS. I object.

The CHAIRMAN. Objection is heard.

Does any other Member who desired time on the Lemke amendment wish to claim it?

Mr. RANKIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair cannot sustain the gentleman's motion.

The question is on the amendment offered by the gentleman from North Dakota [Mr. LEMKE].

The question was taken; and on a division (demanded by Mr. O'CONNOR and Mr. WHITE) there were—ayes 71, noes 137.

So the amendment was rejected.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I offer an amendment.

Mr. O'CONNOR. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR. Mr. Chairman, I have two amendments on the Clerk's desk to section 2 and I think they should be disposed of before any further amendments are considered by the House.

The CHAIRMAN. The gentleman's amendment will be read in due course. The Clerk will report the amendment offered by the gentleman from New York [Mr. EDWIN ARTHUR HALL].

The Clerk read as follows:

Amendment offered by Mr. EDWIN ARTHUR HALL: After line 5, page 8, insert a new section as follows:

"Sec. 2. That the Secretary of War, under such regulations as he may provide, shall issue, but not more often than once every 6 months, to each noncommissioned officer and enlisted man on active military service in

the armed forces of the United States, upon such person's being given a furlough to go home, a furlough certificate for travel to and from his home during such furlough period. Such certificate shall designate the point of departure, the point of destination, and the period of furlough, and when presented by such person to the agent of the carrier furnishing this transportation, shall entitle such person to receive, on the credit of the United States a ticket for transportation from such point of departure to such point of destination, and return, during such furlough period. On presentation of such certificate by the carrier furnishing this transportation, it shall be entitled to receive from the Treasury of the United States payments of fare at such rates as shall have been agreed upon by the Secretary of War and the said carrier."

Mr. MAY. Mr. Chairman, I make the point of order that the amendment is not germane to the pending bill.

Mr. EDWIN ARTHUR HALL. Will the gentleman reserve his point of order?

Mr. MAY. No. I insist on the point of order.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. EDWIN ARTHUR HALL. Yes, Mr. Chairman, I do.

Mr. Chairman, may I say to the distinguished gentleman from Kentucky that this amendment has been before the House a number of times. I have never objected to listening to him and I am surprised that he is denying me the chance to be heard. This amendment has had a great deal of support. It has had support from some of the ranking members of the Committee on Military Affairs, including Members on both sides of the aisle.

Mr. Chairman, while the subject of furloughs and their extension and their frequency is before the House and the Congress, it is high time to bring up once more the subject of furlough transportation. This has been aired in the Congress a great many times before and I am voicing the opinion of several hundred patriotic women in my district. They have written me that they are forming furlough clubs and they are backing this idea of free furlough transportation. I do not like to be gagged here today. I know the ladies in these furlough clubs will not be gagged. They will continue to talk back home and work for the benefit of their men at the front. It is something that should be adopted just as soon as possible whether or not it is adopted today. I am sorry that the gentleman has made the point of order. I wrote him about a week ago asking his cooperation in bringing my bill out of the Military Affairs Committee. I shall expect the courtesy of a reply from him in answer to my requests as soon as possible.

Mr. MAY. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order raised to his amendment.

The CHAIRMAN. The gentleman is not arguing the point of order. He is arguing the merits of his amendment.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, may I proceed on the point of order?

The CHAIRMAN. The gentleman has not confined his remarks to the point of order.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, if I do confine my remarks to the point of order, may I continue?

The CHAIRMAN. If the gentleman thinks his amendment is germane to the pending bill, the Chair will hear the gentleman on the point of order.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, this is an amendment for the benefit of servicemen. I am in hearty accord with the members of the Committee on Military Affairs and the action they have taken recently, but I cannot agree that further debate should be gagged on these benefits.

The remark was made yesterday on the House floor that Congress ought to be proud because it had done a lot for the soldiers, particularly by furnishing them with free burials—I cannot go back to my district and crow about free burials—Congress should furnish free furlough transportation to our boys in service now.

The CHAIRMAN. The gentleman is not discussing the point of order.

The Chair is prepared to rule. The Chair sustains the point of order.

Mr. PRICE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PRICE: On page 7, line 15, after the word "payment" insert the following "and adjusted compensation" and strike out lines 17 to 25, inclusive, and on page 8, strike out lines 1 to 5, inclusive, and insert on page 7: "(1) \$50 monthly for each month served outside the United States; (2) \$30 monthly for each month served within the United States; (3) between December 7, 1941, and the date on which the President proclaims that hostilities in the present war have ceased. Each person eligible to receive payment under this bill shall receive the stipulated amount each month from the time of such discharge or relief from active service until he has received payment for a period equal to the number of months served in the armed forces as hereinbefore set out in this section. All members of the armed forces who have served outside the United States shall receive payment for such services beginning at the time of discharge from the service."

Mr. PRICE. Mr. Chairman, I believe every Member of the House will agree that we will sooner or later do more for our boys, so my idea is to do it now. Let us not force them to march on Washington every year or two for the next 10 or 20 years. Let us not make them keep lobbyists in Washington to get their just deserts.

There are many reasons why this amendment should be adopted. If we are sincere and in earnest about this matter we all should agree that to consider the length of service and the type of service is the only equitable way to approach this problem. Then to make the payments monthly will be far better for our boys. They will, at least, have some assurance of a means of existence while readjusting themselves to civilian life. We hear daily of the hardships experienced by those who are being mustered out. Even now we hear of the long delays being caused by an inadequate



system and red tape so why wait until the war is over. Think of the effect the passing of this legislation would have upon the morale of our boys. If this amendment should be adopted there would be no delay, no hitch in the serviceman's pay. My plan will not interfere with or conflict in any way with the program to educate or rehabilitate the veterans. On the other hand, it will insure his welfare until his real status is determined.

Let us not play politics with the lives of our heroes; let us meet our obligation with at least a healthy gesture; not a crumb when we should hand them a whole loaf. I hope this amendment will be given serious consideration by every Member of the House.

I introduced a bill with this provision in March 1943 but have been unable to get a hearing; therefore, I bring it to the House in this manner.

My amendment embodies all the safeguards of the committee's bill and goes a step further and really attempts to solve the problem now.

Bear this in mind: We are not giving them anything; they have sacrificed more than anyone else, to say nothing of the risk they have taken. The best we can do is to attempt to show our gratitude, so let us make a real attempt.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

Mr. O'CONNOR. Mr. Chairman, I offer two amendments, and ask unanimous consent that they be considered together as they are both amendments to section 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. O'CONNOR:

On page 7, line 17, after "section 2 (a) (1)" strike out "\$300" and insert "\$600."

On page 7, line 19, after "section 2 (a) (2)" strike out "\$100" and insert "\$250."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was rejected.

Mr. GREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN: On page 7, line 14, after the period insert the following:

"Sec. 2. Any enlisted man who serves in the land or naval forces of the United States during the present war and is honorably discharged from such service or released from active duty, shall be paid monthly, for a period of 1 year commencing on the date of such discharge or release or on the date of enactment of this act, whichever date is the later, an amount equal to the monthly base pay which he had been receiving immediately prior to such discharge or release.

"Sec. 3. No enlisted man who is serving in the land or naval forces of the United States on the date of the cessation of all hostilities in the present war shall be honorably discharged or released from active duty, without his consent, prior to the termination of 1 year after such date."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Chairman, I wish to say only that I remember what happened in the First World War and appreciate how much a man's business is damaged and his life injured because he may be taken out of that and forced to leave that business. I live in a small town of 1,200 people. I have often said that it is like Goldsmith's Village, it is the fairest village of the plain. I know now in that town three little business places that are closed up because the boys who ran them have gone to war. When they come back they will find that competition has wiped them out, and they will have to start all over again. Six hundred dollars is absolutely too small an amount, in my judgment, to recompense them for their loss in business alone, and it will never answer for the sacrifices they have made.

But only from the standpoint of economic and monetary loss and from no other standpoint, the people of these United States have made no real sacrifice; that is, they have suffered no economic or monetary loss since this war commenced. They are as well off financially and most of them are better off financially than they were heretofore. They all get the comforts of life with three square meals per day and with good homes and good physical surroundings.

From their abundance they can afford to pay for the sacrifices and losses and pains and penalties that our boys are suffering on the fighting fronts. We should not be niggardly. When victory perches upon our banner we should give the boys full and adequate mustering-out pay so that they can look around and have sufficient money to tide them over until they can find good jobs and positions and establish themselves in business again.

That is the purpose of this bill, but it is not as liberal as it should be. I would prefer the amounts named in the amendment of the gentleman from North Dakota.

The CHAIRMAN. All time on this section has expired. The Clerk will read.

The Clerk read as follows:

Sec. 3. Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before the effective date of this act shall, if application therefor is made within 1 year after the date of enactment of this act, be paid such mustering-out payment by the War Department or the Navy Department, as the case may be, beginning within 1 month after application has been received and approved by such department: *Provided*, That no member of the armed forces shall receive mustering-out payment under this act more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the

service or of ultimate relief from active service.

Mr. ANDREWS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, while on this subject of great interest to those in the service, I want to say something on another subject which is of greater interest not only to the men in the service but to their families. With some observations on the situation today having to do with the soldier vote.

We realize what has taken place in the House Committee on Election of President, Vice President, and Representatives in Congress. The vote was 7 to 5 to report an amended Senate bill, with one Republican absent who, I am reliably informed, would have been against the bill as reported. I have no objection to the bill as it was reported. It will to some extent facilitate and expedite voting by States, providing the States alter their laws and move their primary dates forward sufficiently to permit sending and receipt of soldier ballots. But I am one of those who believe it will not amount to much of anything. I think all those who support that measure are going to find that it will come back to plague them in a difficult way.

Over a week ago I introduced a bill for a uniform ballot of a slightly different nature than those which have been suggested. I reintroduced that bill today with some refinements, so that it now is about the same as the bill which has been reintroduced and refined by the gentleman from Texas [Mr. WORLEY]. I intend to support that bill when the election matter comes to the floor.

Let me give you a few figures for Erie County in New York State, where I happen to reside. The Erie County Election Commissioners last year under the 1942 act sent out approximately 30,000 ballots to men in the service, but only 122 of them came back. I tell you, the post-card business, sending out ballots and getting ballots back is a fine theory. In some States they will be able to take advantage of it where men are sufficiently close by. However, men move around in the Army. They are moved, they are transferred. The ordinary infantry or engineer battalion of 800 men represents within its ranks possibly 300 or 400 separate congressional districts. Think of what that means.

I merely wish to call the attention of the Members of the House today to my bill, which is really simpler than the Worley bill. The ballot will be one sheet of paper, which is folded, mucilaged, and sealed. It is executed with oath. It is a secret ballot. It leaves to the responsible State election officials the right to pass on the qualifications of the voter in the district from which he comes.

I merely want to say to the Members, be careful about this, because we are going to be held to account not only by the soldiers but by their families.

Mr. JENKINS. Mr. Chairman, I rise in opposition to the pro forma amendment, and ask unanimous consent that my colleague the gentleman from Ohio

[Mr. JONES], who has taken a great deal of interest in this legislation, but who is now in the hospital, may have unanimous consent to extend his remarks in the RECORD at this point.

The CHAIRMAN. Is there objection? There was no objection.

Mr. JONES. Mr. Chairman, I appreciate very much the privilege of being permitted to extend my remarks in the RECORD at this point because I am very much interested in the legislation that we are now considering.

Naturally, a matter that reaches out and includes practically every family in the United States encourages many different viewpoints. While I am not entirely satisfied in every respect with the bill brought out by the Military Affairs Committee of the House of Representatives, still I must say that quite generally it meets with my most hearty approval.

I am sure that this is the best that can be done at this time, and consequently, I should be very anxious to support it. This legislation, I think, will meet the general approval of the American people. I am sure that it will pass this House with practically a unanimous vote.

Mr. LEMKE. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made this afternoon on this bill.

The CHAIRMAN. Is there objection? There was no objection.

Mr. MILLER of Connecticut. Mr. Chairman, I move to strike out the last word. I have been disturbed by the number of Army discharges that have recently been given to residents of my own congressional district, stating as the "reason for discharge" mental incompetence or, in some cases, mentally incompetent. You can well imagine what a chance there is of any veteran securing employment in any industry, particularly in war industries, when he presents an honorable discharge from the Army on which it is stated that the soldier was discharged as mentally incompetent.

I realize that nothing can be written into this mustering-out-pay legislation to correct the situation I have just cited, but I wanted to take these few minutes simply to draw this matter to the attention of the House and to appeal to members of the World War Veterans' Legislative Committee and the members of the House Committee on Military Affairs in hopes that they will use their greater influence to bring an end to the practice of placing on a man's discharge the phrase "mentally incompetent" as a reason for discharge.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Connecticut. Yes.

Mrs. ROGERS of Massachusetts. The gentleman from Connecticut is ever mindful of the welfare of the veterans and has accomplished a great deal for them. The day before yesterday the Committee on World War Veterans' Legislation was in session, and it was stated then by General Hines that he was working on this very matter. A great deal of distress could have been pre-

vented if the administration of the laws that we have passed had been better done. They have not been properly administered, however, and it is inexcusable. One reason for this is because there has been a shortage of personnel. Personnel should have been transferred from nonessential offices to the Veterans' Administration.

Mr. MILLER of Connecticut. You might as well put a mental diagnosis on a man's discharge and expect him to secure employment. I yield back the remainder of my time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 4. No mustering-out payment under this act shall be paid to any person other than the veteran or a duly appointed guardian for a veteran, and no such payment shall be payable to the estate of any deceased veteran.

Mr. MAY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: On page 8, line 21, strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. If any member of the armed forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviving spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child or children, then in equal shares to his surviving parents, if any: *Provided*, That no payments under this act shall be made to any other person."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. (a) Mustering-out payments due or to become due under this act shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

(b) The Secretary of War and the Secretary of the Navy shall make such regulations not inconsistent with this act as may be necessary effectively to carry out the provisions thereof, and the decisions of the Secretary of War and the Secretary of the Navy shall be final and not subject to review by any court or other Government official.

SEC. 6. As used in this act, the term "member of the armed forces" means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components.

Mr. COSTELLO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 9, line 17, after the word "components"

insert "including those members of the WAAC who were discharged under honorable conditions on account of disability."

Mr. COSTELLO. Mr. Chairman, I have offered this amendment in view of the fact that when the Women's Army Auxiliary Corps was originally instituted it was as an auxiliary to the armed forces, and not as an actual component of the Army. However, when the other women's organizations were created, such as the WAVES and the SPARS, they were an actual part of the service to which they belong. As a result, it was not until some time after the auxiliary corps of the Army had been created that they were made a definite part of the Army, and they became the Women's Army Corps. The purpose of the amendment is to provide that those who have been honorably discharged on account of disability from the auxiliary corps prior to the time it was mustered in as a part of the Army will be given mustering-out pay, but only those who were honorably discharged and who had suffered some disability.

Mr. BROOKS. Mr. Chairman, I move to strike out the last word in this paragraph to say briefly a few words about this amendment. I think the gentleman from California [Mr. COSTELLO] has covered the situation splendidly, but I would like to emphasize that of all the women's service organizations which have been formed, Women's Army Auxiliary Corps was the only women's organization which at its beginning was not a part of the armed forces. In the original formation of the WAAC's, it was thought preferable to organize it beyond the scope of the Army, but as a part of the War Department. After the organization period was completed, however, the Army took the WAAC's into the armed forces, and since that time it has been a part of the armed forces of the Nation under the name of the Women's Army Corps. In the interim arising immediately before the induction of these young women into the armed forces, there arose a few cases of women who had developed physical disabilities, and who received honorable discharges from the WAAC's. This amendment will take care of these women who were honorably discharged from the WAAC's for physical disability. It is a good amendment and I hope it will be passed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. ROLPH. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROLPH: On page 9, line 17, after the comma insert "The United States Merchant Marine Service."

Mr. MAY. Mr. Chairman, I make the point of order against that amendment because the same amendment was disposed of earlier in the day. Furthermore, it relates to civilians who are not a component part of the Army.



The CHAIRMAN. The gentleman from Kentucky reserves the point of order, and the gentleman from California [Mr. ROLPH] is recognized for 5 minutes.

Mr. ROLPH. Mr. Chairman, my amendment has but one object—to give mustering-out pay to sailors and officers of the merchant marine.

No mention is made in the bill of these gallant Americans—men who have for months been going back and forth through sub-infested waters of Atlantic and Pacific, risking their lives every time they leave American ports. Are they to be forgotten men in this war effort?

Picture after picture has been released on the screen dramatizing the hazards of life at sea—pictures showing American ships battling with Nazi submarines, Nazi planes. And from the Pacific, pictures depict skillful seamanship, of vessels zig-zagging back and forth, eluding Japanese planes.

Many of the flower of our manhood are in the merchant marine—men loyally serving our country. Brothers of men and women in the Army, the Navy, Marine Corps, and Coast Guard. Men who are delivering the goods to MacArthur, Eisenhower, Clark, and to our allies. Men who have made possible the stop to Nazi advances in Europe; the Japs in the South Pacific. Men who are actually making it possible for our armies to function.

Mr. Chairman, you remember Gen. George V. Strong's address to us over yonder in the Congressional Library on October 20, 1943. I quote from the general's address:

In discussing Japanese production we are prone to compare it with our own, forgetting that the Japanese front is receiving only a part of the industrial production of the United States. We must not only equip our forces in the Far East and provide material for our troops in the European theater but we must also help supply the forces of our allies, the British, Russians, and Chinese, and we must make good our own combat losses and provide a reserve for future action. It is not fair to compare even that fraction of our production in the United States which goes to the Pacific theater with the production of the Japanese. The difference can readily be seen when one takes into consideration the fact that it is about 3,000 miles from the Japanese industrial centers to the fighting front in New Guinea, while much of the equipment for the United States forces in that area must be shipped nearly three times as far before it reaches our forces. Again, the entire war effort of Japanese industry is directed to the production of materials for war. The Japanese do not need heavy consumer goods such as Americans need.

The answer is transportation. Without adequate oceangoing shipping, our war effort would stop. Mr. Chairman, we rely on the merchant marine. The merchant marine keeps our armed forces supplied. The very outcome of the war depends on open trade lines in all the seven seas. Sailors of the merchant marine should receive the same treatment as those serving in the armed forces.

I urge my colleagues to adopt my amendment. We owe it to these heroic seamen.

Mr. COSTELLO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the purpose of this amendment is to consider the merchant seamen as though they were a part of the armed forces. The fact is that merchant seamen are not members of the military forces of this country. They are a part of the great laboring body of the Nation, and if you are going to include the merchant seamen in this legislation there would be no reason why you should not include shipyard workers and aircraft workers. The fact is they have never been mustered into the service, and how you would ever determine when a merchant seaman was going to be mustered out is yet another problem. Every time a ship comes to port the merchant seamen leave that vessel. They may stay ashore 10, 20, or 30 days before they ship out again. As a result, they might claim at the end of the next voyage they would be entitled to mustering-out pay and then return immediately to sea to take another voyage across the water. I do not think you can consider merchant seamen a part of the military services. Certainly you would have difficulty in determining the mustering-out time for merchant seamen. In addition, they are receiving a very satisfactory wage, and I think far in excess of what the men in the military services are obtaining at this time. For that reason I think the amendment should not be accepted by the House but should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROLPH].

The amendment was rejected.

Mr. KENNEDY. Mr. Chairman, I ask unanimous consent that we may return to section 5 for the purpose of considering an amendment which I have sent to the desk.

The CHAIRMAN. Is there objection? There was no objection.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY: On page 9, line 12, after the word "be", strike out the remainder of line 12 and line 13, and insert "reviewable by the Board of Veterans' Appeals in such manner as such Board shall, by appropriate rules and regulations, prescribe."

Mr. KENNEDY. Mr. Chairman and members of the Committee, subsection (d) of section 5, provides that the Secretary of War and the Secretary of the Navy shall make such regulations not inconsistent with this act as may be necessary effectively to carry out the provisions thereof and the decisions of the Secretary of War and the Secretary of the Navy shall be final and not subject to review by any court or other Government official.

I believe that there should be some means by which a veteran might appeal from an adverse decision upon his application for mustering-out pay. There will be millions of applications for this money and undoubtedly thousands of them will be in dispute. The Supreme Court has, on many occasions, indicated there is no review or appeal available to a veteran or any claimant against a decision of a Government official or body except where Congress specifically makes provision for that review. While I have

complete confidence in both the Secretary of War and the Secretary of the Navy, I also know that most of the work and approval will be routine work done by clerks in the different departments and I contemplate many cases where injustices and inequalities will develop, not purposely, of course. In a problem as big as this one there will be much red tape and many errors and for that reason I believe we should amend the act and make provision for an appeal as provided in my amendment, I feel sure it will strengthen the pending bill and make it more acceptable to the men and women in service. I ask for your vote in support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KENNEDY].

The amendment was rejected.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 7. Appropriations for the Army and Navy, and the several components thereof, respectively, shall be available for the payments provided by this act and necessary administrative expenses. There is hereby authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this act. Amounts expended hereunder shall be included in the annual reports to the Congress by the departments concerned.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California on page 9, line 25, insert a new section as follows:

"SEC. 8. The Selective Training and Service Act of 1940 as amended is further amended by adding to section 8-G thereof the following: Under such rules and regulations as the Director of Selective Service may prescribe, the facilities, agencies, and personnel of the Selective Service System shall be available for the purpose of furnishing advice and assistance to members of the armed forces and to their heirs, devisees, duly designated beneficiaries, dependents, or legal representatives in connection with their claims for any rights, benefits, gratuities, privileges, compensation, or allowances now or hereafter lawfully due by reason of service in the armed forces subsequent to May 1, 1940."

Mr. MAY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. VOORHIS of California. Mr. Chairman, I hope the House will give me 5 minutes to speak on this amendment and will listen to what I have to say.

It is quite different from any other amendment that has been offered to this bill. Of course, I hope the gentleman from Kentucky [Mr. MAY] will not press his point of order. But whether or not this amendment is adopted on this bill, it certainly is a proposition which ought to be considered by the Congress in the very near future.

If there is one criticism that is more important than any other criticism of the things that have happened to some of the men who have already left the service because of disability, it is that they have not in every case known what

their entitlements were, nor where to go to secure the assistance and guidance that they have needed. Consequently, in some cases, these men, though disabled, have been discharged without the benefit of any compensation or help at all and sometimes this has continued for a period of time. Such things ought never to happen.

A variety of things are being done to correct this condition by the Veterans' Administration, by the Army, and the Navy, which I welcome and am thankful for, but which I do not have time to discuss now.

The purpose of this amendment is briefly this: It is to say to the Selective Service System, particularly to the local draft boards which exist in every neighborhood in this Nation, "It shall be your duty, obligation, and privilege, not only to call men out of civilian life into military service, but also to see to it as their friend at court, as counsel for these men, that they are enabled to make an orderly adjustment and a hopeful one out of military life back to civilian life." These local boards and the Selective Service System generally have done on the whole a remarkably good, though difficult, job of taking men out of civilian life and getting them into the armed forces. I believe, with perhaps some additional trained and expert personnel added to present staffs, this same system and these same boards are admirably equipped to do the much more happy job of helping men to leave their military life and get back to a worth-while civilian life.

My amendment would not mean that the Selective Service System would take over the functions of the Veterans' Administration or the Employment Service or any other agency. It would mean that the veteran coming home can go back to his draft board, which will be equipped with proper skilled personnel, and lay his problems before them, whatever those problems are. He would have a right to call upon that draft board for assistance in securing a worth-while job—for standing by him in his contacts with the Employment Service or prospective employers. The board could readily secure for him the assistance of his fellow citizens in his own community. It could aid him in making out his forms for compensation, pensions, insurance, or other claims to be presented to the Veterans' Administration; it could follow those claims through; it could advise and help him in securing the opportunities for vocational training, rehabilitation, or further education which may be open to him; there are a hundred ways in which they could help him to get back into civilian life again.

I believe such a measure would be of very marked assistance to the Army and Navy in their job of demobilization when that time comes. If the local draft boards were equipped with all the forms that might be necessary, they could be of marked assistance in identification and in helping with claims of every sort. With all the information that they already possess as a result of drafting men into the Army and going through all the manpower in their community, they are

obviously in a position to do this work as no other agency can be equipped to do it. The boards would know at any time just how many discharged veterans were in the community, what their qualifications and experience were, what their special problems consisted of.

I hope, Mr. Chairman, that we are going to realize that our job is only beginning with the passage of this bill; that there remains to be done the whole careful, thoughtful job as to just how these 11,000,000 men are going to be brought back into civilian life of their country after victory is finally won.

This bill is a step in that direction, but only the very first step.

Another thing that is more incumbent upon us than anything else is to see to it that the general over-all economic problem of this Nation is met and that we are prepared with such measures as will be necessary, in order that we may have economic health and full employment when the war is over. But certainly, as a means of giving to the veteran the best and most interested assistance that he can have and putting the obligation upon a group in his own community to be his counsel, adviser, and helper in his contacts with private agencies as well as governmental agencies, this proposal has decided merit, and I recommend it to the House.

If the point of order lies against my amendment, nevertheless I hope that at some early future time we can put this provision in a bill.

The CHAIRMAN. The time of the gentleman from California [Mr. Voorhis] has expired.

Mr. MAY. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. VOORHIS of California. Briefly, Mr. Chairman. This is a bill for mustering-out pay. My amendment seeks to provide machinery which would be, in my judgment, of very marked assistance to the veteran at the time he is mustered out, to make his mustering-out pay go to the point of assisting him to the greatest possible extent. It certainly applies to the problems he will face at the time he is mustered out, even as mustering-out pay does. I think it might well be that in a great many cases the payment of this mustering-out pay, if made to the veteran, could be accompanied by advice and counsel and help which he may receive from his local draft board, and would make the payment of that mustering-out pay of greater benefit to him than would otherwise be the case.

The CHAIRMAN (Mr. SMITH of Virginia). The Chair is of the opinion that the amendment is not germane to the pending bill. Therefore, the Chair sustains the point of order.

Mr. ELSTON of Ohio. Mr. Chairman, I ask unanimous consent to return to the end of section 6 for the purpose of offering a clarifying amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. Elston]?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. ELSTON of Ohio: On page 9, line 17, insert the following new subsection:

"(b) The term 'spouse' means a lawful wife or husband.

"(c) The term 'child' includes (1) a legitimate child; (2) a child legally adopted; and (3) a stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

"(d) The term 'parent' includes father and mother, stepfather and stepmother, and father and mother through adoption."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Elston].

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. This act may be cited as the "Mustering-Out Payment Act of 1944."

Mr. HINSHAW. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. HINSHAW, as a new section to follow section 8:

"SEC. —. No officer or enlisted man or woman shall be discharged or released from active duty until his or her certificate of discharge or release from active duty and final pay, or a substantial portion thereof, including mustering-out pay, are ready for delivery to him or her or to his or her next of kin or legal representative; and no wounded, diseased, or handicapped member of the active armed forces shall be released from active service until and unless adequate provisions are made for him or her under the laws and regulations administered by the Veterans' Administration."

Mr. MAY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HINSHAW. Mr. Chairman, I presume that this amendment comes under the same classification as the amendment just offered. But I have offered it for the purpose of calling to the attention of the House, H. R. 3917, which is known as the American Legion bill, and which was prepared by the national rehabilitation committee of the American Legion in session in the middle part of December. There are some very important provisions of that bill which should be given immediate consideration. I note that the bill has been referred to the Committee on World War Veterans' Legislation. I trust that committee will begin hearings immediately on that bill in order that proper provision may be made for the care of our veterans as they come out of the armed services.

When I was at home recently I called upon the American Red Cross chapter in one of the larger communities in my district and found that they were having to care for a great many of our veterans who had come out, even in wounded condition, and provide funds for them which they could use for their own care pending the receipt of disability pay and



other allowances which would be coming to them in due course. The American Red Cross is doing a splendid job in such matters and is deserving of our heartiest support. But the Red Cross is neither staffed for or experienced in the handling of veterans' compensation cases. Arrangements should be made for the referral of all such cases to the service officers of the several veterans' organizations. They are experienced and able and willing to be of every possible assistance to the veterans of this war.

One veteran whom I met in an American Legion post had contracted what appears to be osteomyelitis in the jungles of the South Seas, had been discharged last June, and was still wearing a cast up over his hip, and yet not one dime of compensation had been paid to him and nothing had been done about his case, and nothing, of course, insofar as mustering-out pay or anything of that sort is concerned. The American Red Cross and the veterans' organizations are doing their very utmost to take care of such men who come out of the service, but we cannot expect them to be carried financially forever. Consequently, I trust that the appropriate committee of the House will bring forth legislation in the nature of H. R. 3917 at the earliest possible date.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield for a question?

Mr. HINSHAW. I yield.

Mrs. ROGERS of Massachusetts. I may say to the gentleman from California that the World War Veterans' Committee has been holding hearings on that bill, and also that if the Veterans' Administration had been carrying out the laws already passed that man would be receiving compensation today for his osteomyelitis.

Mr. HINSHAW. There is another point that comes in here, a very important provision in this bill, H. R. 3917, and that is these statements that medical officers of the Army and Navy request the men to sign concerning claims, relating to the origin, occurrence, or aggravation of their difficulties. Such statements should certainly not be held against a soldier. I know quite a number of whom this demand has been made, that they sign these releases before they could get out of the hospitals. Some of them in utter disgust have actually signed them when, as a matter of fact, they should be released without any such statement being signed, and allowed to go about their business and be given their proper ratings so they can be properly taken care of.

Mrs. ROGERS of Massachusetts. The committee has been assured that that will be done, yet I think the gentleman will agree that it requires legislation so there will be no doubt about it.

Mr. HINSHAW. I think it does and that is the reason I am urging the committee to bring out the bill H. R. 3917.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. WRIGHT. I was very much interested in hearing the gentleman's

statement that releases were requested of these servicemen before they were allowed to go home. That has been corroborated to me by some servicemen who finally got home. These men, in their disgust, finally did sign such statements in order that they could get home.

Mr. HINSHAW. I know of two who said they would stay in the hospital "until hell froze over" before they would sign anything because they knew they were right. They refused to give in to the medical officers of the Army.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. HINSHAW. I yield.

Mr. WRIGHT. I certainly do not believe that surgeons, or doctors, should deal with veterans at arm's length like two men trying to outmaneuver each other in a commercial deal. They should treat each other with proper respect, courtesy, and consideration.

Mr. HINSHAW. There is no question about that whatever. I have a complete file in my office of a man who was given a double shot of yellow-fever serum, then sent out on maneuvers on a very hot day, and who ended up in the hospital in a straight jacket. The medicos gave him an S. C. D. stating that he was a dementia praecox case prior to entry into service and he was required to sign papers before they would release him. A few months of care at home and he was perfectly normal. He never had been a case of dementia praecox and never was. He was the victim of malpractice and a medical board. Some day, when the war occupies less of our attention we here must make an investigation of some of these cases. I am sure that in some cases we will find falsification of records and even destruction of records by officers in the medical branches of the armed services.

The CHAIRMAN. Does the gentleman from Kentucky insist on his point of order?

Mr. HINSHAW. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The question now is on the adoption of the committee substitute as amended to the Senate bill.

The committee substitute was adopted.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point and to include a statement I made in the committee.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I desire to offer my congratulations to the members of the Military Affairs Committee on the excellent work they have done in bringing to this floor today the mustering-out pay bill. It shows careful, sympathetic, and painstaking consideration on the part of the Members having jurisdiction over this important legislation.

I was one of the several Members of the Congress who appeared before the Military Affairs Committee during the hearings on this legislation, at which time

I made a number of general suggestions. I am delighted to see that the bill as reported, and on which we are about to vote, follows, in a general way, the suggestions made at that time.

Of course this is not a perfect bill. It is not as liberal as I would like to vote for and, in my judgment, the mustering-out pay should be spread out over a period of several months. It is hoped that when the final bill is passed these matters will be taken into consideration.

Following is the statement made by me on this legislation before the House Committee on Military Affairs:

STATEMENT OF HON. JED JOHNSON, MEMBER OF CONGRESS FROM OKLAHOMA

The CHAIRMAN. We are pleased to have with us this morning a former member of this committee, the Honorable JED JOHNSON of Oklahoma. Will you please give us your views of this legislation, Mr. JOHNSON?

Mr. JOHNSON of Oklahoma. Mr. Chairman, may I express my appreciation for the opportunity of appearing before this important committee, the House Committee on Military Affairs, for the purpose of making a brief statement.

Several years ago, I had the pleasure of serving on this committee and I enjoyed my work on it very much. When I first became a member, the able gentleman from Michigan, Mr. Frank James, was the chairman. Later under Democratic control, I served under another distinguished and able chairman, the late Representative from Mississippi, Mr. Percy Quin. Still later, I served under the brilliant and lovable character whom some of you knew, Major McSwain, of South Carolina, who has also passed to his reward. The only present members of the committee with whom I had the pleasure of serving are your distinguished chairman, Hon. ANDREW MAY and Hon. R. EWING THOMASON. So it is with unusual pleasure that I appear here at this time.

Now, Mr. Chairman, my purpose in appearing at this time is to express my support and enthusiastic approval of proposed legislation now being considered by your committee to grant our men and women in the armed forces a reasonable and equitable mustering-out pay. It is not too early to think about this legislation, nor is it too soon for Congress to adopt a plan and enact legislation on the matter. If the plan is worked out, is fair and reasonable, it will have the effect of strengthening the morale in the armed forces. Conversely, if such a plan is neither fair nor reasonable, it is obvious that it would have the opposite effect on those now, or who will hereafter be, connected with our armed forces.

For example, Chairman MAY yesterday raised a very pertinent question when he stated on the floor of the House that one of the problems to be considered today was whether a person serving only a couple of weeks should receive the same mustering-out pay as one who has had a couple of years of overseas service. To my mind, that ought not to be a difficult decision to make. Certainly those who have seen active foreign service are entitled to more mustering-out pay than one who has served a few days or a few weeks in the homeland. Those of us who had a humble part in World War No. 1 will recall how extremely difficult it was for us to adjust ourselves after the long months overseas. Generally speaking, I think it is safe to say that the longer one has served in the armed forces with radically changed habits and environments, that the more difficult and the longer it will take for readjustment to civilian life, even though the soldier or sailor might be able to find a job or reenter the business or professional life where he left off.

The gentleman from Louisiana has offered a bill that presents food for thought. If I remember its provisions correctly, it proposes simply to furlough all in the armed forces for a period of 3 months. Such a provision would immediately raise questions, if not serious complications. Aside from paying the man with 2 or 3 weeks' service his regular pay for 3 extra months, during his furloughed status, the same as the man who had served 2 or 3 years, which is clearly indefensible, it proposes to pay high-ranking Army and naval officers several times the same amount while on their furloughed status while at home looking for a job as would be paid the private soldier. Now, they may be worth several times the salary while actually in the Army. Having served as a buck private in France during World War No. 1, even that proposition is at least debatable. But to say that a high-ranking officer should receive from \$1,500 to \$2,500 during that 3 months at home, while the buck private receives \$150 for the same period of adjustment, cannot be defended, and I give notice now that I shall oppose any such provision.

Then what, may you ask, is the answer? You remember that the so-called bonus bill, or adjusted-compensation measure enacted by the Congress for veterans of World War No. 1 paid the soldier \$1 for each day served in the homeland and \$1.25 for each day in foreign service. Although the amount paid seems small, it did recognize the length of time in service.

Let me suggest that in this legislation, there should be a minimum and a maximum of muster-out pay. Just what that minimum and maximum should be is a problem for members of your distinguished committee and the Congress to work out and agree upon. It might be that 3 months' so-called furlough pay, or muster-out pay, would be reasonable for the minimum. If so the soldier or sailor with from 1 to 3 years' service is justly entitled to considerably more.

Of course, I realize that merely handing our Nation's defenders a few dollars or a few hundred dollars of muster-out pay will by no means solve the problem or pay the debt we owe them. We can never do that with mere dollars. My own feeling from my own experience is that the main thing the average man or woman in uniform will want will be a job or a business with which to earn a decent and respectable living for himself or herself when that happy time comes that they can be mustered out of service. In the meantime, we must face this as well as many other problems that arise as a result of this tragic war fairly and courageously with justice to all.

The CHAIRMAN. Thank you very much, Mr. JOHNSON of Oklahoma.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill S. 1543, reported the same back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Mr. HARRIS of Arkansas. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and fifty-six Members are present, a quorum.

The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MAY. Mr. Speaker, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 389, nays 0, not voting 38, as follows:

[Roll No. 4]  
YEAS—389

Abernethy	Dawson	Horan
Allen, Ill.	Day	Hull
Allen, La.	Deaney	Izac
Andersen	Dewey	Jarman
H. Carl	Dickstein	Jeffrey
Anderson, Calif.	Dies	Jenkins
Andresen	Dillweg	Jennings
August H.	Dingell	Jensen
Andrews	Disney	Johnson
Angell	Dondero	Anton J.
Arends	Doughton	Johnson, Ind.
Arnold	Douglas	Johnson
Auchincloss	Drewry	J. Leroy
Baldwin, Md.	Durham	Johnson
Baldwin, N. Y.	Dworshak	Luther A.
Barden	Eaton	Johnson
Barrett	Eberharter	Lyndon B.
Barry	Elliott	Johnson, Okla.
Bates, Ky.	Ellis	Johnson, Ward
Bates, Mass.	Ellison, Md.	Jonkman
Beall	Ellsworth	Judd
Beckworth	Elmer	Kean
Bell	Elston, Ohio	Kearney
Bender	Engel, Mich.	Kee
Bennett, Mich.	Engle, Calif.	Keefe
Bennett, Mo.	Fay	Kefauver
Bishop	Feighan	Kelley
Blackney	Fellows	Kennedy
Bland	Fenton	Keogh
Bloom	Fernandez	Kerr
Bolton	Fish	Kilburn
Bonner	Fisher	Kilday
Boren	Flannagan	King
Boykin	Fogarty	Klinzer
Bradley, Mich.	Folger	Kirwan
Bradley, Pa.	Ford	Klein
Brehm	Fulbright	Knutson
Brooks	Fulmer	Kunkel
Brown, Ga.	Furlong	Lambertson
Brown, Ohio	Gale	Landis
Brumbaugh	Gallagher	Lane
Bryson	Gathings	Lanham
Buckley	Gavin	LeCompte
Buffett	Gearhart	LeFevre
Bulwinkle	Gerlach	Lemke
Burch, Va.	Gibson	Lesinski
Burchill, N. Y.	Gifford	Lewis
Burdick	Gilchrist	Ludlow
Burgin	Gillette	Lynch
Busbey	Gillie	McCord
Butler	Goodwin	McCormack
Byrne	Gordon	McCowan
Camp	Gore	McGehee
Canfield	Gorski	McGregor
Cannon, Fla.	Cossett	McKenzie
Cannon, Mo.	Graham	McLean
Capozzoli	Grant, Ala.	McMillan
Carlson, Kans.	Grant, Ind.	McMurray
Carrier	Green	McWilliams
Carson, Ohio	Gregory	Maas
Carter	Griffiths	Madden
Case	Gross	Mahon
Celler	Gwynne	Manasco
Chapman	Hagen	Mansfield
Chenoweth	Hale	Mont
Church	Hall	Mansfield, Tex.
Clark	Edwin Arthur	Marcantonio
Clason	Hall	Martin, Iowa
Clevenger	Leonard W.	Martin, Mass.
Cochran	Halleck	Mason
Coffee	Hancock	May
Cole, Mo.	Harless, Ariz.	Merritt
Cole, N. Y.	Harris, Ark.	Morrow
Colmer	Hart	Michener
Compton	Hartley	Miller, Conn.
Cooley	Hays	Miller, Mo.
Cooper	Heffernan	Miller, Nebr.
Costello	Heldinger	Miller, Pa.
Courtney	Hendricks	Mills
Cox	Hess	Monkiewicz
Cravens	Hill	Monroney
Crawford	Hinshaw	Morrison, N. C.
Crosser	Hobbs	Mruk
Cullen	Hoeven	Mundt
Cunningham	Hoffman	Murdoch
Curley	Hollfield	Murphy
Curtis	Holmes, Mass.	Murray, Tenn.
D'Alessandro	Holmes, Wash.	Murray, Wis.
Davis	Hope	Myers

Norman	Rogers, Mass.	Talbot
Norrell	Rohrbough	Talle
O'Brien, Ill.	Rolph	Tarver
O'Brien, Mich.	Rowan	Taylor
O'Brien, N. Y.	Rowe	Thomas, N. J.
O'Connor	Russell	Thomas, Tex.
O'Hara	Sabath	Thomason
O'Konski	Sadowski	Tibbott
O'Neal	Sasser	Tolan
O'Toole	Satterfield	Towe
Outland	Sauthoff	Treadway
Pace	Scanlon	Troutman
Patman	Schiffler	Vincent, Ky.
Patton	Schwabe	Vinson, Ga.
Peterson, Fla.	Scott	Voorhis, Calif.
Peterson, Ga.	Serlyner	Vorys, Ohio
Pfeifer	Shafer	Vursell
Philbin	Sheppard	Wadsworth
Phillips	Short	Walter
Pittenger	Sikes	Ward
Ploeser	Simpson, Pa.	Wasielewski
Plumley	Slaughter	Weaver
Poage	Smith, Maine	Weischel, Ohio
Poulson	Smith, Ohio	Weiss
Powers	Smith, Va.	Welch
Pracht	Smith, W. Va.	Wene
Price	Smith, Wis.	Whelchel, Ga.
Priest	Snyder	White
Rabaut	Somers, N. Y.	Whitten
Ramspeck	Sparkman	Whittington
Randolph	Spence	Wickersham
Rankin	Springer	Wigglesworth
Reece, Tenn.	Stanley	Willey
Reed, Ill.	Starnes, Ala.	Wilson
Reed, N. Y.	Stearns, N. H.	Winstead
Rees, Kans.	Stefan	Wolfcott
Richards	Stevenson	Wolfenden, Pa.
Rizley	Stewart	Wolverton, N. J.
Robinson, Utah	Stockman	Woodruff, Mich.
Robison, Ky.	Sullivan	Woodrum, Va.
Rockwell	Sumner, Ill.	Worley
Rodgers, Pa.	Summers, Tex.	Wright
Rogers, Calif.	Sundstrom	Zimmerman
	Taber	

NOT VOTING—38

Anderson, N. Mex.	Herter	Morrison, La.
Chipperfield	Hoch	Mott
Dirksen	Howell	Newsome
Domengeaux	Jackson	Norton
Fitzpatrick	Johnson	O'Leary
Forand	Calvin D.	Rivers
Fuller	Jones	Robertson
Gamble	Kleberg	Schuetz
Granger	LaFollette	Sheridan
Hare	Larcade	Simpson, Ill.
Harness, Ind.	Lea	West
Harris, Va.	Luce	Winter
Hébert	Magnuson	
	Maloney	

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Schuetz with Mr. Dirksen.  
Mr. Fitzpatrick with Mr. LaFollette.  
Mr. O'Leary with Mrs. Luce.  
Mr. Magnuson with Mr. Jones of Ohio.  
Mr. Domengeaux with Mr. Simpson of Illinois.  
Mr. Larcade with Mr. Herter.  
Mrs. Norton with Mr. Fuller.  
Mr. Hoch with Mr. Chipperfield.  
Mr. Robertson with Mr. Howell.  
Mr. Harris of Virginia with Mr. Winter.  
Mr. Sheridan with Mr. Calvin D. Johnson.  
Mr. Newsome with Mr. Mott.  
Mr. Kleberg with Mr. Harness of Indiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO PRINT

Mr. MAY. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection? There was no objection.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my remarks made this afternoon and include certain excerpts.



The SPEAKER. Is there objection?  
There was no objection.

Mr. ANGELL. Mr. Speaker, I make the same request in respect to the remarks I made in Committee today, and also to include an editorial.

The SPEAKER. Is there objection?  
There was no objection.

Mr. KLEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a portion of a letter written by Pvt. Ransom Gurganus.

The SPEAKER. Is there objection?  
There was no objection.

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my remarks made in Committee today and include a telegram.

The SPEAKER. Is there objection?  
There was no objection.

Mr. LANE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article appearing in today's New York Herald-Tribune.

The SPEAKER. Is there objection?  
There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a short editorial.

The SPEAKER. Is there objection?  
There was no objection.

Mr. JOHNSON of Oklahoma. Also, Mr. Speaker, I ask unanimous consent to extend my remarks and include a statement made to the Committee on Military Affairs on the bill just passed, and that it may be printed before the roll call today.

The SPEAKER. Is there objection?  
There was no objection.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Boston Daily Globe.

The SPEAKER. Is there objection?  
There was no objection.

#### LEAVE TO ADDRESS THE HOUSE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that tomorrow after the conclusion of all other special orders I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?  
There was no objection.

#### EXTENSION OF REMARKS

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an address delivered by Hon. Robert H. Roberts, mayor of Warren, Ohio, at a dedication of Mosquito Creek Dam.

The SPEAKER. Is there objection?  
There was no objection.

#### FARM MEAT STAMPS

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. There are other special orders in order today, but the Chair will put the request. Is there objection to the request of the gentleman from Montana [Mr. O'CONNOR] that he address the House for 2 minutes?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I have just read an article in the Post of January 18: "O. P. A. Prevalidates Farm Meat

Stamps, 216 Points Made Available in Move to Help Farmers." The article went on to say that the advance use of the points was granted to stimulate on-the-farm purchases of pork or any other rationed meat bought directly from farmers who have been unable to market their meat regularly through normal channels.

What the article did not say was that through stubborn insistence the O. P. A. has continually refused to either lower all the point values on meat or else do away entirely with points on meat until such time as the congestion that now exists is relieved.

Just recently, I have seen with my own eyes advertisements running in a southeastern Montana newspaper, the Miles City Daily Star, put in by buyers, telling the farmers not to bring any hogs into market, that the market was glutted so that they were not buying any more hogs until a better situation existed. Those farmers who were not aware of the existing conditions and brought hogs into market either had the trip in vain or else had the expensive choice of feeding them at the sales yards on feed the cost of which was prohibitively high.

For months now I have pleaded on the floor of the House for the O. P. A. to do either one or two things—to either lower the point values on meat or else take away the points altogether until such time as the situation readjusts itself. The present stubborn, stupid policy is not the work of bureaucrats, it is the work of nincompoops.

There is hardly a mail coming into my office that does not bring a letter of protest from some Montana cattle, sheep or hog man over existing conditions. They are not only finding themselves unable to dispose of their product but now find that the cost of feed is becoming prohibitively higher and higher. I have said before and I say again, such a condition if allowed to exist will result in only one thing—a serious cut in the production of feeder animals.

We have the meat, why not make it possible for the American public to have it?

#### RIGHT OF ARMED FORCES TO VOTE

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?  
There was no objection.

Mr. HARLESS of Arizona. Mr. Speaker, I would like to express my views upon the proposed legislation, which will permit members of the armed forces to vote. I am unqualifiedly in favor of legislation which will make it possible to deliver ballots to the men and women in the service and have those ballots returned in time for the general election. I want every member of the armed forces, both men and women, given this opportunity, and I shall support legislation which makes it possible for them to exercise their franchise.

In view of the fact that these men and women are scattered all over the world, this legislation is emergency in its aspect. I recognize that there is a question of States' rights involved, and, whenever

possible, I believe that we should reserve local government as against the concentration of power in Washington. However, I am convinced that the only way these men and women will be able to vote for the President, Vice President, Senators, and Congressmen in the coming election is for this Congress to enact a law to provide uniformity in the handling of ballots. Of course, such a plan would be only for the duration. It would be a sad state of affairs if we denied the right to vote to the fine Americans who are now serving our country on the far-flung battle fronts of the world. They have as much or more at stake at this time than any other Americans.

It is unfortunate that the 48 States cannot provide a uniform system of issuing ballots so that the military and naval authorities could supervise the delivery of ballots to the respective voters who are now abroad. We have been told by the Secretaries of War and the Navy that it would be impossible to supervise the handling of ballots for the 48 States with 48 different election laws. Therefore, in the interest of the rights of those true Americans it becomes necessary by special emergency legislation to provide a uniform ballot in order that all of our service men and women, wherever they may be, can cast their votes for their choice of candidates in the coming election. They are entitled to this right; and insofar as it is possible for me to provide it for them, they shall have it.

#### EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter received from Governor Saltonstall, and also a letter to him from the commissioner of education.

Mr. MICHENER. Mr. Speaker, I reserve the right to object for the purpose of asking something about the program for the rest of the week and next week.

Mr. McCORMACK. Mr. Speaker, the bill relating to international relief and rehabilitation comes up tomorrow. The rule provides for 2 days of general debate. Of course, we have the reception of a distinguished visitor also on the program. Two days of general debate means Thursday and Friday. It is my intention to ask unanimous consent that when the House adjourns on Friday it adjourn to meet on the following Monday, which means that that bill would come up on the following Monday under the 5-minute rule. It is true there is a discharge petition, I understand, on the program for that day, and that will be kept in line, but the bill to which I have referred under the 5-minute rule will not be considered before Monday if we adjourn from Friday until Monday.

Mr. MICHENER. I withdraw my reservation of objection.

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

There was no objection.

#### ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, in order to have the matter settled, I ask unanimous consent that when the House

adjourns on Friday next, it adjourn to meet on the following Monday.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I reserve the right to object in order to ask a question. What about this bill that we have heard so much about, the soldiers' vote bill?

Mr. MCCORMACK. The best information that I can give the gentleman is this. We are anxious to have a rule come out providing for the consideration of that bill and I am very hopeful that the bill will be under consideration next week. Without taking issue with any Member who has made a statement to the contrary, I may say that there is no effort to stall in this matter. I am anxious, and the leadership on both sides is anxious, to bring the bill up as soon as possible. We could not bring it up this week, with the condition of legislation as it is, but I am hopeful if the rule comes out, which I am urging, that the bill will come up next week.

Mr. HOFFMAN. I did not want to say anything to bring about any controversy.

Mr. MCCORMACK. I understand. I was trying to give the gentleman as complete information as is within my power.

Mr. FISH. Will the gentleman yield?

Mr. MCCORMACK. I yield.

Mr. FISH. If we get a rule Friday or Monday, probably it would be the gentleman's intention to bring up the soldiers' vote bill next Tuesday, would it not?

Mr. MCCORMACK. It would be my intention, without definitely committing myself now, to bring it up next week, and as soon as possible. I know of nothing which would preclude it from coming up after the United Nations Relief and Rehabilitation Act.

Mr. FISH. If it is disposed of by a final vote on Monday, it probably would be the gentleman's intention to bring it up on Tuesday?

Mr. MCCORMACK. Exactly, unless something intervenes of paramount importance and I do not know of anything. I would bring it up on Tuesday next, I hope.

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

There was no objection.

Mr. CALVIN D. JOHNSON. Mr. Speaker, I desire to make a statement that I was unexpectedly called away from the House on official business and returned a moment or two too late to cast my vote on the mustering-out pay bill. Had I been here I would have voted in favor of the bill.

#### EXTENSION OF REMARKS

Mr. CARSON of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks on the bill just passed and to include therein a program prepared by the Timken Roller Bearing Co.

The SPEAKER. Is there objection?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I have a special order for tomorrow. I wish that order vacated and I ask unanimous consent that it be va-

cated and that on Tuesday next I may have 30 minutes, after the disposition of matters on the Speaker's table and other special orders.

The SPEAKER. Is there objection?

There was no objection.

#### EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain excerpts in connection with the property-disposal bill now before the Committee on Banking and Currency.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROWAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include several editorials.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech delivered over the Columbia network on Sunday by the Reverend Sam Morris.

The SPEAKER. Is there objection?

There was no objection.

#### SOLDIERS' VOTE BILL

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

The SPEAKER. Is there objection?

There was no objection.

Mr. WORLEY. I might be able to throw some light on the soldier vote bill program for next week. I plan to appear before the Committee on Rules Friday at 2 o'clock if possible and ask for a rule which would permit expeditious action on the soldiers' vote bill for the coming week. I personally would like to see it disposed of in one way or the other not later than next week at the latest.

Mr. FISH. Will the gentleman yield?

Mr. WORLEY. I yield.

Mr. FISH. The gentleman, I assume, will appear before the Committee on Rules as he says sometime Friday and he will advocate a wide-open rule; is that not a fact?

Mr. WORLEY. I will advocate a wide-open rule. And I would also, and I think it is fair for the gentleman to know this, like to have a recommittal motion which would permit a record vote on substituting a Federal ballot along with the State ballot.

Mr. FISH. The gentleman probably would have a recommittal vote anyway under the wide-open rule.

Mr. WORLEY. Yes, I would like to limit it to that extent. I would be glad to.

Mr. MICHENER. Will the gentleman yield?

Mr. WORLEY. I am glad to yield.

Mr. MICHENER. The gentleman does not mean he wants a wide-open rule under the rules of the House, but he wants a special rule which is different than a

wide-open rule. The gentleman does not want to use unfortunate language, I am sure.

Mr. WORLEY. The gentleman misunderstands me. I would like to have a rule and I think the Committee on Rules can grant the same kind of rule that was passed in 1935 in the Patman bonus bill and even in the Ruml bill. The only thing I want is a wide-open rule which will permit the people of this Nation to see how we stand on an effective soldier vote bill.

Mr. MICHENER. Yes, but the gentleman does not want a wide-open rule. He wants a rule different than the rules of the House provide for.

Mr. WORLEY. I certainly bow in deference to the long experience and seniority of the gentleman from Michigan. As I understand the purpose of the Committee on Rules it is to make exceptions to the rules, otherwise we conform to the rules of the House.

Mr. MICHENER. The general purpose of the Committee on Rules and the philosophy back of the Committee on Rules is that that committee places before the Congress bills which have been reported by the legislative committees and which are on the calendar, but can not be brought up soon without a special rule. Then you can elaborate on that and make a gag rule or any kind of rule the committee sees fit. But I thought the gentleman wanted a wide-open, simple, straight rule so that this bill might be amended under the general rules of the House.

Mr. WORLEY. I agree. I want the rule as wide open as possible.

The SPEAKER. The time of the gentleman has expired.

#### EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an article from the Washington News of today.

The SPEAKER. Is there objection?

There was no objection.

#### RESIGNATION FROM COMMITTEE ON BANKING AND CURRENCY

The SPEAKER. The Chair lays before the House the following communication:

Hon. SAM RAYBURN,

*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on Banking and Currency.

Respectfully,

JAMES A. WRIGHT.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### VETERANS' LEGISLATION

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

The SPEAKER. Is there objection?

There was no objection.

Mr. BARDEN. Mr. Speaker, I would like to call the attention of the House to this resolution, No. 29, which I believe comes up for consideration on Monday, as the result of a discharge petition that it be discharged from the committee



handling it. This resolution, among other things, has this statement in the last sentence, "and all legislation affecting them." That is, the veterans. "All legislation affecting veterans, other than Civil Service, Public Lands, and Compensations." Some time ago the President sent a message down dealing with the question of the post-war educational program for the men in the service. That message was referred to the Committee on Education and following that the Committee on Education started to work on a bill dealing with that problem. Now I am just wondering if the House will not be in a greater state of confusion by adopting this resolution than they are at the present time with reference to veterans' legislation for the simple reason that I cannot imagine much legislation going through this House in the next 2 or 3 years that does not affect the veterans. And this says, "all legislation affecting veterans."

The SPEAKER pro tempore (Mr. RAMSPECK). The time of the gentleman has expired.

#### EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. DOMENGEAUX] be permitted to extend his remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article recently received from Clifton E. Hooper, of Cambridge, Mass., relating to a permanent peace.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### SOLDIERS' VOTE BILL

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

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, coming back to the question of a rule on the soldiers' vote bill I submit that those of us who are supporting a Federal ballot should be entitled to a record vote on that question. It is an issue that nobody should be permitted to dodge behind any of the parliamentary maneuvers. May I say to the gentleman from Michigan who is rising to ask me to yield, that we know that a motion to recommit rests with the Republican minority and that we may be confronted with an innocuous motion to recommit, a motion not containing the Worley bill as an amendment in the motion to recommit, thereby depriving the American people of a record vote on the issue of a national and effective soldiers' vote bill. Under these circumstances it is in keeping with our responsibility to the country to have every Member of Congress on record on this vote. The Committee on Rules owes it to the Nation and to the armed forces to permit consideration of the Worley substitute, which provides for a Federal

soldiers' vote system, in the House rather than in the Committee of the Whole, thus guaranteeing a record vote on that proposal.

The SPEAKER pro tempore. The time of the gentleman has expired.

Under previous order of the House, the gentleman from Arkansas [Mr. HARRIS] is recognized for 30 minutes.

#### OUR JOB—MINE AND YOURS

Mr. HARRIS of Arkansas. Mr. Speaker, I would not presume myself upon the House today, but I wish to bring to your attention some thoughts which have been giving me much concern. We are faced with critical situations that are trying our very souls.

Freedom is the one purport, wisely aimed at, or unwisely, of all man's struggles, tollings, and sufferings in this earth.

We are now in one of the most fateful years in the history of human experience.

I have watched with much concern and growing alarm the increased dissatisfaction, the apparent disunity, and the placing of emphasis, in my opinion, on those controversial matters of much lesser importance, than on winning the war.

Lack of confidence and faith in our Government and leadership can lead only to more distress, suffering, and hardship if it prolongs the war a day or even 1 hour.

I do not wish to be critical, Mr. Speaker, and I have no stones to throw but I wish to emphasize with all the seriousness and sincerity, our job—mine and yours—in these critical and decisive moments.

In 1942, the first year of the war, dark and gloomy it was, we had unity, determination, and organized effort beyond the comprehension of man's imagination. That year of awakening, our accomplishments were almost miraculous. It was immediately after Pearl Harbor and we were all in the war above everything else. We did our job with precision, confidence, and faith in each other and our great leaders.

In 1943, the second year of the war, with the same confidence, determined efforts, and will to win, we brought our military and naval might to full stride. We have seen the result and we know the dawn of victory for us and our allies has risen over the horizon.

Now, as we go into this second session of the Seventy-eighth Congress, confronted with the third and no doubt the hardest year and the most promising year of this global and tragic war; a year to face with heavy hearts, with bleeding hearts, it is imperative for our national security, necessary to save the lives of many of our courageous young men, and to attain the earliest possible victory, that we strengthen our unity, place emphasis where it properly should be placed, and to have continued and increased cooperation.

The world has become war weary, and by the end of this year we will be weighted down with increased burdens, grief, and scars that can never be healed. Is it not well, then, that we pause at the threshold of this, the most tragic year in

our history, and reflect on those things and rededicate ourselves with renewed effort and determination to our jobs and responsibility?

I was deeply moved by the report of a tragic battle I heard over the radio the other night. Some of you might have heard it. I wish all might have heard it. It gave the details of a battle between our fighting men and the enemy. I was impressed first of all by the fine teamwork of our armed forces. On the same evening, over the same radio, there were reports, I regret to say, of the lack of teamwork here at home. Quite naturally, I was proud of the united war front and very much discouraged with the apparent lack of unity at home. Our failure to coordinate or to cooperate with the armed forces may cost us thousands of lives and extra billions of dollars.

The report of that battle showed excellent coordination of the armed forces that make up the United Nations; it showed that they had a common, strategic goal, and they were all working together as one man to reach that goal with the greatest possible speed, consistent with the proper conservation of men and resources.

Mr. Speaker, there was no rivalry among the units or the men that make up the units. There was no lost motion, no side-stepping or side-swiping, no snapping at the heels of the commanding officers, no thought of greed or selfishness, no lack of faith or confidence, and no shirking of duties or responsibilities.

But with remarkable precision, our men were fighting together to get an ugly job done as soon as possible. They were not seeking personal advancement, at the expense of their comrades in arms. They were fighting to bring harmony out of chaos; order out of disorder; unity over division; and yes, victory and peace to a despairing and suffering world.

The harmony, unity, and precision described in that battle were in no wise accidental. It came from a well developed and planned strategy far in advance of that battle. One could see the hand of our Commander in Chief, the President of the United States, our Chief of Staff, our War Council, and all working step by step, smoothly and surely toward ultimate victory.

From time to time we have listened over our radios to big-league baseball games. We got from these games the same idea of what fine teamwork and cooperation will do. It is nothing uncommon for some player seeking a high batting average for himself to make a sacrifice hit for the team; likewise, when called upon by the manager, the leader, a great pitcher steps aside, oftentimes losing credit for winning the game to give way for a pinch hitter.

We have an organization in this country known as the Federated Churches of America, in which all denominations may come together on causes and programs for the common good. The organization puts the emphasis on fundamental moral and religious programs, minimizing denominational creed. Sunday after Sunday, we have listened to

the radio minister selected by the Federated Churches as the mouthpiece of scores of denominations. We never hear Dr. Emerson Fosdick speak a discordant note, or from his radio sermons one would never know to what denomination he belongs. How does he maintain his own intellectual integrity? By the simple expediency of placing emphasis where it belongs; by discussing things that unite folks, instead of things that divide them; by being first a Christian and keeping in the forefront the fundamentals of Christian faith.

We have in the offing a national election, and if I read its implications correctly it will become a major event, for the reason that it may overshadow and imperil the war effort. With all the criminalities and recriminations, charges and counter-charges, already started, at a time when our energies should be given to the war, we are probably confronted with the bitterest campaign in the history of the United States.

Our Constitution wisely provides for a national Presidential election every 4 years. We must have the election. It is even more important now. It makes the United States of America a greater democratic republic to have the regular scheduled election in the midst of a tragic war.

Even so, I cannot agree with statements expressed in a current Life magazine editorial, entitled "1944," suggesting the outcome of the election this year is the only salvation of this country. Such tactics, the same used 4 years ago, inside or outside of Congress, can bring only discord and dissension to the American people. Our salvation as a free country depends on having the election as provided by the Constitution. The outcome of it is not nearly as important as such editorials would have us believe. Regardless of whom a majority of the people of this Nation select, we will continue as a great people of a great Nation.

I believe in wholesome and constructive criticism, but statements with all such implications, unfounded, and severely critical, as carried by the press and the radio throughout the Nation, some of which were placed in the CONGRESSIONAL RECORD, coming from the meeting of the National Republican Committee in Chicago a few days ago, statements charging insincerity, incompetence, and lack of confidence in our leadership, cannot have any other reaction except a tendency to disunite our people and deter our war effort. They can lead to dismal consequences.

However, in these conflicting emergencies, a world war and a national election, how should we conduct ourselves? Should we not take lessons from the army of the United Nations fighting in unity for freedom and liberty? Or from organized baseball in teamwork and sacrifice? Should we not take lessons from our church leaders that so love the world and the God we all worship, to lay aside petty differences for the common good? Should we not, like them, work together for a better world?

As has been so wisely said, "Let it never be forgotten that it is not by means of

war that states are rendered fit for the enjoyment of constitutional freedom; on the contrary, whilst terror and bloodshed reign in the land, involving men's minds in the extremities of hopes and fears, there can be no process of thought, no education going on, by which alone can a people be prepared for the enjoyment of rational liberty."

It is well to ponder and say again that we have three branches of government, the legislative, the judicial, and the executive, wisely proclaimed by the Constitution of the United States, each with its separate authority and jurisdiction, except in time of war, when the Chief Executive, whoever he may be, by temporary expediency is given summary powers as Commander in Chief of all the armed forces of the United States.

My service in the legislative branch has strengthened my belief that it was never intended by our forefathers in establishing the three branches of government to bring chaos instead of unity. Sometimes I wonder if we correctly interpret the true meaning of the term "checks and balances." Surely it does not mean dissension, bitterness, and bewilderment of government, but in my opinion it means reaching a common understanding in a cooperative program for the best interest of the people at all times.

I need not call to your attention that all the Government and not merely three separate branches, and all the people within the Government, are engaged in this terrible, bloody war. To be successful, and we will, with the least expenditure of our resources, we must have continued cooperation of all branches of the Government and all the people within the Government, working together toward this paramount aim. We must have all of our collective energy, all of our will power, wealth, human and economic, and all of our spiritual substance into one harmonious whole.

Mr. Speaker, we are on trial, the Congress is on trial, the executive is on trial, the judicial is on trial, and, yes, the people are on trial. Let us resolve now that at the end of the year none of us will be found wanting.

We have just had presented to us and to the Nation a war budget of estimated expenditures for the next fiscal year, another colossal sum of \$100,000,000,000. The President correctly said:

In our military planning, in our production planning, and in our financial planning, we cannot rely with safety on hopes of early victory.

We have just received a report that by July 1 this year we will need and will have a total of 11,130,000 men in the armed services. Ah, Mr. Speaker, we cannot afford to let anything detract our progress; we cannot afford to let up for one moment with our productive program, with our military and naval program; the risk is too great. We must and will continue to move forward with our war and peace policies.

The farmer, the factory worker, the banker, and all other conscientious, well-meaning, and patriotic citizens of this Nation are realistic and want to continue to follow a program of leader-

ship, permitting them to make the greatest possible contribution toward victory.

Therefore, in becoming more specific, may I suggest that petty controversial differences that tend to create disunity, that tend to agitate the minds of the people be laid aside long enough to do a few things that transcend their importance. There are many important problems definitely affecting the war and connected therewith, to which we should devote our efforts and attention.

First. In addition to mustering-out pay, which means so much to the boys in the service, we should provide a simple and easy method to give immediate assistance to the wounded and otherwise disabled discharged war veterans. I am in thorough accord with a provision that will extend to those disabled veterans continued pay as a soldier for a period of time or until their claim for disability can be adjudicated. It is our duty and responsibility, our job—mine and yours—to see their needs are taken care of.

Second. We should stand united against ruinous inflation. The Congress must act again on this important problem to prevent economic chaos in this country. The unselfish and wholehearted cooperation of all branches of the Government is of vital necessity. We must have a practical and realistic program and if we fail our boys will have little to come back to after the winning of the war.

Third. It is expedient that the Congress complete the pending tax bill in order that the people of this country may know what their rate of taxation will be at the beginning of the year. The people of this country have been told that we would have no more retroactive tax bills, and we cannot break the faith with the taxpayers as they work and strive to pay on this tremendously expensive war program. We should provide a more simplified return which will go a long way toward unifying the people in cooperating with our tax program. We cannot expect complete cooperation in any program that is so complicated that it cannot be understood or followed without expert and technical assistance. This is a part of our problem to which we should direct our attention as representatives of the people.

Fourth. We have heard much about renegotiation of war contracts, the prevention of exorbitant profits, taking undue profits out of the war, and the assurance of fair prices to the Government and the people. This problem cannot be toyed with. It means so much to business, to the people of this country, and to the progress of the war. Certainly a just, right, fair, and equitable program can be provided. There have been many incidents reported of injustices on the one hand and of exorbitant profits on the other, and we should provide the right kind of legislation in justice to all. We must continue the policy of renegotiation and provide safeguards that will prevent undue burden and hardship.

Fifth. As I have already said, a national election is approaching, the outcome of which is as important to the



soldiers, the sailors, and the marines as it is to civilians. The constitutional privilege of their franchise—the right to vote—should be protected. They should not be denied this inherent right because they are serving in our armed forces for the perpetuation of freedom and liberty. We should take the polling booths to them wherever they may be on the face of the earth. Insofar as it is humanly possible, the opportunity should be provided for them to cast their vote for their choice of State and local candidates, as well as candidates for national offices. It is my job and yours, in cooperation with the States of this great Nation, to provide an adequate and practical method for the opportunity of an orderly, adequate, and constitutional ballot for these men.

Above all, Mr. Speaker, we must see that sacrifices made in winning of this war shall not have been in vain. Regardless of the outcome of the national election, regardless of the claims and charges and countercharges, the responsibility of a durable peace will fall largely upon the shoulders of the Commander in Chief, the President of the United States, and his advisers, in cooperation with the Congress. Already important steps in the right direction have been taken. We cannot let any issue becloud the promising peace issues that are already progressing as initiated and being carried forward on a grand scale by the Congress; the Secretary of State, Mr. Hull; and our Commander in Chief, President Roosevelt.

These and many other issues of equal importance call for unity, patience, tolerance, and thoughtful, careful consideration. These are our problems for which we will provide as we have done in the past. Our job—mine and yours.

I cannot repeat with too much emphasis that we resolve to rededicate our untiring efforts primarily to winning the war this year. Let us put first things first, and take the lead in a unified bipartisan march to victory.

To those who would bring about discord and disunity, intentionally or unintentionally, to those in these difficult times who endeavor to create lack of confidence and faith in our leaders, primarily responsible for continued progress to victory, may I suggest this thought:

Where weary folk toll, black with smoke,  
And hear but whistles scream,  
I went, all fresh from dawn and dew,  
To carry them a dream.  
I went to bitter lanes and dark,  
Who once had known the sky,  
To carry them a dream—and found  
They had more dreams than I.

Mr. NORRELL. Will the gentleman yield?

Mr. HARRIS of Arkansas. I yield to the gentleman from Arkansas.

Mr. NORRELL. I wish to congratulate my very distinguished colleague from Arkansas for his very fine, able, courageous, and patriotic analysis of the situation confronting us. I, too, have been disturbed over the trend of affairs. I think those in high office ought to be statesmen sufficient to cooperate one with the other and all for the good of

the country. I have enjoyed the gentleman's address.

Mr. HARRIS of Arkansas. I thank the gentleman for his remarks.

Mr. HAYS. Will the gentleman yield?

Mr. HARRIS of Arkansas. I yield to the gentleman from Arkansas.

Mr. HAYS. I would like to say a word of personal appreciation for the excellent statement that we have heard from the gentleman from Arkansas. It is an interesting reflection to me that while I am a few years his senior, he was still in college when I made my first race for public office. Being my senior in this House, I look to him for guidance and counsel. On this occasion it seems to me that the advice he has given can be addressed to both sides of the aisle, and if I have understood the implication of his address it is that while we shy away from the distasteful aspects of a national election in wartime, it is his conviction we can make this a positive asset to our democratic institutions and that we should resolve now to approach it in a spirit of tolerance and of good will that will unify, not divide, us, that we can be helped by the experience of America in the past, that actually there have been two other occasions in American history when Presidential elections were held during wartime and that we did survive.

Mr. HARRIS of Arkansas. The gentleman is eminently correct and I appreciate his statement.

Mr. BROOKS. Will the gentleman yield?

Mr. HARRIS of Arkansas. I yield to the gentleman from Louisiana.

Mr. BROOKS. The gentleman's district bounds my district on the north for many miles.

Mr. HARRIS of Arkansas. I am glad to join hands with the gentleman across the Louisiana-Arkansas line.

Mr. BROOKS. During the gentleman's career in Congress I have learned to have a profound respect for his judgment on public matters. I am impressed especially with what the gentleman has had to say in reference to the fact that we, the Congress, are on trial and the Government is on trial. In fact, I think all republican government and democratic institutions everywhere are distinctly on trial today. We have to do our full part to make it work in this country so that we can provide the necessary example for all of the world in reference to the working of the democratic processes and institutions.

Mr. HARRIS of Arkansas. I thank the gentleman.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. HARRIS of Arkansas. I yield to the gentleman from Arkansas.

Mr. FULBRIGHT. I congratulate the gentleman from Arkansas, and may I say that in my opinion he has perhaps touched on the central and most important issue before the whole Nation. That is the question of unity and equality in pursuance of the war effort. If that can be achieved, we will have over-

come the greatest obstacle to both victory and a lasting peace.

Mr. McCORMACK. Will the gentleman yield?

Mr. HARRIS of Arkansas. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I consider the gentleman's speech to be one of the finest and the most deeply considered one that I have heard in my 16 years as a Member of this body. It is constructive, and on a broad, high plane, consistent with the great crisis that confronts our country. I want to express my personal feeling of pleasure at having been on the floor and having listened to the gentleman and to congratulate him and the people of his district for having such a fine Representative in this body.

Mr. HARRIS of Arkansas. I appreciate those statements and observations from the majority leader.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that upon the conclusion of the special orders today I may have 10 minutes to speak on the subject of unity, about which the gentleman from Arkansas spoke.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

#### SPECIAL ORDER

The SPEAKER pro tempore. Under previous special order of the House, the gentleman from South Dakota [Mr. CASE] is recognized for 15 minutes.

Mr. CASE. Mr. Speaker, I had intended to use the 15 minutes for which I had a special order today but it turns out that we had hearings in the Independent Offices Subcommittee this afternoon, which hearings have not concluded, so I am not going to use the time at present.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. COMPTON] is recognized for 15 minutes.

#### THE CRITICISM OF CONGRESS ON THE SOLDIER VOTE

Mr. COMPTON. Mr. Speaker, I want to speak very briefly on a subject that involves both sides of the aisle but which has not been discussed here in the House. Now, it may not irritate Members older in service than I, who by experience have long since learned to shield their feelings behind the armor of a clear conscience, and by a sincere appraisal of each problem can brush off all attacks. Less mature, I still resent lack of fair play, tolerance, and the truth.

I refer to a certain line of criticism that is being heaped on Congress—both Senate and House—by some commentators, columnists, and newsmen alike. Now, I do not assume to be the champion of Congress, even if it needed one, but these one-sided analysts try to make it appear that the Congress has no consideration for the men and women in uniform; they say or infer Congress does not want the soldier to vote; that we are trying by circumlocution and subterfuge to keep him from having his ballot. That

annoys me—for I know as you know that it is not the truth.

This self-serving diagnosis of Congress was the dying inspiration of Dr. New Deal as a legacy of profit to his successor, Dr. Win-the-War. Well, they are both quacks, and their frightened patient is finding it out more and more every day. All the hired help who assist in the office, and mix and concoct the salves, sedatives, and stimulants, and who advertise the wonder cures of these Siamese-twin doctors are once more using the needle to give us a dose of this holier than thou "I am the only one who loves the soldier" dope. They hope to be effective by baldness and boldness. That is old stuff, but like all dope it has its effect and is hard to shake off.

Any informed person will tell you the fact that every Member of Congress on both ends of the Capitol, for patriotic reasons among others demonstrated many times, desires to accord the men and women in service every moral, legal, and inherent right, as a warm-hearted token of appreciation for their active defense of the Nation. There is no corner on patriotism—nor priority needed either—and the fountain head is not necessarily in high places, even though rivers often originate in the mountains. I would remind Dr. New Deal that both the old-fashioned Democrats and the Republicans alike are inspired by patriotic zeal and devotion to our own sons, brothers, husbands, and fathers in uniform. We do not have to beat the breast nor cry out from the housetops to tell them how much we love them. They are likely to be suspicious of those who protest too much.

Certainly no Republican fears to have the soldier vote. For us, for all of us who really want the soldier to vote, it is just a question of how. I do not speak today for any of the proposed methods nor for those to be proposed. That is not my theme, although I will say parenthetically and unequivocally that I shall vote for any measure that will insure prompt and sure action to give service people a vote.

By custom most of us find it repugnant to question the motive of a man in high elective office, for who can fairly say what is in the mind of any man? So, while I hesitate to accuse, I do ask all who run and read to look back a few years. Remember what the conditions were, then open your eyes and look around at what confronts us all today. Slowly and almost painlessly old Dr. New Deal has been dosing us with his so-called elixir of life; it has exhilarated us temporarily and rendered somewhat painless the gradual decay and decline of our Constitution. We overlooked the fine print under the label which read, "Notice, habit-forming drug," and some of us ignored the obvious fact that whatever the prescription, the remedy was the same, a painkiller and not a cure. But the warning was on the bottle and today we know that we and our neighbors are now in the toils of vicious habit. Every time we had an ache or a pain old Dr. New Deal had another prescription for it. Now, we have a crisis almost every day—old Dr.

New Deal wants us to believe we cannot get along without his dope.

Mr. Speaker, you cannot overlook the evidence of the political propaganda used by Dr. New Deal and his assistants in the discussion of the soldier-vote bills. Neither a tolerant smile nor angry abuse will answer the warning I am trying to give today.

The continuous gratuitous demand by the President and his New Dealers that a national soldier's voting law of their own choosing be enacted by Congress has a double political purpose. Not that he and they love the soldier any less, but they love more to sponsor such a law popular in every home and front. By using that as a sounding board, old Dr. New Deal—same place for 11 years—says he never lost a patient—continued his assaults on constitutional methods and wanted another commission which he could name and control. That was too bold. He did not get that commission. But this attempt to again bypass the constitutional rights of the States and the Nation and further break down respect for Congress goes on.

The defects and deficiencies of the soldier-vote law of 1942 were well known to the President in November after the election of that year.

Why, then, did he wait until this election year to show his zeal for the soldier and his vote? Could it be he delayed until this late date to put the onus on Congress? I do not make that accusation, but we, the Congress, have been so charged by him, at least by inference, and by his political puppets directly.

Then, too, a late and hurried piece of legislation might admit of flaws that make legal tangles possible, perhaps to be decided by courts.

Do not, I pray you, accuse me of being intemperate—do not denounce me as I have been denounced before as "hating Roosevelt"—that does not stop the steady and no longer stealthy march down the road to a new kind of government—new to this Nation. Call these comments political or partisan arguments if you will, but let me warn all who will hear that this inspired berating of Congress is meant to bring us closer to the day when we shall have a complete breakdown of the system of traditional American government; no longer the three equal branches, the legislative, the executive, and the judicial.

Let me warn all who for selfish reasons aid and abet in perpetuating this New Deal scheme of things, that when the men come home from war if they find they have lost the political freedoms for which they have been fighting, it may take a civil war to tear out some excesses deeply imbedded by New Deal habit and customs.

Meantime let me say for the record that it is my firm belief that the country need have no fear—Congress will freely discuss and openly pass a law that the soldier may vote and his vote be cast and counted legally with every safeguard for his future rights protected. That protection will be assured by the efforts of those Members of Congress who may incur temporarily the displeasure of the

genuine advocates of the soldier's vote because of the care with which they are now proceeding. The accompanying widespread discussion, however, of New Deal administration delays and exhortations—and even intolerant criticism—will help to perfect a bill that will best serve that end.

Mr. BUSBEY. Mr. Speaker, will the gentleman yield?

Mr. COMPTON. Yes.

Mr. BUSBEY. I rise at this time to compliment my colleague from Connecticut for a very fine speech on Doctor New Deal and Doctor Win-the-War.

Mr. COMPTON. I thank the gentleman very much. I yield back the remainder of my time.

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the gentleman from Michigan [Mr. HOFFMAN] for 10 minutes.

#### UNITY

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a newspaper article.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, it was also my privilege to listen to the eloquent and, if we accept generalities, constructive address by the gentleman from Arkansas [Mr. HARRIS]. It is regrettable, as the gentleman stated, that the Republican National Committee found it necessary to say that there is a lack of confidence in the national administration, to say that there has been incompetency in the national administration, but sometimes facts must be stated. That the Republican National Committee was not indulging in campaign oratory is shown by the fact that the elections in 1942, beginning then, those elections and every single subsequent election down to the one held yesterday in Pennsylvania, have demonstrated beyond any argument that, unfortunate as it may be in wartime, the people of America do lack confidence in the national administration. In one Pennsylvania district the Republican candidate received, according to radio, 83 percent of the vote. In the other, a Democratic district, the Democratic candidate received but 43 percent of the vote. Let me repeat, it is regrettable. But no one is to blame except the administration itself. I recall when the New Deal flower was blossoming, and its fragrance was spread all over the country—down the valleys and on the mountaintops, and throughout the cities and on the farms—a sweet flower it was, heralded by the majority Members and the leader on the majority side as a sweet-scented flower, was it not, and as a sign of a mandate from the people. But now the President, prompted by expediency, changes his political love and gives us something else again, and says, let us get away from it, let us forget the New Deal now because that is not the name I propose to use as my slogan hereafter. It has lost its charm.



To go back, the people have lost confidence in the administration, not because they do not believe in the objectives which the President has advocated, because almost always the objectives he said he was seeking were laudable, and invariably—and I use that word advisedly—the administrators of the laws which we gave—those who spent the money which we appropriated—found some way to create confusion, until the confidence of the people, which in those early New Deal days gave to the President a mandate, as he said, was destroyed, and now they say they will have no more of it. To the gentleman from Arkansas [Mr. HARRIS] and to the majority leader may I suggest that if those votes for the New Deal in those days, which some of us would like to forget, gave him an overwhelming majority, and a mandate to do certain things, now, likewise, the returns have told him we have had enough. More than enough. They told us then, so many of the people cannot be wrong. May I now suggest to those of the majority that those people who are turning in those majorities, one in a democratic district in Philadelphia, the district formerly represented by Mr. McGranery, and one in a Republican district, where in each instance they turned in Republican majorities—that that is a mandate to the President which I hope he will follow as faithfully as he followed those other mandates under his instructions, that he bring some order, some efficiency, and sound procedure out of the confusion, and incompetency, which has existed here.

Yes, to go back once more. It is regrettable that the facts, the situation in which our country finds itself, makes it the duty of the Republican organization to point to the lack of confidence, to the inconsistencies the New Deal has caused.

This plea for unity is well timed. We should have unity in the war effort, and we will have, but never unity in a country where we have a two-party system of government. It is only because of the difference of opinion, the clashing of ideas, that we finally arrive at the truth. I have been here only 9 years, and during that time I have been unable to find anyone on either side of the Chamber who was not patriotic, honest, and sincere. So, what is the use in asking us always to give up our views in order to have unity? Sure, I would like to have unity, but I would not go so far as to say that I would want it at the expense of having those on the majority surrender their opinions, and go along with me, because before long I would find that we were all wrong. Opposition is always necessary. Some reference was made by the gentleman from Arkansas [Mr. HARRIS] to a minister who spoke so effectively and it was said that one could not tell when he was speaking to what denomination he belonged. That is a fine tribute.

I have listened to many fireside chats, and to a good many of the President's messages, but never have I been in doubt about the party to which he belonged—not the Republican, not the Democratic,

but the New Deal Party, a party of his own. I, too, wish during wartime that when we get these fireside chats, and these messages on the state of the Union, that we would not be able to tell from the tone of the message whether a Democrat, a Republican, or a New Dealer was delivering the message, but there has never been any doubt about it. And there is no doubt at the present time when he speaks.

The other day when he asked for a new slogan for the New Deal and then wanted to monopolize that of "win the war," the first thing I thought of was the 1-cent postage stamp, where, lo and behold, if you look at Government expense, you will find "Win the War" on the postage stamp. Those postage stamps go all over the country, all over the world, and that led me to be curious and to look at the 3-cent postage stamp, and, lo and behold, on that stamp, also printed at Government expense, are the "four freedoms." I do not know now what he is going to use when now it is said that Russia has slipped away a little bit, or is going to slip away. Maybe we will have another stamp saying, "Me and Britain," or "Me and Churchill"—or something like that. But as heretofore we will find the New Deal using the administrative agencies to carry on a campaign. Do not make any mistake in attempting to advise us on this side and do not think that the President ever overlooked one bet along the line of advancing the political fortunes of those who think as he does or of those who make him think he thinks certain things.

Again, when you talk about criticism, may I suggest that it is called to my mind by this editorial in the Washington News of today, which says that it would be useful if Chairman Donald M. Nelson of the War Production Board would identify the American Fascists and the psychopathic Hitler worshippers. This unity business. I hope the gentleman from Arkansas will take his lesson to heart, will induce the New Dealers to follow the policy he advocates. We are all for unity in the war effort, but we—some of us, and soon a majority of us—will have too much of the New Deal.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

#### PATRIOTIC WOMEN

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAMEY. Mr. Speaker, it is my privilege, and in it I find justifiable pride, to call to the attention of the House a certified check in the amount of \$500 which has been transmitted to me for presentation to the Navy Department to help defray the cost of constructing the U. S. S. *Toledo*.

On November 11, 1943, Mrs. Clement Piraino, then acting president of the Navy Wives Club, of Toledo, and whose husband is serving in the Navy as chief

machinist's mate, sent to me a letter reading as follows:

The members of the Toledo chapter of Navy Wives of America are planning on selling tags on December 7, Pearl Harbor Day, and donating the proceeds to the U. S. S. *Toledo*, now under construction. We have been promised a permit to sell the tags here in Toledo and we are planning to contact the Toledo Chamber of Commerce, the various women's clubs, and other organizations, as well as the theaters, with a view to enlisting their interest and cooperation in this drive. Our club is not large—having only about 60 active members—but we feel that if we all get behind the idea we can obtain the necessary cooperation to make a success of the plan. We realize that it means a lot of hard work but we are ready for that. We have all the details of the plan worked out but before actively proceeding we would like your opinion on it. Do you think it is too large an undertaking for our group or do you believe that we should get the ball rolling and that we could make a success of it?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio be permitted to address the House further for 1 additional minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAMEY. I replied to this good lady urging her and the members of the club to get going on this splendid plan—that I felt confident that from a financial standpoint it would be well worth the effort and in addition the selling of the Pearl Harbor tags on December 7 would serve to concentrate attention on the score that we as a Nation have to settle with Japan. This group of Navy wives, headed by Mrs. Clement Piraino and Mrs. Ralph Norman, went to work on the Pearl Harbor Day tag sale and raised this fund of \$500, which today I am handing over to the Navy Department as the contribution of the Toledo chapter of the Navy Wives of America to help defray the cost of the construction of the U. S. S. *Toledo*.

I congratulate these women on their fine spirit of patriotism and this concrete display of loyalty to the Navy in which their husbands are serving.

Mr. ROLPH. Will the gentleman yield?

Mr. RAMEY. I yield.

Mr. ROLPH. I would like to commend the gentleman and his constituents for their great patriotic demonstration.

Mr. RAMEY. Thank you very much.

#### EXTENSION OF REMARKS

Mr. HAYS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HAYS. Mr. Speaker, one of the momentous events of history took place recently when the heads of three great nations met over a council table in the capital city of Iran.

Our first and most instinctive emotion is one of deepest gratitude in the safe return of President Roosevelt. I

know that all Americans, whoever they are, wherever they may be, and whatever their political opinion, will share with us at this time our feeling of profound relief and thanksgiving at the recent homecoming of our Commander in Chief.

We feel a glow of pride, a tingle of elation that is honestly American, at the uncontrovertible evidence, presented anew, that our President has the qualities of fearless leadership, that he carries his smiling courage like a banner at the head of a great people.

Traveling is nothing new to Mr. Roosevelt. It was estimated by a New York newspaper recently that the President has journeyed far enough, since the days of his nomination in 1932, to reach the moon, by easy stages. His latest trip was a little matter of some 20,000 miles, and he faced it with the same cheerful unconcern, the same jauntiness, that he does a week-end trip to Hyde Park. The fact that the trip was made, in large part, in an Army plane, and that the course was laid through the lofty reaches of the upper air, often under the menace of enemy guns, made little difference to this indomitable traveler.

We want you to know, Mr. President, that the people of the United States hung breathless on every word that was reported to them on the progress of your mission. We followed you from Cairo to Tehran with mingled sensations of pride in your deeds and apprehension for your safety. We noted that after your visits with Mr. Churchill, General Chiang Kai-shek, and Marshal Stalin, you shuttled back to Egypt, apparently to take care of something you had overlooked in your hurry. Then, our eyes glued to the headlines, we saw that you had dropped casually down from the skies to pay tribute to the shattered and heroic remnants of the little island fortress of Malta; that another duty call was made at Gibraltar; and that you turned up soon afterward in Sicily, where the troops of our occupying forces passed before you in review, and where you presented decorations to some of our outstanding heroes of that campaign.

During all this time you must have sensed that a hundred million American hearts and minds were concentrated upon your movements; that countless other millions in the oppressed and tortured countries of Europe and Asia were joining their prayers to our own for the successful conclusion of your mission and for your safety and continued strength of body and will. Stronger even than the comforting steady roar of the motors that drove you through the clouds must have been your presentiment of this invisible supplication, this mighty surge of emotion that sprang from the smoky caves of Chungking, from prisons and concentration camps on two continents, from the stricken fields and streets of the little conquered peoples, from the lonely women everywhere whose sons and husbands stood poised and ready, with rifle and naked blade, for the moment of the great attack.

It was this consciousness of the prayerful hopes of suffering human beings which must have guided you in the

days that followed. What was accomplished at that meeting of men of good will from the four corners of the world will some day be indelibly impressed upon the pages of history. We are too close to it now to see it but dimly. Its true import will not take definite form in our minds until that day in the not-too-distant future when our armies and our fleets of sea and sky begin to blast their way forward according to the plan and method that were laid down in Cairo and Teheran.

What we do know is that it was your courageous and far-seeing mind which played a leading part in bringing together the representatives of four great powers whose aims and problems had seemed up to now almost hopelessly divergent, even inimical. By that very act of collaboration, you destroyed with one keen stroke the strongest propaganda weapon of Germany and Japan. You gave the lie to the oft-repeated assertion that we were allies in name only. You wiped out their last-remaining hope that our military aims would never be successfully accomplished because of this carefully anticipated and craftily encouraged theory of disunity among nations which dared to call themselves united.

We have since been privileged to hear your actual message on the conference, of the problems of interallied collaboration that have been disposed of to the satisfaction of all but the enemy. It has taken years of bitter battle; years which produced disappointments and reverses; years when the grim specter of defeat hovered close; when the victorious armies of Hitler and Tojo spread like a malignant disease over the map of the world; but now the Allies have come together at last in the determination to defeat our enemies.

The years of slow waiting; the laborious concentration at strategic points of men and materials; the organization and implementation of our vast production; the welding together of faltering spirits—all the preliminaries necessary to the greatest conquering surge that the world will ever know—all these elements of preparation have now been given point and impetus by the coming together of four great leaders; and by the decisions they reached, which already animate our armed millions on the battle lines of the world.

We may well be thankful that we have at the head of this Government one who has studied the institution we call politics. We are fortunate in having as a leader one who understands the essential part that politics in the highest sense of the word plays in our young, aggressive democracy.

May a gracious Providence keep our President strong and steadfast for the grave tasks that lie ahead. May we prove, by our tolerance of his difficulties, by our support of his purpose, and by the manner in which we carry out our own duties, that we deserve the victory which will some day be ours, and the enduring and honorable peace which will some day belong to the world.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SCHUETZ (at the request of Mr. O'BRIEN) for today, on account of attending the funeral of his colleague, Mr. Wheat.

To Mr. HERTER, indefinitely, on account of illness.

To Mr. HOCH, for 2 days, on account of official business.

To Mr. ANDERSON of New Mexico (at the request of Mr. THOMASON) for today, on account of official business.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until Thursday, January 20, 1943, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the committee at 10 a. m. on Thursday, January 20, 1944, for consideration of post-war plans, to be held in the caucus room, Old House Office Building.

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold hearings at 10:30 a. m. on Thursday, January 20, 1944, on H. R. 2701, H. R. 3012, H. R. 3446, and H. R. 3489.

##### COMMITTEE ON THE PUBLIC LANDS

The hearings on H. R. 2596, to protect naval petroleum reserve No. 1, will be continued on Friday, January 21, 1944, at 10:30 a. m.

##### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, February 3, 1944, at 10 a. m., on H. R. 2809, to amend section 511 of the Merchant Marine Act, 1936, as amended.

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, February 10, 1944, at 10 a. m., on H. R. 2652, to amend section 222 (e) of subtitle "Insurance of Title II of the Merchant Marine Act, 1936," as amended.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

1086. A letter from the Administrator, Federal Security Agency, transmitting a copy of the Eighth Annual Report of the Social Security Board (H. Doc. No. 380); to the Committee on Ways and Means and ordered to be printed, with illustrations.

1087. A letter from the Chairman, The National Archives, transmitting the Annual Report of the National Archives Trust Fund Board for the fiscal year ending June 30, 1943; to the Committee on the Library.

1088. A letter from the Acting Secretary of Commerce, transmitting in compliance with the act of May 27, 1935 (49 Stat. 292), authorizing the Department of Commerce to make special statistical studies upon payment



of the cost thereof; statements showing the names for whom work has been performed, the nature of the services rendered, the price charged for these services, and the manner in which the moneys received were deposited or used; to the Committee on Expenditures in the Executive Departments.

1089. A letter from the Chief, Administrative Division, the Office of Censorship, transmitting a copy of the quarterly estimate of personnel requirements for the Office of Censorship for the quarter ending March 31, 1944; to the Committee on the Civil Service.

1090. A letter from the president, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill to amend an act entitled "An act to empower the Commissioners of the District of Columbia to convey land" (approved April 28, 1922); to the Committee on the District of Columbia.

1091. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to provide titles for heads of staff departments of the United States Marine Corps, and for other purposes; to the Committee on Naval Affairs.

1092. A letter from the Director, War Relocation Authority, transmitting a copy of the quarterly estimate of personnel requirements for the third quarter of fiscal year 1944; to the Committee on the Civil Service.

1093. A letter from the Chairman, War Production Board, transmitting a copy of the personnel requirements of the War Production Board for the third quarter of the fiscal year 1944, prepared in accordance with instructions of the Director of the Bureau of the Budget; to the Committee on the Civil Service.

1094. A letter from the Attorney General, transmitting a report stating all of the facts and pertinent provisions of law in the cases of 238 individuals whose deportation has been suspended for more than 6 months under the authority vested in him, together with a statement of the reason for such suspension; to the Committee on Immigration and Naturalization.

1095. A letter from the Acting Secretary of the Interior, transmitting a report that no exchanges pursuant to the act of June 14, 1926 (44 Stat. 741; 43 U. S. C., sec. 869), were consummated during the calendar year of 1943; to the Committee on the Public Lands.

#### 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. SABATH: Committee on Rules. House Resolution 401. Resolution providing for the consideration of House Joint Resolution 192 to enable the United States to participate in the work of the United Nations relief and rehabilitation organization; without amendment (Rept. No. 999). Referred to the House Calendar.

Mr. MANSFIELD of Texas: Committee on Rivers and Harbors. H. R. 3961. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 1000). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. S. 1255. An act to revive and reenact the act entitled "An act creating the Arkansas-Mississippi Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Friar Point, Miss., and Helena, Ark., and for

other purposes," approved May 17, 1939; without amendment (Rept. No. 1002). Referred to the House Calendar.

Mr. WINTER: Committee on Interstate and Foreign Commerce. S. 1504. An act to extend the time for completing the construction of a railroad bridge across the Missouri River at or near Randolph, Mo.; without amendment (Rept. No. 1003). Referred to the House Calendar.

Mr. O'HARA: Committee on Interstate and Foreign Commerce. H. R. 3028. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn.; with amendment (Rept. No. 1004). Referred to the House Calendar.

Mr. KENNEDY: Committee on Interstate and Foreign Commerce. H. R. 3164. A bill to revive and reenact the act entitled "An act to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y., and for other purposes," approved June 14, 1933; with amendment (Rept. No. 1005). Referred to the House Calendar.

Mr. SPARKMAN: Committee on Military Affairs. H. R. 1506. A bill to further amend the Pay Adjustment Act of 1942; with amendment (Rept. No. 1006). Referred to the Committee of the Whole House on the state of the Union.

#### 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. ELLIOTT: Committee on the Public Lands. H. R. 3618. A bill to authorize the War Food Administrator to sell and convey to Mrs. Andrew J. Frey, and her heirs, a certain tract of land, situated in the county of San Joaquin, State of California, and for other purposes; without amendment (Rept. No. 1001). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on World War Veterans' Legislation was discharged from the consideration of the bill (H. R. 3844) for the relief of Henry O. Heuer, and the same was referred to the Committee on War Claims.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANDREWS:

H. R. 4017. A bill to facilitate voting, in the general election in 1944, by qualified voters who are members of the armed forces of the United States or members of the merchant marine of the United States and who are absent from the place of their residence; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ANDERSON of California:

H. R. 4018. A bill to extend certain benefits of the Social Security Act to employees employed in connection with commercial processing and packaging of dried fruits and raisins; to the Committee on Ways and Means.

By Mr. HENDRICKS:

H. R. 4019. A bill amending the Social Security Act to provide for the matching of administrative costs of State old-age assistance plans with Federal funds; to the Committee on Ways and Means.

By Mr. PETERSON of Florida:

H. R. 4020. A bill to authorize the issuance of an unrestricted patent on certain lands to Henry S. Giddens; to the Committee on the Public Lands.

By Mr. WEISS:

H. R. 4021. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 so as to suspend the payment of interest and taxes on Federal Housing Administration mortgages; to the Committee on Military Affairs.

By Mr. CASE:

H. R. 4022. A bill to authorize procurement of public-utility services for which rates are fixed by public law or regulation; to the Committee on Expenditures in the Executive Departments.

By Mr. LANDIS:

H. J. Res. 223. Joint resolution to insure the complete fulfillment of commitments made to producers who have expanded production of nonbasic agricultural commodities; to the Committee on Banking and Currency.

By Mr. RANKIN:

H. Res. 402. Resolution for the consideration of H. R. 1744; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to pledge all-out cooperation to the Commander in Chief of the armed forces of our country, and to the Congress of the United States of America; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. LUDLOW:

H. R. 4023. A bill granting an increase of pension to Frank M. Young; to the Committee on Pensions.

By Mr. WARD:

H. R. 4024. A bill for the relief of Victoria Cormier; to the Committee on Claims.

#### PETITIONS, ETC.

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

4403. By Mr. BROWN of Ohio: Petition of 28 members of the Woman's Society of Christian Service of the Lebanon (Ohio) Methodist Church, urging the passage of Resolution 117, so that the starving children of the occupied countries of Europe may be fed; to the Committee on Foreign Affairs.

4404. By Mr. GRAHAM: Petition of 35 residents of the county of Butler, State of Pennsylvania, requesting the enactment of House bill 2082, to stop the manufacture and sale of alcoholic beverages for the duration of the war and during demobilization; to the Committee on the Judiciary.

4405. Mr. HOPE: Petition of sundry citizens of Plains, Kans., urging passage of House bill 2082; to the Committee on the Judiciary.

4406. By Mr. LAFOLLETTE: Petition of William H. Hetzel and 200 other citizens of Chandler, Ind., and vicinity, urging the passage of House bill 8082 and Senate bill 860; to the Committee on the Judiciary.

4407. By Mr. LESINSKI: Resolution of the Council of the City of Dearborn, Mich., endorsing the immediate enactment of mustering-out pay legislation for veterans of World War No. 2; to the Committee on Military Affairs.

4408. Also, resolution of the Wayne County Board of Supervisors, representing a county-wide population of approximately 2,165,468, including the city of Detroit, requesting the immediate enactment of mustering-out legislation; to the Committee on Military Affairs.

4409. Also, resolution of the delegates representing the American Legion Post of the Department of Michigan, recommending that aviation bills, H. R. 3420 and H. R. 3421, and all other legislation affecting civil aviation now pending in Congress be held in abeyance until the termination of the present war and for a period of 6 months thereafter; to the Committee on Interstate and Foreign Commerce.

4410. By Mrs. SMITH of Maine: Petition of Frank Bernier, of Auburn, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4411. Also, petition of Ruby Dorgen, of Auburn, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4412. Also, petition of Aldouin Houle, of Lewiston, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4413. Also, petition of Thomas Buton, of Auburn, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4414. Also, petition of Arthur A. Bembe, of Lewiston, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4415. By Mr. MERRITT: Resolution of the Women's National Democratic Club, Inc., of New York, endorsing the equal-rights amendment to the Constitution which would guarantee to women equal rights with men under the law; to the Committee on the Judiciary.

4416. Also, resolution of the Allied Civic Associations of Forest Hills, N. Y., that present-day activities of the black market whereby hijackers and racketeers are profiting at the expense of the people of this Nation on the necessities of life, it is necessary that Congress awaken and produce the evidence of these violations and prosecute the guilty violators of our laws; to the Committee on Military Affairs.

4417. Also, resolution of the Queens County Civic Councils, Inc., of New York, that this organization opposes any increase in the immigration quota and recommends that 6 months after the war all refugees be returned to their respective countries; also opposing any form of prohibition and the return of bootlegging and racketeering; recommending that all service men and women having served at least 6 months in the armed forces of the United States receive 1 year's advanced pay on his or her honorable discharge; and that this organization recommends the soldiers' vote, provided it is conducted by the States; to the Committee on Military Affairs.

4418. By Mr. SCHIFFLER: Petition of Mrs. William T. Parsons and other citizens of Chester, W. Va., urging the passage of House bill 2082; to the Committee on the Judiciary.

4419. By Mr. JONKMAN: Petition of 100 residents of the Fifth District of Michigan opposing House bill 2082; to the Committee on the Judiciary.

4420. By the SPEAKER: Petition of the Jewish Community Council of Houston, Tex.,

petitioning consideration of their resolution with reference to the withdrawal of the Palestine White Paper of May 1939; to the Committee on Foreign Affairs.

4421. Also, petition of the vice president of the Cortlandt Democratic Club, Croton on Hudson, N. Y., petitioning consideration of their resolution with reference to President Roosevelt's five-point program; to the Committee on Ways and Means.

4422. Also, petition of the chief clerk of the City Council of Baltimore, Baltimore, Md., petitioning consideration of their resolution with reference to the soldier vote bill; to the Committee on Election of President, Vice President, and Representatives in Congress.

4423. Also, petition of sundry citizens of New York, N. Y., American Youth for Democracy, petitioning consideration of their resolution with reference to the Green-Lucas bill; to the Committee on Election of President, Vice President, and Representatives in Congress.

4424. Also, petition of the Missouri Pension Society, St. Joseph, Mo., petitioning consideration of their resolution with reference to old-age pensions; to the Committee on Ways and Means.

4425. Also, petition of the Fresno Labor Council, Fresno, Calif., petitioning consideration of their resolution with reference to the Green-Lucas voting bill; to the Committee on Election of President, Vice President, and Representatives in Congress.

4426. Also, petition of the Phoenix Chamber of Commerce, Phoenix, Ariz., petitioning consideration of their resolution with reference to world-wide aviation; to the Committee on Interstate and Foreign Commerce.

## SENATE

THURSDAY, JANUARY 20, 1944

(Legislative day of Tuesday, January 11, 1944)

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

Dr. Fred S. Buschmeyer, pastor of the Mount Pleasant Congregational Church, Washington, D. C., offered the following prayer:

Almighty and eternal Creator, whose endless beginnings are the hope of our hearts and the solace of our souls, we thank Thee for the pattern of ceaseless creative endeavor which Thou hast set before us. Thou, who didst stand behind creation's dawn, and at whose holy bidding the ancient stars didst assume their courses, dost still stand behind the dawn of each new day, and dost still work with recreating power throughout all this living universe, our home.

Though Thy creative hand was old in practice when our Nation was born, still we feel the freshness and the power of Thy touch upon our lives in these later years, and our hope for the future still rests in Thy leadings.

Out of confusion and failure and disaster Thou art ever creating new possibilities of life and growth and noble achievement. We thank Thee that by Thy grace the marching days and the sequent seasons bring to us fresh chances to build upon our own efforts of the past, to correct the errors of our yesterdays, and to redeem the lost opportunities of receding years.

Grant to us with each new day a consciousness of the holy heritage Thou hast

visited upon us, that as the children of Thy spirit we, too, may make each day a drama of creative power, of fresh beginnings, in companionship with Thee. In humility and in hope, we pray. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, January 19, 1944, was dispensed with, and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 108) making an appropriation for contingent expenses of the Senate.

The message also announced that the House had passed the bill (S. 1543) to provide for mustering-out payments to members of the armed forces, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3741) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

### ATTITUDE OF WAR SHIPPING ADMINISTRATION ON AMENDMENT TO REVENUE BILL—CORRECTION

Mr. GEORGE. Mr. President, at page 197 of the CONGRESSIONAL RECORD of January 14, 1944, in connection with an amendment which was offered, it was stated by the chairman of the Committee on Finance, reading from a memorandum which had been given to him, that the amendment was recommended by the War Shipping Administration, and so forth. Admiral Land, the Administrator of the War Shipping Administration, has addressed to me a letter in which he says the War Shipping Administration had no objection to the amendment and so advised the Treasury, but that they had not asked for the amendment, following their policy of noninterference in tax matters. In order that the matter may be clearly understood, I ask to have Admiral Land's letter inserted in the CONGRESSIONAL RECORD. I regret the fact that the memorandum stated that the amendment had been asked for by the War Shipping Administration, but it appears that that organization had no objection to the amendment.

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

WAR SHIPPING ADMINISTRATION,  
Washington, January 18, 1944.  
The Honorable WALTER F. GEORGE,  
United States Senate.

MY DEAR SENATOR GEORGE: At page 197 of the CONGRESSIONAL RECORD of January 14, 1944, you are reported as having stated:

"The War Shipping Administration asked for an amendment exempting from the tax imposed on the transportation of property