COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will continue its consideration of H. R. 2346 and other related bills regarding benefits to merchant seamen on Thursday, November 29, 1945, at 10 a. m., in open hearings.

EXECUTIVE COMMUNICATIONS, ETC.

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

829. A letter from the Acting Secretary of the Interior, transmitting, pursuant to section 16 of the organic act of the Virgin Islands of the United States, approved June 22, 1936, one copy each of various legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Insular Affairs.

830. A letter from the Acting Secretary, Department of Agriculture, transmitting a draft of a proposed bill for the relief of Ernst V. Brender; to the Committee on Claims.

831. A letter from the Acting Secretary of the Interior, transmitting a complete set of laws passed by the municipal councils and the legislative assembly of the Virgin Islands during the fiscal year 1944; to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MURDOCK: Committee on Irrigation and Reclamation. H. R. 1689. A bill authorizing the Secretary of the Interior to purchase improvements or pay damages for removal of improvements located on public lands of the United States in the Anderson Ranch Reservoir site, Boise reclamation project, Idaho; without amendment (Rept. No. 1208). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BARRETT of Wyoming:

H. R. 4699. A bill to extend percentage depletion at the 15-percent rate to bentonite; to the Committee on Ways and Means.

By Mr. WICKERSHAM:

H. R. 4700. A bill to provide Federal pensions for all individuals not covered by title II of the Social Security Act, and to repeal title I of said act, and for other purposes; to the Committee on Ways and Means.

By Mr. BARRETT of Wyoming:

H. R. 4701. A bill granting the consent of Congress to the States of Utah, Idaho, and Wyoming to negotiate and enter into a compact for the division of the waters of the Bear River and its tributaries; to the Committee on Irrigation and Reclamation.

By Mr. BARTLETT:

H. R. 4702. A bill to authorize enlisted men and warrant officers of the Regular Army who have served as commissioned officers in World Wars I and II retain their commissions or be retired in highest rank attained; to the Committee on Military Affairs.

By Mr. SHEPPARD:

H. R. 4703. A bill to reduce and revise the boundaries of the Joshua Tree National Monument in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. SPENCE:

H. R. 4704. A bill to amend section 10 of the Federal Reserve Act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. BAILEY:

H. R. 4705. A bill to prevent the contamination of streams and other bodies and sources of water by the escape of sulfur or other polluting water from abandoned coal mines, to prevent entry of such mines by unauthorized persons or livestock, and to aid in preventing or extinguishing mine fires; to the Committee on Rivers and Harbors.

By Mr. ELSTON:

H. R. 4706. A bill to authorize the appointment of members of the Navy Nurse Corps as commissioned officers in the Naval Reserve; to the Committee on Naval Affairs.

By Mr. RABIN:

H. R. 4707. A bill to extend foreign trade zone privileges to certain types of warehouses; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H. R. 4708. A bill to provide a method of paying subrogation claims arising out of insurance payments for damages sustained as the result of explosions at Port Chicago, Calif., on June 17, 1944; to the Committee on Claims.

By Mrs. ROGERS of Massachusetts:

H. J. Res. 276. Joint resolution providing for the bringing to the United States of the bodies of two unknown warriors, who were members of the American forces who served, one in the European theater of war and the other in the Pacific theater of war, and lost their lives during World War II, and for the burial of the remains with appropriate ceremonies; to the Committee on Military Affairs.

By Mr. REED of New York:

H. Con. Res. 102. Concurrent resolution authorizing the printing as a public document of the manuscript entitled "Questions and Answers Explanatory of the Federal Income Tax Law With Respect to Members of the Armed Forces of the United States in World War II," and providing for additional copies thereof; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRADLEY of Pennsylvania:

H. R. 4709. A bill for the relief of Benjamin Franklin; to the Committee on Naval Affairs.

By Mr. HERTER:

H. R. 4710. A bill for the relief of Mary Brenton, widow of Richard Brenton, deceased; to the Committee on Claims.

H. R. 4711. A bill for the relief of Kenneth J. MacKenzie; to the Committee on Claims.

By Mr. RAYFIEL:

H. R. 4712. A bill for the relief of Caroline M. Newmark and Melville Moritz; to the Committee on Claims.

By Mr. SASSCER:

H. R. 4713. A bill to authorize the Commissioners of the District of Columbia to reappoint James H. Calk; to the Committee on the District of Columbia.

By Mr. SMITH of Virginia:

H. R. 4714. A bill for the relief of Lavender W. Powell; to the Committee on Claims.

H. R. 4715. A bill for the relief of Robert P. Stevens; to the Committee on Claims.

By Mr. TAYLOR:

H. R. 4716. A bill for the relief of Charles B. Borell; 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:

1324. By Mr. GALLAGHER: Petition from the United Electrical Radio and Machine Workers of America, by Mr. August Flom, financial secretary, including 226 names, requesting passage of the full employment bill; to the Committee on Ways and Means.

1325. By Mr. LECOMPTE: Petition of numerous citizens of Eddyville, Iowa, in the interest of H. R. 2229, H. R. 2230, S. 690, and S. 809; to the Committee on Ways and Means.

1326. By Mr. LYNCH: Petition of New York Congregational Church Association, endorsing the FEPC; to the Committee on Labor.

1327. By the SPEAKER: Petition of the Associated Industries of Rhode Island, Inc., petitioning consideration of their resolution with reference to the State of the Union; to the Committee on Ways and Means.

1328. Also, petition of William H. Maynor, petitioning consideration of his resolution with reference to certain investigations of pier 3 of the Seventh Naval District, Miami, Fla.; to the Committee on Naval Affairs.

SENATE

FRIDAY, NOVEMBER 16, 1945

(Legislative day of Monday, October 29, 1945)

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

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

Almighty God, our Heavenly Father, from whom we dare not turn lest we fall, and in whom, if we abide, we stand fast forever, grant us, we beseech Thee, this day Thy help in all our duties, Thy guidance in all our perplexities, Thy mercy and forgiveness for all our shortcomings. Suffer not any one of us to cloud the sky or to bruise the rightful self-respect of any fellow pilgrim on life's dusty way by malice or contempt or failure to lift the cup of encouragement by withholding the full meed of praise for another's work or worth.

Endue with the spirit of wisdom the few among the many to whom in Thy name we entrust the authority and stewardship of government, that there may be justice and peace at home and that through obedience to Thy law and will we may show forth Thy praise among all the nations of the earth. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, November 15, 1945, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the

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President had approved and signed the following acts:

On November 14, 1945:

S. 131. An act to authorize the conveyance of the United States Fish Hatchery by property at Butte Falls, Oreg., to the State of Oregon;

S. 201. An act for the relief of the estates of William F. Bacon, Myrtle Jackson, Catherine Smith, and Tibbie Spencer;

S. 504. An act to quiet title and possession with respect to that certain unconfirmed and located private land claim known as claim of Daniel Boardman, C. No. 13, in Cosby and Skipwith's Report of 1820, certificate 749, and being designated as section 44, township 7 south, range 3 east, Greensburg Land District, Livingston Parish, La., on the official plat of said township;

S. 559. An act to amend the act entitled "An act to provide for reimbursement of officers, enlisted men, and others, in the naval service of the United States for property lost, damaged, or destroyed in such service," approved October 27, 1943, so as to make the provisions thereof effective with respect to losses occurring on or after October 31, 1941;

S. 788. An act for the relief of the estate of George J. Ross;

S. 883. An act for the relief of Charlie Tyson;

S. 927. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Montana, or the counties of Roosevelt, Richland, and McCone, singly or jointly, to construct, maintain, and operate a free highway bridge across the Missouri River, at or near Poplar, Mont.," approved July 28, 1937;

S. 980. An act for the relief of Mr. and Mrs. Edmond J. Saint Amant, Jr.;

S. 994. An act for the relief of the Central Leaf Tobacco Co., Inc.;

S. 1023. An act for the relief of Mr. and Mrs. Ernest L. Barlow;

S. 1027. An act for the relief of Mrs. Hibernia I. Conners;

S. 1183. An act to authorize payment of certain claims for damage to or loss or destruction of property arising from activities of the War Department or of the Army;

S. 1219. An act authorizing the city of St. Francisville, Ill., to construct, maintain, and operate a toll bridge across the Wabash River at or near St. Francisville, Ill.;

S. 1259. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at Mill Street in Brainerd, Minn.; and

S. 1420. An act to facilitate further the disposition of prizes captured by the United States, and for other purposes.

On November 15, 1945:

S. 940. An act to provide for terms of the District Court of the United States for the District of Nevada;

S. 1139. An act for the relief of the residents of Guam through the settlement of meritorious claims;

S. 1199. An act conferring jurisdiction upon the United States District Court for the Middle District of North Carolina to hear, determine and render judgment upon any claim arising out of the death of L. W. Freeman; and

S. 1362. An act to authorize the Secretary of the Navy to transfer land for resettlement in Guam, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 391) to amend section 342 (b) of the Nationality Act of 1940.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 784) for the relief of Mr. and Mrs. John T. Webb, Sr., and it was signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on November 15, 1945, he presented to the President of the United States the enrolled bill (S. 1036) to provide for the adjustment of the compensation of certain members or former members of the armed forces of the United States who, before the expiration of their terminal leave, have performed, or shall hereafter perform, civilian services for the United States, its Territories or possessions, or the District of Columbia, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

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

LEGISLATION PASSED BY MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Municipal Council of St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

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

PETITIONS

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

By the PRESIDENT pro tempore:

A resolution adopted by Campbell Post, No. 596, of Campbell, and District 13, of Santa Cruz, both of the American Legion, in the State of California, favoring the enactment of legislation providing funds for the restoration of devastated countries throughout the world and for the rehabilitation of people in foreign lands whose lives have been disrupted by the ravages of war; to the Committee on Finance.

A resolution adopted by the National Conference on the Foreign Born in Postwar America, New York City, N. Y., favoring the enactment of legislation for the immediate entry into the United States of at least 100,000 Jewish victims of fascism, regardless of quota limitations, and that they be granted asylum by the American people; to the Committee on Immigration.

By Mr. TYDINGS:

A petition of sundry citizens of Baltimore, Md., praying for the enactment of the bill (S. 1171) to protect interstate and foreign commerce by providing for the prompt, peaceful, and just settlement of labor relations controversies between employers and employees, to establish the rights and obligations of the parties thereto, to amend the National Labor Relations Act, and for other purposes; to the Committee on Education and Labor.

ATTITUDE OF INDEPENDENT PETROLEUM ASSOCIATION OF TEXAS TOWARD ANGLO-AMERICAN PETROLEUM AGREEMENT

Mr. O'DANIEL. Mr. President, the Independent Petroleum Association of Texas has officially gone on record as opposed to the Anglo-American petroleum agreement which was submitted to the Senate Foreign Relations Committee last week. I ask unanimous consent to present for appropriate reference and printing in the RECORD a letter from the Independent Petroleum Association of Texas setting forth their reasons for their opposition, together with two news articles attached thereto.

There being no objection, the letter and news articles were received, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

INDEPENDENT PETROLEUM ASSOCIATION OF TEXAS,
Dallas, Tex., November 12, 1945.

Senator W. LEE O'DANIEL,
United States Senate, Washington, D. C.

DEAR SENATOR O'DANIEL: By unanimous vote, the directors of the Independent Petroleum Association of Texas, at a meeting Thursday—

1. Went on record against ratification of the Anglo-American Petroleum agreement which was submitted to the Senate last week by the President with a request from him that it be approved;

2. Instructed D. Harold Byrd, president of this association, to send you a telegram indicating our opposition to the proposed agreement,

3. Endorsed the stand taken against this agreement by Olin Culberson, chairman of the Texas Railroad Commission, and by Bascom Giles, State Land Commissioner of Texas, and

4. Instructed the undersigned to convey to you our opposition to this agreement more fully, as follows:

The best evidence that the petroleum industry of America can operate successfully in the future under the American system of free enterprise and free competition is this industry's record of achievement in the past.

When the war broke out, the petroleum industry of America was ready as a strong, going concern to answer every demand. We poured out the very lifeblood of oil and oil products in astronomical quantities despite restrictions and regulations imposed by the National Government as wartime measures.

The revised copy of the agreement, the original of which was withdrawn by the late President Roosevelt when the Senate Foreign Relations Committee declined to approve it, is a rehash of the original. The objectional features in the original are not quite as obvious in the revised copy. Reshuffling articles and sections of the original so that they appear under different heads in the new text does nothing to make the new one acceptable.

The reshuffling begins in article I of the new treaty; on close inspection, article I of the old treaty is found in article I of the new treaty; section 1 of article I of the old treaty is section A of article I of the new treaty; section 2 of article I of the old treaty is section B of article I of the new treaty; section 4 of article I of the old treaty appears in section B of article II of the new treaty; section 5 of article I of the old treaty

shows up in section A of article II in the new treaty; section 6 of article I of the old treaty shows up in section C of article II in the new treaty.

Article II of the old treaty is simply brought forth as article III of the new treaty. This is just a reshuffle.

Article III of the old treaty wends it way back into the new treaty in article IV.

Article IV of the old treaty comes forward as article V in the new treaty.

Article V of the old treaty is found in section C, 1, and 2 of article VII of the new treaty.

Article VI of the old treaty is simply article VIII of the new treaty.

Once the proposed treaty is approved it will supersede the Constitution of the United States. It will become the duty of the Congress to pass whatever laws the Federal Government thinks are necessary to make the treaty effective. The citizens of this country will have no redress in court on appeals for their constitutional rights because of the very fact that a treaty does outrank the Constitution.

There is no real, genuine need for an international agreement on oil even in the form released to the press and widely published in the daily papers and trade journals. The copy given to the public differs from the copy sent to the Senate in one important particular. The public copy states that it shall apply to all British colonies whereas the Senate's copy says it shall apply to those British colonies, a list of which is appended. The list omits the only two colonies which produce oil in any quantities, Kuwait and Burma.

The effect of this tampering is to slip through the Senate a treaty which would put the United States, which produces large quantities of oil, under the terms of the treaty and at the same time exempt the only oil-producing colonies held by the British.

The correction of this error, if it is an unintentional error, would, in no sense, make the proposed agreement acceptable or advisable.

The British concept of carrying on foreign business is through cartels with the British Government, itself, being financially interested. The recent elections in England approved nationalization of certain British institutions and industries.

If the proposed oil agreement is approved, the American members of the commission set up by the agreement would have to deal with an equal number of British representatives whose training and background make them cartel-minded when it comes to foreign business and nationalization of resources and industries at home. Both of these concepts are alien to the American way.

If we make a start, even an innocent looking start, toward putting any part of the American petroleum industry under the say-so of an international commission we may look for proposals to do the same thing to other commodities in world trade—cotton, cattle, wheat, corn, wool, and coal—to name only a few which are produced in America.

We bespeak your active opposition to the ratification of the Anglo-American Petroleum Agreement.

Sincerely yours,

D. HAROLD BYRD.
E. B. GERMANY.
W. L. PICKENS.
GRADY H. VAUGHN.

[From the Dallas Morning News]

ANGLO-AMERICAN OIL DEAL CALLED COLLUSION SCHEME

AUSTIN, TEX., November 6.—Land Commissioner Bascom Giles denounced the pending Anglo-American oil treaty as a masterpiece of collusion between certain Government officials of Great Britain and the United States under which terms the American way of life would be "mortgaged for a mess of pottage."

"Ratification of the treaty (by the United States Senate) could lead to the development of a gigantic camouflaged international cartel, the very kind which flourished under the rule of fascism and nazism," Giles declared.

"It will not only amend the Constitution through subterfuge but will deal a death blow to the rights of a sovereign State to regulate production of one of its greatest sources of wealth.

"There is also no doubt but that recognition of this pact would cost Texas millions of dollars in school land revenue annually. Government control under the Petroleum for War Administration, supplementing State control, tolerated during the national emergency, was dictatorial and cumbersome enough, but for this Government sublimely to ignore State rights and pass over sweeping control to a foreign political hierarchy during peacetime would be catastrophic.

"Such action would be tantamount to permitting peaceful subjugation by foreign powers, who in ravaging our national resources would soon drag us down to the economic level of a second-rate power or to political and economic serfdom."

HIDDEN DANGER SEEN

"The hidden danger of the treaty lies in the fact that no provision is made to prevent representatives of probable additional signatory powers, producing only a fraction of the world's oil supply, from entering into a collusion to outvote this Nation in matters of control production and marketing.

"Texas would be harder hit than any other State in the Nation since it would have little to say about where private business could drill.

"Neither could it regulate production to prevent draining away this great wealth for the benefit of some foreign power. There would be no such thing as State control, as such policy making would depend on the whims of members of the proposed international council who could exercise supreme dictatorial power over exploration, production, and marketing.

"The treaty is being sponsored under the claim that the world's petroleum stocks are dwindling rapidly whereas outstanding experts of the petroleum industry are on record before congressional committees with the declaration that there is no way to calculate the oil reserves still undiscovered."

SENATE GIVEN RUSH ACT

"These same experts have testified that our coal supplies from which oil can be produced are apparently inexhaustible. They have further testified that by devoting one-third of our present proven reserves of natural gas and by producing them at the rate of 4 percent annually we can produce 500,000 barrels of oil daily, which is one-third of our present domestic consumption.

"The effort to force this treaty through the Senate at all costs is a determined one, as is attested by the fact that after the Senate had once rejected the original instrument proponents immediately sought to sneak in the back door by pretending to extract the teeth of the measure and resubmit it as a harmless but beneficial pact.

"Everyone familiar with methods often employed to foster harmful legislation on the public has recognized the old trick of dressing a wolf in sheep's clothing and slipping it in. There can be no doubt but that once adherents of the pact succeed in securing its passage the next step would be to restore the fangs."

CULBERSON CHARGES TAMPERING WITH ANGLO-AMERICAN OIL TEXT

AUSTIN, TEX., November 3.—Olin Culberson, chairman of the Texas Railroad Commission, Saturday denounced the proposed Anglo-American oil agreement which President Truman has submitted to the United States Senate for ratification.

The treaty submitted to the Senate covers just part of British oil territory but includes all under the jurisdiction of the United States, Culberson said.

The Texas Railroad Commission regulates nearly half of the production within the United States.

Culberson's statement follows:

"Examination of the oil agreement signed in London September 24 and filed on Friday with the United States Senate reveals a startling difference between this official text and the text released to the press and widely published in this country in recent weeks. Only one word has been changed, but that word is all important. It has the effect of leaving the British free to handle the bulk of their oil as they see fit while subjecting this country's petroleum resources to an oil cartel. In the text of the treaty published throughout the world after the agreement was signed in London, the following language appeared, in article 7, subsection C:

"That for the purpose of this article the word 'country' shall mean—

"(1) In relation to the Government of the United Kingdom of Great Britain and North Ireland the United Kingdom, all British Colonies, overseas territories protectorates, protected states, and all mandated territories administered by that government, and (2) in relation to the Government of the United States of America the continental United States and all territories under the jurisdiction of the United States lists of which as of the date of this agreement have been exchanged.

"The text of the agreement filed with the Senate changes the provisions of the All British Colonies, etc., shall come under the agreement to read 'Those British Colonies,' etc. One word was changed, the word 'all' to the word 'those.'

"Under this new language, all British territories are not included. Only those territories contained in a list exchanged with the United States Government are affected. Burma and Kuwait on the Persian Gulf are omitted from the British list accompanying the treaty. It appears that Burma, future chief oil producer of the British Empire, is exempted, although through the text widely published in this country, the American people were led to believe that all British producing countries were to be included in the agreement.

"Now it is revealed that the official documents, by a change in one word which could easily be overlooked, changes the whole complexion of the agreement by exempting one of the chief British oil holdings, while subjecting all the oil resources of this country to international control and manipulation.

"This is but a new reason for looking upon the proposed treaty with speculation. This is a characteristic diplomatic maneuver which the American people should reject most emphatically. This new development is typical of the whole effort to bring the oil resources of the United States within an international cartel which the British hope will open the gates of this country to duty-free oil."

THE NATIONAL DEBT

Mr. CAPPER. Mr. President, I have received a letter from John H. Burns, Jr., president of the Wichita (Kans.) Chamber of Commerce, embodying a resolution adopted by its board of directors with reference to the stand taken by Bernard M. Baruch as to our tremendous national debt. I am in full accord with this program, and ask unanimous consent to present the letter and that it be appropriately referred and printed in the RECORD.

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

THE WICHITA CHAMBER OF COMMERCE,
Wichita, Kans., November 10, 1945.

Hon. ARTHUR CAPPER,
Member, United States Senate,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CAPPER: The board of directors of this organization has asked me to convey to you the following resolution which it has unanimously adopted:

"Because of the tremendous national debt which has been unavoidably incurred by the United States during World War II, with its resultant fiscal and economic problems of gigantic proportions, the board of directors of the Wichita Chamber of Commerce respectfully urge the President and the Congress to act with the least possible delay upon the advice of Mr. Bernard M. Baruch, mentioned in press dispatches within the past week, that a national balance sheet be prepared so that the American people may know the facts concerning the Nation's total debt obligations, total revenues that may be safely depended upon, how much the Government can afford to advance as loans to war-devastated countries to aid their rehabilitation programs, and how much the Government can afford to contribute as gifts for the purpose of meeting their emergency relief needs.

"It is our belief that until such a balance sheet is prepared, giving answers to these vital and basic questions, no really intelligent or businesslike approach can be made by the Government toward decisions that are essential and of the greatest magnitude in solving domestic and international problems upon which, to a great extent, the peace and general welfare of this Nation and the world depend."

Your comments on this matter will be appreciated.

Sincerely yours,
JOHN H. BURNS, Jr.,
President.

PEACETIME MILITARY CONSCRIPTION LEGISLATION—LETTER FROM J. O. GUSTAFSON

Mr. CAPPER. Mr. President, I have received a letter from J. O. Gustafson, of Scranton, Kans., president of the Kansas-Missouri Ministerial Association of the Evangelical Covenant Mission Church, opposing the enactment of peacetime conscription legislation. I ask unanimous consent to present the letter and that it be appropriately referred and printed in the RECORD.

There being no objection, the letter was received, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

KANSAS-MISSOURI MINISTERIAL
ASSOCIATION OF THE EVANGELICAL
COVENANT MISSION CHURCH OF AMERICA,
October 1945.

Hon. ARTHUR B. CAPPER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: The ministers of the Kansas-Missouri Ministerial Association, assembled in conference at Oberlin, Kans, October 2–5, 1945, wish to give expression to their opposition to the enactment of the May bill, H. R. 515, which would introduce peacetime conscription as a future policy of our Nation. We feel that peacetime conscription is wholly out of character with our American traditions. Where it has been used in past generations, it has not been a safeguard for peace, but often has been an incentive to aggression and war. Moreover, we feel that such an important legislation should not be passed while millions of our men are still overseas. This piece of legislation threatens seriously to alter our life and institutions. The passage of such legislation immediately after the overwhelming American ratification of the United Nations Charter would tend to destroy the world's confidence in the sincerity of America's participation in responsible cooperative action on behalf of peace.

We therefore urge you to use your voice and influence for the postponing of the enactment of this piece of legislation.

In behalf of the conference:
Rev. J. O. GUSTAFSON,
Chairman, Scranton, Kans.
Rev. H. L. HULTMAN,
Secretary, Axtell, Kans.

BILLS INTRODUCED

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

By Mr. WHEELER:

S. 1601. A bill to revive and reenact the act entitled "An act granting the consent of Congress to the counties of Valley and McCone, Mont., to construct, maintain, and operate a free highway bridge across the Missouri River at or near Frazer, Mont.," approved August 5, 1939; to the Committee on Commerce.

By Mr. DOWNEY:

S. 1602. A bill to confirm title to certain railroad-grant lands located in the county of Kern, State of California; to the Committee on Public Lands and Surveys.

(Mr. ANDREWS introduced Senate bill 1603, which was referred to the Committee on Public Buildings and Grounds, and appears under a separate heading.)

BUILDING FOR UNITED STATES COURT OF APPEALS AND THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Mr. ANDREWS. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill of considerable importance. The purpose of the bill is to authorize the construction of a building, including furnishings and equipment, for use by the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, on land now owned by the District government. The site, which is clear of structures and has been used for some time as a parking lot, is bounded by Constitution Avenue, C Street, John Marshall Place, and Third Street NW.

The District government purchased the site in 1929–32 at a cost of $1,770,000. Its present value, as appraised by the Public Buildings Administration of the Federal Works Agency, is $2,420,000. Under the bill title to the site will pass from the District government to the Federal Government.

The amount authorized to construct, furnish, and equip the building is $10,300,000. The building is to be constructed by the Architect of the Capitol in accordance with plans to be approved by a committee of five, consisting of the chief justice of the United States Court of Appeals for the District of Columbia, the chief justice and an associate justice of the District Court of the United States for the District of Columbia, one of the District Commissioners, and the Architect of the Capitol.

One-half of the cost of the project is to be borne by the Federal Government and one-half by the District government.

As the District government already owns the site, evaluated at $2,420,000, and as the District and Federal Governments are to share the cost of the project on a 50–50 basis, the District government will be allowed to deduct, as a credit, from its share of the cost of the building, one-half of the value of the site, or $1,210,000.

As the building is estimated to cost $10,300,000, the amount to be borne by the District and Federal Governments on a 50–50 basis would be $5,150,000 each. Deducting from this amount one-half of the value of the site already owned by the District government leaves as the balance to be paid by the District government the sum of $3,940,000.

Adding to the amount of $5,150,000 the half of the value of the site to be borne by the Federal Government makes the total to be paid by the Federal Government the sum of $6,360,000.

The Federal Government is to pay for the construction of the building and to be reimbursed the amount of $3,940,000 by the District government over a period of 10 years following completion of the building. After completion the building is to be maintained and operated on a 50–50 cost basis, divided equally between the Federal and District Governments.

The building in Judiciary Square which now houses the United States Court of Appeals for the District of Columbia has been occupied by that court since its erection in 1910. The building is located on Government-owned land and was constructed at the expense of the Federal Government.

The building in Judiciary Square which now houses the District Court of the United States for the District of Columbia has been occupied by that court for more than a century. The building, constructed in 1823 and enlarged in 1873, was reconstructed in 1916–19 at a cost of $850,000, one-half of which reconstruction cost was borne by the Federal Government and one-half by the District government. The building, which is located on Government-owned land, is no longer adequate to meet the needs of the court. In fact, for sometime now, it has been necessary for the court to borrow space in other buildings to carry on its activities, and the work of the court is being greatly hampered.

The cost of maintenance and operation of these buildings has for many years been prorated between the Federal and District Governments. Under the terms of the 1946 annual appropriation act, the cost of the District Court Building's maintenance is borne 60 percent by the District government and 40 percent by the Federal Government, and of the Court of Appeals Building, 30 percent by the District government and 70 percent by the Federal Government.

It is urgent that a new building be provided for these courts at the earliest possible date. The district court is now obliged to occupy scattered space in five different buildings, and this fact, together with the fact that the combined space available is inadequate for the court's needs, is not only seriously hampering the work of the court at the present time, but is also making it impossible

for the court actually to carry on certain absolutely necessary work.

It is provided in the bill that the Fine Arts Commission shall pass upon the exterior design of the building, and the National Capital Park and Planning Commission shall pass upon the exact location of the building on the site.

There being no objection, the bill (S. 1603) to provide for the acquisition of a site and for the construction, equipment and furnishing of a building thereon for the United States Court of Appeals for the District of Columbia and the District Court of the United States for the District of Columbia, introduced by Mr. ANDREWS, was received, read twice by its title, and referred to the Committee on Public Buildings and Grounds.

APPROPRIATION FOR UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION—AMENDMENT

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to submit an amendment to House Joint Resolution 266. The joint resolution provides an appropriation for the United Nations Relief and Rehabilitation Administration. I ask permission to have the amendment printed in the RECORD, referred to the Committee on Appropriations, and printed.

There being no objection, the amendment intended to be proposed by Mr. THOMAS of Oklahoma to the joint resolution (H. J. Res. 266) making an additional appropriation for the United Nations Relief and Rehabilitation Administration, submitted by Mr. THOMAS of Oklahoma, was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 2, strike out the last word in line 3, and all of lines 4, 5, 6, 7, and 8, and insert the following: "*Provided further*, That no part of the funds appropriated herein shall be available to any agency of the Government for the purchase or acquisition of any agricultural product, raw or processed, save such agricultural commodities, raw or processed, at the time of the approval of this act, as are already in the possession of agencies of the Government, which will reflect to the producers of such commodities a price, or prices, below the full parity price on any such commodity processed or manufactured in whole, or substantial part, from any agricultural commodity as provided by section 301, of the Agricultural Adjustment Act of 1938, and by section 201 of the Stabilization Act of 1942: *Provided further*, That no part of the funds herein appropriated shall be used, directly or indirectly, for the purchase of agricultural commodities, raw or processed, produced outside of the United States, and our possessions, unless such commodities are not available at full parity prices as provided herein, in the United States and our possessions, or unless such commodities, raw or processed, are commanding a price, or prices, higher than the price standard, or standards, provided by law: *And provided further*, That in all matters where controversies arise with respect to prices to be paid for agricultural commodities, raw or processed, the certificate of the amount of the full parity price, as provided herein, by the Secretary of Agriculture, shall be final."

INVESTIGATION OF MATTERS RELATING TO THE HANDLING OF INSOLVENT RAILROADS

Mr. WHEELER (for himself and Mr. REED) submitted the following resolution (S. Res. 192), which was referred to the Committee on Interstate Commerce:

Whereas as of June 30, 1945, some 76 railroads in the continental United States were in the hands of receivers and trustees because of insolvency proceedings brought under Section 77 of the Bankruptcy Act, or through equity court procedure; and

Whereas the mileage of these railroads is approximately 50,000, and the investment in road and equipment exceeds $4,000,000,000; and

Whereas some of these roads entered bankruptcy in 1933, more than 12 years ago; and

Whereas according to the best information available, court proceedings involving some very important railroads are in such a condition that it is difficult if not impossible to approximate the time when reorganization will be completed and normal operation of the roads be resumed; and

Whereas the earnings of these roads in recent years have been sufficient to accumulate large cash amounts, and have placed such roads in an apparently solvent position; and

Whereas the continued holding of roads that have become solvent in trustee or receiver operation as insolvent roads, is contrary to the general public interest and contrary to sound public policy: Therefore, be it

Resolved, That the Committee on Interstate Commerce of the Senate is authorized and directed either as a committee, or through a duly constituted subcommittee, to make an investigation of the conditions surrounding the operation and handling of said railroads by trustees and receivers through the period of receivership or trusteeship; to inquire into the causes for the long drawn out period of insolvency handling; to investigate the fees paid trustees, receivers, counsel, bankers or bank syndicates, and any and all matters relating thereto. The committee is directed to report to the Senate as early as practicable, with such recommendations as to changes in existing law as may be found desirable to bring roads now insolvent back into solvent operation, and to avoid these long periods of trustee and receiver handling for the future.

For the purposes of this resolution, the committee, 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-ninth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expense of the committee under this resolution, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

A NEW DECADE OF FALSE PEACE—EDITORIAL FROM THE GADSDEN (ALA.) TIMES

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial entitled "A New Decade of False Peace," by Mr. Walling Keith, editor of the Gadsden (Ala.) Times, and published in that newspaper on November 11, 1945, which appears in the Appendix.]

ARMISTICE DAY ADDRESS BY RABBI NORMAN GERSTENFELD

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a radio address delivered on Armistice Day, November 11, 1945, by Rabbi Norman Gerstenfeld, which appears in the Appendix.]

OPERATION OF THE BANKRUPTCY LAWS—EDITORIAL FROM THE PITTSBURGH PRESS

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial entitled "It Doesn't Work; Fix It," relating to operations under the bankruptcy laws, published in the Pittsburgh Press of November 13, 1945, which appears in the Appendix.]

ADDRESSES BY MAJ. WILLIAM MOISELLE BEFORE THE STATE CONVENTION, A. F. OF L., AND MINNESOTA STATE CONVENTION, CIO

[Mr. MORSE asked and obtained leave to have printed in the RECORD two addresses delivered by Maj. William Moiselle, one before the State convention of American Federation of Labor at Duluth, Minn., on October 22, 1945, and the other before the Minnesota State convention of CIO, at Minneapolis, Minn., on November 10, 1945, which appears in the Appendix.]

CALL OF THE ROLL

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

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

The Chief Clerk called the roll, and the following Senators answered to their appears in the Appendix.]

Andrews	Hart	O'Daniel
Austin	Hatch	O'Mahoney
Ball	Hawkes	Overton
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Brewster	Hill	Russell
Bridges	Hoey	Saltonstall
Bushfield	Huffman	Shipstead
Capper	Johnson, Colo.	Smith
Carville	Kilgore	Stewart
Chavez	Knowland	Taft
Connally	La Follette	Thomas, Okla.
Cordon	Lucas	Tunnell
Donnell	McClellan	Tydings
Downey	McKellar	Vandenberg
Eastland	McMahon	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wiley
George	Moore	Wilson
Green	Morse	Young
Guffey	Murdock	
Gurney	Myers	

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

The Senator from Arizona [Mr. MCFARLAND] is absent because of illness in his family.

The Senator from Utah [Mr. THOMAS] has been appointed a delegate to the International Labor Conference in Paris, and is therefore necessarily absent.

The Senator from Montana [Mr. MURRAY] is attending the conference in London to consider the creation of an educational and cultural organization of the United Nations.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from Florida [Mr. PEPPER] are detained on official business.

The Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK] are attending, with the Secretary of Agriculture, an important regional agricultural conference at Clemson College, Clemson, S. C.

The Senator from Idaho [Mr. TAYLOR] is a member of the committee on the part of the Senate attending the funeral of the late Senator Thomas of Idaho, and is therefore necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Missouri [Mr. BRIGGS], the Senator from Virginia [Mr. BYRD], and the Senator from Rhode Island [Mr. GERRY] are necessarily absent.

The Senator from Washington [Mr. MAGNUSON] is a delegate to the American Legion Convention in Chicago, and is therefore necessarily absent.

Mr. TAFT. The Senator from Vermont [Mr. AIKEN] has been excused until November 20 for reasons heretofore stated.

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], and the Senator from Wyoming [Mr. ROBERTSON] are members of the Senate committee attending the funeral of the late Senator Thomas of Idaho.

The Senator from Indiana [Mr. CAPEHART] is unavoidably absent because of injuries resulting from an accident.

The Senator from West Virginia [Mr. REVERCOMB] is absent on official business.

The Senator from Delaware [Mr. BUCK], the Senator from New Hampshire [Mr. TOBEY], the Senator from Nebraska [Mr. WHERRY], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Sixty-seven Senators having answered to their names, there is a quorum present.

FIRST SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT, 1946—AMENDMENT

Mr. OVERTON. Mr. President, I wish for a few minutes to engage the attention of the Senate with respect to an amendment which I intended to submit to the rescission bill which, as I understand, will come up for consideration immediately succeeding final action on the pending bill.

I do so because I am obliged to be absent from the Senate this afternoon and Saturday and Monday. The amendment, which I think will be offered by the senior Senator from Tennessee [Mr. MCKELLAR], relates to the pay of flight officers. We had quite a controversy and considerable hearings in the Committee on Appropriations over the matter, and the amendment I speak of was defeated by a vote of 9 to 8, by only one vote. The committee then adopted an amendment relating to the same subject matter, which does not immediately, at least, affect the pay of the flight officers whatsoever.

My proposed amendment reads as follows:

On page 44, line 8, strike out the word "Effective", and insert in lieu thereof the following: "The appropriations contained in the 1946 War and Navy Department Appropriation Acts shall be available for increased pay for making aerial flights by flying or nonflying officers at rates as follows:

"Nonflying officers, $720 per annum."

That is the present law, and the amendment does not affect the pay of the nonflying officers.

Flying officers, not in parachute jumping or glider pay status, who are required by orders of competent authority to participate in regular and frequent flights as an essential part of their military duty and training, shall receive an increase of 50 percent of their pay when in consequence of such orders they participate in such flights: *Provided*, That such increase shall not exceed $125 per month.

The flight pay, as it relates to officers, was authorized in the act of 1942 and is 50 percent above their base pay. So that generals in the Army who receive $8,000 per annum receive $4,000 in addition as flight pay, and admirals who receive $8,000 per annum receive $4,000 in addition as flight pay.

The purpose of the amendment is in time of peace to cut out the excess flight pay of all such officers, naval and Army, and to reduce the excess flight pay to $1,500 per annum. That will not affect any officer in the Army of the rank of major or below the rank of major, or in the Navy of the rank of lieutenant commander or below the rank of lieutenant commander. There is no reason, Mr. President, why in time of peace this excessive flight pay should be given to the admirals and generals and other high-ranking officers.

The evidence shows that under regulations prescribed by the War and Navy Departments admirals and generals and other high-ranking officers are required to fly 4 hours a month in order to qualify, and if they do not fly 4 hours in the first month they can then fly 8 hours in the second month, and if they do not fly 8 hours in the second month they can fly 12 hours in the third month. I think the evidence shows that this privilege has been abused and that officers who are stationed here in Washington receiving this flying pay make their flights not so much for training, but rather in order that they may qualify to receive their excess pay. For instance, they might fly from Washington to New Orleans to attend a football game, or fly from Washington to New York, and make two such trips in a month, and put in 4 hours flying, and for doing so some of them would receive as much as $4,000 a year extra.

Mr. President, it is said we owe a great deal to the flying corps of the Army for the great victory we have won. There is no question that that is true. But, Mr. President, I do not think that these officers would expect to continue to receive this tremendous extra pay simply because they have rendered heroic service in World War II.

There are others who have also rendered heroic flight service who are not paid as much as my amendment proposes should now be paid to these high-ranking officers. Take, for instance, those who are engaged in parachute jumping. They receive according to law an excess pay, but such excess pay is limited to $100 a month. Those who are engaged in flights in gliders also receive excess pay, but that also is limited to $100 a month. It is less than the $125 which the amendment proposes shall be paid as extra pay to generals and admirals.

Mr. President, in lieu of this amendment the committee adopted an amendment proposing that the War and Navy Departments report back to Congress by January of next year concerning all this excess pay, and that therefore we should wait until that report is received before taking any action.

There has been considerable discussion of this matter in the Appropriations Committee from time to time. It first came up in reference to flight surgeons, as I recall, and it was stated that nothing could be done in the Navy Department appropriation bill, for instance, because that would not affect the appropriations made in the War Department appropriation bill, and in the War Department appropriation subcommittee it was said nothing could be done because that bill would not affect the Navy Department. But here we have a bill which relates to both the War Department and the Navy Department. Here we have a case in which unquestionably the pay to flight officers above the rank of major in the Army and above the rank of lieutenant commander in the Navy is excessive, and ought to be reduced. This amendment suggests that it be reduced to $125 a month, which would be $1,500 a year. I cannot understand why flight officers should at the present time be given any substantial increase over and above other officers. There is no grave hazard today in connection with flying. It may be that some of the officers who are old in the service cannot handle a plane with the same accuracy and quickness of movement with which a youth can handle it, and it is possible that they may get into trouble. However, I understand that when they fly they usually have a copilot who really handles the plane.

Take the case of the Chief of Staff. The Chief of Staff receives $8,000 a year. A flying admiral or flying general receives $8,000 plus $4,000 a year, or a total of $12,000. There is no necessity for this excess pay, because in time of peace there is no great hazard in flying. There is no more hazard in ordinary flying than there is in glider flying or parachute jumping, and yet, with respect to both those classifications, the excess pay is limited to $100 a month.

It is said that flight officers must pay a little higher premiums on their life-insurance policies. Very well. One hundred and twenty-five dollars a month would be far more than ample to take care of the extra premiums which they must pay upon their life-insurance policies.

I should like to see adopted the amendment which will be offered by the Senator from Tennessee when the rescission bill comes before the Senate. We have before us a case in which excess pay is being paid to a splendid arm of the service in time of war, and which excess pay is no longer necessary in time of peace. We can wait until January, when the War and Navy Departments can make reports on excess pay paid to submarine officers, glider pilots, parachute jumpers, and flight surgeons. Then the Military Affairs Committee and the Naval Affairs Committee can undertake to recommend new legislation regulating their pay. But this is a case in which the highest excess pay is given to certain flight officers when in peacetime they are not entitled to the exorbitant excess pay which they receive.

Mr. O'MAHONEY. Mr. President, I entered the Chamber just as the Senator from Louisiana was concluding his explanation of the amendment which is to be offered to the rescission bill. At this point I desire merely to say that several members of the Appropriations Committee were opposed to the theory of the amendment while the bill was under consideration. The committee decided—I believe by a vote of 9 to 8—to reject a similar amendment. At this time I do not desire to take the floor to give the arguments against the amendment, except to say that those of us who voted against it in its original form felt that it would be very destructive of the morale of the Air Corps in both the Army and Navy at a time when it is very essential to maintain that morale. We feel that the provision which the committee wrote into the bill is a sufficient guarantee against abuse. It calls upon the Army and Navy to make specific recommendations to the Congress with respect to a review of the pay of those engaged in the flying service. The feeling of the majority in the committee was that this was a matter to be considered carefully, and only after full testimony had been presented to the committee. It is my feeling that it is not something which should be added to any legislation by an amendment offered on the floor of the Senate.

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

Mr. O'MAHONEY. I yield.

Mr. OVERTON. The Senator is a very faithful attendant upon the meetings of the Appropriations Committee, of which he is a very distinguished and able member.

Mr. O'MAHONEY. The Senator is very kind.

Mr. OVERTON. He knows that the question of extra flight pay has been under consideration by the committee from time to time for a number of years, although I admit that it has been considered in a rather haphazard manner.

Mr. O'MAHONEY. There is no question that it has been under discussion.

Mr. OVERTON. It was felt that when we were handling the Navy Department appropriation bill we could not do anything, because it would not affect the Army; and when we were handling the Army appropriation we could not do anything about it because it would not affect the Navy.

Is it not also true that these particular flight officers receive more than any other flight officers? They receive more than the officers who do the parachute work, or the officers who do the glider work. Officers in those classifications are limited to excess pay of $100 a month, which is only $1,200 a year. The amendment which I propose would give the other flight officers $1,500 over and above their base pay.

Mr. O'MAHONEY. I have not had an opportunity to read the amendment which the distinguished and able Senator from Louisiana is now discussing, but I understand that it is not the amendment which was offered in the committee.

Mr. OVERTON. It means exactly the same thing. It is phrased differently. It would provide excess pay of $1,500 a year, just as the amendment which I offered in the committee provided.

Mr. O'MAHONEY. I submit that the fact that a different amendment is now being presented from that which was offered in the committee is in itself evidence that the committee has not had time to consider the matter in as well-rounded a manner as it should be considered.

Let me say also that the Secretary of War was invited to come before the committee, as was the Secretary of the Navy. The Secretary of War came. If I correctly remember, the Secretary of the Navy was unable to come because the clerks of the committee were not able to reach him in time for the session which we held. The Secretary of War specifically requested us not to take any action fixing the pay before the War Department had had an opportunity to present its case. That is why I feel now, as I felt in the committee, that action upon the matter at this point would be a premature adjudication of a most important subject.

Mr. OVERTON. If the Senator will pardon an additional interruption, it has always been premature so far as the War and Navy Departments are concerned. It will continue to be premature when the next appropriation bill is before us. It will continue to be premature when the reports are received. There never has been a proper time to regulate excessive flight pay.

Mr. O'MAHONEY. I merely invite the attention of the Senate to the fact that the language of the bill which will be before the Senate in due time clearly shows that if the amendment recommended by a majority of the committee is adopted the War Department and the Navy Department will be called upon to present their recommendations, and at last we shall be in a position to judge this question upon its merits, after a full hearing.

The amendment intended to be proposed by Mr. OVERTON to the bill (H. R. 4407) reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, was ordered to lie on the table and to be printed, as follows:

On page 44, line 8, strike out the word "Effective", and insert in lieu thereof the following: "The appropriations contained in the 1946 War and Navy Department Appropriation Acts shall be available for increased pay for making aerial flights by flying or nonflying officers at rates as follows:

"Nonflying officers, $720 per annum.

"Flying officers, not in parachute jumping or glider pay status, who are required by orders of competent authority to participate in regular and frequent flights as an essential part of their military duty and training, shall receive an increase of 50 percent of their pay when in consequence of such orders they participate in such flights: *Provided*, That such increase shall not exceed $125 per month: *Provided further*, That effective——."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1591) to provide for the appointment of additional cadets at the United States Military Academy, and additional midshipmen at the United States Naval Academy, from among the sons of officers, soldiers, sailors, and marines who have been awarded the Congressional Medal of Honor.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 1868. An act authorizing appointments to the United States Military Academy and the United States Naval Academy of sons of members of the land or naval forces of the United States who were killed in action or have died of wounds or injuries received, or disease contracted, in active service during the present war, and for other purposes; and

H. R. 2525. An act to include stepparents among those persons with respect to whom allowances may be paid under the Pay Readjustment Act of 1942, and for other purposes.

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. TAFT. Mr. President, I modify the amendment which I offered yesterday by striking out "1943" and inserting "1945."

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The modification will be made.

Mr. TAFT. Mr. President, the purpose of the amendment is to provide that no reorganization plan shall reverse express action taken by the present Congress or any other Congress prior to the time the reorganization power expires in 1947. In other words, it provides in effect that, after having taken the RFC away from the Department of Commerce, the President cannot turn around and put it right back there, or after having set up the REA, after long consideration and bitter fight, as an independent agency of the Department of Agriculture, that action shall not immediately be reversed by a reorganization plan. I am even more interested in the everyday situation. We are constantly considering bills relative to the set-up of certain departments and agencies. We are confronted with that situation in connection with the housing bill and the hospital bill wherein we grant certain powers delimited by the right of a board to take certain action or by other conditions which could be removed by a reorganization plan. So my amendment as modified simply provides that when Congress has taken direct action by January 1 of this year, it shall not be reversed by a reorganization plan.

Mr. MURDOCK. Mr. President, I understand that the amendment of the Senator from Ohio has exactly the meaning which he has described and defined, and it seems to me to be an unobjectionable amendment. In my opinion, the reorganization of the executive branch of the Government is for the purpose of bringing about the elimination of mistakes which probably have been running over a period of years; and by our experience and by the experience of the Executive it has been learned that there are such mistakes, and they are to be rectified under the reorganization bill.

I agree with the Senator from Ohio that if the Congress has recently taken action affecting an agency and has enacted legislation about it—which must, of necessity, go to the President for his approval—and if the President has approved it and it becomes the law of the land, then certainly the next day or the next week or the next month it should not be subject to change under a reorganization plan. I am agreeable to adoption of the amendment of the Senator from Ohio, now that it has been modified to bring the date down to January 1, 1945. So far as I am concerned, acting in behalf of the Senator from Nevada [Mr. McCARRAN] in handling this bill, and expressing only my own thought on it, I am perfectly willing to take the amendment offered by the Senator from Ohio to conference, if it is agreed to by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, as modified.

The amendment, as modified, was agreed to, as follows:

On page 13, at the end of line 6, strike out the period, insert a colon, and add: "*Provided*, That no reorganization plan submitted shall contain any disposition in conflict with any act of Congress passed after January 1, 1945, dealing expressly with the creation, transfer, consolidation, or coordination of any agency or the distribution or coordination of powers or functions between agencies or within any agency."

The PRESIDING OFFICER. The committee amendment is open to further amendment.

Mr. SMITH. Mr. President, at the close of the debate yesterday, in a question and answer exchange with the distinguished senior Senator from Maryland [Mr. TYDINGS], he stated that if at the close of the debate some Senator would submit a proposal along the lines of the one then under discussion, it would receive his enthusiastic support. The proposal to which the Senator from Maryland was referring, and which I had suggested to him, was that there should be offered to the pending bill an amendment by which the President would be given free and unlimited power to propose a reorganization plan without any strings attached to it, and which would provide the constitutional protections which the Senator from Missouri [Mr. DONNELL] has so ably been advocating in his discussion, namely, that the President's proposal be submitted to both Houses of Congress for their regular constitutional approach and appropriate action.

In light of the distinguished Senator's expression of willingness to go along with an amendment of that kind, I have prepared such an amendment in collaboration with the Senator from Missouri [Mr. DONNELL] and the Senator from Maryland [Mr. TYDINGS]; and in behalf of those two distinguished Senators and myself, I offer the amendment to the pending bill. I send it to the desk and ask that it be read. It is in the nature of a substitute. It would give the President full power—in fact, it would ask the President—to reexamine the organization of all agencies of the Government, as provided in the pending bill, to determine what changes are necessary, and then to submit his proposal to the Congress. The amendment provides further, as will appear when it is read, that the plan so submitted shall take effect when there shall have been enacted a joint resolution approving such plan.

Mr. President, I send the amendment to the desk to be read, and after it has been read, I should like to speak further on the subject.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read, as follows:

Amendment (in the nature of a substitute) proposed by Mr. SMITH (for himself, Mr. DONNELL, and Mr. TYDINGS), to the committee amendment to the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes, viz: In lieu of the language beginning on page 9, line 9, and extending down to the end of the bill, insert the following:

"That this act may be cited as the 'Reorganization Act of 1945.'

"TITLE I

"SECTION 1. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to—

"(1) facilitate orderly transition from war to peace;

"(2) reduce expenditure to the fullest extent consistent with the efficient operation of the Government;

"(3) increase the efficiency of the operations of the Government to the fullest extent practicable;

"(4) group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

"(5) reduce the number of agencies by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be necessary for the efficient conduct of the Government;

"(6) eliminate overlapping and duplication of effort; and

"(7) provide for making currently and continuously such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency.

"(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this title, and can be accomplished more speedily and efficiently thereby than by the enactment of specific legislation.

"SEC. 2. Whenever the President after investigation finds that adjustments in the Government establishment or reorganizations in Government agencies are necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan for the making of any reorganizations which he elects to include in the reorganization plan and shall transmit such reorganization plan bearing an identifying number to the Congress, together with a declaration that with respect to each reorganization specified in the plan he has found that such reorganization is necessary or desirable to accomplish one or more of the purposes of subsection 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

"SEC. 3. (a) Any reorganization plan transmitted pursuant to section 2 shall, subject to the succeeding provisions of this section, take effect when there shall have been enacted a joint resolution approving such plan. Each reorganization specified in a plan which shall have been approved by the enactment of such a joint resolution shall take effect on the date of enactment of such joint resolution or on the date specified pursuant to subsection (b) with reference to such reorganization, whichever may be the later date: *Provided*, That if either House of the Congress shall pass a resolution referring a reorganization plan back to the President with a request for specific changes, the President shall reaffirm his approval of the plan as originally transmitted or shall retransmit the plan with changes; and if he shall retransmit the plan with changes, it shall be deemed to be a new reorganization plan.

"(b) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect.

"SEC. 4. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any agency or function reorganized under the provisions of this act and in effect at the time of the reorganization shall continue in effect to the same extent as if such reorganization had not occurred, until modified, superseded, or repealed, except as otherwise provided in a reorganization plan.

"(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this act, but the court may, on motion or supplemental petition filed at any time within 12 months after such reorganization plan takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such officer under the reorganization so effected.

"(c) All laws relating to any agency or function reorganized under the provisions of this act shall, insofar as such laws are not inapplicable, remain in full force and effect.

"Sec. 5. When used in this act—

"(a) The term 'agency' means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, administration, or other establishment in the executive branch of the Government.

"(b) The term 'establishment in the executive branch of the Government' does not include the General Accounting Office, which is an establishment in the legislative branch.

"(c) The term 'reorganization' means any transfer, consolidation, coordination, abolition, or other measure, provided for in any reorganization plan transmitted pursuant to section 2.

"TITLE II

"SEC. 201. The following sections of this title are enacted by the Congress:

"(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in sec. 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"SEC. 202. As used in this title, the term 'resolution' means only a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves the reorganization plan No. ——— transmitted to Congress by the President on ———, 19—.', the blank spaces therein

being appropriately filled; and does not include a joint resolution which specifies more than one reorganization plan.

"SEC. 203. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"SEC. 204. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 30 calendar days after its introduction (or, in the case of a resolution received from the other House, 30 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

"(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed 3 hours, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

"SEC. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(b) No amendment to the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"SEC. 206. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

"SEC. 207. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

"(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of sec. 204 (a)) be made the subject of a motion to discharge.

"(b) If a resolution of the first House with respect to such plan has been referred to committee—

"(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House."

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

The PRESIDING OFFICER (Mr. HOEY in the chair). The clerk will call the roll.

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

Andrews	Hart	O'Daniel
Austin	Hatch	O'Mahoney
Ball	Hawkes	Overton
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Brewster	Hill	Russell
Bridges	Hoey	Saltonstall
Bushfield	Huffman	Shipstead
Capper	Johnson, Colo.	Smith
Carville	Kilgore	Stewart
Chavez	Knowland	Taft
Connally	La Follette	Thomas, Okla.
Cordon	Lucas	Tunnell
Donnell	McClellan	Tydings
Downey	McKellar	Vandenberg
Eastland	McMahon	Wagner
Ellender	Mead	Walsh
Ferguson	Millikin	Wheeler
Fulbright	Mitchell	Wiley
George	Moore	Wilson
Green	Morse	Young
Guffey	Murdock	
Gurney	Myers	

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

Mr. SMITH. Mr. President, I desire to speak on the pending amendment and explain to my colleagues in the Senate what change it proposes in the original bill as it came out of the committee and what change it proposes in the bill as amended by the amendments which were adopted yesterday, that of the Senator from Virginia [Mr. BYRD] and other amendments. Eliminating from the original bill all restrictions on the President as to what he may do and what he may not do, this amendment virtually asks him to present to the Congress a reorganization plan covering anything he wants to cover. All exceptions are omitted. But in the form in which my amendment is offered it protects the Congress by accepting the Donnell amendment, which provides that such a plan shall go into effect when it has been approved by joint resolution passed by both Houses of Congress. This disposes of any question of constitutionality, because that is the way constitutional legislative action is taken.

So, going through the amendment rapidly, I have eliminated section 2 of the bill, which provides certain restrictions on what the President may or may not do in his plan. I have eliminated certain other provisions in section 3, which simply bind his hands, and in very general terms have said that whenever the President feels it desirable to accomplish the objective of reorganization he can submit the program to the Congress and then if the Congress, by affirmative action, by joint resolution, approves the plan, it goes into effect. That eliminates a great deal of material in the present bill which it seems to me would only hamper the President in performing the task of reorganization.

I do not want to be in the position of interfering with reorganization. That is the reason I am urging the plan presented in the amendment. The President should have a free hand to tell the Congress what he wants in the way of reorganization in the executive departments, and it seems to me that the amendment would open the door for him to make such proposals, and then by way of legislative process the Congress could decide whether to legislate it into actual law. That seems to me to cover every objection which can be urged against the bill, and especially the objection made by the distinguished Senator from Maryland [Mr. TYDINGS] that we are on the one hand giving the President power and on the other hand placing so many exceptions in the bill that he is shorn of the power which we propose to give him. By my amendment he is not deprived of any power. He can submit to the Congress any proposal respecting reorganization he wishes to submit, and then it is up to the Congress in the proper and constitutional legislative manner to decide whether we will approve of the plan the President proposes.

In title II, I have accepted the procedure which was reported by the committee with regard to expediting action on a proposal of this kind. That is practically unchanged. I have also included in the bill the amendment offered by the Senator from Virginia [Mr. BYRD] yesterday with regard to resolutions coming before the two Houses, and preventing conflict in that respect.

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

Mr. SMITH. I am glad to yield to the Senator from Utah.

Mr. MURDOCK. As I understand, from the Senator's explanation of the amendment, he eliminates from the bill any specific exemptions whatever. Is that correct?

Mr. SMITH. That is true.

Mr. MURDOCK. But on the other hand he exempts the entire executive arm of the Government from any reorganization except as such reorganization may be carried out by a joint resolution of Congress.

Mr. SMITH. Well, I do not know that I understand the Senator's question exactly, but my——

Mr. MURDOCK. The Senator with one hand strikes out, let us say, 15 agencies that are exempt under the bill, and then with the other hand he reaches out and takes the whole of the executive department and exempts it entirely from any reorganization, except as that reorganization may be enacted by a joint resolution of Congress. Am I correct?

Mr. SMITH. That is very true, and I take that position definitely because I think the President's action in this matter is legislative, and we have simply asked him, as our agent, to prepare a plan of reorganization which he thinks is desirable. We give him the right to do that. We say to him, "You know more about it than anyone else. We are not putting any restrictions on you. Tell us what you have in mind, and if it comes within what we believe to be the proper

form of reorganization, we, in the exercise of our legislative power under the Constitution, will go along with you. If we do not think so, we will not go along with you." We are doing directly, by direct legislative action, what the bill, as amended by the adoption of the amendment offered by the Senator from Virginia [Mr. BYRD], tries to do by indirection.

But under the theory of the bill, as amended by the Senator from Virginia, the President's plan would go into effect if the Congress went to sleep. We would have law by taking no action whatsoever. That is what I definitely object to. The distinguished Senator from Maryland [Mr. TYDINGS] yesterday made an urgent appeal to give the President a chance. That is what I want to do. He is given no real chance by the present bill, which ties him up with restrictions and exemptions. Under my proposal, the President can recommend changes, and we could accept them or not accept them as we deem wise. But I am not willing to give such broad powers to the President to reorganize the agencies of the Government if the Congress is going to be deprived of its legislative right under the Constitution to pass on the plan.

Mr. MURDOCK. Mr. President, will the Senator yield for one more question?

Mr. SMITH. I am glad to yield.

Mr. MURDOCK. In order to accomplish what the Senator has now ably explained to the Senate, the Senator includes in his amendment the Donnell amendment, does he not, in almost the identical language it was presented the other day by the able Senator from Missouri?

Mr. SMITH. That is true, because I think the Donnell amendment prevents any question of constitutionality being raised with regard to this legislation, and I think the Byrd amendment is of very questionable constitutionality.

Mr. MURDOCK. So the Senator, if he will yield further, so far as the parliamentary situation is concerned, has brought us right back to where we were prior to a vote on the Byrd amendment and the Donnell amendment. In other words, the Senate is again called upon to cast its vote on the very same subject that we voted upon yesterday in the votes cast on the Byrd amendment and the Donnell amendment.

Mr. SMITH. No; it is not the same vote; because my amendment would give the President a wide range in making his proposal to us. Objections were made on the floor that we were giving the President power with one hand and hamstringing him with the other. I do not want to hamstring the President. I want him to have full power to proceed and make any suggestions he wants to make to us, and we should be protected by retaining to ourselves our right to pass upon the proposals in the legislative way provided by the Constitution.

Mr. MURDOCK. So far as the joint-resolution procedure is concerned, you have adopted the Donnell amendment in identical language.

Mr. SMITH. Yes. I believe in the Donnell amendment because it takes care of the constitutional issue. That is true. I will admit that, of course.

Mr. President, it seems to me that if we do not adopt this substitute we are leaving ourselves in a very confused position. We shall have passed legislation which says to the President, "We want you to do something," but we put so many strings around him and provide so many exceptions concerning the agencies with which he can deal, that if he should see fit to transmit an over-all plan, suggesting fundamental changes, he would be seriously hampered. I have confidence enough to believe that President Truman wants really to reorganize the Government so that it will be more streamlined and consolidation and economy will be brought about. He has the responsibility under this bill to do it. We are inviting him to take such action. He can go into any department he wants to and make recommendations to Congress respecting it. If some parts of the plan are not acceptable, we can return them for his reconsideration. The Senator from Missouri [Mr. DONNELL], the Senator from Maryland [Mr. TYDINGS], and I have tried to put the amendment into form so it will have that flexibility.

I submit to my colleagues in the Senate that this is the direct and constitutional way to deal with this question. I think if we deal with it the other way we shall be confusing ourselves and confusing the public. We have been criticized already for giving the President with one hand something and taking it away with the other. I agree with that criticism.

Mr. President, I was quite stirred by the argument made by the Senator from Maryland [Mr. TYDINGS] yesterday in which he said we should give the President a free hand in trying to reorganize the Government. I want to give the President a free hand to do it, but I do not want to give him a free hand without Congress exercising its constitutional rights and powers in passing on any plans which may be submitted by the President. I cannot see why anyone should object to that constitutional protection being afforded. Whether we have a Democratic President or a Republican President, I would object to any procedure which provided that any plan submitted would become law if Congress did not act upon it. I believe the President has the right to transmit a plan, and under this proposal he is requested to submit a plan to Congress, and then Congress has the constitutional duty to debate the plan and adopt it if, in the judgment of Congress, it is the kind of plan that should become effective.

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

Mr. SMITH. I yield.

Mr. VANDENBERG. I desire to ascertain the Senator's viewpoint on this question: Under existing circumstances could not the President, without limitation, make any recommendation regarding reorganization he might please without any new law whatever?

Mr. SMITH. I agree with the Senator from Michigan that he could do so.

Mr. VANDENBERG. Then, what do we achieve by the proposal which the Senator submits?

Mr. SMITH. We are taking the initiative in presenting a bill which calls on the President to prepare and submit a reorganization plan. He does not have to do so under the present situation. He is not called upon by anything that is on the books to submit such a proposal. Under this amendment we say distinctly that the President shall investigate the organization of all agencies of the Government and shall determine what agencies therein are necessary to do certain things, and then shall submit any plan he may care to, so, in the future, we shall have presented an affirmative plan on which we can act. I think that justifies the amendment.

Mr. VANDENBERG. The point I was registering was, inasmuch as the President can at the present time submit any reorganization recommendation he pleases, and he has not done so, and the fact that he could bring about economy to the extent of hundreds of millions of dollars without any legislation, and he has not done so, I wonder where the expectation finds any realistic basis that the passage of the legislation will produce any better result than the existing situation has produced.

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

Mr. SMITH. I yield.

Mr. TYDINGS. I glanced over the referendum provision of the Senator's amendment rather hastily. Is my understanding correct that after the President submits a plan and Congress fails to act within a certain length of time the plan goes into effect?

Mr. SMITH. It does not.

Mr. TYDINGS. What I do not like about the referendum provision is that Congress might in fact be in favor of the plan; but if action on it one way or the other were postponed, we would get nowhere. I suggest to the Senator, with whom I have collaborated in this amendment, that it would help to achieve the desired result if Congress were limited to action within a certain time. Then if the Congress should fail to act, the plan would go into effect. Congress ought to have the right to act; but if it favors a certain plan, it should not be in the position of having no limitation on the time in which it must act. I believe that we may lose a considerable amount of support unless some qualifying language of that kind is contained in the amendment. I respectfully suggest to the Senator that he consider some such proposal as this: That after the President has submitted his plan Congress should have a limited amount of time within which to pass a resolution either adopting it or rejecting it, and that upon the failure of Congress to act within a specified length of time the President's plan takes effect because Congress fails to act one way or the other.

Mr. SMITH. In that case, such a plan could be legislatively operative without action by Congress at all.

Mr. TYDINGS. Congress would have the right to act, but in such a case would actually waive its right. I think the Senator will understand what I have in mind with this brief explanation: My experience in connection with matters of this kind has been that unless Congress is compelled to act one way or the other within a certain period of time, other things come before us, and perhaps a

good plan would have no consideration at all. My concern is that if a good plan is submitted it should not be defeated because we fail to act one way or the other. What the Senator is contending for is the right of Congress to pass upon it. Under the proposal which I make, Congress would have that right; but if it did not exercise the right, the plan ought not to be killed for that reason.

Mr. SMITH. I may say, in answer to the distinguished Senator's comment, that we have tried to provide in title II, under "Procedure," for prompt action by Congress on any plan submitted by the President. But there is nothing in my proposal which would permit any plan to go into effect without legislative action. It is my contention that reorganization is a legislative act, and I doubt very much the constitutionality of any other plan. I should not wish to vote for a bill with respect to the constitutionality of which I was in doubt.

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

Mr. SMITH. I yield.

Mr. VANDENBERG. Is not the suggestion now being submitted by the Senator from Maryland precisely the proposal reported by the committee itself?

Mr. TYDINGS. No.

Mr. MURDOCK. Mr. President, does the Senator direct his question to me? It is very difficult for me to follow the distinguished Senator from Maryland, after listening to him yesterday and seeing his name on this amendment today, and now hearing him plead for some method of forcing Congress to take action. I have not the versatility of intellect, or whatever it takes, to keep up with that kind of mental acrobatics.

Mr. TYDINGS. I realize the Senator's limitations. It is not necessary for him to state them.

Mr. MURDOCK. I am certainly limited when it comes to keeping up with the Senator from Maryland on this question.

In answer to the question of the Senator from Michigan, the bill as it came from the Committee on the Judiciary made it possible for either House of Congress, by acting separately, to veto a reorganization plan. It seems to me that what the Senator from Maryland wants is exactly what the Byrd amendment does. That is, the Congress must act within 60 days by disapproving the reorganization plan by a concurrent resolution, or the plan becomes effective.

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

Mr. SMITH. I yield.

Mr. TYDINGS. The Senator from Utah has correctly stated what the Senator from Maryland desires. He stated yesterday what he desired, and stated his desire to his coauthor today. However, the Senator from Maryland is concerned for the moment in trying to wipe out all exemptions which would restrict the ability of the President to reorganize the Government. He is anxious only that once that is done, and the plan is submitted to Congress, it shall not be defeated by the failure of Congress to act. I have respectfully suggested to the Senator from New Jersey that some provision be added similar to the limitation of time in the Byrd plan, which would compel the Congress to act one way or the other.

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

Mr. SMITH. I yield.

Mr. MURDOCK. What the Senator and his distinguished colleagues do by this amendment is with one hand to strike out the 15 exemptions, and with the other to strike out the entire executive department and bring the Senate and the House back to the position in which we would be without any reorganization bill. Of course, if we desired to do so, by joint resolution we could reorganize the entire executive department. But the able Senator from Maryland so ably, eloquently, and persuasively pointed out yesterday the defects and deficiencies of our present position that I do not wonder that there was an overwhelming sentiment, at least on this side of the aisle, in support of the eloquent address made by the Senator from Maryland.

Mr. TYDINGS. If the Senator from New Jersey will yield, let me say to the Senator that I have expressed to the co-author of this amendment the very fervent hope that the referendum provision will not be included in the amendment, and that the limitations on the President's reorganization power would be stricken out. I did so before the amendment was brought to the floor, and I am still in the same frame of mind.

What I am seeking to do now is to have the power of the President untrammeled so far as the plan of reorganization is concerned, coupled with some provision which would compel the Congress to take action by a definite date. As I understand the referendum provision as drawn, there is no such limitation. My interrogatory to the Senator from New Jersey was for the purpose of pointing out that omission, and asking him, when he had time to reflect upon it, if he could not insert such a provision, so that a reorganization plan would not be defeated by reason of the fact that nothing was done about it.

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

Mr. SMITH. I yield.

Mr. MURDOCK. My answer to the distinguished Senator from Maryland is to implore him to come back on this side of the aisle and stand on the address which he delivered yesterday.

Mr. SMITH. We welcome the Senator from Maryland on this side of the aisle.

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

Mr. SMITH. I yield.

Mr. KNOWLAND. Not having a copy of the Senator's amendment before me, it is somewhat difficult to follow it. However, in connection with the suggestion of the Senator from Maryland, as I listened to the reading of the amendment by the clerk, it seemed to me that it provided for a definite procedure, with a time limit within which a committee could consider the legislation and report to the two Houses of Congress so that a vote could be taken upon it. From listening to the reading of the amendment, I do not understand that there is any way by which a reorganization plan could be pigeonholed in a committee, preventing Congress from acting. Yesterday an example was pointed out of a committee pigeonholing a bill. I do not understand that a reorganization plan could be pigeonholed by a committee, or that action by the Congress could be prevented by filibustering tactics.

Mr. SMITH. The Senator is absolutely correct. Great care was taken in drafting title II in order to expedite action of the kind which the Senator mentions. If it is not adequately drawn, we will draft it so that that result can be accomplished. I am the last one in the world to wish to see an important measure of this kind subjected to filibuster or delay. I am convinced that that feature can be taken care of without our giving up legislative authority under the Constitution. I believe that that is the way in which we should approach it.

Mr. MORSE. Mr. President, I sincerely hope that the Senator will be able to work out an arrangement with the Senator in charge of the bill for a postponement of the final vote on this question until Monday because I think it is of great importance that the substitute be printed and placed in the hands of Senators so that we may have ample time to reflect upon its provisions, and so that Senators on the other side of the aisle may have more time—which I think they sorely need—to reflect upon the action which they took yesterday afternoon.

I wish to say for the RECORD that I am shocked and aghast at the repudiation of democratic procedure of which the Senate was guilty in its vote yesterday afternoon. I never hoped to live so long as to see the greatest parliamentary body in the world take the action which it took yesterday in repudiating what I consider to be one of the basic tenets of representative government. I never thought that the Democratic Party would be guilty of writing the record which it wrote yesterday afternoon in the United States Senate. The principle is still a little too abstract to be fully grasped by the American people because of the shortness of time since the vote. But I cannot believe that once the American people understand the principle which was approved by the Democratic Party in the Senate yesterday afternoon, they will not make their negative reactions to that action perfectly clear.

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

Mr. MORSE. I yield.

Mr. MURDOCK. The Senator realizes, does he not, that in 1932 his party passed a reorganization bill containing provisions requiring a reorganization plan to be submitted to Congress for approval? At that time Attorney General Mitchell, in reporting upon the bill, told the Congress that in his opinion it contained unconstitutional features. Early in 1933 the Senator's party struck out entirely the provision requiring reference to Congress, and gave the President, within the standards of the 1932 Act, carte blanche to go ahead and reorganize the executive department. Then in 1939 the Senate passed a bill

containing the very same provisions as those which were submitted and voted on yesterday in the Byrd amendment. I have not heard the American people cry out and deplore the fact that democracy was ruined and defeated by that action.

It is my opinion that today the American people are crying out and asking Congress to unshackle the President and let him go ahead and reorganize and eliminate the duplications which are found in the executive branch of the Government today. But every time the subject is brought up on the floor of the Senate, reference is made to the Constitution, and Senators complain of the fact that to allow the President to go ahead and reorganize the executive branch of the Government is to strike down democracy. Yet in the next breath they turn around and complain, criticize, and condemn the executive branch of the Government for the very things which the Congress is unwilling to allow the President to unscramble and get rid of.

Mr. MORSE. Mr. President, if the Senator from New Jersey will yield further to me, I shall be very brief in what I have to say.

First, I wish to say to my good friend the Senator from Utah that I hold no brief for any unconstitutional acts of the Republican Party, nor do I propose to defend any unconstitutional acts of the Democratic Party. I shall never knowingly vote for any unconstitutional proposals of any party. I wish to say further to the Senator from Utah that he can count on my hearty cooperation in support of any plan which the President of the United States sends to the Congress for reorganization of the executive branch of the Government which can stand the test of congressional debate. However, he will find me always fighting against centralizing in the Chief Executive of this country the power to exercise the legislative functions of Congress which this bill seeks to give the President. I shall always fight to preserve effective checks by the Congress of the United States upon the acts of the President, no matter who he may be. I want no personal government in America. I wish to say that it is the obligation of the Congress to give support to the President in a reorganization of the executive branch of the Government by affirmative action, and I say I do not think the Congress can face the American people and justify any failure to act in the interests of reorganization. But I wish to make perfectly clear for the RECORD that I think it is the obligation of the President of the United States, when the bill which Senators on the other side of the aisle voted for yesterday afternoon reaches his desk for signature, to make very plain to the people of these United States that he does not favor the type of personal government which those on the other side of the aisle voted yesterday afternoon to place in his hands. If Harry S. Truman does not meet that test by vetoing the bill, then I am perfectly confident that he is going to hear from the American people once the people understand the principle which those on the other side of the aisle enunciated yesterday afternoon by the votes they cast on this issue. If he fails to veto the bill he will learn that the American people still want our system of checks and balances to prevail, they still want a representative government in America. Fear of personal power is basic in the political thinking of the free men and women of America. Personal power unchecked inevitably becomes arbitrary, tyrannical, and politically corrupt.

Mr. President, there have been other countries in the history of the world that started out as democracies but went down the path which Senators on the other side of the aisle sought to lead us down by their votes yesterday afternoon. In the case of such countries whenever the legislative branch of government abdicated its powers to the executive, government by men became substituted for government by law until finally they were taken over by strong executives. The danger of such a development can exist in the United States of America. We must ever be alert to prevent the development of personal government in this country. I think the danger of such a political trend in America which those on the other side of the aisle demonstrated by their votes yesterday afternoon is the most serious blow that has been struck against representative government in this country for a long, long time.

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

Mr. SMITH. Before yielding I should like to say a word. I thank the Senator from Oregon for his very fine presentation of the principle he is defending, and I desire to state that, of course, it is my firm adherence to the views he has expressed which prompted me to submit the pending amendment. I agree with him that the action taken yesterday afternoon will come back to plague us if it is allowed to stand. I desire to state that if the bill, including that amendment adopted yesterday afternoon, finally comes before the Senate for a vote, I shall be compelled to vote against it, even though I am a member of the Judiciary Committee which reported the bill and am anxious to have a reorganization plan go into effect. I greatly desire to see the executive branch of our Government properly reorganized, but I insist that it is the duty of the Congress of the United States to legislate on that matter, not to have the reorganization made without the taking of any action by the Congress. Mr. President, that is my position in submitting my amendment.

Mr. MURDOCK. 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:

Andrews	Downey	Hill
Austin	Eastland	Hoey
Ball	Ellender	Huffman
Barkley	Ferguson	Johnson, Colo.
Bilbo	Fulbright	Kilgore
Brewster	George	Knowland
Bridges	Green	La Follette
Bushfield	Guffey	Lucas
Capper	Gurney	McClellan
Carville	Hart	McKellar
Chavez	Hatch	McMahon
Connally	Hawkes	Mead
Cordon	Hayden	Millikin
Donnell	Hickenlooper	Mitchell
Moore	Russell	Tydings
Morse	Saltonstall	Vandenberg
Murdock	Shipstead	Wagner
Myers	Smith	Walsh
O'Daniel	Stewart	Wheeler
O'Mahoney	Taft	Wiley
Radcliffe	Thomas, Okla.	Wilson
Reed	Tunnell	Young

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present.

Mr. GEORGE. Mr. President, I have been present during the debate on the pending bill but may not be able to be present in the Chamber this afternoon when the final vote is taken. I wish to make a very brief statement, not in the nature of an argument so much as in the nature of a statement of fact.

I believe that I introduced the first reorganization bill to be introduced in modern times. Anciently, some other Member of the Congress may have introduced such a bill. But it was either under the Coolidge or the Hoover administration that I introduced a reorganization bill which went even further in its provisions than does the pending bill. In other words, it gave to the President the power to reorganize the executive branch of the Government. He functions through the executive branch of the Government. Subsequent to the introduction of the bill to which I have referred a debate took place with reference to the delegation of legislative power, similar to the debate which Senators have heard in connection with the pending bill. In 1939, as I recall the year, I voted for certain limitations to be placed upon the power of the President to effect a reorganization of the Government.

Mr. President, I may say very frankly that I disagreed with the late President Roosevelt with reference to many questions, particularly questions of a domestic nature. I did not like his theory of reorganizing the judicial branch of the Government, and I, therefore, voted to place some restrictions upon the power of the President in that respect.

I believe there is no question about one thing, namely, that legislative power is nondelegable power. It may not be delegated to anyone. It must remain in the legislative branch of the Government where the Constitution placed it, unless we wish to amend the Constitution. But at various times during the history of the Government we have delegated to the executive or to some commission, the power to administer an intelligible rule which the legislature itself had laid down. It was done in connection with the Interstate Commerce Act. The power to make rates and prescribe fares lies unquestionably in the Congress of the United States. But could the Congress exercise it intelligently? I do not believe so. Consequently we have an Interstate Commerce Commission with authority to make rates. That is substantially what it amounts to. After all, we granted such power under the Reciprocal Trade Agreements Act, in which we gave to the President the authority actually to lower or increase tariffs. Certainly, so far as the British and American systems of government are concerned, if there is any power within the legislative branch which has been asserted with greater

vehemence than any other, it is the power of the Congress to levy and collect taxes. But if there is to be any making of, or changes in the tariff, we have believed it to be necessary, at least, that we should lay down an intelligible rule, a reasonable formula by which the legislative branch may turn the job of administration over to a commission or to the President in the event we select the President as the administrative officer.

There is no need to be confused about the question. The legislative power is nondelegable. Under the Constitution the power to make laws was given to the Congress. But it is equally clear—in fact, it has been demonstrated by every Congress that has sat from almost the beginning of our Government, that an intelligible rule can be laid down, that a formula can be prescribed, and that power may be given to someone else to apply it.

Mr. President, let us look at this question in a practical way. The President is the head of the executive branch of the Government. He is responsible for the administration of the laws. He is the Executive. There have been built up around him the executive branches of government, represented by Cabinet heads, and innumerable agencies lodged in the executive branch of the Government.

We even have a court in the executive branch of the Government. The Tax Court of the United States is lodged in the executive branch, located in the Treasury Department. The head of the Treasury Department is a Cabinet officer. We put The Tax Court in the Treasury Department because we did not know where else to establish it. It has to do with nothing else but the administration of tax law. It is a court, nevertheless. It is performing some sort of quasi-judicial function, but it is in the Treasury Department. Some of the judges of that court have been calling on me to offer to the pending bill an amendment to prohibit the President from taking action affecting them. I have not offered such an amendment. I know he cannot do anything with The Tax Court. There is no other place to put that court. He cannot attach it to any other department, unless it be the Department of Justice, and that would not do any good. So the President is not going to bother with The Tax Court, of course, but is going to leave it right where it is, and it will continue to perform functions.

Mr. TAFT. Mr. President——

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Georgia yield to the Senator from Ohio?

Mr. GEORGE. I yield.

Mr. TAFT. There is one thing he might do, that is, upset what Congress did last year. He might take away from The Tax Court the power to pass on renegotiation appeals, and give it to the Court of Claims, where we decided we did not want it to be. That could be done.

Mr. GEORGE. It might be, and it would not hurt very much if he did that, because The Tax Court has not passed on very many questions. We really wanted to put it in the Court of Claims anyway, but we did not, as a matter of conference action.

The point is that as to questions with respect to tariffs, with respect to railway transportation rates and passenger fares, everything that is under the jurisdiction of the Interstate Commerce Commission, and with respect to many other intricate and complicated matters, we have tried to lay down an intelligible rule, and we have left somebody else to administer the act.

Mr. President, that is what is proposed now. Let me repeat that I offered the first bill in modern times to reorganize the Government. It did not get anywhere. It was several years before any affirmative action along that line was taken. But Congress would not reorganize the executive branch of the Government to any great extent. Congress is not going to do it. It is not a question of lack of power to do it, but Congress is not going to do it, and I say to my distinguished friend from New Jersey that anyone who tries to have it done will find immediately that he cannot succeed.

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

Mr. GEORGE. I yield.

Mr. SMITH. I have tried in my amendment to give full authority to the President to draw any kind of a reorganization bill he desires to submit to the Congress. In my amendment I am merely asking that Congress shall have the legislative right, under its constitutional function, to pass on it.

Mr. GEORGE. I understand that.

Mr. SMITH. I agree fully that the Congress itself cannot write the bill, and that the President must write it. I agree fully with that.

Mr. GEORGE. I go a little further. Congress will not pass any bill reorganizing the executive branch of the Government which someone else writes for it.

Mr. SMITH. That is simply suggesting that Congress will not live up to its responsibility, and I do not wish to take that position. I believe the Congress of the United States will live up to its responsibility if the right kind of a bill is presented, and I believe it should do it, and not say the President can do this without any check by the Congress.

Mr. GEORGE. I entertained the same ideas my friend expresses when I came to Congress, but that was twenty-odd years ago, and my experience has taught me that Congress is not going to reorganize the executive branch of the Government. I lay that down as a postulate: Congress is not going to do it. We may think we will do it, and we may do some things about it, but all Congress is going to do is keep on adding something to the executive branch or some other branch of the Government. That has been the legislative history of our country, and it probably will continue to be.

Theoretically, the distinguished Senator is entirely correct, and actually I should like to see the matter handled in the way he suggests, but I have become strongly converted to the idea that if there is to be any reorganization, it must be brought about by the executive branch, and, whether this bill does it entirely or not, I do not see why we cannot lay down an intelligible rule.

The Tariff Commission was required to find the cost of production at home and abroad of same or similar articles. It was impossible to find the cost of producing many articles abroad. I believed, therefore, that the old flexible provision of the tariff would probably be upset by the Supreme Court. But the Supreme Court did not upset it. They upheld it. They said it did lay down a rule, which, however difficult it was, yet was intelligible.

It is certainly an intelligible rule to say to the President, "If you find that there are overlapping agencies in your own department, if you find there is duplication of work by agencies in your own department, then you shall do so and so." The Congress is outlawing the duplicating agencies, the Congress is outlawing overlapping of authority, but is saying to the President, "If you find it is a fact, submit your reorganization plan."

So far as I was concerned, I was willing to allow a Republican President to send a reorganization plan to this body and have it become law unless Congress rejected it within a reasonable time, and I am willing to do the same under the present President, and for the added reason that during this war many extraordinary Government organizations and agencies have come into being, which are performing the functions of government. The vast army of Federal employees has grown to more than three and a half million in continental United States and abroad, about 3,000,000 in the United States alone.

Mr. SMITH. Is not the fact that Government bureaus are expanding at such a rapid rate and bureaucracy is growing enormously and employing millions of people the very reason why today the people of this country are asking us to put a stop to executive control over things, and asking the Congress to assume its rightful responsibility? That is why I want to see some check established. The Senator is arguing, perfectly properly, that he wants to see that condition brought to an end, and so he wants to give the power to the President to bring about reorganization. I say that if in the past Congress had exercised its power, it would not have allowed this expansion to proceed. That is where Congress has failed heretofore, and I do not want to see it fail again.

Mr. GEORGE. I can agree with the distinguished Senator in principle, but many things have had to be done under the pressure of war, and they will happen again and again under similar pressure. However, I am merely looking at the proposal as a practical matter. If the Congress declares that duplicating agencies and overlapping agencies shall not exist in the Government, if it shall outlaw them and turn over to an agent the authority to find the facts and to proceed with the reorganization, but without destroying or crippling functions for which Congress itself has provided, I know that can be done constitutionally. I am satisfied of that; otherwise, in my judgment, we have an unworkable Government.

Whether it can be done in the case of reorganization is, of course, another question. I would rather see reorganization accomplished by legislation directly, but I frankly do not believe Congress will do it, because the very moment we hit any one of these executive children, or grandchildren, or even remote relations, and say, "We propose to do something with you," we have the whole brood on us; they descend on the Congress with such force and such vigor that anyone who proposes to reorganize the Government in a really effective way is going to be driven out. He might not be driven out of public life—I would not say that his people back home might not admire him and appreciate him—but he would be driven virtually out of his mind, and he might as well cease making any effort to do anything else in a legislative way.

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

Mr. GEORGE. I yield.

Mr. HICKENLOOPER. Would that be minimized under the bill as it presently stands? In other words, with the negative action of the Houses as a means of stopping a proposed reorganization plan, would not the pressure be on each Member of Congress just the same under the bill as it now stands as under the amendment proposed by the Senator from New Jersey? I cannot see that the pressure of the departments for action, either pro or con, would be lessened so long as the matter was in the hands of the Congress in any particular.

Mr. GEORGE. I think the situation would be different if it took an affirmative act to override the President. But what I am trying to say—and with this I shall close, because I have no desire to submit an argument but only to make my own position clear—is that our Government will not be reorganized, the cost of government will not be reduced, bureaucracy will not be destroyed unless a courageous executive takes the lead. Congress can follow and can give him support, but in no other way will we accomplish the result. That is my settled conviction, which is based upon experience. It grows out of a long service in Congress, and for the reason I have stated I am perfectly willing to give to any President, in whom I have any faith, the authority to bring about a reorganization of the agencies in his own branch of the Government.

We are fortunate in having in our present President a man who served in the Congress, and who has had experience with the Government as it is organized, both as a Member of the Congress and as the Chief Executive. I have the hope, at least, that if given this power and authority the President will try to bring about a worth-while reorganization of government.

I admit that there is virtue in the suggestion made by the distinguished Senator from New Jersey. If we were not doing anything more than giving to the President the power he already has under the Constitution, which requires him to submit his recommendations on the state of the Union, but requiring him specifically to do this thing and transmit his own recommendations, whatever they may be, I think that might have some effect on congressional thinking and might lead to positive action which might be helpful. So far as I am concerned, I am willing to give to President Truman the power to submit a reorganization program, and if Congress does not care to upset it within 60 days, or some such period as that, to let it become effective.

Mr. SMITH. Mr. President, will the Senator yield to me for just a word?

Mr. GEORGE. I yield.

Mr. SMITH. I have tried in the amendment I have just submitted to give the President a much wider scope in his proposal for reorganization than he could possibly have in the bill which came out of the committee.

Mr. GEORGE. I appreciate that.

Mr. SMITH. I feel that it is a very important feature of the amendment. It removes exemptions and gives a free hand to the President to tell us what he thinks should be done. But then I seek to protect the people of the country, as they should be protected, by retaining in the Congress the constitutional processes. We should revere and support our system of checks and balances.

Mr. GEORGE. I have the strong conviction, of course, that Congress should retain its powers, but I have no fear that in the mere matter of reorganizing the executive branch of the Government any step would be taken by the President which would be harmful to the country, and if any such step were taken certainly the Congress should reassert its power and say, "We gave you the authority to act. We do not like the way you have acted. We repeal or veto what you have done. We undo what you have done."

Mr. President, it is very easy to create agencies and bureaus. It is exceedingly difficult to kill off a group of bureaucrats when once they get into office.

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

Mr. GEORGE. I yield.

Mr. SMITH. Obviously the distinguished Senator is arguing the same point that I am. We simply have different views as to how to go about it. I agree that it is very hard to head off bureaucracies and agencies located all over the country, and to do away with conditions which disturb us. No one wants to see reorganization accomplished more than I and my colleagues do.

I desire to take this occasion to thank the Senator from Georgia for his splendid exposition of his position, and to say that I respect his judgment highly in connection with everything he discusses on the Senate floor. I regret that I cannot agree with his conclusion respecting the constitutional issue.

Mr. GEORGE. I thank the Senator from New Jersey.

Mr. DONNELL obtained the floor.

Mr. BALL. Mr. President, will the Senator from Missouri yield to me so that I may ask the Senator from Utah [Mr. MURDOCK] a question?

Mr. DONNELL. I yield to the Senator from Minnesota.

Mr. BALL. As I understand, Congress passed a reorganization act in 1939, did it not?

Mr. MURDOCK. Yes.

Mr. BALL. Were the provisions in that act respecting the method by which reorganization plans which were submitted should become effective the same as they are in the pending bill?

Mr. MURDOCK. The language is almost identical to that in the pending bill as amended by the Byrd amendment.

Mr. BALL. Does the Senator know how many reorganization plans were submitted under that act?

Mr. MURDOCK. I cannot give the Senator the number that were submitted. I have a statement referring to the plans and the amount of money which would be saved under them which I intend to insert in the RECORD. Just offhand I cannot say.

Mr. BALL. Can the Senator tell me whether any reorganization plan submitted under that act was rejected by Congress or by either House of Congress?

Mr. MURDOCK. I do not believe any plan was rejected. If I am wrong, I should like to be corrected.

Mr. TAFT. One plan was rejected in the House, I think or perhaps in the Senate. That was the plan which transferred the Civil Aeronautics Board to the Department of Commerce.

Mr. MURDOCK. It was vetoed by the Senate. But the reorganization plan went through because the bill required a concurrent resolution to be adopted rather than simply a veto by one House alone.

Mr. TAFT. The Senate provided for an independent Civil Aeronautics Board and stipulated that it should remain independent, but the plan submitted put it under the Department of Commerce. That plan was approved in the House of Representatives, and therefore, in spite of the veto power of the Senate, the plan went into effect. Under the act of 1939 the reorganization plan dealt primarily with the consolidation brought about in the Federal Security Agency, the Federal Works Agency and the Federal Loan Agency. That was the principal reorganization done under the act of 1939. All features of the plan were accepted by both Houses without difficulty. Only one was vetoed by the Senate.

Mr. MURDOCK. I merely wish to observe that my answer to the Senator from Minnesota was correct; that no plans which have been submitted have been rejected.

Mr. BALL. And only the one reorganization plan which provided for the transfer of the Civil Aeronautics Board to the Department of Commerce was rejected by one House, the Senate, but because the House of Representatives did not adopt the resolution rejecting it the organization became effective?

Mr. MURDOCK. That is true.

Mr. DONNELL. Mr. President, I hesitate to impose further upon the time of the Senate with respect to the matter of reorganization, but again the issue is presented here today so clearly and is of such a fundamental and vital nature, that I think the Senate can well afford to pause in the interests not of itself alone but of the people of the Nation, to consider further the problem which is involved.

Mr. MURDOCK. Mr. President, will the Senator yield to me for a moment?

Mr. DONNELL. I yield.

Mr. MURDOCK. If I may have the attention of the Senator from Minnesota [Mr. BALL]. In order to keep the record straight, I will say that I think we have the voting just turned around. The House disapproved of the plan by quite an overwhelming majority. When it came to the Senate I am advised the Senate approved it, which put it into effect.

I thank the Senator from Missouri.

Mr. DONNELL. Mr. President, I desire to congratulate the distinguished junior Senator from New Jersey [Mr. SMITH] upon what I regard as a service to the Nation which he has rendered today by the presentation of this substitute amendment. I congratulate also the distinguished Senator from Maryland [Mr. TYDINGS] for his courage in joining as one of the coauthors of the substitute. I am unable to agree with a portion of the philosophy of the Senator from Maryland to which he has adverted today.

Senators will doubtless recall that he mentioned something to the effect that Congress would have waived its rights. I do not understand, Mr. President, that the Congress can waive its rights in favor of any bureau or individual official, even though that official be the President of the United States. It is a fundamental principle of civil law, as well as constitutional law, that a delegated authority cannot be redelegated. When the constituents of the Members of the Senate have cast their ballots selecting them as their representatives in the Senate of the United States such Members have no legal, constitutional, or moral right to waive the authority and power which their constituents vested in them, and, perhaps even more important, they have no power to waive the obligations which their constituents imposed upon them.

Our constituents are entitled to expect that we shall devote our thought—yes, Mr. President, our intelligent thought, our affirmative thought, if you please—to matters of legislation before us, and our constituents are entitled to expect that we shall not pass, or undertake to pass, such legislation as that embodied in the amendment which was adopted here yesterday, under which, as I have indicated a number of times and as has been expressed by others, notably by the Senator from New Jersey today, it would be possible for the Members of the Senate of the United States physically to sleep, or to pack up their bags, lock their offices, and go home, and still the plan prescribed and set forth by the President of the United States would become operative. It would be legislation because it would repeal existing laws and because of the nature of the subject matter. I repeat, Mr. President, that under this amendment we could slumber, or close our offices and go home, and still the plan submitted by the President would become law, although it might undertake, and successfully if it be constitutional, to overturn the legislation of a century or more.

Mr. President, I cannot subscribe to the view that Congress has it within its power to waive its constitutional powers or its constitutional obligations.

I listened with great interest a few moments ago to the remarks of the Senator from Georgia [Mr. GEORGE]. I indicated but a day or two ago my profound respect for him, my admiration for his ability and his integrity and his skill and knowledge. In the course of my study of the history of reorganization I noted that only 6 years ago, when the question of reorganization was before the Senate, and when the bill to which the inquiry of the Senator from Minnesota was addressed a few moments ago was passed, the proceedings of Congress, especially those of the Senate, show that the question of the constitutional power of Congress to delegate to the President its legislative powers was considered. I noted with great interest and appreciation the expression on March 20, 1939, by the distinguished senior Senator from Georgia, who addressed us a few moments ago. He then said:

> There is no support for the contention that Congress may delegate legislative power. It may not do so. The single test of the validity of the act of the Congress, when that question is involved, is whether Congress has undertaken to delegate legislative power or merely the power to apply a legislative formula that may, at least theoretically, be exactly applied.

Today the Senator from Georgia has undertaken largely to repeat the substance of the thought to which I have referred. It is of tremendous importance and interest historically to observe the conclusion to which the reasoning which the distinguished Senator from Georgia enunciated on March 20, 1939, and to which he referred today, led him at that time. By reference to pages 3050 and 3093 of the CONGRESSIONAL RECORD of that year, it will be found that the vote of the distinguished Senator from Georgia upon the Wheeler amendment, which directly raised this issue, and which made it obligatory that before the plan of reorganization could become effective it should first be approved by affirmative joint resolution of both Houses of Congress, was in favor of that proposition.

A little while ago the Senator from Georgia referred to the fact that in 1939 he voted to impose certain restrictions on the President. At least, that was what I understood him to say. I undertook to take down his words as nearly as I could in the absence of ability to write shorthand.

As I see it, the vote of the distinguished Senator from Georgia was not particularly a vote to impose restrictions on the President. It was a vote in favor of the proposition that legislation shall not be enacted in our country unless it shall receive the affirmative vote of both Houses of Congress by joint resolution. His vote was not in favor of the proposition for which the majority voted yesterday in the Senate, namely, that Congress may, without any action whatsoever on its part, permit a plan submitted by the President to become a law of the United States, repealing statutes which are upon the statute books of the Nation.

The distinguished Senator from Georgia referred to the Interstate Commerce Commission. To be sure, it has been clearly held by the courts, not only in the case of the Interstate Commerce Commission, but in the case of the Radio Commission and the Tariff Commission, that Congress does have power to prescribe standards, within certain limits, and that such standards, when so prescribed, may be the basis for the administration of the law by administrative bureaus and commissions such as those to which I have referred. I realize, of course, that it would be idle and foolish to say that every rate upon every type of commodity—chickens, binder twine, and every other commodity—could be fixed by the Congress. Yet the Congress can lay down standards under which rates must provide a reasonable return to the carriers, standards which the Interstate Commerce Commission must follow. Of course, the courts have held, as they should have held under the law and the Constitution of the United States, that such action on the part of Congress is not a delegation of legislative power.

Mr. President, the Senator from Georgia recognizes the soundness of the legal proposition to which I refer. He said, in substance, that it was possible to enact legislation enabling the President to reorganize departments, provided that some reasonable formula were prescribed for such reorganiation by the President. I invite the attention of Members of this great body to the fact that the Senator from Georgia failed to illustrate, or even to indicate his affirmative belief that such standards are contained within the bill which is now before the Senate. I do not recall his exact language, but he said something to the effect that such standards might or might not be in the bill. If I misquote him, I hope I shall be corrected, because I would not intentionally misquote the Senator. However, I am certain that he did not say, even remotely, that he could put his finger upon the standards in this bill which are of such nature and preciseness as to enable Congress to follow them, and which would cause Congress to be held within channels already charted for it. A search of the bill from end to end will fail, in my judgment, to show the existence of any such standards.

The Senator from Georgia referred to the overlapping of bureaus; but let me invite the attention of the Senate again to the fact that the bill does not require the President to find, as a condition precedent to the preparation and formulation of a reorganization plan, that such plan is either necessary or desirable to eliminate or reduce overlapping of bureaus.

I have previously called the attention of the Senate—and I do so again—to the fact that the bill sets forth seven distinct things which the President is called upon to consider in determining what changes are necessary. Later the bill provides that if the President finds one or more of those reasons to exist he shall then prepare a reorganization plan. One of the conditions is overlapping; but he is not required to find that overlapping exists. He is not required to make any finding with respect to overlapping. He can place his finger on the very first of the purposes mentioned in the list of seven to which I have referred. What

is it? It is the facilitation of "orderly transition from war to peace." Is there a Member of the Senate, or a person anywhere who would say the statement that orderly transition from war to peace will be a result attained by the reorganization that sets up a standard which the President should follow, a standard so precise, definite, and certain that the President would find himself charted within channels easily discernible?

Mr. President, the remarks of the Supreme Court of the United States, in the Schechter case are appropriate on this question. With respect to the NIRA, the court said:

> For that legislative undertaking, section 3 sets up no standards—

It was contended in that case that standards were set up. It was the argument in the NIRA case that Congress had set up standards, but the Supreme Court did not so find. It said:

> For that legislative undertaking, section 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1.

That language is equally applicable to the case of a President who is undertaking to put into effect a reorganization which will facilitate "orderly transition from war to peace."

> In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the government of trade and industry throughout the country, is virtually unfettered.

What Senator would undertake to rise here—the Senator from Georgia did not—and say that the President of the United States would be fettered in any sense or in any degree in his reorganization plan by the provision that that plan might be such as to conduce to orderly transition from war to peace?

I conclude the reference to the Schechter case by reading the conclusion at which the Supreme Court arrived with respect to the NIRA so-called standards. Said the Court:

> We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

Mr. President, the distinguished Senator from Georgia made the statement, in substance, that the bill requires the President to make certain findings. As I understand the theory of the Senator, it is that when the President makes such findings, he then brings himself within the various standards to which reference has been made. I invite attention again to the language in the Schechter case Chief Justice Hughes said:

> While this is called a finding, it is really but a statement of an opinion as to the general effect upon the promotion of trade or industry of a scheme of laws. These are the only findings which Congress has made essential in order to put into operation a legislative code having the aims described in the declaration of policy.

Mr. President, that is likewise true here. Suppose the President should find, in accordance with the first purpose stated, that the reorganization would facilitate orderly transitions from war to peace. Is not that exactly what the Supreme Court of the United States referred to as a statement of an opinion as to the general effect upon the promotion of trade or industry, or upon the entire condition of the country, of the scheme of laws which might be proposed by the President?

So, Mr. President, when the Senator from Georgia today undertakes to argue in favor of the pending bill, he fails to indicate what standards there are within the bill which make it constitutional and he fails to bring the bill within the operation of any theory of any court which would make it constitutional on the ground that it does not constitute a delegation of legislative power.

As I said, Mr. President, back in 1939 the Senator from Georgia voted not only once but twice on the Wheeler amendment, for the question was closely contested. The matter under discussion related in large part to the question whether the bill then under consideration constituted a delegation of legislative power, and the Senate was called upon to vote twice on the Wheeler amendment, which prescribed that no such reorganization plan could become effective until it had first received the approval of a joint resolution passed by both Houses of Congress. The Senator from Georgia was influenced by some reasoning; and, so far as I can ascertain, certainly his ideas on the question of legislative power did not in any sense tend to lead him to a conclusion any different from the one at which he arrived in voting for the Wheeler amendment.

Mr. President, I shall not undertake to speak very much longer. As I said at the outset, I congratulate the Senator from New Jersey upon the presentation of the amendment. I congratulate him because of its contents. In the first place, it would not restrict the President in any way, but the President could come before the Congress with a recommendation for reorganization in any department or in all departments or in any combination of departments. He would be unrestricted, the benefit of his judgment and his knowledge and his leadership would be retained by the amendment submitted by the junior Senator from New Jersey.

In the second place, the amendment submitted by the Senator from New Jersey would be in very precise and definite furtherance of the general provision of the Constitution which makes it obligatory upon the President to "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

The amendment submitted by the Senator from New Jersey goes further than leaving it to a mere generalization. It makes it obligatory upon the President to examine and from time to time reexamine the organization of all agencies of the Government and to determine what changes are necessary to effect the results set forth in the amendment.

So I say that the amendment submitted by the Senator from New Jersey does not restrict the President, but it does place upon his shoulders a mandatory obligation, a requirement that he shall give the Congress the benefit of his judgment. That requirement should be of vast benefit and value to the Members of the Senate and the House of Representatives.

Then, Mr. President, the amendment submitted by the Senator from New Jersey illustrates very clearly the sincerity with which it is presented, in that it undertakes to expedite the progress of the plan when it comes before Congress. The procedural outline specified in the amendment very clearly points out, says, and provides that if the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 30 calendar days after its introduction or, in the case of a resolution received from the other House, within 30 calendar days after its receipt, it shall then be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

Mr. President, I reviewed yesterday upon this floor what happened in the case of certain pending important measures which have gone to the Committee on Banking and Currency of this great body and which have for 5 months lain dormant in that committee; although those who favor the measures have called them to the attention of the committee, still no action has been taken upon them. I undertake to say that a measure which provides, as does the amendment submitted by the Senator from New Jersey—and, indeed, as does the committee amendment also—to the extent it does, relief from the power to crush and wipe out the ability of Congress to legislate, deserves the congratulation and applause of the Members of the Senate.

At this time I wish to point out, furthermore, that to my mind, the procedure set forth in the amendment submitted by the Senator from New Jersey possesses one virtue which is outstanding and which is not possessed by the committee amendment. That virtue lies in the fact that it does not impose a limitation upon debate upon the merits of the resolution providing for approval of the proposed plan. There is a limitation with respect to the length of debate as to whether the committee shall be discharged and as to matters of that type; but when the resolution comes before the Senate, the amendment submitted by the Senator from New Jersey will not undertake to throttle the Members of the Senate in regard to the time which they may consume in the presentation and argument of the issues connected with the proposed reorganization. Mr. President, I think that provision of the amendment submitted by the Senator from New Jersey deserves the commendation of the Senate. It deserves it from many standpoints, among others from the standpoint of the history of the Senate in which it has been found advisable not to curtail debate, save only when it shall develop to the extent of a filibuster, in which event we realize we have the power of cloture, which has once been undertaken to be exercised this

very year by the Senate. But the Senate has realized over all this long period of years the importance of allowing full, free, and untrammeled discussion by its Members of issues which come before it, save only subject to the limitation by way of cloture, to which I have referred. I undertake to say that from the standpoint of principle it is vital to the preservation of the Republic to provide for reasonable opportunity for debate in the Senate upon any subject, rather than to have the Members of the Senate foreclosed by an artificial restriction upon them in regard to the time at their disposal during which they may discuss measures.

Mr. President, I admire the stand taken by the distinguished junior Senator from the State of Oregon who, time and time again, has indicated to the Senate his refusal to consent to limitations of debate. I think his stand is wholesome. If debate should ever develop to a point at which a filibuster might ensue, we realize that we have the power to prevent the continuance of such a filibuster within the walls of this Chamber.

So, Mr. President, I say that from the standpoint of principle, the lack of any provision limiting debate on the floor of the Senate is wholesome, proper, and advantageous; indeed, it redounds to the eternal credit of the junior Senator from New Jersey and to the benefit of our Nation that in connection with a matter of this kind he has had the courage to present such an amendment to this body.

But in this particular case not only is the failure to include a provision for limitation of debate wholesome from the standpoint of general principles, but it is wholesome because of the very nature of a reorganization plan. Mr. President, if there were brought before the Senate a reorganization plan involving the question of what powers should be in this department or that department, or in this bureau or that bureau or in this, that, or the other commission—possibly 50 of them; I do not know how many there are; perhaps there are 100 of them; whatever figure the Senator from Virginia [Mr. BYRD] may give doubtless is correct—but in the event that a matter of that kind were presented to the Senate, would it be wholesome for this body to be compelled to proceed under a provision that debate upon it should be limited to 10 hours or 20 hours or 10 days? I undertake to say that the provision of the amendment which, although it would expedite progress, still would prevent the killing or smothering in committee of a resolution for the approval of a reorganization plan and still would permit unlimited debate upon the floor of the Senate is wholesome and proper and essential to the preservation of the theory of the Government under which we live.

Then, Mr. President, the amendment submitted by the Senator from New Jersey does something else. I shall mention it in only a very few words, because I have already covered it in substance. I refer to the fact that the amendment goes to the very fundamentals of the constitutional question here involved; it goes to the whole question whether the Members of the Congress shall be permitted to relax and sit quietly and pleasantly and comfortably in their seats and, even slumber day after day, without acting affirmatively on such matters, and thus allow the President to dictate and prepare, and, in effect, pass legislation presented to Congress.

A few days ago I tried to outline the experience had across the water, in Great Britain, where, even in what the Senator from Florida [Mr. PEPPER] called "the citadel of parliamentary procedure," we find that over the years the House of Commons has become virtually without power, save as the Cabinet of Great Britain grants, grudgingly at times, perhaps, power to the House of Commons.

Our distinguished friend, the Senator from Georgia [Mr. GEORGE] who spoke this afternoon, rose on this floor on the 27th day of July of this year for the purpose of pointing out the fact that the House of Lords had become a decadent body in Great Britain, and that today it does virtually nothing of significance except to pass upon cases of law or equity which may come before it.

Mr. President, the pending amendment preserves the legislative power of Congress. It does not undertake to do that which the Father of his Country—and which every statesman who has expressed himself in general terms, at least, has warned against—namely, delegate legislate power from this branch of the Government to another. Yet, when we come to the particular question which now confronts us, we are urged by distinguished Members, such as the Senator from Georgia, to give up our legislative power because, perchance and forsooth, we may regain the power at some time later. I am opposed to allowing the President of the United States, whether it was Mr. Coolidge, or Mr. Roosevelt, or whether it be Mr. Truman, to exercise the functions of the legislative branch of this Government.

I invite attention to a statement which was made years ago by Montesquieu, the great French philosophical historian. Montesquieu said:

> When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Mr. President, the distinguished Senator from Utah [Mr. MURDOCK] who from time to time during the past few days has argued with respect to the bill with much distinction, courtesy, and clearness of expression, today referred to the fact that Americans are crying out for the reorganization of the various departments and agencies of our Government. I join with the Americans to whom he referred in likewise crying out for a reorganization of the Government. I assert that in my judgment the people of the United States, at least the true Americans, are not crying out for the abolition and abdication of power by Congress. My judgment is that no loyal citizen of our country desires Congress to surrender its rights to the executive department. I appreciate the fact that there may be differences of opinion with regard to the legality of the question involved. I make no charge of disloyalty against any man who takes a view contrary to mine with regard to the constitutional issues which are involved, but I undertake to say that the action proposed by the committee amendment and the Byrd amendment represents a delegation of legislative power to the President, and as such constitutes a surrender of the powers, duties, and responsibilities which have been imposed upon this great body by the Constitution of the United States.

The people of our country have the right to have enacted laws which are made not by one man who sits in the White House but by the Congress of the United States. The people of our country have the right to object if the President is to be given the power to formulate and transmit a reorganization plan to Congress and say, "If you gentlemen do not see anything wrong with it, and tell me so, then it will become law," thereby overturning laws which have been accumulating for a century or more. The people of our country are entitled to have the distinguished senior Senator from Michigan [Mr. VANDENBERG], for example, to use the breadth of his experience, the profundity of his knowledge, and the excellence of his judgment affirmatively with regard to the questions which may come before the Senate rather than that Congress shall receive a copy of a document, which has been written in the White House, together with a communication stating in effect, "Dear Mr. Senator: If you do not see anything wrong with this, from now on it will be the law of the United States of America."

Mr. President, to my mind the junior Senator from Oregon [Mr. MORSE] has put his finger upon something of vital importance by pointing out that if this bill shall be passed by the Congress of the United States containing the provisions of the Byrd amendment, there will then be presented to the President of the United States, the man who exercises the coordinate power in the third branch of our Government, the question of whether he shall sign the measure or veto it. If he undertakes to sign the measure, Mr. President, he will, as I see it, be signing a document under which he evidences his view, and his determination, if you please, that there shall be delegated by Congress to the Executive the legislative power and responsibility which rests upon the shoulders of Congress and which may not be evaded or abdicated.

So, Mr. President, I think the Senator from Oregon has acted very properly in calling attention to the fact that the people of the United States, in the event the bill, if it is passed by Congress, is not vetoed by the President, will have the right to place upon the shoulders of the President of the United States the ultimate responsibility, along with Congress, of such abdication of power on the one hand and the acceptance of a nondelegable power on the other hand by the Executive.

Mr. President, the amendment offered by the junior Senator from New Jersey not only giving, as it does, absolute power to the President to submit to the Congress any plan which he may care to

formulate—a power which, of course, he already has—but making it obligatory upon him to transmit such a plan, and, within all reasonable limits, expediting the progress of the plan through committee, while at the same time imposing no check or throttle upon free and unlimited debate, deserves the congratulations and approbation of the public.

Finally, Mr. President, this amendment, which undertakes to preserve and keep within our hands and upon our consciences our duties and responsibilities, instead of undertaking passively to delegate those duties and responsibilities to another individual, is entitled to the vote of every Senator of the United States, regardless of his political affiliation.

EXTENSION OF CERTAIN OIL AND GAS LEASES

Mr. HATCH. Mr. President, earlier in the day the senior Senator from Wyoming [Mr. O'MAHONEY] called my attention to Calendar No. 673, Senate bill 1459, introduced by him and me, to provide for the extension of certain oil and gas leases, and he asked if it might not be considered by the Senate. I have spoken about the bill to the senior Senator from Ohio [Mr. TAFT], the acting minority leader, as well as with the leadership on this side of the Chamber. This is a bill which affects only a very few leases, but action must be had before the expiration of more time or valuable rights may be lost. I therefore ask unanimous consent that the bill may be now considered.

Mr. TAFT. Mr. President, I may say that I have consulted with the Republican members of the Committee on Public Lands and Surveys, and there is no objection, so far as I know, to the passage of the bill, and I believe it will involve no debate.

Mr. HATCH. I understand it will not.

Mr. TAFT. I have no objection.

The PRESIDING OFFICER. The clerk will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1459) to provide for the extension of certain oil and gas leases.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last sentence in the first section of the act entitled "An act to grant a preference right to certain oil and gas leases," approved July 29, 1942, as amended, is hereby amended to read as follows: "The term of any 5-year lease expiring prior to December 31, 1946, maintained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by this section, is hereby extended to December 31, 1946."

REORGANIZATION OF GOVERNMENT AGENCIES

The Senate resumed the consideration of the bill (S. 1120) to provide for the reorganization of Government agencies, and for other purposes.

Mr. MURDOCK. Mr. President, in connection with the pending amendment, I wish to make a few remarks.

If the amendment offered jointly by the distinguished Senator from New Jersey [Mr. SMITH], the distinguished Senator from Missouri [Mr. DONNELL], and the distinguished Senator from Maryland [Mr. TYDINGS], shall be agreed to, we will be right back at the place where we began. No Senator would rise in his place today and say that the President of the United States could not immediately, without the passage of any legislation at all, examine and investigate the executive departments and send to the Congress a plan of reorganization. Having submitted the plan to us, then, of course, Congress, in its deliberate procedure, could let the plan lie here month after month, and it would die without action. That is exactly the position the President and the Congress are in today.

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

Mr. MURDOCK. I yield.

Mr. HICKENLOOPER. I believe the statement made by the Senator from Utah is sound, but in view of the fact that it must be universally agreed that the Government departments are sprawling and overlapping, and that the President does have the authority and power to act, why has not the President submitted a plan of reorganization and reduction looking to the promotion of efficiency? To me it is no excuse to urge that the President might say, "If I do, Congress will not act on it." It would still seem to me to be the President's duty to submit a plan, and then hold Congress to its responsibility for action.

Mr. MURDOCK. I am sure the Senator would not want me to answer for the Chief Executive, but the answer is that the President has sent a special message to the Congress asking us to give him the authority coupled with the responsibility to proceed and do the job. The present President of the United States sat in the United States Senate for 10 or 11 years; he knows how impossible it is for Congress to do a reorganization job. In fact, he knows, as the Senator from Georgia stated just a few minutes ago, that if the matter is left to Congress, reorganization of the executive department will not take place.

If the Senator desires any further evidence, I call his attention to the empty benches in the Senate today; I call his attention to the fact that the same condition has existed ever since debate on this reorganization bill began, which, in my opinion, is the best evidence of the fact that Congress is just not interested in reorganization. That is my answer to the Senator.

Bills of this kind have been passed before. In the past we gave President Hoover and President Roosevelt power to do the job, and now one of our former colleagues is asking us to extend to him, as President, not, in my opinion, the power, but merely to give him the responsibility to go ahead and do the job within the pattern and formula laid down by Congress.

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

Mr. MURDOCK. I yield.

Mr. HICKENLOOPER. I realize that the President has requested this action, but I still contend that the President has the power and the authority to recommend specific reorganization.

In answer to the statement the Senator made a moment ago that it is difficult for Congress to write a reorganization bill, let me call the attention of the Senator to the numerous bills which are prefabricated and prewritten in the various executive departments but upon which Congress passes. True, many of them bear the name of an individual Member of Congress, but it is a well known fact that those bills are written in detail in the various executive departments. When the departments really want something, when they really advocate something, when they insist upon something, they find no difficulty in preparing a bill in its minutest form, assembling the evidence and preparing the facts which they want to present in support of the bill, very often prior to the time it is introduced in the Congress. So I say there would be no difficulty whatsoever—perhaps a burden, but no substantial difficulty—in the President preparing his specific reorganization program and sending it to Congress without any legislation directing him to do so under the powers already existing.

Of course, I admit there would then be encountered the question whether Congress would or would not become ponderous in its consideration and action upon the bill, but the question of ponderosity of legislative procedure is the responsibility of Congress, which we in Congress should not shirk. I may say that, while I am one of the youngest and most inexperienced Members of this body, I do not subscribe as yet—I hope I never shall reach the point—to the statement, the fatalistic statement, if you please, made by a great statesman, the distinguished senior Senator from Georgia [Mr. GEORGE], who said he came here originally with the idea that these things could be done, but that he was forced to say, after years of attendance and experience in Congress, that he believed they were impossible of accomplishment because of the inertia in Congress itself.

I may say to the Senator that I, for one, have not lost as yet my respect for the responsibility of Congress, or my zeal to help get Congress to the point where it will do its duty and perform its responsibility under the Constitution of the United States.

Mr. MURDOCK. Mr. President, I want to congratulate the distinguished Senator from Iowa on his unlimited optimism. If he can get any comfort out of the statements he has made, in view of the interest which the Senate of the United States is exhibiting, not in reorganization, but in a reorganization bill, I want him to have all the comfort he can get.

I think the Senator from Georgia and the Senator from Virginia, both of whom have spoken on this question, have been willing to change their minds—why? Not because of any change of mind or of any change of attitude respecting a principle, but they have come, probably unwillingly, to the realization that there are some things that Congress cannot do, even if it should do them, and one of those things is to reorganize the executive branch of the Government.

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

Mr. MURDOCK. I am always glad to yield to the Senator from Michigan.

Mr. VANDENBERG. I wanted to ask the Senator if he thought that it was a sufficient justification for the desertion of constitutional convictions to discover that Congress found it difficult to act as the result of constitutional restriction?

Mr. MURDOCK. I would prefer to have the Senator propound that question to the Senators who, as I understand, are said to have changed their minds on their constitutional convictions, rather than to answer it myself.

I will say to the Senator, however, I agree thoroughly with the distinguished Senator from Missouri and the statement made by the distinguished senior Senator from Georgia that Congress cannot, under the Constitution, delegate any legislative power. To try to justify under our Constitution the delegation of legislative powers of the Congress is absolutely untenable. I think the Supreme Court time and time again has held emphatically that the delegation of legislative power is unconstitutional, but I take the same position, Mr. President, as the Senator from Georgia did today, that we do not in a bill of this kind delegate any legislative power. We write out the formula. Congress establishes the standards, Congress establishes the legislative pattern, and in this instance calls upon the Chief Executive to fill in the detail. Time and time again the Supreme Court has held, and in my opinion will continue to hold, that that is not a delegation of legislative power. For Senators to stand on the Senate floor and contend day after day that we do not in this bill set up proper standards, in my opinion, is answered quite emphatically by one of our Federal courts. But it seems to me that Senators who argue the constitutional question are perfectly willing absolutely to ignore that court decision and brush it aside and say that it means nothing.

Mr. DONNELL. Mr. President——

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. MURDOCK. I yield.

Mr. DONNELL. I understand that the Senator, as he has so clearly stated on other occasions, does not regard this bill as delegating legislative power. Am I correct?

Mr. MURDOCK. If I thought the bill delegated legislative power I would not be here supporting it.

Mr. DONNELL. That is what I understood was the Senator's position. I ask him another question. First, I may say that he answered the question some days ago, but so much time has elapsed that I should like to have the question reanswered, if he has no objection. Am I correct in understanding that he disagrees with the language of the Committee on the Judiciary of the Senate which in October of this year, on page 3 of its report, used this language:

> This bill provides that part of the legislative power of the Congress shall be delegated to the President.

Further the report used this language:

> Such a delegation of legislative power does not operate to deprive either House of the Congress of its constitutional right—

And so forth. On the next page of the report the committee used this language:

> It seems apparent that the President will make large use of the Bureau of the Budget in exercising the legislative power respecting reorganization which this bill delegates to him.

And then in the next paragraph:

> In delegating certain legislative power to the President, this bill exempts from the exercise of such power—

And so forth. I ask the Senator again: Does he agree or disagree with this language referring to the delegation of legislative power to the President, thus employed four separate times by the Committee on the Judiciary, of which the able Senator is a distinguished member, and which then consisted of 17 lawyers Members of this body?

Mr. MURDOCK. My answer is the same today as it was a day or two ago. I had nothing whatever to do with the writing of the report. I did not know what was in it until it came to the floor of the Senate. I disclaim any authorship of that language in the Senate report, and I simply say it is rather unfortunate in my humble judgment that that language was used. I do not think the language is important. I do not think, in view of the position the distinguished Senator from Missouri takes, that that language is important. If the bill delegates legislative power and finally becomes law, certainly the Supreme Court will take care of that matter if and when it comes to the court.

I say to the Senator again that the courts have already ruled on the question, and I intend in the brief remarks—at least I hope they will be brief—which I shall make this afternoon, to refer to that decision, and if the distinguished Senator is willing to listen to a Federal court, the answer to his argument is contained in this opinion which I will read in a few minutes.

Mr. DONNELL. Mr. President, I understand then that the Senator says he disagrees with the language used by the Judiciary Committee to which I referred. Is that correct?

Mr. MURDOCK. Yes. I could not have said it any plainer. I do disagree that Congress has any constitutional power to delegate legislative authority.

Mr. DONNELL. And does the Senator disagree with the statement thus made four times by the Committee on the Judiciary that this bill does delegate legislative power? Does he disagree or not?

Mr. MURDOCK. I have given the Senator an answer to that two or three times. I disagree heartily, emphatically, and vehemently that this bill delegates any legislative power. In my opinion, we have set up the standards specifically. We have told the President what he can do and what he cannot do. And we simply call upon him then within those standards to go ahead and reorganize.

Mr. President, I now ask permission to insert in the RECORD as a part of my remarks that part of the bill passed in 1932 dealing with reorganization in the executive departments. I also ask unanimous consent to include as a part of my remarks the amendment adopted in early 1933 to that reorganization bill, which amendment was in line with the recommendations made by the then Attorney General Mitchell, in which opinion the Attorney General held that for Congress to reserve the power of veto in the separate Houses of Congress raised very grave questions of constitutionality. As a result of that opinion, the Congress, under President Hoover's administration, struck out that provision which retained the veto power in either House, and the amendment did away with any requirement at all that the reorganization program should be submitted back to Congress before becoming effective.

I ask that that part of the 1932 bill to which I referred and the amendment of 1933 be printed in the RECORD, as a part of my remarks.

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

TITLE IV—REORGANIZATION OF EXECUTIVE DEPARTMENTS

DECLARATION OF POLICY

SEC. 401. In order to further reduce expenditures and increase efficiency in Government it is declared to be the policy of Congress—

(a) To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purpose;

(b) To reduce the number of such agencies by consolidating those having similar functions under a single head;

(c) To eliminate overlapping and duplication of effort; and

(d) To segregate regulatory agencies and functions from those of an administrative and executive character.

DEFINITIONS

SEC. 402. When used in this title—

(1) The term "executive agency" means any commission, board, bureau, division, service, or office in the executive branch of the Government, but does not include the executive departments mentioned in title 5, section 1, United States Code.

(2) The term "independent executive agency" means any executive agency not under the jurisdiction or control of any executive department.

POWER OF PRESIDENT

SEC. 403. For the purpose of carrying out the policy of Congress as declared in section 401 of this title, the President is authorized by Executive order—

(1) To transfer the whole or any part of any independent executive agency, and/or the functions thereof, to the jurisdiction and control of an executive department or another independent executive agency;

(2) To transfer the whole or any part of any executive agency, and/or the functions thereof, from the jurisdiction and control of one executive department to the jurisdiction and control of another executive department; or

(3) To consolidate or redistribute the functions vested in any executive department or in the executive agencies included in any executive department; and

(4) To designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head.

SEC. 404. The President's order directing any transfer or consolidation under the provisions of this title shall also designate the

records, property (including office equipment), personnel, and unexpended balances of appropriations to be transferred.

SAVING PROVISIONS

SEC. 405. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any department or executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, powers, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the department or executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect, and shall be administered by the head of the executive agency to which the transfer is made or with which the consolidation is effected.

STATUTORY AGENCIES

SEC. 406. Whenever, in carrying out the provisions of this title, the President concludes that any executive department or agency created by statute should be abolished and the functions thereof transferred to another executive department or agency or eliminated entirely the authority granted in this title shall not apply, and he shall report his conclusions to Congress, with such recommendations as he may deem proper.

DISAPPROVAL OF EXECUTIVE ORDER

SEC. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be transmitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall sooner approve of such Executive order or orders by concurrent resolution, in which case said order or orders shall become effective as of the date of the adoption of the resolution: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session: *Provided further*, That if either branch of Congress within such 60 calendar days shall pass a resolution disapproving of such Executive order, or any part thereof, such Executive order shall become null and void to the extent of such disapproval: *Provided further*, That in order to expedite the merging of certain activities, the President is authorized and requested to proceed, without the application of this section, with setting up consolidations of the following governmental activities: Public Health (except that the provisions hereof shall not apply to hospitals now under the jurisdiction of the Veterans' Administration), Personnel Administration, Education (except the Board of Vocational Education shall not be abolished), and Mexican Water and Boundary Commission, and to merge such activities, except those of a purely military nature, of the War and Navy Departments as, in his judgment, may be common to both and where the consolidation thereof in either one of the departments will effect economies in Federal expenditures, except that this section shall not apply to the United States Employees' Compensation Commission.

REPORT TO CONGRESS

SEC. 408. The President shall report specially to Congress at the beginning of each regular session any action taken under the provisions of this title, with the reasons therefor.

[Amendment of 1933]

TITLE IV—REORGANIZATION OF EXECUTIVE DEPARTMENTS

DECLARATION OF STANDARD

SEC. 401. The Congress hereby declares that a serious emergency exists by reason of the general economic depression; that it is imperative to reduce drastically governmental expenditures; and that such reduction may be accomplished in great measure by proceeding immediately under the provisions of this title.

Accordingly the President shall investigate the present organization of all executive and administrative agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

(a) To reduce expenditures to the fullest extent consistent with the efficient operation of the Government;

(b) To increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

(c) To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purposes;

(d) To reduce the number of such agencies by consolidating those having similar functions under a single head, and by abolishing such agencies and/or such functions thereof as may not be necessary for the efficient conduct of the Government;

(e) To eliminate overlapping and duplication of effort; and

(f) To segregate regulatory agencies and functions from those of an administrative and executive character.

DEFINITION OF EXECUTIVE AGENCY

SEC. 402. When used in this title the term "executive agency" means any commission, independent establishment, board, bureau, division, service, or office in the executive branch of the Government and, except as provided in section 403, includes the executive departments.

POWER OF PRESIDENT

SEC. 403. Whenever the President, after investigation, shall find and declare that any regrouping, consolidation, transfer, or abolition of any executive agency or agencies and/or the functions thereof is necessary to accomplish any of the purposes set forth in section 401 of this title, he may by Executive order—

(a) Transfer the whole or any part of any executive agency and/or the functions thereof to the jurisdiction and control of any other executive agency;

(b) Consolidate the functions vested in any executive agency; or

(c) Abolish the whole or any part of any executive agency and/or the functions thereof; and

(d) Designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head; except that the President shall not have authority under this title to abolish or transfer an executive department and/or all the functions thereof.

SEC. 404. The President's order directing any transfer, consolidation, or elimination under the provisions of this title shall also make provision for the transfer or other disposition of the records, property (including office equipment), and personnel, affected by such transfer, consolidation, or elimination. In any case of a transfer or consolidation under the provisions of this title, the President's order shall also make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation, for use in connection with the transferred or consolidated function or for the use of the agency to which the transfer is made or of the agency resulting from such consolidation.

SAVING PROVISIONS

SEC. 405. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect, and shall be administered by the head of the executive agency to which the transfer is made or with which the consolidation is effected.

WINDING UP AFFAIRS OF AGENCIES

SEC. 406. In the case of the elimination of any executive agency or function, the President's order providing for such elimination shall make provision for winding up the affairs of the executive agency eliminated or the affairs of the executive agency with respect to the functions eliminated, as the case may be.

EFFECTIVE DATE OF EXECUTIVE ORDER

SEC. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session.

APPROPRIATIONS IMPOUNDED

SEC. 408. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose but shall be impounded and returned to the Treasury.

Mr. MURDOCK. Mr. President, I ask also that sections 1, 2 and 3 of the pending Senate bill be printed in the RECORD at this point as a part of my remarks.

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

TITLE I

SEC. 1. (a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to—

(1) facilitate orderly transition from war to peace;

(2) reduce expenditure to the fullest extent consistent with the efficient operation of the Government;

(3) increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) reduce the number of agencies by consolidating those having similar functions under a single head, and by abolishing such agencies as may not be, necessary for the efficient conduct of the Government;

(6) eliminate overlapping and duplication of effort; and

(7) provide for making currently and continously, subject to the limitation contained in subsection (d) of section 4 hereof, such adjustments in the Government establishment as may be necessary or desirable in the interests of economy and efficiency.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of this title, and can be accomplished more speedily and efficiently thereby than by the enactment of specific legislation.

SEC. 2. No reorganization plan under section 4 shall provide for, and no reorganization under this Act shall have the effect of—

(a) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(b) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(c) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(d) transferring to any other agency any executive department or all the functions thereof; or

(e) consolidating with any executive department any other executive department or all the functions thereof; or

(f) abolishing any executive department or all the functions thereof; or

(g) establishing any new executive department, or changing the name of any executive department, or designating any agency as "Department" or the head of any new agency as "Secretary"; or

(h) divesting any quasi-judicial agency of the means, right, or power to exercise independent judgment and discretion, to the full extent authorized by law, in the performance and effectuation of its quasi-judicial, investigative, or rule-making functions; or

(i) increasing the term of any office beyond that now provided by law for such office.

SEC. 3. (a) Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency or the functions thereof to the jurisdiction and control of any other agency; or

(2) the consolidation or coordination of the whole or any part of any agency or the functions thereof with the whole or any part of any other agency or the functions thereof; or

(3) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(4) the abolition of any function or functions; or

(5) the abolition of the whole or any part of any agency which agency or part (by reason of reorganizations under this act or otherwise, or by reason of termination of its functions in any other manner) does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary or desirable to accomplish one or more of the purposes of section 1 (a), he shall prepare a reorganization plan for the making of any reorganizations as to which he has made findings hereunder and which he elects to include in the plan, and shall transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization specified in the plan, he has found that such reorganization is necessary or desirable to accomplish one or more of the purposes of subsection 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

(b) Any reorganization plan prepared and transmitted pursuant to subsection 3 (a) shall—

(1) make provision for the transfer or other disposition of the records, property, and personnel affected by such reorganization;

(2) make provision for the transfer of such unexpended balances of appropriations available for use in connection with any agency reorganized as the President deems necessary by reason of the reorganization: *Provided*, That such unexpended balances so transferred shall be used only for the purposes for which the appropriation is originally made and any appropriations or portions of appropriations unexpended by reason of the operation of this act shall not be used for any purpose but shall be impounded and returned to the Treasury;

(3) make provision for winding up the affairs of any agency abolished;

(4) designate, in such cases as the President deems necessary, the name of any agency affected by a reorganization;

(5) make provision for such further measures, consistent with section 2, as the President deems necessary in order to facilitate administration with respect to any agency affected by a reorganization, including provision for the appointment, compensation, and duties of the head or any other officer of such agency: *Provided*, That no person shall be appointed to any office under a reorganization plan for a fixed term in excess of 4 years, and no provision shall be made under a reorganization plan for the appointment of any person as the head of an agency or (except for appointment under the classified civil service) as a policy-maker or at a rate of compensation in excess of $5,000 per year, except by and with the advice and consent of the Senate: *Provided further*, That no reorganization plan shall fix the compensation of any person at more than $10,000 per year.

Mr. MURDOCK. Mr. President, I have had these matters printed in the RECORD for the purpose of setting before the Senate the 1932 bill, with the amendment, and the pending bill, for the purposes of making a comparison as to the standards set up by this bill and by the bill of 1932.

Then, Mr. President, I desire to read at this point from the case of Isbrandtsen-Moller Co., Inc., against the United States and others, decided by the District Court of the Southern District of New York, by a court constituted of three Federal district judges. In that case, Mr. President, the very question of standards was raised, raised in the pleadings, argued by the eminent counsel to which the Senator from Missouri referred the other day, and decided on directly by the court. The opinion was written by Judge Chase, a circuit judge who, I am informed, is considered one of the most eminent Federal judges in the United States. In that opinion we find this statement, reading from page 412 of Federal Supplement 14:

There remains only the question of the power of Congress to do that. On this point we are concerned with power regardless of the wisdom or effect of its exercise as a matter of good public policy. Much of the complainant's argument has been directed to the public benefit which would flow from keeping the functions formerly of the Shipping Board independent and free from direct control an executive can exert over the Department of Commerce. Perhaps that is so, but that is for Congress to decide in the performance of its duty to legislate in the public interest, and so long as it acts within the scope of its power as the National Legislature its choice of means and methods is to be given effect.

It is not, nor could it successfully be, disputed that Congress had the power to delegate to the Shipping Board in the manner it did so, the powers and duties that board possessed before Executive Order No. 6166 was promulgated. The change which has been made clothes an executive department with the same powers and duties to be exercised in the same way as before. We think that the same powers and duties which were properly delegated to the Shipping Board could be delegated to any other person or body to which Congress should see fit to cause them to be transferred. It elected to have the President investigate and decide what should be done in this regard in the furtherance of efficiency and economy and then adopted his decision. The result was to abolish a board whose existence was dependent upon the will of Congress and to delegate to the Department of Commerce the same powers and duties the board had possessed. This seems in accord with correct standards as to delegation of authority to act within proper limits prescribed by Congress.

I repeat that statement of the court:

This seems in accord with correct standards as to delegation of authority to act within proper limits prescribed by Congress. (See *Panama Refining Co.* v. *Ryan* (293 U. S. 388, 55 S. Ct. 241, 79 L. Ed. 446); *Schechter Poultry Corporation* v. *United States* (295 U. S., 495, 55 S. Ct. 837, 79 L. Ed. 1570, 97 A. L. R. 947).) Whether the delegation, assuredly proper in subject matter and lawfully defined in scope, purpose, and manner of exercise, should have been to an executive department, was within the sound discretion of Congress. As it did not confer upon anyone functions it was bound to keep and exercise for itself, there was no failure to preserve the required separation of governmental powers. Regulatory powers wide in scope have been lawfully conferred upon the

Secretary of Agriculture (*Stafford* v. *Wallace* (258 U. S. 495, 42 S. Ct. 397, 66 L. Ed. 735, 23 A. L. R. 229); *Tagg Bros. & Moorhead* v. *United States* (280 U. S. 420, 50 S. Ct. 220, 74 L. Ed. 524)); upon the Secretary of Labor (*Oceanic Steam Navigation Co.* v. *Stranahan* (214 U. S. 320, 29 S. Ct. 671, 53 L. Ed. 1013)); and upon the Secretary of the Interior (*United States ex rel. Riverside Oil Co.* v. *Hitchcock* (190 U. S. 316, 23 S. Ct. 698, 47 L. Ed. 1074)).

Mr. President, I make the point that a Federal court, a part of the Federal judiciary, has emphatically answered the challenge and the question of unconstitutionality raised by the distinguished Senator from Missouri [Mr. DONNELL]. It was deciding the same question now raised by the Senator from Missouri in connection with the pending bill involving the reorganization act of 1932. The question of delegation of legislative powers was raised. The question was emphatically answered by the court, which found that proper standards were set up. In support of the opinion of the court, it cites the very cases which the Senator from Missouri has so persistently and repeatedly called to the attention of the Senate in support of his position.

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

Mr. MURDOCK. I yield.

Mr. MORSE. The Senator correctly points out, of course, that the decision from which he read was by a lower Federal court.

Mr. MURDOCK. It was a three-judge court constituted under one of the Federal statutes with which the able Senator is familiar.

Mr. MORSE. I wonder if the Senator would agree with me that most of the great decisions of the United States Supreme Court holding statutes of Congress unconstitutional have been decisions in cases in which lower Federal courts had already declared the statute in question to be constitutional.

Mr. MURDOCK. I will say to the Senator that frequently the Supreme Court overrules the lower Federal courts. But my answer to the Senator, and to the Senator from Missouri, is that if they have better authority than I have on the question of constitutionality, let them submit it. I say to the Senator that this very case went to the Supreme Court of the United States; and if any Senator or any lawyer will read that Supreme Court decision he cannot help but come to the conclusion that the Supreme Court went a long way in upholding the Federal court which had decided the question.

Mr. MORSE. I think the challenge of the Senator is a fair one, and I should like to meet the challenge. I suggest to him that he reread the Schechter case, the Panama-Pacific case, and other cases in which the Supreme Court has made perfectly clear that Congress cannot delegate its legislative functions, but that it does have the authority to delegate administrative functions.

Mr. MURDOCK. The Senator and I are in full agreement on that question.

Mr. MORSE. Permit me to finish my thesis. It will not take me long.

Mr. MURDOCK. I beg the Senator's pardon.

Mr. MORSE. I think the cases are pretty clear that one of the tests applied to the standards which must be encompassed in any act which Congress passes delegating administrative functions is that the standards shall not permit of the exercise of arbitrary discretion by the body to which the administrative function is delegated. I say to my good friend the distinguished Senator from Utah that the standards which he alleges are provided for in the bill now under discussion are standards which permit of the exercise of arbitrary discretion on the part of the President of the United States. I believe that when the Supreme Court comes to pass upon those standards it will be compelled, in line with principles which it has already laid down, to reverse the decision of the lower Federal court to which the Senator has referred.

Mr. MURDOCK. I know the Senator's position; and argumentative as I may seem to be at times, I would not undertake to convince either the Senator from Oregon or the Senator from Missouri of the correctness of my position or the correctness of the position of the Federal district court which decided in support of the position which I take today. However, I should welcome an opportunity in the future to argue this very question with either of the distinguished Senators, or both of them, before a court which had not made up its mind, as it is so evident that the two distinguished Senators have.

I say again that the Supreme Court of the United States, when it considered the lower court's decision, on appeal of this very case, could very gracefully and conveniently, if there had been any doubt in its mind as to the standards set up, have overruled the lower court and sent the case back. But the Supreme Court did not see fit to do so. In my opinion it went considerably out of its way to decide that the question had become moot by action of Congress; and it decided this particular case on that basis and no other.

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

Mr. MURDOCK. I yield.

Mr. DONNELL. I think possibly the Senator, in the concluding portion of his sentence, has already anticipated my question. My point was that the Supreme Court refused to decide this case on the grounds stated by the Court, namely that the case had become moot. That is correct, is it not?

Mr. MURDOCK. Yes. On the question of standards, the Court held that the question was moot, and did not decide it.

Mr. President, I wish to read a very brief statement from the present Comptroller General, Mr. Lindsay Warren, a former Member of the House of Representatives, with whom I had the honor and distinction of serving for 6 or 8 years in the House. During the time that he served in the House he was chairman of the House committee dealing with reorganization. In my opinion there is no man in Washington today, unless it be the distinguished Senator from Virginia [Mr. BYRD], who has given to the question of reorganization more time, more energy, and more study than has the distinguished former Representative from North Carolina, Hon. Lindsay Warren. I read from a letter written by him to the Senator from Nevada [Mr. MCCARRAN], dated November 7, 1945, on the question of congressional veto:

> A most significant change is noted in section 4 where provision is made for the veto, in effect, of any reorganization plan by resolution of either House of Congress.

He is referring to the bill as it came from the Senate committee, which provided for a veto by either House, instead of requiring concurrence of both Houses.

I read further from the letter:

> The House bill, like the Reorganization Act of 1939, calls for such disapproval by both Houses through a concurrent resolution. It will be noted the present Senate bill, in practical effect, follows the provision of the original Reorganization Act of 1932 (47 Stat. 413, 5 U. S. C. 124 (1934 ed.)), the constitutionality of which was declared to be in grave doubt in an opinion of Attorney General Mitchell, dated January 24, 1933 (37 Ops. Atty. Gen. 56). In the light of that opinion, the same Congress, on March 3, 1933, amended the act so as to strike from its provisions entirely any provision for a veto by Congress (see 47 Stat. 1517). Since, at that time, no agency was exempt from the operation of the law and the powers granted included the abolition of functions as well as agencies, it will be seen that the power delegated to the President was a considerably greater one than that contained either in the 1939 act or in the present House bill—each of which provides for a concurrent resolution of disapproval by both Houses—a provision adopted in the light of the historical background just stated. The provisions have been tested in the courts where the reorganizations under the former acts were brought in question.[1] If a new reorganization plan has no substantial merit it is hardly to be supposed that either House would vote against a concurrent resolution of disapproval, and in view of the questions raised as to the validity of the one-House plan, my suggestion would be to return to the concurrent resolution plan as in the House bill.

Mr. President, the other day the Senator from Missouri in his argument made much of the fact that in the Isbrandtsen case the plaintiff was represented by eminent and distinguished counsel. His argument, as I understood it, was to the effect that by reason of that fact, despite the fact that the court decided against the plaintiff, the conclusions and the position of eminent counsel for the plaintiff should be considered even ahead of the court's decision. That is what I understood the Senator to say.

I think the answer to the remarks of the distinguished Senator along that line is that we must remember that, notwithstanding the great eminence of counsel for the plaintiff and their great distinction at the bar and their great learning, that the court held against the position of those eminent counsel. Mr. President, in my opinion that argument on the part of the Senator is a fallacious one, and

[1] *Isbrandtsen-Moller Co.* v. *United States* (14 F. Supp. 407, 412, S. C., 300 U. S. 139); *Swayne & Hoyt, Ltd.* v. *United States* (18 F. Supp. 25, S. C., 300 U. S. 297); *Monarch Distributing Co.* v. *Alexander* (119 F. (2d) 953).

in my opinion it is an argument in favor of the position taken by the court.

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

Mr. MURDOCK. I yield.

Mr. DONNELL. The Senator has misunderstood the point I made the other day regarding the eminence of counsel. One of the counsel to whom I referred was the Honorable Frank L. Polk, who was the head of the American delegation to the Peace Conference at Paris, and at one time, as I recall, was either Secretary of State or Acting Secretary of State of the United States. The other counsel to whom I referred was the Honorable John W. Davis, who at one time—for some 5 or 6 years, as I recall; the exact time is shown in my remarks of the other day—served as Solicitor General of the United States, in Washington, and later was president of the American Bar Association, which is composed of approximately 25,000 of the lawyers of our country; he also served with distinction in other capacities, one being an ambassadorial capacity; and, in addition, in 1924 he received, and doubtless he deserved, the honor of being selected by the Democratic Party as its candidate for the Presidency of the United States. My argument was that the very fact that counsel of such eminence would present the same argument or take the same position as the one I have endeavored, feebly, it may be, to present to the Senate, indicates the respectability of that position and the fact that it is entitled to thorough and careful consideration.

Mr. President, I am not undertaking to say that the eminence of counsel necessarily implies, by any means, that their position was right and that the position of the court was wrong. I am basing my proposition with respect to the Isbrandtsen case and also the other case in the District of Columbia which followed the Isbrandtsen case—I referred to it in the Senate the other day—on the fact that both of those cases were decided by inferior courts. I use the word "inferior" in no derogatory sense, but I mean they were lower courts—trial courts or district courts—even though they did have three judges. I further base my position upon the fact that neither case was reviewed by the Supreme Court of the United States. I may add that all of us know as a matter of common knowledge that the Supreme Court of the United States has on many occasions reversed the holdings not only of district courts but of certain courts of appeal in our country, and I know, as all of us do, that until the Supreme Court of the United States has spoken upon a proposition of Federal law, there is no finality, generally speaking, I think, in the minds of the bar as to the conclusions of law which are considered as final.

So, Mr. President, the point I was making was not based on the fact that eminent counsel argued the case or on the fact that they argued upon precisely the same basis which I presented, as I understand their argument from the brief set forth in the report, or because I believe their judgment is entitled to greater weight or credence than the views of the court, but my point is that the very fact that men of the standing of Frank L. Polk and John W. Davis took such a position indicates very clearly that the position which they stood for and which I stand for, and which in that case has not been ruled on by the Supreme Court of the United States, but was decided, as I conceive, in the Schechter case, is entitled to careful and thorough consideration.

Let me say in conclusion, with respect to the Schechter case and the Panama case, as compared to the Isbrandtsen case, which was decided by the three-judge court, that in the Schechter case and the Panama case the laws concerned were held unconstitutional by the Supreme Court of the United States, and to my mind it is difficult to understand why the decisions in those cases should now be considered as sustaining the decision in the Isbrandtsen case; and in the second place——

Mr. MURDOCK. Mr. President, I do not wish to yield further to the Senator, to have him repeat his arguments.

Mr. DONNELL. I beg the Senator's pardon, and I shall take my seat.

Mr. MURDOCK. I prefer to have the Senator repeat his arguments in his own time.

I think I thoroughly understood the Senator's argument with respect to the eminent counsel, and he has now fortified my construction of his argument by referring again to the eminent counsel who presented the plaintiff's case to the court. I say again that notwithstanding the eminence of counsel and notwithstanding the decisions in the Schechter case and the Panama case, the three-judge court refused, even in the light of the eminence of counsel about which the Senator has spoken, to agree with them, but it specifically disagreed with them and it held that no legislative power was delegated.

Mr. President, I am thoroughly cognizant, as is the distinguished Senator from Missouri, of the fact that a decision of an inferior court is not final. But again I call attention to the fact that this case went to the Supreme Court and was not overruled by the Supreme Court. In my opinion the court based its decision largely on the Panama case and the Schechter case, and it decided that the standards set up in the Reorganization Act of 1932 were sufficient. I say to the Senate today that if the standards in the 1932 act were sufficient and specific enough to conform to the Constitution then certainly no reasonable man would take the position today that the standards which we set up in the pending bill are insufficient.

Senators on both sides of the aisle say they want reorganization. They say the American people are demanding it. Mr. President, I agree that they are. On the other hand, I say it is simply impossible to obtain any successful reorganization in the executive branch of our Government if we wait for specific legislation from the Congress. The few Senators present today and throughout the whole debate on this bill indicates a lack of interest in the question of reorganization or a willingness to allow the President to assume the great burden and responsibility necessarily entailed if the job is done. Their vote on yesterday indicated the latter.

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

Mr. MURDOCK. I yield.

Mr. MORSE. Good naturedly, I should like to have the Senator from Utah take note of the situation with regard to his reference to the scarcity of Members in the Chamber at this time. I should like to have the Senator note that there are more Republicans present in the Chamber than there are Democrats. It is also interesting to note that the majority of the Senators who are now in the Chamber are Members who recently came from the people.

I believe the Senator is quite correct in his statement that the American people are going to demand a reorganization of Congress, and if he will give them time for another election or two, I think they will send men to the Senate who will see to it that whatever plan of reorganization shall be submitted to the Congress, it will be required to receive the action of both Houses of Congress.

Mr. MURDOCK. Mr. President, I know it to be the hope of the distinguished Senator from Oregon that some day there will be a majority on his side of the aisle. I hope, of course, that that time will not come, and I am not at all pessimistic with regard to the results of the next election. I am very cognizant of the fact that there are more vacant seats at the present time on the Democratic side of the Chamber than there are on the Republican side, but I am confident that when the vote is cast on the pending amendment my Democratic colleagues will be here in sufficient strength to prevent its adoption.

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

Mr. MURDOCK. I yield.

Mr. HICKENLOOPER. The statement of the Senator that there are more vacant seats on the Democratic side of the Chamber at the present moment than on the Republican side is true. However, I may invite his attention to the fact that there are six Members sitting on the Democratic side two of whom are Republicans, and that on the Republican side there are four Members who are all Republicans [Laughter.] I merely wish to keep the record straight.

Mr. MURDOCK. I am glad to have the distinguished Senator from Iowa call that fact to my attention, and we welcome him on this side of the aisle. As Members on his side become wiser they eventually move over to the Democratic side. [Laughter.]

Mr. CORDON. Mr. President, I should like merely to observe that I am in entire accord with the position taken by the Senator from Utah.

Mr. MURDOCK. I am happy to have the Senator say so.

Mr. CORDON. The Senator stated that the way for Congress to regain its proper place in the picture is by taking more interest in legislative matters. I may suggest to the Senator from Utah that we who support the pending amend-

ment are endeavoring to do so with the hope that the Senator from Utah will come into the fold.

Mr. MURDOCK. Mr. President, I conclude my remarks by including as a part of them the report of a former Judiciary Committee of the Senate, the chairman of which at that time was Mr. Ashurst, of Arizona. The committee reported favorably to the Senate proposed legislation which provided for the Supreme Court of the United States to write the rules of procedure for Federal courts in law cases. I doubt, Mr. President, that there was a Republican at that time who voted against the bill. I am quite sure that no Democrats voted against it. For many years complaints had been made about the utter lack of uniformity in connection with rules of our Federal courts. At last Congress wrote the formula and the pattern, and then called upon the Supreme Court of the United States to fill in the details by writing the rules of procedure. Under the bill reported at that time the rules were required to be submitted back to the Congress. After the Supreme Court had completed its work on the rules they were submitted back to Congress and after lying here for 60 days they became the law of the land.

So, Mr. President, the pending bill is not an innovation. It does not create something new in the way of legislative history or legislative enactment. It simply follows a pattern which has existed for many years in connection with the subject of reorganization. I say to my Democratic and Republican colleagues that if they want reorganization, and want it within the lives of present Members of Congress, there is one way to get it, namely, by the enactment of a reorganization bill which will repose some confidence in the President of the United States and give him the responsibility of reorganizing the department for which he is responsible.

Mr. President, I request and hope that the substitute offered by the distinguished Senator from New Jersey [Mr. SMITH], in behalf of himself, the Senator from Missouri [Mr. DONNELL] and the Senator from Maryland [Mr. TYDINGS] will be defeated because it would simply bring us back to the position we would be in without any legislation on the subject at all. We do not need any such legislation as that which is proposed in the Smith amendment. It would not be at all helpful, but would be absolutely destructive of what the Judiciary Committee has done, and would be destructive of what was done yesterday on the floor of the Senate.

Mr. President, I ask that the report to which I have referred be printed in the RECORD at this point as a part of my remarks.

There being no objection, the report (No. 1049, 73d Cong., 2d sess.) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, having had under consideration the bill (S. 3040) to give the Supreme Court of the United States authority to make and publish rules in actions at law, report the same favorably to the Senate and recommend that the bill do pass.

An explanation of this proposed legislation is contained in the following letter from the Attorney General:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 1, 1934.

Hon. HENRY F. ASHURST,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: I enclose herewith a draft of a bill to empower the Supreme Court of the United States to prescribe rules to govern the practice and procedure in civil actions at law in the district courts of the United States and the courts of the District of Columbia. The enactment of this bill would bring about uniformity and simplicity in the practice in actions at law in Federal courts and thus relieve the courts and the bar of controversies and difficulties which are continually arising wholly apart from the merits of the litigation in which they are interested. It seems to me that there can be no substantial objection to the enactment of a measure which would produce so desirable a result, which, apart from its inherent merit, would also, it is believed, contribute to a reduction in the cost of litigation in the Federal courts.

I request that you introduce the enclosed bill and hope that you may be able to give it your support.

Sincerely yours,
HOMER CUMMINGS,
Attorney General.

Mr. DONNELL. Mr. President, in connection with what I understood to be the point being made by the distinguished Senator from Utah with respect to the power to make rules granted to the Supreme Court, I may say that that same proposition was presented in 1939. I should like to read only a few statements from pages 2960 and 2961 of the CONGRESSIONAL RECORD of March 20, 1939. One of the statements was made by the distinguished senior Senator from Montana [Mr. WHEELER], who said:

I entirely agree with the Senator. Suppose the Congress of the United States had said to the Supreme Court of the United States, "We will give you the power to diminish the jurisdiction of the lower Federal courts" or "We will turn over to you the power to diminish your own jurisdiction or to increase your own jurisdiction," I should say immediately that unquestionably we would have no authority under the Constitution to do anything of that kind. We say to the court, "You may make rules and regulations pertaining to the practice in the Court." That is an entirely different thing. One situation deals with substantive law. The other deals with rules of practice before the courts, which is an entirely different thing.

Then only a little later, as set forth on page 2961 of the CONGRESSIONAL RECORD of March 20, 1939, the distinguished senior Senator from Montana stated as follows:

There is a vast difference between delegating to the Supreme Court, or to the head of one of the departments, the right to make rules of practice before that body, and changing the substantive law upon the statute books of the United States.

There then followed this response by Senator Byrnes:

I agree; and I think there is an entire difference between Congress attempting to say what a court shall do, and Congress delegating to the head of the executive department the right to rearrange departments in the executive branch of the Government and submit an order to the Congress, that order not being effective if a majority of the House and Senate say it shall not become effective.

I thought, Mr. President, that it might be interesting to invite attention to the fact that the very point which has been presented by the Senator from Utah [Mr. MURDOCK] was considered in the Senate on March 20, 1939, during the debate on the question of reorganization.

EXECUTIVE SESSION

Mr. MURDOCK. 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.

EXTRADITION TREATY BETWEEN THE UNITED STATES AND CANADA

Mr. CONNALLY. Mr. President, I have before me Executive I, Seventy-ninth Congress, first session, a protocol, signed in Ottawa on October 3, 1945, to be annexed to, and to form a part of, the extradition treaty between the United States of America and Canada, signed in Washington on April 29, 1942, which the President sent to the Senate today. I ask unanimous consent that the injunction of secrecy be removed from the protocol.

The PRESIDING OFFICER (Mr. HUFFMAN in the chair). Without objection, the injunction of secrecy will be removed from the protocol, and it will be printed in the RECORD.

The protocol, with accompanying papers, is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a protocol, signed in Ottawa on October 3, 1945, to be annexed to, and to form a part of, the extradition treaty between the United States of America and Canada, signed in Washington on April 29, 1942.

I transmit also for the information of the Senate a report on the protocol made to me by the Secretary of State.

HARRY S. TRUMAN.

THE WHITE HOUSE, *November 16, 1945.*

[Enclosures: (1) Report of the Secretary of State; (2) protocol between the United States and Canada, signed October 3, 1945.]

DEPARTMENT OF STATE,
Washington, November 15, 1945.

The PRESIDENT,
The White House:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a protocol, signed in Ottawa on October 3, 1945, to be annexed to, and to form a part of, the extradition treaty between the United States of America and Canada, signed in Washington on April 29, 1942.

The treaty signed on April 29, 1942 (Senate Executive C, 77th Cong., 2d sess.), was approved by the Senate by its resolution of May 27, 1942, and was ratified by the President of the United States on June 6, 1942.

Action on the treaty by the Parliament of Canada was deferred by Canadian authorities pending the discussion of certain reservations with respect to items 26, 31, and 32 of article 3

thereof. The agreement reached as the result of discussion of those reservations by representatives of the Governments of the United States and Canada is embodied in the protocol transmitted herewith.

Respectfully submitted.

JAMES F. BYRNES.

[Enclosure: Protocol between the United States and Canada, signed October 3, 1945.]

EXECUTIVE I, SEVENTY-NINTH CONGRESS, FIRST SESSION—PROTOCOL ANNEXED TO THE TREATY FOR THE EXTRADITION OF CRIMINALS BETWEEN THE UNITED STATES OF AMERICA AND CANADA, WHICH WAS SIGNED AT WASHINGTON, APRIL 29, 1942

The undersigned, having been duly authorized to conclude a Protocol to be annexed to, and to form a part of, the Treaty for the Extradition of Criminals between Canada and the United States of America which was signed at Washington on April 29, 1942:

Considering that it is desired that the provisions of Items 26, 31 and 32 of Article 3 of the Treaty should not extend to the extradition of persons engaged in lawful business transactions in the requested country, unless the activities of such persons involve fraud, as defined by the laws of both countries, or wilful and knowing violation of the laws of the requesting country; and

Considering that it is desired that said provisions should not extend to the extradition of a publisher or vendor of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country; and

Considering that it is desired that all doubt should be removed as to the retroactive effect of any provisions of Article 3 of the Treaty which make extradition possible for an offence which was not previously an extraditable offence:

have accordingly agreed as follows:

1. No person dealing in securities in the requested country in the ordinary course of business and in compliance with the laws of the requested country shall be subject to extradition in respect of any matter involving an offence under Items 26, 31 or 32 of Article 3 of the Treaty, unless the offence involves—

(a) fraud, as defined by the laws of both countries, or

(b) wilful and knowing violation of the laws of the requesting country.

2. No person shall be subject to extradition for the sale and circulation in the requesting country of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country.

3. No person shall be subject to extradition by reason of any offence committed at a date prior to that on which the present Treaty comes into effect which was not an extraditable offence at the time when it was committed.

4. The terms of this declaration shall be deemed to have equal force and effect as the Treaty itself and to form an integral part thereof.

In faith whereof, the undersigned have signed the present Protocol and have affixed thereto their respective seals.

Done in Ottawa this third day of October, one thousand nine hundred and forty-five.

RAY ATHERTON,
Ambassador Extraordinary and Plenipotentiary of the United States of America.

LOUIS S. ST. LAURENT,
Acting Secretary of State for External Affairs.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting a nomination and a protocol, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. HUFFMAN, from the Committee on Interstate Commerce.

Robert E. Freer, of Ohio, to be a Federal Trade Commissioner for a term of 7 years from September 26, 1945. (Reappointment.)

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

Sundry postmasters.

The PRESIDING OFFICER. If there are no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MURDOCK. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

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

Mr. MURDOCK. I ask unanimous consent that the President be immediately notified of the confirmations.

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

RECESS TO MONDAY

Mr. MURDOCK. As in legislative session, I move that the Senate take a recess until Monday next at 12 o'clock meridian.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate took a recess until Monday, November 19, 1945, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate November 16 (legislative day of October 29), 1945:

SELECTIVE SERVICE SYSTEM

Homer Allen Higgins for appointment as State medical officer for Arkansas and State medical adviser for Oklahoma under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of State medical officer for Arkansas and State medical adviser for Oklahoma will be at the rate of $5,180 per annum.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 16 (legislative day of October 29), 1945:

POSTMASTERS

GEORGIA

Dewey T. Clements, Pineview.

UTAH

Harold A. Wood, Holden.
Adrian Janse, Huntsville.
Clark S. Wood, Levan.
Cora E. Paxton, Lynndyl.
Naomi A. Burgener, Midway.
Ora E. Fotheringham, Minersville.
Bertha D. Bench, Saltair.

VERMONT

Bliss W. Farrar, Craftsbury Common.

HOUSE OF REPRESENTATIVES

FRIDAY, NOVEMBER 16, 1945

The House met at 12 o'clock noon.

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

Father of life, who gavest eternal hope to all mortals, we praise Thee that Thy teachings are aglow with the promises of our glorified Lord. Today on land and sea there are many heavy with cares who will take up the trials of yesterday disheartened and wondering what the end will be; we ask for them rest from their mental strife and the peace which comes to those who share the easy yoke of our Master.

Blessed is the nation whose God is the Lord. Thou, O God, art the kingdom, and we believe that Thy hand has been in the founding and fortunes of our Republic. We pray that our citizens of every station may have written on their hearts one flag and one purpose. Grant that clouds may be dispersed and the dreams of freedom and fraternity may become true. We would remember the patriots and the martyrs of the new day; may we follow their chivalrous examples of devotion and sacrifice and bequeath to our children a country worthy of those who have preserved our national integrity. In the immortal name of Jesus. 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 insists upon its amendment to the bill (H. R. 1890) entitled "An act for the relief of the estate of Peter G. Fabian, deceased," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON of South Carolina, Mr. EASTLAND, and Mr. WHERRY to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 2578) entitled "An act for the relief of Rufus A. Hancock," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. O'DANIEL, and Mr. MORSE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 784) entitled "An act for the relief of Mr. and Mrs. John T. Webb, Sr."