submitted pursuant to the resolution No. 64, creating a select committee on small business of the House of Representatives and defining its powers and duties; without amendment (Rept. No. 2109). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BURCH:

H. R. 6528. A bill to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington; to the Committee on Coinage, Weights, and Measures.

By Mr. KEARNEY:

H. R. 6529. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mr. BALDWIN of New York:

H. R. 6530. A bill to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through civilian employment with countries allied with the United States in the Second World War; to the Committee on Immigration and Naturalization.

By Mr. BARRETT of Pennsylvania:

H. R. 6531. A bill to amend section 101 of the Nationality Act of 1940; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE:

H. R. 6532. A bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes; to the Committee on Claims.

By Mr. MANASCO:

H. R. 6533. A bill to authorize certain administrative expenses in the Government service, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. JOHNSON of Oklahoma:

H. J. Res. 357. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to all citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. REED of New York:

H. J. Res. 358. Joint resolution granting additional allowance for military and naval personnel; to the Committee on Ways and Means.

By Mr. PITTENGER:

H. Con. Res. 151. Concurrent resolution against adoption of Reorganization Plan No. 2 of Ma. 16, 1946; to the Committee on Expenditures in the Executive Departments.

By Mr. VINSON:

H. Res. 637. Resolution providing for the consideration of H. R. 5915, a bill to amend the Naval Reserve Act of 1938, as amended, so as to establish the Women's Reserve on a permanent basis, and for other purposes; to the Committee on Rules.

H. Res. 638. Resolution providing for the consideration of H. R. 5426, a bill to provide for the training of officers for the naval service, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BROWN of Georgia:

H. R. 6534. A bill to restore to the Lombard Iron Works Co., of Augusta, Ga., the right to appeal to the Secretary of War with respect to certain questions arising in connection with termination of contract No. W-41-040, CWS 309; to the Committee on Claims.

By Mr. GORE:

H. R. 6535. A bill for the relief of the estate of W. H. Rodgers, deceased; to the Committee on Claims.

By Mr. HOBBS:

H. R. 6536. A bill for the relief of Southeastern Sand & Gravel Co.; to the Committee on Claims.

By Mr. LUDLOW:

H. R. 6537. A bill for the relief of Emma L. Jackson; to the Committee on Claims.

By Mr. PATTERSON:

H. R. 6538. A bill for the relief of Robert B. Jones; to the Committee on Claims.

By Mr. SHORT:

H. R. 6539. A bill for the relief of the estate of William A. Hamilton, deceased; to the Committee on Claims.

By Mr. VOORHIS of California:

H. R. 6540. A bill for the relief of the dependents of Carl B. Sanborn; 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:

1906. By Mr. HANCOCK: Petition of Mrs. C. W. Carlton and other residents of Onondaga County, N. Y., urging that Congress pass legislation authorizing the President and the Secretary of Agriculture to issue directives preventing the use of grain for the manufacture of alcoholic beverages; to the Commitee on Agriculture.

1907. By Mr. RESA: Petition of several Townsend Clubs in Chicago, urging the enactment of legislation proposed in House bills 2229 and 2230; to the Committee on Ways and Means.

1908. By the Speaker: Petition of South Jersey Industrial Union Council, petitioning consideration of their resolution with reference to price control; to the Committee on Banking and Currency.

SENATE

FRIDAY, MAY 24, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

O merciful God, whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us who in the morning seek Thy face, fervently to desire, wisely to trace and obediently to fulfill all that is pleasing unto Thee. Unite our hearts and minds to bear the burdens that are laid upon us. Grant unto us all that, laying aside any partisan divisions, we may be given tallness of stature to see above the walls of our prideful opinions the good of the largest number. And in these perplexing times that try our souls and test our character may Thy strength sustain us, may Thy grace preserve us, may Thy wisdom instruct us, may Thy might protect us, may Thy hand direct us, this day and evermore. Amen.

THE JOURNAL

On request of Mr. PEPPER, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, May 23, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries, and he also announced that the President had approved and signed the act (S. 1980) to continue in effect section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, relating to the exportation of certain commodities.

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 joint resolution (H. J. Res. 273) authorizing and requesting the President to issue annually a proclamation designating December 15 as Bill of Rights Day.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5504) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The message further announced that the House had passed a bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 152) providing for a joint session of Congress for the purpose of holding appropriate exercises in commemoration of the life, character, and public services of the late Franklin D. Roosevelt, former President of the United States, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 23, 1946, he presented to the President of the United States the following enrolled bills:

S. 203. An act for the relief of Margery Anderson Bridges;

S. 875. An act for the relief of Mercy Duke Boehl;

S. 1201. An act for the relief of Arthur F. Downs;

S. 1305. An act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation;

S. 1563. An act for the relief of Ferris Ruggles;

S. 1604. An act for the relief of Leo Stuhr;

S. 1916. An act to authorize the Secretary of State to transfer certain silver candelabra to May Morgan Beal; and

S. 1932. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of the board of trustees of the Saunders Memorial Hospital.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GEORGE) laid before the Senate the following letters, which were referred as indicated:

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF JUSTICE (S. Doc. No. 187)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of Justice, amounting to $1,292,000, fiscal year 1947, together with draft of a proposed provision pertaining to an existing appropriation (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF THE INTERIOR (S. Doc. No. 188)

A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of the Interior, amounting to $446,000, fiscal year 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

MILTON A. JOHNSON

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Milton A. Johnson, and for other purposes (with an accompanying paper); to the Committee on Indian Affairs.

GEORGE WASHINGTON MEMORIAL PARKWAY

A letter from the Chairman of the National Capital Park and Planning Commission, transmitting a draft of proposed legislation to amend an act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930 (with an accompanying paper); to the Committee on Public Buildings and Grounds.

REPORT OF OFFICE OF PRICE ADMINISTRATION

A letter from the Administrator of the Office of Price Administration, transmitting, pursuant to law, the sixteenth quarterly report of that Administration covering the period ended December 31, 1945 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF WAR SHIPPING ADMINISTRATION

A letter from the Acting Administrator of the War Shipping Administration, transmitting, pursuant to law, the thirteenth report of certain action taken by the War Shipping Administration under section 217 of the Merchant Marine Act of 1936, as amended (with an accompanying report); to the Committee on Commerce.

THE CRITICAL GRAIN SITUATION IN NEW HAMPSHIRE

Mr. BRIDGES. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD my views relative to the critical nature of the grain situation affecting New Hampshire and the Northeast generally.

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

STATEMENT BY SENATOR BRIDGES

I want to take a few minutes to again draw the attention of the Senate to the extreme emergency conditions existing in New Hampshire and the eastern section of this country. For months now New Hampshire has been suffering from an acute shortage of grain. The result has been, as I have told the Senate before, widespread liquidation and starvation of poultry flocks.

The time is at hand now when if very definite helpful action is not taken, New Hampshire's important poultry industry will be completely eliminated. I told the Senate that the refusal of the Government's administrative departments and agencies to act would result in this condition. Others have told the Senate about the acute grain shortage in their areas of the country, especially the Northwest; it is serious there. Mr. President, but in New Hampshire and the East it is a dire emergency.

We have been repeatedly reminded of this country's grain commitments to other peoples of the world. In New Hampshire no one is unmindful of the fact that it is proper that the United States should share its supplies insofar as is possible without bringing down upon our own land the chaotic conditions which exist elsewhere in the world. In their very proper common-sense approach to this grain situation, the people of New Hampshire fail to see any wisdom in the destruction of food when food is so scarce. Yet, the policy of those administration officials with jurisdiction over grain supplies has and still does cause the actual destruction of food sources. A policy which results in the liquidation of New Hampshire poultry flocks and the liquidation of dairy herds and livestock is a wanton destruction of essential food supplies.

Over a period of months, Members of Congress from all of the Eastern States have repeatedly told the President, the Secretary of Agriculture, the Office of Price Administration, and other Government officials concerned with the grain problem what was happening and what would happen if they continued to merely talk and not act. Yet, with the exception of a little sop here and there, the cry of those in dire need of grain has not been heeded.

Mr. President, it was bad enough to force the killing of thousands upon thousands of baby chicks, but that has already been done. It will be a shame upon this country if a "do nothing" policy is continued that will result in the further starvation and further killing off of growing poultry and livestock. That is exactly what is going to happen and within a matter of days now unless those in power in this country can be persuaded or forced to do something about the grain and related problems. I want to read a letter which I have just received from the secretary of the New Hampshire Farm Bureau Federation:

"Our grain situation has become so acute that we are actually desperate. We are writing out in this letter the contents of telegrams to Secretary of Agriculture and Chester Bowles. We have also appealed to the President, giving him the contents of the wires to Anderson and Bowles. We have certainly got to have something done in addition to what has taken place already or we won't be able to keep our poultry and dairy industries. Can you help us to follow through on this?

"Feed buyers for eastern mills who have been in the grain-producing areas continuously are unable to make purchases. Our feed supply almost completely exhausted. The time has come when the Government must take action that will get grain into the deficit New England areas. This action must be immediate. We suggest these possibilities: (1) Government seizure and allocation of oats and corn. It appears there is a good supply of oats and there must be some corn; or (2) Further lifting of grain ceilings in an amount sufficient to cause offerings on the market; or (3) Complete removal of ceilings on oats and corn. Certainly oat ceilings can be removed for a time and if results are uncontrollable they can be returned; or (4) Any other action which will guarantee movement of feed grain into this area."

It is not wise to be charitable toward those who could have acted and can act but did not and won't act now. There is a clear duty to place the blame for lack of planning and for lack of action exactly where it belongs and that is upon those administrative agencies who have been authorized to control the grain situation. It is an unnecessary disgrace to have in New Hampshire and throughout this country the conditions which prevail today. They are largely the result of a philosophy subscribed to for years by those in power, impressed upon the minds of a large segment of this country's people. These conditions are the result of the failure to plan by the largest army of office holders the world has ever known. They have been given the money and personnel beyond all reason to handle this country's problems, but they have handled them in such a way as to jeopardize the future economic security of the United States.

The buck passing should be stopped. The appeal of those who are a part of industries vital to New Hampshire and other States should be heeded. Action should be taken now to get adequate grain supplies into New Hampshire and the other stricken areas. Helpful action turn only upon the willingness to act of those who have the power. Their failure to act will result not only in the liquidation of the poultry industry and livestock, but will result in the destruction of food supplies which within the next few months will be vitally essential to this country. I hope that this Government's army of office holders has a sufficient reserve of common sense to act now in this critical situation.

OFFICE OF PRICE ADMINISTRATION—PETITIONS

Mr. VANDENBERG. Mr. President, I ask unanimous consent to present for appropriate reference petitions signed by approximately 3,000 citizens of the State of Michigan, praying for the continuation of the Office of Price Administration without crippling amendments.

The ACTING PRESIDENT pro tempore. Without objection, the petitions will be received and referred to the Committee on Banking and Currency.

REPORT OF A COMMITTEE

Mr. HATCH, from the Committee on Public Lands and Surveys, to which was

referred the bill (H. R. 5271) to amend an act entitled "An act to allow credit in connection with certain homestead entries for military or naval service rendered during World War II," reported it without amendment and submitted a report (No. 1390) thereon.

NATIONAL SCIENCE FOUNDATION — MINORITY VIEWS (PT. 2 OF REPT. NO. 1136)

Mr. BRIDGES. Mr. President, I ask unanimous consent to submit minority views for myself, the Senator from Vermont [Mr. AUSTIN], the Senator from South Dakota [Mr. GURNEY], the Senator from Iowa [Mr. WILSON], the Senator from West Virginia [Mr. REVERCOMB], and the Senator from Connecticut [Mr. HART], as members of the Committee on Military Affairs, to accompany the bill (S. 1850) to promote the progress of science and the useful arts, to secure the national defense, to advance the national health and welfare, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the minority views will be received and printed.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

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

BILLS INTRODUCED

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

By Mr. WALSH:

S. 2245. A bill to authorize the Secretary of the Navy to construct a Postgraduate School at Monterey, Calif.;

S. 2246. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain land and rights in land on the island of Guam, and for other purposes; and

S. 2247. A bill to permit the Secretary of the Navy to delegate the authority to compromise and settle claims against the United States caused by vessels of the Navy or in the naval service, or for towage or salvage services to such vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. BANKHEAD:

S. 2248. A bill to provide for further research into basic laws and principles relating to agriculture; to the Committee on Agriculture and Forestry.

By Mr. O'MAHONEY (for himself and Mr. JOHNSON of Colorado):

S. 2249. A bill to amend the Sugar Act of 1937, as amended, and for other purposes; to the Committee on Finance.

By Mr. ELLENDER (by request):

S. 2250. A bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. HATCH (for Mr. CHAVEZ):

S. 2251. A bill for the relief of Mary G. Paul; to the Committee on Claims.

By Mr. STEWART (for Mr. MAYBANK):

S. 2252. A bill for the relief of the Plymouth Manufacturing Co.; to the Committee on Claims.

HOUSE BILL REFERRED

The bill (H. R. 6496) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1947, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INVESTIGATION OF BETTER MOBILIZATION OF THE NATIONAL RESOURCES—INCREASE IN LIMIT OF EXPENDITURES

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to submit an amendment intended to be proposed by me to the resolution (S. Res. 245) increasing the limit of expenditures for the investigation of the better mobilization of the national resources of the United States, and request that it be printed and lie on the table. I also ask unanimous consent that an explanatory statement thereof be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be received, lie on the table, and be printed, and the explanatory statement will be printed in the RECORD.

The explanatory statement presented by Mr. THOMAS of Utah is as follows:

The Committee on Military Affairs favorably reported on March 26, 1946, a budget of $56,766.12 for its investigating arm, the Subcommittee on War Mobilization, in order that the subcommittee might complete its important work in the fields of (1) science and national security, and (2) the elimination of German resources for war, under the direction of its chairman, the gentleman from West Virginia [Mr. KILGORE].

The subcommittee, which has been authorized for the duration of the Seventy-ninth Congress by Senate Resolution 146, agreed to June 28, 1945, is one of the most valuable investigating bodies of the Congress. The early studies of the Government led to the recommendations first, for the creation of the Office of War Mobilization, and later, for the Office of War Mobilization and Reconversion. The subcommittee has conducted a thorough investigation of the Nation's scientific and technical resources, and has recommended the establishment of a National Science Foundation, a bill for the creation of which has been favorably reported by the Committee on Military Affairs and is now on the Senate Calendar. The subcommittee's studies show that during the war years the Federal Government spent more than $2,000,000,000 for scientific research, exclusive of the work on the atomic bomb, and the subcommittee is continuing its important investigations into the best use of the Nation's scientific resources for our national security. Equally important is the subcommittee's continuing investigations into cartel relationships between Nazi Germany and other nations, and the extent of Germany's scientific and other resources which still remain as a possible base for a third attempt at world conquest by Germany. This work is now in a very crucial phase as more and more captured German documents are becoming available for examination. The approval by the Senate of the modest budget recommended by the Committee on Military Affairs is essential so that this valuable work may be completed.

In the past, the subcommittee, under the authority to borrow personnel from the executive agencies of the Government conferred in the Senate resolution creating the subcommittee, has been largely staffed by such borrowed personnel.

After March 31, 1946, however, under the terms of the resolution sponsored by the gentleman from Nebraska [Mr. WHERRY], all Senate committees must reimburse the executive agencies for the salaries of such borrowed personnel.

To make it possible for the subcommittee, under the provision of the Wherry resolution, to complete its work in progress the Military Affairs Committee reported the budget of $56,766.12 for the remainder of the Seventy-ninth Congress.

At this point I should like to introduce for the record the brief summary of the work program of the subcommittee set forth in the report of the Committee on Military Affairs:

FROM REPORT NO. 1079, CALENDAR NO. 1109

"The subcommittee's present program calls for completion of its studies with respect to science and cartels.

"SCIENCE AND NATIONAL SECURITY

"The subcommittee has done pioneer work in showing the relationship between the Nation's scientific resources and its national security and industrial strength. As a result of its wartime studies, it has formulated an over-all program for Federal support of science embodied in S. 1850, the bill creating a National Science Foundation, which has recently been recommended by the Military Affairs Committee to the Senate. The subcommittee's present program calls for continuing its work on the over-all National Science program. In addition, the subcommittee has devoted a great deal of study to the best manner in which the research financed by the Federal Government during the war can be made fully available to the American people in peacetime. Subcommittee studies show that over $2,000,000,000 were spent by the Federal Government for scientific research, exclusive of money spent on the atomic bomb. This research adapted to peacetime purposes can promote new business opportunities and additional jobs. The subcommittee is determining what types of executive action under existing legislative authority and what, if any, additional legislative measures are required to assure that the benefits of this research will be made fully available. In a similar way, the subcommittee is seeking to assure the availability to American business of the large store of German science and technology which has been uncovered by our occupying forces.

"ELIMINATION OF GERMAN RESOURCES FOR WAR

"Studying war mobilization, and particularly scientific aspects, the subcommittee discovered and revealed how the Axis-dominated cartels, or world-wide monopolies, not only impeded American national defense production and restricted peacetime trade, but actually furnished an intelligence service coupled with an espionage service which made their war effort much more effective. Full documentation was impossible during the war, but with the ending of the war, a vast quantity of new material was captured in Germany, and previously intercepted material became available. At the request of the subcommittee, these materials have been collected and are being transmitted to the subcommittee by the Army for study and analysis. Taken together with the materials previously collected, they provide a sharp insight into the techniques of economic warfare and military and naval intelligence not only through recognized intelligence sources, but also through business contacts, that when fully worked out will not only reveal what was employed prior to and during World War II, but the manner and extent to

which the Germans have set aside resources and are still maintaining an intelligence service to renew their aggression at a future date. In addition, the captured materials provide the most complete record of the hitherto secret cartel structure that has ever been made available in the United States. The subcommittee's present program calls for: (1) Completing the analyses and publication of these materials, including the study and publication of Nazi party files showing their espionage network throughout the world; (2) relating these findings to the current program for denazifying and disarming Germany; and (3) drawing such general conclusions and recommendations with respect to international cartels as may be made from these findings and previous materials collected by the subcommittee."

I want also to make a part of the record the list of publications of the subcommittee, which indicates the scope and character of the subcommittee's work:

LIST OF PUBLICATIONS OF THE SUBCOMMITTEE ON WAR MOBILIZATION OF THE SENATE COMMITTEE ON MILITARY AFFAIRS

HEARINGS ON ELIMINATION OF GERMAN RESOURCES FOR WAR, 1945-46

Part 1 (pp. 1-28), June 22, 1945. Testimony of Bernard M. Baruch.

Part 2 (pp. 29-142), June 25, 1945. Testimony of State Department.

Part 3 (pp. 143-554), June 26, 1945. Testimony of Foreign Economic Administration and materials on German penetration of European industry.

Part 4 (pp. 555-638), June 28 and 29, 1945. Testimony of Justice Department, Alien Property Custodian, and War Department. (Out of print.)

Part 5 (pp. 639-922), July 2, 1945. Testimony of Treasury Department. (Out of print.)

Part 6 (pp. 923-940), November 1945. Additional material submitted by the War Department.

Part 7 (pp. 941-1042), December 1945. I. G. Farben material submitted by the War Department.

Part 8 (pp. 1043-1122), December 11 and 12, 1945. War Department testimony.

Part 9 (pp. 1123-1150), December 20, 1945. Foreign Economic Administration testimony.

Part 10 (pp. 1151-1532), February 1946. I. G. Farben exhibits (to accompany pt. 7).

Part 11 (pp. 1533-1627), February 25 and March 6, 1946. Testimony of Russell A. Nixon and Maj. Gen. John H. Hildring.

HEARINGS ON SCIENCE LEGISLATION (S. 1297 AND RELATED BILLS), 1945-46

Part 1 (pp. 1-193), October 8, 9, 10, 11, and 12, 1945.

Part 2 (pp. 199-456), October 15, 16, 17, 18, and 19, 1945.

Part 3 (pp. 457-736), October 22, 23, 24, 25, and 26, 1945

Part 4 (pp. 737-924), October 29, 30, 31, and November 1, 1945.

Part 5 (pp. 925-1196), November 1 and 2, 1945. Including statements submitted for the record.

Part 6 (pp. 1197-1210), March 5, 1946.

HEARINGS ON SCIENTIFIC AND TECHNICAL MOBILIZATION AND CARTEL PROBLEMS, 1943-44

Part 1 (pp. 1-102), March 30, 1943. Statement and exhibits submitted by Thurman Arnold.

Part 2 (pp. 103-196), April 3, 9, and 27, 1943. Testimony by representatives of agricultural and industrial organizations. (Out of print.)

Part 3 (pp. 197-313), June 17, 1943. Exhibits consisting largely of letters on proposed Office of Scientific and Technical Mobilization. (Out of print.)

Part 4 (pp. 314-702), June 4, 1943. Testimony by Senator Homer T. Bone, with summary of testimony presented to the Senate Committee on Patents by the Department of Justice. (Out of print.)

Part 5 (pp. 703-711), October 15, 1946. Testimony by Henry A. Wallace.

Part 6 (pp. 712-958), October 15 and 21, 1943. Monopoly and Cartel Practices: Vitamin D. Testimony and exhibits submitted by Antitrust Division, Department of Justice. (Out of print.)

Part 7 (pp. 959-980), November 4, 1943. Monopoly and Cartel Practices: Titanium.

Part 8 (pp. 981-1046), November 8, 1943. Monopoly and Cartel Practices: Universal Oil Products.

Part 9 (pp. 1047-1115), November 24, 1943. Monopoly and Cartel Practices: Tanning Materials.

Part 10 (pp. 1116-1281), December 9, 1943. Monopoly and Cartel Practices: The Hormone Cartel. (Out of print.)

Part 11 (pp. 1282-1346), February 8, 1944. Increasing the Wear of Shoe Leather.

Part 12 (pp. 1347-1558), February 10, 1944. Monopoly Practices: Railroads.

Part 13 (pp. 1559-1654), February 11 and 12, 1944. Use of Radio for Railroad Communication and Signaling.

Part 14 (pp. 1655-1728), May 19, 1944. Railway Express Agency.

Part 15 (pp. 1729-1964), August 17, 1944. Railroad Technology: Association of American Railroads; the Pullman Co.

Part 16 (pp. 1965-2454), August 29 and September 7, 8, 12, and 13, 1944. Cartel Practices and National Security. (Out of print.)

REPORTS, 1943-46

First Interim Report (8 pages), May 13, 1943. Recommending the establishment of an Office of War Mobilization.

Second Interim Report (8 pages), June 22, 1943. On the Office of War Mobilization established by Executive order.

Third Interim Report (16 pages), October 7, 1943. Mobilization of Shipping Resources.

Fourth Interim Report. Cartels and National Security. Part I (13 pages), November 1944. Findings and Recommendations.

Part II (90 pages), November 16, 1944. Analytical and Technical Supplement. (Out of print.)

Part II, section III (56 pages), December 20, 1944. Citation of Cartel Practices. (Out of print.)

Fifth Interim Report. The Government's Wartime Research and Development, 1940-44.

Part I (326 pages), January 23, 1945. Survey of Government Agencies. (Out of print.)

Part II (74 pages), July 1945. Findings and Recommendations. (Out of print.)

Excerpts from Part II (14 pages), July 1945.

Sixth Interim Report (6 pages), July 10, 1945. Preliminary Report on Germany's War Potential.

Seventh Interim Report (29 pages), December 21, 1945. Preliminary report on Science Legislation: The National Science Foundation.

Eighth Interim Report (44 pages), February 27, 1946. Report on Science Legislation: S. 1850.

MONOGRAPHS, 1944-46

No. 1. Economic and Political Aspects of International Cartels. February 5, 1944. (83 pages.) (Out of print.)

No. 2. Wartime Technological Developments. May 1945. (418 pages.) Wartime Technological Developments, 1944 supplement. October 1945. (197 pages.)

No. 3. The Social Impact of Science: A Select Bibliography. August 1945. (51 pages.)

No. 4. Industry Opinion on Proposed Science Legislation. October 18, 1945. (30 pages.)

No. 5. Science Legislation: Analytical Summary of Testimony. December 1945. (138 pages.) (Out of print.) Excerpts from Monograph No. 5. December 6, 1945. (6 pages.)

No. 6. A Program for German Economic and Industrial Disarmament. April 1946. (pp. 1-377.) Appendix (pp. 379-660).

PRINTS, 1945-46

Legislative Proposals for the Promotion of Science: The Texts of Five Bills and Excerpts from Reports. (89 pages), August 1945. Subcommittee print. Reprinted as Senate Document No. 92.

Nazi Party Membership Records, submitted by the War Department. (49 pages), March 1946. Subcommittee print.

HEARINGS ON S. 2721, A BILL TO ESTABLISH AN OFFICE OF TECHNOLOGICAL MOBILIZATION, 1942

(Out of print)

Volume 1 (pp. 1-291), October 13, 21, 22, 27, and November 17 and 18, 1942. Statements on technological mobilization in war by Government officials, inventors, scientists, manufacturers, economists, and others.

Volume 2 (pp. 292-598), November 20, 25, 27, and December 4, 10, and 11, 1942. Testimony on S. 2721 by representatives of engineering colleges, scientific societies, and others.

Volume 3 (pp. 599-949), December 12, 14, 17, 18, and 19, 1942. Further testimony on S. 2721 by scientists, United States Government and foreign officials.

HEARINGS ON PROPOSED OFFICE OF WAR MOBILIZATION, 1943

Part 1 (pp. 1-499), May 18, 19, 24, and 26, 1943. (Out of print.)

The Budget recommendation approved by the Committee on Military Affairs was referred to the Committee to Audit and Control the Contingent Funds of the Senate. That committee, of which the gentleman from Nebraska [Mr. WHERRY] is a member, cut the Budget recommendation to $18,000, which is less than one-third of the budget approved by the Military Affairs Committee. It is my understanding that the gentleman from Nebraska [Mr. WHERRY] and his colleague on the committee, the gentleman from Illinois [Mr. BROOKS], served notice that on the floor of the Senate they would oppose any appropriation for the subcommittee.

Because of the crowded condition of the Senate Calendar and because of the opposition which precludes its being considered under unanimous-consent agreement, even the recommendation of the Audits Committee has not been acted upon. The members of the staff of the subcommittee have had to return to their several executive agencies. The work of this very important investigatory arm of the Military Affairs Committee has come to a standstill.

The public reaction to the crippling of the work program of the subcommittee was immediate and sharp. The Washington Post commented editorially on April 2: "It is difficult to understand the reasoning which prompted the Senate Committee on Audits and Accounts to recommend a drastic cut in funds for the important investigatory work of the subcommittee on war mobilization of the Military Affairs Committee. This group, established in 1942 under the chairmanship of Senator KILGORE, has proved itself one of the most effective congressional goads to executive action. And it has made available to Congress and the public a wealth of illuminating materials on the technological aspects of war mobilization. It has much significant work still to do. The Military Affairs Committee requested for it an appropriation of $57,000. But this request, as it goes to the floor today, has been cut, inexplicable, to a mere $18,000."

I should like to introduce the entire editorial from the Washington Post into the RECORD:

"KILGORE COMMITTEE

"It is difficult to understand the reasoning which prompted the Senate Committee on Audits and Accounts to recommend a drastic cut in funds for the important investigatory work of the subcommittee on war mobilization of the Military Affairs Committee. This group, established in 1942 under the chairmanship of Senator KILGORE, has proved itself one of the most effective congressional goads to executive action. And it has made available to Congress and the public a wealth of illuminating material on the technological aspects of war mobilization. It has much significant work still to do. The Military Affairs Committee requested for it an appropriation of $57,000. But this request, as it goes to the floor today, has been cut, inexplicably, to a mere $18,000.

"Out of the subcommittee's studies on the technological resources of the United States, there has emerged, in accordance with a request from the President, a bill for the creation of a national science foundation. Embodying the best features of conflicting proposals after long and careful hearings, the bill is a thoroughly sound and considered piece of legislation; the subcommittee which developed it should stay on the job to see it through to enactment. Even more vital, perhaps, are the studies of the subcommittee in connection with German cartels and hidden resources for waging war. Captured German documents dealing with Nazi infiltration into foreign countries and economic reserves have been analyzed by the Kilgore group; the findings thus far disclosed make completion of the job seem imperative. The Senate would be very imprudent indeed, we think, to frustrate at this juncture one of the most useful of its own instruments for dealing with postwar problems."

The New York Times pointed out editorially on April 15, and I quote, "Few investigating bodies have emerged from the war with so commendable a history as that of the Senate subcommittee of which Senator KILGORE is the chairman." The New York Times editorial outlined the work of the subcommittee and concluded: "With such history it is difficult to understand why the Senate has cut to $18,000 a requested appropriation of $57,000 which would have enabled the subcommittee to continue its work to the end of the year."

I should like to submit the entire editorial from the New York Times in the RECORD at this point:

"THE KILGORE COMMITTEE

"Few investigating bodies have emerged from the war with so commendable a history as that of the Senate subcommittee of which Senator KILGORE is the chairman. Appointed as far back as 1943 'to study the possibilities of better mobilizing the technological resources of the United States for the more efficient prosecution of the war,' its work is valuable in this transition period when we must make the most of our technological progress. The one record we have of new processes and materials, a record which ought to be completed for the benefit of small and big business, we owe to the committee.

"As a result of the subcommittee's studies, which showed how Federal scientific agencies can be coordinated and how we can more efficiently use our scientists and engineers in peace as well as in war, a bill which would create a national science foundation has been introduced, a bill which has received the approval of most scientists. Our war programs (manpower, production, stabilization, transportation) were reviewed to such good effect that the Office of War Mobilization and Reconversion was created. Moreover, we owe to the subcommittee the most thorough study thus far made—yet not thorough enough—of German economic aggression in ways that are repugnant to us, and of German preparations for a third war.

"With such history it is difficult to understand why the Senate has cut to $18,000 a requested appropriation of $57,000 which would have enabled the subcommittee to continue its work to the end of the year."

The columnist, Thomas L. Stokes, on April 8, under the title "Finish the Job," wrote: "The subcommittee is in the midst of a most important job which is analysis of secret documents captured in Germany relating to cartels. This important task now suddenly is threatened by the action of the Senate Audit and Control Committee in slashing the requested $57,000 appropriation for the next fiscal year to $18,000."

I submit the entire article for the RECORD:

"FINISH THE JOB

"(By Thomas L. Stokes)

"One of the recommendations of the Joint Committee on Reorganization of Congress that has won general support urges additional expert staff help for congressional committees.

Even before the joint committee, headed by Senator LA FOLLETTE, Progressive, Wisconsin, and Representative MONRONEY, Democrat, Oklahoma, began its investigation a year ago bills were introduced for this purpose. This denotes recognition of the need for more information, both for individual Members and for committees, so they can perform intelligently their legislative functions in the face of growing complexity of Government and the expansion of its activities.

"Few major committees have anything like adequate staffing to cope with the problems that confront them constantly. Some committees set up, from time to time, special subcommittees to dig up information.

"One such subcommittee was created in October 1942 by the Senate Military Affairs Committee. Known as the Subcommittee on War Mobilization, it proved a most helpful adjunct to the Military Committee and the Senate.

"During the war its investigations resulted in improvements in over-all coordination of the war program and in mobilizing scientific research for war. During the war and since, through an exhaustive investigation of the German cartel system, it has thrown light on the effects of that system on our own war preparations through economic penetration and espionage here and in South America.

"Incidentally, its inquiry into war production and manpower bottlenecks brought recommendations that influenced creation of the Office of War Mobilization, the high civilian command in the last 2 years of the war. Its study of scientific research resulted in the bill for a National Science Foundation, both for military and peacetime advancement of science, which has been reported favorably to the Senate.

"Now the subcommittee is in the midst of a most important job which is analysis of secret documents captured in Germany relating to cartels.

"This important task now suddenly is threatened by the action of the Senate Audit and Control Committee in slashing the requested $57,000 appropriation for the next fiscal year to $18,000. The Senate has not yet passed on the committee's recommendation.

"There are interests in this country which would be very happy to see this investigation restricted or stopped, big economic and financial interests that had tie-ins with German cartels before the war. They should not be permitted to prevent revelation of the complete story.

"Efforts to hamstring congressional investigations that affect powerful interests are not new or strange to anyone who has covered them through the years. Attempts were made to shut off the famous Senate Banking Committee investigation into stock market and banking abuses, conducted by Ferdinand Pecora—also, among others, the Interstate Commerce Committee's investigation into railroad receiverships in which President Truman, while Senator, took such an important part as chairman of an investigating subcommittee.

"The power of investigation is one of the most cherished and most effective powers of Congress. Through congressional investigations have come corrections of many evils in our economic and social system.

"The War Mobilization Subcommittee should have the means to complete its important job."

The St. Louis Post-Dispatch wrote on April 10, under the title "A Vital Agency in Danger" that "One of the most valuable of Congressional agencies is threatened with being crippled, even abolished, because of a committee's penny pinching, plus a case of childish political jealousy."

I want to introduce this editorial in the RECORD, together with several additional articles from the Post-Dispatch:

[From the St. Louis Post-Dispatch of April 10, 1946]

"A VITAL AGENCY IN DANGER

"One of the most valuable of congressional agencies is threatened with being crippled, even abolished, because of a committee's penny pinching, plus a case of childish political jealousy.

"That agency is the Senate's Subcommittee on War Mobilization, often called the Kilgore committee in recognition of its chairman, a capable and industrious West Virginian. Next to the War Investigating Committee, or Truman committee, it is safe to say that the Kilgore group has performed the war period's outstanding service to the American people so far as committees are concerned. While need for the Truman group's searching inquiries has ended, the Kilgore group's work remains of vital importance.

"Part of its work, to be sure, is finished business. The subcommittee was the parent of the Office of War Mobilization and Reconversion, which was set up on its recommendation and is functioning in the tasks of contract settlement, surplus-property disposal, and the return of industry to peacetime production.

"Other parts of its work are now in legislative hands, such as the bill for creation of a national science foundation, which the committee proposed after a careful study. This is designed to give governmental sponsorship to the scientific research that has proved so vital in peace as well as in war.

"The case for continuance of the group is not based on its past history, however; it is based on the pressing work still ahead in a field where energetic efforts are required more and more as postwar apathy causes a relaxation of national vigilance.

"That work, in which the Kilgore group has made a distinguished record, is the tracking down of the involved German industrial system, its intimate ties with the Nazi warmakers, its expansion abroad by way of cartels conducted for the greater glory of the Reich—the Third Reich in past years, and whatever militaristic successor is set up if the roots of nazism are not pulled up for all time.

"In a brilliant series of reports, issued after extensive hearings at which authorities testified, the Kilgore group has presented the evidence of German industrial conspiracy that worked hand-in-hand with militarist conspiracy, has drawn up charts of worldwide cartel connections, extending into important American concerns, has shown the hiding of assets and the creation of dummy firms abroad that are among the German General Staff's devices in plotting World War III.

"The Kilgore reports have been a constant reminder of German duplicity. They have been a goad to national alertness, a continued warning against any soft economic policy that would permit a repetition of past events.

"The need for the reminder and the goad remain as Allied occupation policy wobbles and skids. Much evidence is still to be collected, for more records are constantly becoming available. Yet the threat to restrict the agency's work, or to abolish it, is a real and present one.

"The Committee on Audits and Accounts proposes to reduce its budget from the reasonable figure of $57,000 for the remainder of the year to an inadequate $18,000. Senator REVERCOMB, West Virginia Republican, is jealous of the prominence his Democratic colleague has received, and would welcome the agency's abolition.

"The reasons for continuance of the subcommittee are weighty, for they involve no less than the attaining of our war aim to end German military power. The reasons for its abolition are petty in the extreme. How can the Audits Committee, if it weighs the facts at all, decide otherwise than to give the Kilgore agency the funds it needs for completion of its crucial task?"

[From the St. Louis Post-Dispatch of April 16, 1946]

"TRIPLE THREAT IN CONGRESS

"A three-pronged assault on the Kilgore committee and what it stands for is going forward this week in Congress. It has an excellent chance of success if the pro-Kilgore forces are not alerted to the danger.

"The battle in essence is between the foes of monopoly and cartelism and the special interests which profit by such arrangements.

"The Kilgore committee has done a magnificent job in digging up facts concerning monopolies and monopolistic practices here in the United States. It has done an equally magnificent job of prodding the Army into capturing German documents which show the cartelistic tie-ups between Nazi industries and industries in other countries, including our own.

"Here is the picture of the triple threat to the public interest:

"(1) In the Senate the Audit Committee has cut a request for $57,000 needed for continued operation of the Kilgore group to a mere $18,000. Encouraged by this, a group of anti-Kilgorites in the Senate—headed by such reactionaries as Senators BRIDGES, WHERRY, and BROOKS, and Senator KILGORE'S own colleague from West Virginia, Senator REVERCOMB—apparently plans to deny the committee any funds at all—to liquidate it.

"(2) Meanwhile, the House Appropriations Committee has slashed $200,000 from the Budget request of the Antitrust Division of the Department of Justice—an action which Assistant Attorney General Wendell Berge terms 'most disturbing.'

"The money is needed for antitrust work. The House committee's action comes at a time when, with the ending of the wartime moratorium, a great backlog of antitrust prosecutions is on the Department of Justice's calendar. These cases involve the motor, steel, movie, and chain-grocery industries. In addition, and of great importance, are many cases dealing with German cartel deals.

"The relationship between the Kilgore committee and the Antitrust Division has been exceedingly close. Much of the material in the hands of the Division's cartel experts was dug up by the Kilgore committee and handed to them.

"(3) The third assault on the principles KILGORE stands for is the attempt on the part of the railroads, which are using what Congressman COCHRAN has called 'a million-dollar lobby,' to bring about passage of the Bulwinkle bill. This bill would exempt transportation industries from antitrust prosecutions, and is described by Mr. Berge as a most dangerous and vicious monopolistic threat.

"It was the Kilgore committee that brought to the attention of the Justice Department the trust agreement among the western carriers. It also has recommended all sorts of railroad improvements, such as the adoption of safety devices, the use of radio in train operation, and so on.

"It will be recalled that one of President Truman's first successes as a Senator was the inquiry he conducted into the tangled operation of railroad finances. That experience gave him a close-up of transportation affairs that should stand him in good stead if and when the Bulwinkle bill is passed. If Mr. Truman signed the bill, he would be catering to forces and to practices which he opposed as a Senator and as a disciple of Franklin Roosevelt.

"The boldness of the anti-Kilgore forces shows that they believe they can take advantage of postwar apathy and the frenzied desire to return to 'normalcy' to gain their ends. By 'normalcy,' of course, is meant a repetition of the laissez-faire that prevailed in the Harding and Coolidge administrations after the last war, so far as curbing special interests was concerned.

"The special interests—the great concentrations of wealth that profit by monopolistic practices at home and intimate connections with Nazi and other industrialists abroad—may win. They may cripple, if not kill, the Kilgore committee. They may hamstring the good work Mr. Berge is doing in the Department of Justice. They may induce Congress to pass the Bulwinkle bill.

"If they win this three-pronged assault, they will not stop there. They will have tasted blood and they will seek other victories. Somewhere along the line they will have to be stopped in their tracks, unless this country is willing to go back to the old, old deal by which concentrated financial power ran Congress and the White House. The best time to stop those interests is now."

[From the St. Louis Post-Dispatch of April 22, 1946]

"A WARNING OF NAZI CONSPIRACY

"Senator KILGORE'S warning that Nazi diehards are plotting another war of aggression might be dismissed as sensationalism except for two things: (1) the fact that the Germans did the same thing, and successfully, after their apparent total defeat in 1918; (2) the fact that the Kilgore committee has reams of evidence pointing to a conspiracy for a third attempt at world domination.

"Such warnings as Mr. KILGORE'S are needed to keep the Nation vigilant and prepared. Occupation policy in Germany is weakening, because of apathy and the failure to send sufficient troop replacements. Surviving pro-Nazis are moving to take advantage of this laxity, and they have large amounts of assets hidden abroad for use when Der Tag comes again.

"Valuable as the Kilgore committee's services are, in this necessary task and others, they are doomed to end if the Senate Audit Committee goes ahead with its intention to hamstring or abolish this useful agency by sharply reducing its funds. Too few spokesmen are sounding the essential note of 'Lest we forget,' which is needed to save America from the fateful consequences of its postwar let-down. Surely all who realize the necessity for completion of the Kilgore agency's huge job of exposing the Nazi conspirators will insist that the Audit Committee withhold its destructive hand."

These editorials from the New York Times, the Washington Post, and other papers are but samples of responsible public opinion.

Much important work remains to be done by the subcommittee. I cannot believe that the Senate wishes to permit the crippling of the subcommittee's investigations. The public statements by members of both parties in support of the subcommittee's work make it clear that they do not intend to permit such crippling of those investigations. I am accordingly submitting an amendment to Senate Resolution 245, as amended, to increase the limit of expenditures at this time to $37,000—which is still $20,000 below the recommendation of the Military Affairs Committee—and request that the amendment be laid on the table.

BOOKER T. WASHINGTON—ADDRESS BY SENATOR GUFFEY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address on Booker T. Washington, delivered by him at the United Negro College Fund Drive on May 23, 1946, which appears in the Appendix.]

ALL-AMERICAN MOTION PICTURE ACADEMY AWARD

[Mr. WILEY asked and obtained leave to have printed in the RECORD a suggestion by him regarding a special "All-American award" to be given by the Academy of Motion Picture Arts and Sciences, which appears in the Appendix.]

MAGAZINE LIBELS FARMERS—ARTICLE FROM THE DAILY REPUBLIC, MITCHELL, S. DAK.

[Mr. BUSHFIELD asked and obtained leave to have printed in the RECORD an editorial entitled "Magazine Libels Farmers of the United States," from the Daily Republic, of Mitchell, S. Dak., of the issue of May 14, 1946, which appears in the Appendix.]

THE ST. LAWRENCE WATERWAY AND THE UTILITY INVESTOR

[Mr. AIKEN asked and obtained leave to have printed in the RECORD a report by the investment research department of Eastman, Dillon & Co., of New York, entitled "The St. Lawrence Waterway and the Utility Investor," which appears in the Appendix.]

WHY DON'T YOU WRITE YOUR SENATOR?—EDITORIAL FROM THE SATURDAY EVENING POST

[Mr. TAFT asked and obtained leave to have printed in the RECORD an editorial entitled "Why Don't You Write to Your Senator?" published in the Saturday Evening Post for May 25, 1946, which appears in the Appendix.]

O SHIP OF STATE—ORATION BY JERRY JOACHIM

[Mr. MCFARLAND asked and obtained leave to have printed in the RECORD an oration entitled "O Ship of State," by Jerry Joachim, of the Union High School, Phoenix, Ariz., which appears in the Appendix.]

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] for himself and other Senators.

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

Mr. WILEY. Mr. President, will the Senator withhold his request It might take half an hour to get a quorum.

Mr. PEPPER. I will leave it to the majority leader, who has just come into the Chamber.

Mr. BARKLEY. If the Senator from Wisconsin desires to proceed without a quorum that is satisfactory to me.

Mr. WILEY. I should like to proceed.

Mr. President, many years ago I heard a famous lecturer tell this incident: He said that a certain individual was moving from town A to town B, and as he came to the outskirts of town B he stopped at a gas station and asked, "What kind of folks are living in town B?" An old philosopher was operating the gas station and he said to the inquirer, "What kind of folks did you find in town A, where you were living?" The man who made the inquiry said, "Oh, they were no-good folks over there; they were hard to get along with; they were quarrelsome and low-minded." Then the philosopher at the gas station said, "You will find that kind of folks over here in town B," and as the man left the gas station he heard the station master say, "Yes, you will find the kind of people you are looking for." The next day another individual moving from town A to town B stopped at the same gas station and asked the same question. The philosopher once again asked, "What kind of folks were there in town A?" The second person replied—bear in mind at the same town—"Oh, they were fine folks; very easy to get along with, friendly, and noble-minded." "Well," the gas station philosopher said, "you will find the same kind of folks in the town you are going to. They are great people; they are friendly people." That reminds me of the statement that we generally find what we are looking for.

In 1939, when I came to the Senate from a busy life as a small-town lawyer and businessman, I met here in the Senate what I thought was the finest aggregation of men with whom I had ever come in contact—men from the South, the West, the East, the North, and from the center of this great continent. Whenever there was a tendency to see the mote in somebody's else eye I remembered the scriptural injunction, "First cast out the mote from thine own eye before thou seest the beam in thy brother's eye."

Long ago I was taught by my law practice that because men reached different conclusions from the facts that is not a bad thing but is a good thing. After all, "man's wisdom is foolishness with God." Independent minds on this plane of living and thinking make for independent living. Only when men can be siphoned into a herd and led like a flock of sheep to slaughter does liberty disappear. That is what happened in Germany and Italy and in other countries where dictatorship took over and where men did not differ.

In the rough and tumble of law practice I learned quite a bit of life. I think probably one of the greatest jury-trial lawyers this country ever produced was Abraham Lincoln, and on many occasions I have used his statements and philosophy. It will be remembered he once said that when a man damns his opponent in a lawsuit instead of arguing the facts, it is perfectly clear evidence that he has a damn poor case of his own. I have used that statement before juries and won cases when lawyers, instead of arguing the facts or the law, indulged in what the Latins called argumentum ad hominem. A very dear friend of mine who was one of the great jurists in my State told me when I started to practice law, "Be careful not to misstate the facts or the law when you are arguing a case, for the jury and the judge soon spot a lawyer who indulges in such lax methods." I believe all people sense the difference between "wind blowing" and the facts. I believe also it ill becomes anyone to befoul his own nest.

Another wholesome piece of advice of which this great legal mind made me the beneficiary was this: "When you have a legal problem sit down and calmly think the thing through. Get at the issue." I have always tried to be guided by those principles.

Mr. President, what is the issue in the debate before this body? To me it seems a very simple one. The aim is not to damage the legitimate rights of labor. The issue is, How can we as legislators and policy makers protect the Republic? Or, putting it in another way, How can we look after the rights of the public?

Everyone concedes in this entire debate that the public interest has been neglected. On one side we are told how the poor laboring man has been abused, and the terrible conditions in the mines are shown—conditions which are not new, but which have obtained for months and years, and they are maximized. Then those on that side stop, and they ask us to draw the conclusion that that is a justification for interfering with the rights of the public.

One false line of argument indulged in by many folks is illustrated by the old fighting phrase, "You're a liar." To a thinking mind that proves nothing. One making such a statement should produce the proof. Everyone knows that, but how often do we hear the same line of tactics indulged in, other phrases being used, in connection with labor situations? We hear that someone wants to crucify labor, enslave labor. This is a generality. There is no proof, no facts, showing that such is the case.

Our purpose in this great body is to protect the rights of the public, the rights of labor and management, and to see that no group or interest can jeopardize the rights of this great Nation. To do that is our sworn duty, and to see to it that neither now nor in the future men, individually or as groups, can rise who would strangle the economic and political life of this Nation. That, Mr. President, is the issue in this debate.

My own thought is that in doing this, if we could prescribe rules and procedures which would accomplish that end, we not only would be protecting our beloved country but we would be aiding the misguided individuals themselves.

Mr. President, yesterday one of our distinguished associates in the Senate made what I thought was one of the finest statements of what I call the issue in this debate that any Senator has made. I refer to the statement of the distinguished Senator from Oregon [Mr. MORSE]. I wish to read parts of it to the Senate, because in a few moments I shall discuss the historical concept of what has been called the right to strike. The Senator from Oregon put his finger on the issue in this case so clearly and dynamically that I wish to read from his remarks. He said:

> The right to strike is, like all rights, a relative right. The right to strike is not an absolute right in the sense that it can be exercised against the welfare of the people, as a people, or against the security of the Nation. At the present time, the exercise of the right to strike on the part of the railroad workers, and the exercise of the right to strike by the miners is clearly not in the public or governmental interest.

I quote again:

> The workers and their leaders involved on both sides of the dispute owe it to the people of the country to stop these strikes and compromise their differences quickly.

I continue quoting:

> Mr. President, I have no hesitancy in saying that if, in the next few hours, the economic life of the Nation is brought to a halt, the issue of whether or not the Government of the United States is subservient to organized labor must be squarely met.

Mr. President, that is the issue. Is there to be a government within the Government or is the United States to be supreme?

Further clarifying and amplifying this very fine statement of the distinguished Senator from Oregon, I quote:

> I do not believe—and I say this as a friend of labor—that any combination of labor forces has any right to bring about the great injury which will be inflicted upon the people of this Nation if, in fact, the miners fail to work the mines under Government seizure, with the American flag flying over them. Likewise, I say to the American railroad workers, or to those who may be involved in a railroad strike, should one take place, that they will neither serve the interests of organized labor nor the interests of their country if they proceed with a stoppage of the transportation facilities of the Nation because of whatever differences may now exist between them and the carriers. Those differences are relatively small as compared with the differences which existed when the dispute first arose.

That, Mr. President, I think, clearly defines the issue.

When the founding fathers brought into existence the Constitution and the Bill of Rights, they recognized the imperative need of creating in government a check and balance against the ruthless exercise of power. As they looked back over history, they recognized the need for restraint on agencies of government. They say on history's pages what we have seen in the last two decades—the tendency of individuals and groups and nations to become despotic. They had in mind political despotism.

Of course our fathers in this Nation had primarily in mind the exercise of powers to the point where it became political despotism. Since their day we on this globe have witnessed the greater part of the industrial revolution come into being, and we have seen how power gravitated to men who accumulated wealth. And again the people, working through their Government, through constitutional processes, built a check on those who had that power, and who used it to the detriment of the public welfare,

and part of that check was by legislation, to give to labor what has been called the right to strike. The National Labor Relations Act specifically confers this right. It is found in section 13 of the act. By its terms strikers are still employees, and striking is recognized as a legitimate form of concerted activity.

Remember, that came into being through legislative action because capital became despotic, and the individual man, in a good many cases, was injured as an individual in his rights under the Constitution. So the National Labor Relations Act, as I have stated, specifically contained the provisions I have mentioned.

The Railway Labor Act says that nothing in it is to be construed as restricting the right to strike. That is section 2 (10). While the Norris-LaGuardia Act of 1932 limited the remedies that can be utilized against strikes, it does not in any way modify the right to strike, as it has been called.

As now interpreted, the antitrust laws constitute no restraint on strikes. The Supreme Court, by recent decisions, practically removed all forms of labor activities from the limitations of the antitrust laws. In the *Milk Wagon Drivers Union No. 753* v. *Lake Valley Farm Producers, Inc.* (311 U. S. 91), the Court held in substance that under the Norris-LaGuardia Act, the Congress prohibited Federal courts from issuing injunctions in labor disputes, with the result that in *United States* v. *Hutchison* (312 U. S. 209), the Court further held that the Sherman Act and the Clayton Act and the Norris-LaGuardia Act must be read as a whole and that, therefore, strikes to prevent the utilization of cheaper and improved equipment; practices designed to require the employment of unnecessary labor; restraints on commerce for the purpose of promoting graft and corruption; strikes and other concerted activities designed to maintain prices and jurisdictional strikes are not in violation of any law of the United States.

So, Mr. President, it is seen what we have come to. Whereas before a situation existed which needed remedying in order that the individual would not be injured in his rights as an American citizen, we have come to the point now where, through legislative enactment and through court interpretation, we have builded up a power which now has precipitated a condition that requires a remedy by the legislative branch of the Government.

It is now apparent that under the law as it stands practically no strike is contrary to the Sherman antitrust law unless there is a combination with the employer—Two Hundred and Ninety-first United States Reports, page 293.

In the beginning the purpose back of this legislation, as I said, was to give to the employees equal bargaining position with the employer. It was necessary. It was necessary because of the autocratic, despotic tendency of men who had acquired power through the accumulation of wealth. The union was to have bargaining power, which included the threat and the actuality of strikes. Yes; we gave that power; by that I mean the Legislature gave that power.

Now, the question is, Having given power, have we the right to restrain and limit? In the passage of the legislation and in interpretation thereof by the Court it is evident that the public interest then was of no concern. The Legislature gave no concern to the public interest. We simply proceeded and thought in terms of employer and employee, just as was done at the meeting held last year in Washington when the employers and employees were called together, but those who called the meeting forgot to have a representative of the public present. We are just waking up to the fact now that the public interest is the major interest in the major industries of this country.

A major objective of the labor policy as heretofore outlined, apparently, was to encourage collective bargaining and to bring about an agreement so there would be no interruption in production, but as there is no right to enjoin a strike in violation of contract, this does not make for the employer and the union getting together.

President Coolidge said there is no right to strike against Government. President Roosevelt stated there is no right to strike on the part of Government employees. While the Supreme Court has held that a strike in violation of a contract is not a strike that has the protection of law—*N. L. R. B.* v. *Sands Mfg. Co.* (306 U. S. 332)—the National Labor Relations Board has continually regarded such strikes as legal. In *United States* v. *Hutchison* (312 U. S. 219) the Court has practically held that boycotts—that is, where coercive pressure is exerted upon customers to withhold patronage through fear of loss or damage if they deal with the employer—that such, connected with a labor dispute, would be legal. Let me illustrate what I mean by a boycott. Here is a photostatic copy of a letter sent out under date of May 10. This is a letter signed by a building and construction trades council, by its president. It is issued out of Milwaukee, and it reads:

> DEAR SIR: At the request of Local No. —— and Local No. —— of the International Association of Bridge, Structural, and Ornamental Iron Workers' and Shopmen's Union, we are reminding and advising you that the Lakeside Bridge & Steel Co. has no labor agreement with Local No. 471 and is on the "We do not patronize" list of the Milwaukee Federated Trades Council.

Listen to this:

> Under such circumstances, workingmen, who are members of local unions affiliated with the Milwaukee Building and Construction Trades Council, will generally and ordinarily refuse to work on materials fabricated or erected by the Lakeside Bridge & Steel Co., or on jobs where such material is used. Additionally, our affiliated local unions would undoubtedly refuse to send men to work on any such jobs.
>
> We are advising you of these facts in an effort to prevent any misunderstandings which might arise in the future with respect to these matters.

This is in free America. This exemplifies one of the needs, and emphasizes the fact that the public interests and the general welfare can be no longer neglected by this august body.

So long as the contest between the employer and the union was localized, even if it resulted in terrible economic losses to a given community, even if it resulted in interference with interstate commerce, it would appear that under existing Federal statutes the Government considered the rights of labor to be all-important. But now, Mr. President, we see that a new power has arisen in the land, a power that can impose exactions upon the whole people, a power which interfere with the economic health of the whole Government, a power which, if not curtailed, now that it has grown, octopus-like, would make labor unions superior to the people, and their special interests superior to the rights of the public—aye, superior to Government itself.

I have shown how this power arose. It came out of the Wagner Labor Relations Act, the interpretation by the courts, and the administration of the powers by the National Labor Relations Board. The interpretations go way beyond what even Congress had in mind when it enacted the law. What is more, the power now belonging to this group results mainly because of the attitude of the Roosevelt administration and the present administration, and the failure of the Congress of the United States up to this time to meet the problem head-on. Therefore, there is need for Congress to speak clearly so that there will be a "check." It will be remembered that I told how our Government originally came into being. Wise men, looking back through history, realized that power in the hands of a man or a group of men usually became autocratic, so they created a government of checks and balances. Then came the industrial revolution, which created great fortunes. We find that the men who accumulated that wealth became autocratic. The Congress stepped in and enacted legislation so that those men could no longer say, as they said in those days, "The public be damned." In that very process, in order to provide a check, we gave power to men to form labor unions; and then through legislative enactments we created the right to strike, and said, "If you strike, that does not sever your employment."

Then we saw, through the past 12 years, a coddling of that group. We saw them grow in power until they dictated to Government itself, sitting in the chambers of Government. Now we find our economy partially paralyzed. What is the answer?

There is a need for Congress to speak clearly so that there will be a check on that power. I say that in the interest of millions of workingmen, with many of whom I have worked. I say that in the interest of the great producers, the men of brawn and muscle, who have built, and who find themselves in, this cauldron, and who do not like conditions as they exist.

Let me cite an illustration of this ruthless power. A year ago last November I ran for reelection in the State of Wisconsin. The PAC went after me with barrels of money and newspapers and with circulation of millions of political pamphlets. The Friday before election

they sent this instruction to their stewards in the State: "There is one s. o. b. we have got to get, and that is Senator WILEY."

Some of the members of labor unions in the Northwest, Wisconsin men with whom I used to work—some of them painting houses and some working in the mills—said, "Why?" The answer was, "WILEY does not take orders."

To whom does this Government belong? It thrills me to tell the Senate that while I lost the city of Milwaukee by 72,000 votes because those votes were channeled, in the northwest portions of the State many men belonging to the CIO unions resented that kind of talk and voted for me. I even carried the labor wards. So I say that at heart labor is sound. If we are to be fair and square with labor, we will not permit the ruthlessness which exists in certain labor organizations, and which makes slaves out of labor. "There the bosses give orders and labor takes orders."

We have heard a great deal to the effect that we must not put "chains on labor." I could show Senators letters from officers and men of some of the largest unions in my own State, after I had spoken as I have spoken many times, outlining a nine-point program for the general welfare, saying, "Senator, you are absolutely right." I could show the Senate letters from men and their wives saying, "You are absolutely right."

The purpose of the legislation which we are writing is to remove the shackles from labor itself. Where is the democracy in many of these unions? Members of unions are fined if they do not march in parades. I was told of an incident which happened the other day. In San Francisco members of unions were ordered to join in a parade indicating approval of Bowles' OPA program. The letter notifying the union members said, "If you do not march, there will be a $10 fine." That is in free America.

Today power has gravitated into the hands of a few men because they exercise control over many men, and that power is striking at the very concept of this Government, paralyzing our industry and dictating to Government. The next thing that happens is that a strong man steps into the picture and says, "Leave it to me."

Yes; there is need for Congress to speak with clarity and to provide a check. Congress must now bear in mind the rights of the public. Heretofore it was either labor or management that we legislated for. Congress must protect the rights of labor and the rights of management, but it must make sure that the rights of the public, which it neglected in the past, are properly looked after.

Mr. President, many loose statements without proof about crucifying labor have been made on the floor of the Senate. I trust that such unbalanced statements will not prevent this body from seeing to it that the public is not crucified.

For days, arguments telling us about the poor housing conditions of the miners were made to us. Over a week ago I said on this floor that those conditions were admitted. I said that the Federal and State governments had obligations in that respect and that those conditions should be corrected. But those conditions have existed for generations; and one wrong does not justify another.

The legislation we are now considering does not relate to that matter. We are talking about over-all labor legislation which will be a Magna Carta for the public interest. The legislation now under consideration contemplates making it impossible for any segment of society to paralyze society. In 1936 when the Wagner Act was passed, as I have said, its purpose was to give equal bargaining power to employees. The Wagner Act did not contain any provision or give any right to jeopardize the general welfare. But since that time the child which was nourished by that legislation and the administration has grown to manhood, and its actions now threaten the economic and political health of the Nation. Even under the law as it stands, the right to strike is a legislative right. Where that right interferes with the rights of the Nation, it no longer exists. That was stated yesterday by the Senator from Oregon [Mr. MORSE].

I wish that now some of the fine brains in this country, some of the people who always are speaking against monopoly, would get into action. We see now that the very essence of a strike exercised against a government is an exercise of a monopoly power which paralyzes, economically and politically. For a long time there has been sold to this country a wrong notion about the right to strike. We heard it mentioned the other day when the Senator from Florida said that the denial of the right to strike meant slavery or forced labor. We all know that anyone has a right to quit his job; but I deny that any group of workmen or businessmen or any other group whose function is of prime importance to the life and health of the public can act in such a way that the public health and the public welfare will be paralyzed or jeopardized.

No other group has the power to restrain trade or to interfere with the living of the people of the Nation. Suppose, Mr. President, the doctors of this country agreed among themselves that they would not render assistance to the sick until certain conditions were met. I wonder what certain of my associates would have to say then. Would they say that the doctors had a right to do that? Oh, no, Mr. President; we would not hear anything about slavery then. Suppose the stores and butcher shops of Washington agreed among themselves to refuse to sell food. Would my political friends keep still, in the face of such a threat?

Mr. President, the orders which were issued last night mean that the Government will take possession of the planes and the busses all over the country to haul the food to try to keep the Nation on an even keel, so that it will not capsize. As was suggested yesterday by the distinguished Senator from Maryland, the feeding of a nation, the question of food itself, is vital. When we permit any group, no matter how powerful, to sever an artery which means life or death to our country, then we are missing our obligations in this day and generation and are failing to meet them head-on.

When I took my oath of office at the desk in this Chamber I was not sworn to look after the rights of any group when it interfered with the rights of the public. Mr. President, we cannot meet our responsibilities head-on by serving private interests, whether they be one group or another.

So, Mr. President, I come to the conclusion of my remarks on the subject of strikes. I claim that the legislation I have outlined simply grants a privilege—I refer to the so-called right to strike—and that that privilege is subject to whatever limitations the Legislature of this Government may prescribe. Let me repeat that, Mr. President. The whole thesis of my remarks is that the right to strike is a legislative privilege which is granted, and that that privilege is subject to whatever limitations the Legislature of the Government shall prescribe. We must stop looking at quarrels of the nature of the present one, between management and labor, as simply issues between management and labor. I say again that the public is the primary interest, and the challenge to those of us who are Members of this body is to see that the public interest is not neglected.

Mr. President, for days, I repeat, we have heard a discussion on the subject of the wrong done to the miners. I ask my associates not to be sidetracked by that. That is not the issue. The issue, I repeat, is what some of us have contended for ever since I came to the Senate—namely, shall we lay down a constructive, pro-American labor policy—not antilabor, not antimanagement, but pro-American, one which will protect the rights of labor and management and will not neglect the rights of the public?

Mr. EASTLAND. Mr. President, on behalf of myself, the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from New Mexico [Mr. HATCH], the Senator from Texas [Mr. O'DANIEL], the Senator from Oklahoma [Mr. MOORE], and the Senator from Ohio [Mr. TAFT], I offer an amendment to the pending bill to be read under the cloture rule, and I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. The amendment will be printed in the RECORD as if read, and regarded as in compliance with the cloture rule.

The amendment intended to be proposed by Mr. EASTLAND, for himself and other Senators, is as follows:

INTERFERENCE WITH TRADE AND COMMERCE

SEC. 6. The act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 edition, title 18, secs. 420a-420e), is amended to read as follows:

"TITLE I

"SEC. 1. As used in this title—

"(a) The term 'commerce' means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and

(3) all other commerce over which the United States has jurisdiction; and the term 'Territory' means any Territory or possession of the United States.

"(b) The term 'robbery' means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

"TITLE II

"Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, or an act entitled 'An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes,' approved March 23, 1932, or an act entitled 'An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes,' approved May 20, 1926, as amended, or an act entitled 'An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes,' approved July 5, 1935."

Mr. LUCAS. Mr. President, on May 9 the Senator from Illinois offered an amendment to House bill 4908. I ask unanimous consent that the amendment be considered as read, and that it be deemed to be in compliance with the rules of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHERRY. Mr. President, reserving the right to object, I did not hear what the request was.

Mr. LUCAS. I just asked that an amendment I had offered be considered as read.

Mr. WHERRY. That is all right.

Mr. BALL. Mr. President, I ask unanimous consent that the other five minority amendments offered by me on behalf of myself, the Senator from New Jersey [Mr. SMITH] and the Senator from Ohio [Mr. TAFT], which are lying on the table, be considered as having been presented and read, in meeting the requirements of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHERRY. Mr. President, will the Senator yield to me, so that I may suggest the absence of a quorum?

Mr. BALL. I yield.

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

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

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

Aiken	Hawkes	Overton
Andrews	Hayden	Pepper
Austin	Hickenlooper	Radcliffe
Ball	Hill	Reed
Bankhead	Hoey	Revercomb
Barkley	Huffman	Robertson
Brewster	Johnson, Colo.	Russell
Bridges	Johnston, S. C.	Saltonstall
Buck	Kilgore	Shipstead
Bushfield	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Connally	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Downey	McMahon	Tobey
Eastland	Magnuson	Tunnell
Ellender	Mead	Tydings
Ferguson	Millikin	Vandenberg
Fulbright	Mitchell	Wagner
George	Moore	Walsh
Gerry	Morse	Wheeler
Green	Murdock	Wherry
Guffey	Murray	White
Gurney	Myers	Wiley
Hart	O'Daniel	Wilson
Hatch	O'Mahoney	Young

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Virginia [Mr. GLASS], and the Senator from Tennessee [Mr. MCKELLAR] are absent because of illness.

The Senator from Mississippi [Mr. [BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate because of illness in his family.

The Senator from Missouri [Mr. BRIGGS] and the Senator from New Mexico [Mr. CHAVEZ] are detained on public business.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS] and the Senator from Nebraska [Mr. BUTLER] are absent by leave of the Senate.

The Senator from Indiana [Mr. WILLIS] is necessarily absent.

The ACTING PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, will the Senator from Minnesota yield to me for a moment?

Mr. BALL. I yield.

Mr. VANDENBERG. I should like to inject just one pleasant word into this otherwise generally unhappy debate. We are sometimes entirely forgetful of our blessings because we become so used to them. I want to comment on the official reporting staff of the Senate and the efficiency of the men and women of the Government Printing Office. I suggest that we have a magnificent example on the part of both this morning. The Senate did not adjourn until half past 1 o'clock a. m., and yet when we opened our offices this morning a 142-page publication containing the entire RECORD was available to us. I submit that that is a tribute to efficiency which is well worth noting in these unhappy days.

Mr. PEPPER. Mr. President, I wish very heartily to join in the deserved compliment the Senator from Michigan has just paid to the Official Reporters of Debate of the Senate and to the Government Printing Office for the splendid job they did in getting out the CONGRESSIONAL RECORD of yesterday's proceeding.

Mr. BALL. Mr. President, I wish to discuss the pending amendment which was offered last night by me on my own behalf and for the Senator from Ohio [Mr. TAFT], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. HATCH], and the Senator from New Jersey [Mr. SMITH].

Before doing so, since the amendment relates directly to the provisions of the committee bill, I should like to review briefly what the committee measure provides in the way of Federal mediation services.

The committee bill which is a substitute for the House measure, would set up a five-member Federal Mediation Board the members to be paid $12,000 a year, to be appointed by the President and confirmed by the Senate. They would be the sole mediation authority or agency in the Federal Government, outside the Railway Mediation Board. The present Conciliation Service of the Department of Labor would be transferred to their jurisdiction.

I think that the procedures for mediation which provides that the Mediation Board may step into a dispute at the request of either party or on its own volition are on the whole very good. They do not conform to everything I should like to see in a Federal mediation bill, but I think they accomplish a purpose, and are a long step forward. I think the main purpose of the committee in writing this mediation measure is to augment the National Labor Relations Act. The announced policy of that act and the findings on which it was based were that the denial by employers of the right of employees to organize and bargain collectively has caused industrial strife, and that if the Government guaranteed that right we would have industrial peace. Experience has demonstrated that that was not quite sufficient, and that we would have to go a little further. We need some more competent and effective Federal mediation machinery.

Mr. President, it is the conviction of the minority which drafted this amendment and presented it that the committee bill does not go far enough, because it imposes absolutely no obligation on either employers or unions to utilize this Federal machinery or to give that machinery a chance to function and bring about a peaceful settlement before there is resort to trial by economic force, which would stop production. Our amendment is offered as a substitute for section 3 of the committee bill. I should like to read that section. It is supposed

to be a declaration of policy by the Congress. I read now from the committee bill:

SEC. 3. It is the policy of the United States that—

(a) Sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can best be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees; and—

That certainly is a drastic statement of policy.

(b) The settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate Government facilities for voluntary conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees—

(1) to reach and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements; and

(2) to make all reasonable efforts to settle all differences by mutual agreement reached through conference and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of the dispute.

Mr. President, I submit that that does not add a thing to what the Congress said in the Wagner Act, which was passed in 1935. In other words, we hope collective bargaining will settle these disputes, in the face of the clear evidence that it is not doing it.

Now just a word of history. The amendment which is now pending was offered in the Committee on Education and Labor on March 18 of this year. That date is an indication of how the Senate has rushed into hasty and ill-considered action on this issue!

On March 18 it was defeated by a vote of 9 to 6, the chairman of the committee, the Senator from Montana [Mr. MURRAY] voting 4 proxies against the amendment. I might add that in the action on all these amendments the chairman of the committee voted anywhere from 3 to 6 proxies.

Mr. President, the amendment has two purposes. The first is to establish, or, at least, make some mild step toward establishing, an orderly pattern in the United States in the field of labor relations. As matters stand today, I think the testimony taken by our committee shows that there is complete chaos in this field. There is no rule of orderly procedure outside of those employers and employees affected by the Railway Labor Act.

We have had instance after instance, for example, where a union will lay a proposed contract on an employer's desk and say, "You agree to it within so many days or we will strike," and they do strike. I recall one instance in my own State, in Duluth, when a local of the Newspaper Guild showed the employer one clause of a proposed contract, a clause proposing a closed shop in that newspaper office, and said, "When you agree to that, we will show you the rest of the contract"; and they struck and were out for 6 weeks. They did not get the closed shop.

Mr. President, that is an indication of the failure which is all too widespread on the part of unions to make any pretense of real bargaining collectively. Bargaining implies a give and take. Was there any give and take in these coal negotiations? For months Mr. Lewis refused even to tell the owners what his demands were until they agreed to the so-called welfare fund. How can there be give and take when one party to the negotiations will not even tell what he wants?

We therefore propose to substitute for the chaotic situation which exists today at least a pattern laid down by Congress for orderly procedure. Incidentally, I think this is one amendment which relates directly to the minimizing of strikes. It will not prevent them all. We do not offer any of these amendments as a panacea. We think that, if enacted, the pending amendment will improve the situation. It will not do it all immediately. We could not establish a pattern in this complicated field overnight, but I think that in the course of the months and years, if Congress adopts the pending amendment and it becomes law, more and more unions and employers will follow the orderly procedure provided.

Second, the purpose of the amendment is to apply a very mild injunction on both unions and employers at least to try to utilize all the procedures for peaceful settlement of their disputes before they resort to a trial by economic force and shut down production.

Mr. President, what are the provisions of the amendment? It will substitute this provision for the milk and water language of section 3 of the committee bill:

SEC. 3. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements and provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements.

Is there anything drastic or antilabor or antiunion about that? There is no compulsion, there is no sanction on the union or the employee for failure to carry out this obligation imposed upon them by Congress. But this is a statement of the way Congress believes that management and labor should behave in their negotiations. We want adequate notice of a proposed change in an existing contract. The labor-management conference agreed that they should try to write into all contracts the provision for 60 days' notice of reopening. We believe they should write into all contracts a binding provision for the final adjustment of grievances arising out of contracts, that is, disputes over the terms of existing contracts. These grievances should be arbitrated; they should not lead to a stoppage of production. That, again, was recommended by the labor-management conference unanimously.

The second injunction is as follows:

whenever a dispute arises over the terms or application of a collective-bargaining agreement and a collective-bargaining conference is requested by a party or prospective party thereto, arrange promptly for such a conference not later than 10 days after receipt of a written request therefor and endeavor in such conference to settle such dispute expeditiously.

Mr. President, that imposes on both employer and the union the obligation to bargain collectively. It is nothing new for the employer. He is under that obligation under the Wagner Act. He can be haled before the National Labor Relations Board if he refuses to agree to a collective bargaining conference.

The union is under no such legal obligation. There is nothing in any law of the United States, outside of the Railway Labor Act, which requires or even says it is the sense of Congress that a union should bargain collectively with an employer from whom it is seeking a contract.

There was a case last fall when the teamsters' union called a strike in several Midwest States, and the men were out for weeks before the employer was even able to arrange a meeting with Mr. Tobin and his representatives.

Mr. MILLIKIN. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. BALL. I yield.

Mr. MILLIKIN. Is it the intention to arrange a meeting "not later than 10 days" or to hold a meeting "not later than 10 days"?

Mr. BALL. The intention is that the conference shall be held "not later than 10 days."

Mr. MILLIKIN. I do not think the language says so.

Mr. BALL. It says "for such a conference not later than 10 days."

Mr. MILLIKIN. I come to you today to arrange for a conference. That is merely the first step. We can arrange for it to be held 3 months from now.

Mr. BALL. Perhaps we should tie it down. I think the suggestion of the Senator would be a rather strained interpretation, because we proceed to say "10 days after receipt of a written request," and so forth. That is the attempt to arrange the conference.

Mr. MILLIKIN. I think it would be interpreted as meaning an arrangement conference, which is different from a conference held to do business.

Mr. BALL. On the merits; yes.

Mr. VANDENBERG. An arrangement conference would be a novelty, as I understand.

Mr. BALL. Yes; I think any kind of a conference would be helpful in any of these situations.

The third obligation we would impose on both parties to these labor relations disputes is this—

(3) In case such dispute is not settled by conference, cooperate—

Employers and employees and other representatives shall "cooperate fully

and promptly in such procedures as may be undertaken by the Federal Mediation Board under this act for the purpose of aiding in a settlement of the dispute."

Mr. President, again I ask, what rights of labor unions or employees will that take away? All we say is that if the Federal Government and its agency thinks a dispute is serious enough to warrant Federal mediation, they at least cooperate with the agency set up by the Congress to help settle the dispute.

As I said, there are no sanctions on either employer or employee who refuses to fulfill these obligations. There are, I might say, no sanctions in the Railway Labor Act, and yet over the years both employers and employees have accepted, and with relatively few minor exceptions, have carried out their obligations under that act. If this provision will not prove effective it may be necessary for Congress to figure out some sanctions to be applied. Of course there is a sanction on the employer if he refuses to bargain collectively. But it is very difficult to figure out proper sanctions on a union or employees if they refuse to fulfill their duties. It is our conviction that if the Congress says, "This is your obligation to the country," the great majority of American workmen, whether they are in unions or not, will carry out the obligation.

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

Mr. BALL. I yield.

Mr. HILL. As I read the language, and I wonder if I have read it correctly, so far as the 60-day period is concerned, no obligations exists unless the Federal Mediation Board intervenes?

Mr. BALL. That is correct. I was coming to that point later.

Mr. HILL. In other words, if an agency of the Government does not act in the matter, that obligation does not come into being?

Mr. BALL. That is correct.

Mr. HILL. The Senator was speaking of sanctions. He may come to this point——

Mr. BALL. Yes; I am going to discuss it.

Mr. HILL. I am sure he will. When he comes to page 3, line 19, subsection (d) I wish he would explain just what would be the effect of that language.

Mr. BALL. I will come to that. I am going through the amendment subsection by subsection and paragraph by paragraph.

Subsection (b) relates to disputes where the Federal Mediation Board, the top mediation agency established in the committee bill, feels that the situation is serious enough to warrant the Board stepping in. The obligations on both parties are a little stronger under this amendment.

(b) Whenever the Federal Mediation Board proffers its services—

Remember, the Board may go in on its own motion, or at the request of either party—

for the purpose of aiding in a settlement of a labor dispute affecting commerce, and until the Board certifies that its efforts at mediation are concluded—

Either it settles the dispute or it gives up—

or until 60 days have elapsed since the giving of notice asking for a collective-bargaining conference between the parties regarding such dispute as provided in paragraph (2) of subsection (a) of this section, whichever date occurs first, it shall be the duty—

That is a maximum 60-day period during which both parties shall fulfill their duties—

(1) of the employer or employers involved to refrain from any lock-out and to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made;

(2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

That is a limitation on the right to strike; a very mild one. The language provides that whenever the Mediation Board feels that a dispute is serious enough and that a stoppage of work would be serious enough to affect interstate commerce, and it intervenes in an effort to help settle the strike, that in such event both the employer and the union shall devote at least 60 days—not more than 60 days is required—to attempt to settle that dispute by peaceful means, including both collective bargaining and mediation efforts by the Federal Board. Now obviously in a very serious dispute that is not long enough by any means. In the steel strike, for instance, the union and the employer negotiated for several months, and then withheld action for a month, while the Secretary of Labor tried to mediate.

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

Mr. BALL. I yield.

Mr. REVERCOMB. Subsection (b) (2) reads:

It shall be the duty * * * of the employees and their representatives to refrain from any strike or concerted slow-down of production.

Does the Senator feel that that would cover the case entirely for the employee when the stopping of work is by an individual and not in furtherance of a strike or concerted action, when the individual employee may stop in any case in which he feels he has a right to stop work?

Mr. BALL. I think such an individual is covered by subsection (e) which specifically says that any individual employee is free to quit work whenever he wants to.

Mr. REVERCOMB. Very well. In the opinion of the Senator does the amendment sufficiently cover cases where there may be concerted stoppage of work due to inherently dangerous conditions in the place of employment? The Senator does not want to inflict a penalty on a man for stopping work under such conditions, does he?

Mr. BALL. I think that is covered by paragraph (1). It says that the employer must restore and maintain "working conditions which existed immediately prior to the time the dispute arose." If the men had worked under this situation for a year or so and all of a sudden said, "We are going to strike about it," then they would not be covered. But if there had been some deterioration in the safety conditions and they insisted on an adjustment it would be up to the employer to correct the situation.

Mr. REVERCOMB. And if it were not corrected by the employer the men certainly would have the right to walk out and stop work?

Mr. BALL. Yes.

Mr. REVERCOMB. Without penalty? Do I understand the interpretation placed upon the language by the author of the amendment to be that if there were an inherently dangerous condition in the work which made it unsafe for life or health of a man working there or for all of them, and if they quit, that they would not be subjected to the penalties proposed under the amendment?

Mr. BALL. That depends on what the Senator is talking about. If the Senator is speaking about a coal mine——

Mr. REVERCOMB. I am speaking primarily of a coal mine, which in itself is a hazardous place in which to work.

Mr. BALL. If the men had been working that coal mine for the last 2 or 3 years and the conditions in the mine had not changed according to competent testimony, but the men all of a sudden decided it was too hazardous to work in any longer and they wanted additional safety precautions, than I think, if they went out it would be a strike for a change, and that clearly would be a strike.

Mr. REVERCOMB. Does the Senator not realize that in the coal-mining business dangers may be found overnight that did not exist before? I am trying to clarify this language so it will be fair to both sides. I do not think a penalty ought to fall upon the employee or any group of employees who walk out after having discovered, or in honest good faith believed that a danger exists there even though it may not have existed prior thereto.

Mr. BALL. No; if it were a change in the situation—for instance, a cave-in in the mine and the employer said it was safe, that would be a different situation. Of course, I cannot see how such a situation should arise, because I understand every employer in a coal mine has a safety boss who inspects the mine the first thing in the morning to determine whether it is safe to work in.

Mr. REVERCOMB. That is correct. The employer has inspections made. But we constantly hear about good inspections and bad inspections. There is constant complaint that the inspections are not sufficient to safeguard life and health. The Senator knows that terrible accidents and explosions occur in coal mines. Suppose the men themselves, after having gone into the mine, found that it was dangerous that day to stay in the mine and walked out. If they acted in good faith, they certainly ought not be subjected to the penalty.

Mr. BALL. I think that would depend entirely on the circumstances in the case. If subsequently a competent engineer determined that conditions were

unsafe and insisted that they be corrected, or if the State or Federal inspection service insisted that they be changed, then, of course, the men would be subject to no loss of rights under the Wagner Act for saying that they did not want to work under those conditions. That would be the rule of reason.

Mr. REVERCOMB. Who would determine the question of their good faith?

Mr. BALL. The National Labor Relations Board.

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

Mr. BALL. I yield.

Mr. HAWKES. I thought the Senator's response to the Senator from West Virginia at the beginning of his remarks covered that point. On page 4, under subsection (e), we find this statement:

> Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act.

It seems to me that if the men had been working in a mine for 3 years under certain conditions, and suddenly decided that those conditions were too dangerous and hazardous for them to continue their work, there might be some men who felt that way and some who did not. I ask the Senator if subsection (e) does not cover the right of any man who feels that working conditions are dangerous to quit without any penalty?

Mr. BALL. Of course; he has that right at any time, under the Constitution.

Mr. HAWKES. Does not that answer the question of the Senator from West Virginia?

Mr. REVERCOMB. It answers it partially; but suppose they all stopped.

Mr. BALL. Then it would be a strike.

Mr. REVERCOMB. It might be a strike, but a strike for good cause, if danger existed.

Mr. BALL. We are not attempting to determine in advance the merits of a dispute. I do not know how we can do that in legislation.

Mr. REVERCOMB. Is the able Senator offering an amendment which is so severe that it cannot take care of such cases as I have mentioned? Men have gone to the mines in the morning, wanting to work, but for some reason—perhaps because someone had told them of a dangerous condition which existed in one part of the mine—they have left, and justifiably so. They would not enter the mine because of the dangerous condition. I do not believe that any law ought to be enacted which could possibly be construed as inflicting a penalty upon men who quit in a group if there is danger. That point should be taken care of and made very clear in this amendment, if it is to be adopted.

Mr. BALL. I believe that the mine workers' contract probably adequately covers such a situation. In any event, this so-called severe amendment is so mild that I have had many arguments with my colleagues about putting more stringent sanctions in it. The decision as to whether the individual employee had violated this provision would be made by the National Labor Relations Board.

Mr. REVERCOMB. Let me say that I am not branding the Senator's amendment as a severe amendment. It would become severe only if it resulted in injustice. I want to avoid that. That is the reason I have raised the point with the Senator.

Mr. BALL. I realize that the Senator has a point.

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

Mr. BALL. I yield.

Mr. MORSE. I wish to raise a question with regard to subsection (e) on page 4. I do not believe that its purpose is subject to the interpretation which the Senator from New Jersey has placed upon it, and I do not believe that it covers the type of problem which the Senator from West Virginia has raised.

Mr. BALL. I agree with the Senator that if there is a concerted refusal to work, which is a stoppage, it is not covered.

Mr. MORSE. As I understand, all the Senator seeks to accomplish by subsection (e) on page 4 is to make it clear that he is not attempting to say that a worker who quits his work should be subject to a penalty on the ground that the quitting is an illegal act. Nor is the Senator attempting to establish involuntary servitude by his amendment. That is the purpose of section (e), is it not?

Mr. BALL. The second sentence simply says what would be true without the language. It is in the Constitution.

Mr. MORSE. Therefore it is not at all applicable, as the Senator from New Jersey seeks to point out, to the type of problem which the Senator from West Virginia raises. I think he has raised a very important point, to which the Senator from Minnesota ought to give careful consideration.

Let me state a hypothetical question, which is very frequently raised in difficult labor situations. Take the maritime industry, for example. Let us say that there has been a growing discontent within the union as to a certain practice in handling winches on deck, and that the employees have tried to get the employer to change the practice, and he simply says, "No; that is the way the ship is going to be loaded and unloaded." Finally some morning one of their fellow workmen is killed and they walk off in a body. Let us assume in the hypothetical case that during the past 2 or 3 years two or three other men have been killed. But the workers did not have the collective bargaining strength, in their judgment, until this particular incident happened, to force a change. They simply walked off in a "quickie" strike. Would the Senator from Minnesota apply the penalties of the act in such a case? Would the Senator from Minnesota compel the men to work for 60 days under those conditions, so that they could possibly have the matter adjudicated under the provisions of the act? If so, I suggest that the Senator is proposing an amendment which simply will not work, because the men will not wait for 60 days under such circumstances.

Mr. BALL. Unless the Federal Board has intervened—and obviously in such a situation that would be very unlikely—subsection (b) would not apply at all. On the other hand, if there are provisions in the contract covering grievances, and the men believe that the safety situation is a violation of their contract, it seems to me that they should take it up under their contract, following the usual procedures. I do not like "quickie" strikes for any reason.

Such things are not confined to the maritime industry. Nearly every time a skyscraper is built from two to five structural steelworkers are killed. The men usually take a day off or half a day off. It is customary. I do not believe that any employer is going to be too tough with men who are reluctant to work after a severe accident.

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

Mr. BALL. I yield.

Mr. MORSE. First, let me say most respectfully that I do not believe that the Senator's remarks apply at all to the hypothetical case which I have cited. I said nothing about any grievance machinery under the contract. Let us assume—and it is true under many contracts—that no such machinery exists. The fact is that when those men walked off the job they would be violating the provisions of the Senator's proposed amendment. Is not that true?

Mr. BALL. They would not.

Mr. MORSE. Why would they not?

Mr. BALL. Not unless they were in process of negotiating the dispute which caused them to walk off, the Federal Mediation Board having intervened.

Mr. MORSE. Is it the position of the Senator that if they do their striking before the employer asks for the assistance of the Mediation Board there is no violation of the Senator's proposal?

Mr. BALL. Certainly. That is what it provides. That is what I intend. If the Federal Mediation Board were not aware of the dispute the provision would not apply. I believe that the type of situation to which the Senator refers is rather rare, and that such conditions can be adjusted fairly and quickly. I am not concerned about that. I am concerned about the basic disputes which threaten substantial shut-downs. I wish to place an obligation on the Federal Mediation Board to get into those disputes soon enough so that it can attempt to mediate them before the period of 60 days has elapsed.

Mr. MORSE. Is the Senator suggesting that all that labor needs to do to nullify the provisions of the proposed amendment is to make no attempt to settle a dispute, but to go ahead and strike first?

Mr. BALL. If the labor unions of this country do not wish to pay any attention to the policy which Congress lays down in the law, if they do not want industrial peace, nothing that we can write into the law will bring it.

Mr. MORSE. The Senator knows that he is not going to eliminate strategy in the field of labor economics, any more than in the field of any other human relations. If what the Senator is really

proposing is that in order to avoid the 60-day waiting period and prevent the application of this statute, all labor has to do is not to attempt to settle its differences before it strikes, but to strike first, so that the law will not be applicable, I suggest that the Senator is not proposing anything that would help labor relations. He is proposing something which would result in very quick strikes.

Mr. BALL. I suggest that the Senator from Oregon has made an indictment of labor leadership more severe than I would ever make—and I believe it has gone pretty far astray recently—when he says that labor would deliberately strike before it had attempted to negotiate, simply to get away from the very mild obligations which we would impose on it by this amendment. If the leaders of organized labor have so little respect for their Government and for the public interest, then I think it is time that we found it out.

Mr. MORSE. I think the Senator ought to find out that free men are not going to stay on the job and wait for 60 days to go through such machinery to have determined the question whether working conditions are safe.

Mr. BALL. Mr. President, I submit that the great unions of railroad employees have gone through, not 60 days, but often 6 months of procedures, and sometimes on their grievances 4 or 5 years.

Mr. MORSE. Mr. President, I have heard the Senator from Minnesota refer to the Railway Labor Act. I think today would be a rather bad time to be advancing it in support of his theory.

Mr. BALL. Yes; I do not want to get the Senator from Oregon into a discussion of all his experiences under the Railway Labor Act, I assure the Senate.

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

Mr. BALL. I yield.

Mr. BARKLEY. Under subsection (d), on page 3 of the Senator's amendment, I find the following provision, which disturbs me:

> (d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section—

Subsection (b) provides that—

> It shall be the duty * * *
>
> (2) of the employees and their representatives to refrain from any strike or concerted slow-down of production.

In other words, that is the obligation. It is more or less a negative obligation; it is an obligation not to do certain things.

Mr. BALL. Not to stop production.

Mr. BARKLEY. I read further from subsection (d):

> (d) Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act.

Mr. President, in this country we have built up, under legislation and judicial interpretations, a theory which preserves the status of an employee while he is on strike. Under that theory, while he is on strike he does not lose his status as an employee.

Mr. BALL. That is exactly what I am getting at.

Mr. BARKLEY. Yes. The Senator now proposes in this subsection that if a man goes out on strike because of a legitimate dispute or under the conditions suggested by the Senator from West Virginia, he will lose his status as an employee, and there is the provision that such loss of status may be restored if the employee is reemployed. In other words, the question whether the employer would ever reemploy him would determine whether his status as an employee would ever be restored.

It seems to me such a provision is in violation, not only of the provisions of congressional legislation, but of the decisions of our courts. So long as there is a dispute, the status of the employee is preserved, just as the status of the employer is preserved, until there is a final solution.

I am a little afraid that the Senator is thus putting in the hands of the employer a great deal of power to be arbitrary in respect to the refusal to reemploy men merely because they went out on strike, so that their status as employees could never be restored unless the employer reemployed them.

Mr. BALL. Mr. President, what the Senator from Minnesota is proposing is that the special right and immunity which Congress has conferred on an employee who goes on strike, which greatly lessened the risk—namely, it kept him an employee and it gave to the National Labor Relations Board authority to order his reinstatement, with back pay, if the employer refused to take him back when the dispute was settled—I say that that special immunity and privilege which Congress conferred on the employee by legislation, Congress will take away if the employee has not enough respect for his Government to abide by this very mild obligation to at least devote 60 days to collective bargaining and efforts by means of Federal mediation to bring about a peaceful settlement of his dispute before he strikes and stops production.

Mr. BARKLEY. Mr. President, what the Senator is doing, then is to take away from the National Labor Relations Board any authority to restore the man or to preserve his status as an employee if he strikes while such negotiations or efforts are being made to settle the strike, if a strike is going on, and the provision the Senator has offered would transfer that authority from the National Labor Relations Board to the employer himself.

Mr. BALL. I say to the Senator from Kentucky that the final authority to decide such a case, if the employer brought it, would always rest with the National Labor Relations Board.

Mr. BARKLEY. But under the language of the amendment it would be entirely up to the employer to determine——

Mr. BALL. I ask the Senator to let me finish what I am saying. The employee can file a complaint with the National Labor Relations Board, and then it is up to the National Labor Relations Board to determine whether the employee has violated the duties or obligations imposed upon him by subsection (b) of section 3 of this amendment. If the Board determines that he has done so, then the Board has no authority to order his reinstatement. If the Board determines that he has not violated that duty and if it orders his reinstatement, then, of course, it can obtain a court order to force the employer to reinstate him, and the employer then has a right to go into a court and get a review of the facts by a court. That is all.

Mr. BARKLEY. Under the language of the Senator's amendment, all the employer would have to do would be to decide that the employee had gone on strike. If he had gone out on strike, the Labor Board would have no authority, under the Senator's amendment, to restore him to employment, and the employer might not do it.

Mr. BALL. But there is this very important qualification: That he had gone out on strike in violation of his duty under this subsection.

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

Mr. BALL. I yield.

Mr. AIKEN. I should like to propound a question: Assuming that a corporation has a retirement system whereby all its employees may retire at the end of 20 years with a fixed basis or percentage of their earnings, and assuming that during the eighteenth year of a man's employment he quits work, in violation of the proposed law, would he then lose his retirement rights?

Mr. BALL. I will say to the Senator from Vermont that it would depend entirely upon the terms of the retirement trust. If he had contributed any of his own wages to setting up that retirement annuity, he certainly could not be deprived of what he had contributed, plus interest. But if the system were entirely an employer set-up and if the employee had no vested right in it, obviously he would lose whatever position he had in respect to it, just as he would lose it if he quit work.

Mr. AIKEN. In other words, if he went out in violation of the 60-day provision and if he were not reemployed, then he would lose his retirement rights.

Mr. BALL. I say it would depend entirely upon the terms of the retirement system or set-up.

Mr. AIKEN. I understand. But assuming it was wholly a company retirement system and that the employee had not made contributions or deductions from his pay during the years he had been employed——

Mr. BALL. That may depend, again. I have heard of plans which provide for no possibility of loss after 5 years of employment.

Mr. AIKEN. But suppose that were not the case and suppose the employee struck after working 18 years. Then he would lose all the retirement rights he had built up; would he not?

Mr. BALL. Possibly.

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

Mr. BALL. I yield.

Mr. HAWKES. The Senator from Minnesota has stated the case very clearly, so far as I know it; and I know

it in respect to many institutions in the United States The contract itself would determine whether the employee would lose his rights.

Mr. BALL. That is correct.

Mr. HAWKES. And it would determine what he would get back if he failed to work, according to his own choosing. In other words, most contracts provide that he would get back any contributions he had made, plus interest at a rate defined under the plan, from the time when he started work up to the time when he ceased to be an employee.

So the Senator from Minnesota is absolutely correct in the statement he has made. The terms of the contract or agreement regarding the annuity or pension will determine what happens in such a situation.

Now I wish to say to the Senator from Minnesota, in connection with what the Senator from Kentucky has been talking about, that the question of whether a man goes back into a plant after he has struck is not always one which is decided by the employer. I can cite a case in which a man chose to strike, when about half of the employees of the plant also chose to strike, and the other employees decided to remain on duty. This fellow wilfully beat up and abused about 10 or 15 men and put about 5 of them in the hospital. The National Labor Relations Board wanted that man put back in his job. The employer argued the case out with them, and he was finally willing to settle the matter and put the man back. But what did the employees of the company say? They said, "We will not have him back. He has beaten up these persons, has stabbed one man, and so forth." So I assert to the Senator from Minnesota that the employees have a very definite interest in this subject.

In the over-all picture I think it is very vital that every Member of the Senate should remember that we are constantly talking about what we are doing to labor. Mr. President, I assert that we are not doing anything to labor. Labor is the salt of the earth. Labor today is capital of tomorrow.

If the Senator will tolerate me further, I should like to leave this illustration: In my opinion, instead of fighting labor and stabbing it in the back, as some would charge, we are fighting to preserve the rights of the working men and women of the United States. I believe that that fact should be kept in mind, instead of the accusations which have been made against each of us who wants to do the right thing.

Mr. BALL. I thank the Senator. I expect to say something on that subject later on.

I yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I wish to return to the question which I raised a while ago concerning the right of men to quit work because of dangerous conditions in their places of employment. I am very much interested in this subject, because I cannot yet see in this amendment any provision which will take care of men who, in a group, justifiably refuse to work when they return to the mine and find dangerous working conditions. Naturally, I have in mind coal miners and coal mines. In coal mines danger is often found, suddenly and quickly. The Senator has said that such matters are taken care of by agreements which have been worked out between the employers and the employees.

Mr. BALL. Mr. President, allow me to point out to the Senator from West Virginia——

Mr. REVERCOMB. Mr. President, I ask the Senator from Minnesota to please let me make my point.

Mr. BALL. Let me point this out: Such a situation as that which the Senator has suggested could arise only in an emergency. It would not involve a dispute of long standing. It would not involve a dispute in which the Federal Mediation Board had intervened before the men had ceased to work. Therefore, this subsection would not apply at all.

Mr. REVERCOMB. If men stopped work, it would be a strike for a good cause. Are we going to put those men——

Mr. BALL. Wait a minute. What is the point? The cessation of work in an emergency would not come under the language of this amendment.

Mr. REVERCOMB. Does the Senator mean to say that his amendment would not apply at all until notices had been given?

Mr. BALL. The language is to the effect that whenever the Federal Mediation Board has proffered its services, these measures shall apply. I cannot conceive of the Board having sufficient time to get into the picture under the situation which the Senator from West Virginia describes.

Mr. REVERCOMB. Mr. President, allow me to give an example of another case. Let us assume that during the 60-day period the men find a bad working condition and justifiably remain away. I am not attacking the amendment. I am making my suggestions with the hope that the able Senator will be willing to incorporate in the amendment language which will take care of the situation so that men who justifiably quit work, whether they do so in groups, or do so individually, will not be made subject to the penalties of the Senator's amendment. I believe that provision should be made for their protection.

Mr. BALL. Mr. President, I may say to the Senator that if we were to put in language which would serve as a loophole for a justifiable strike, and leave the interpretation of it to the NLRB, we might just as well not try to accomplish anything. I think the rule of reason should prevail. Obviously, if there had been an explosion in some part of the mine and something had occurred which endangered the lives of the men, and they had walked out, the situation would not have created an issue in a dispute which the Board was attempting to mediate. I believe that the rule of reason would apply in such cases, and that the men would not be held accountable under the language of this amendment.

Mr. REVERCOMB. I wish to see language inserted in the amendment which will assure that the rule of reason shall be applied. I want the language to be of such character that safety will be absolutely assured in places of work. I want a fair bill to be enacted into law, as I know the Senator from Minnesota does also. But when we are putting a penalty on the acts of the workers, we must write language which will be broad enough to cover justifiable refusals to work, and provide that the workers who refuse to work under such conditions will not be subject to a penalty.

Mr. BALL. Mr. President, there is no great penalty involved. There is merely a deprivation of a special privilege which the Congress has conferred upon the worker. If we were to attempt in this connection to write into the bill specific language to cover every possible situation which might arise in connection with collective bargaining, we would find it impossible to do so if we were to sit here from now until next Christmas. We are attempting to apply to all industry which affects interstate commerce the basic principle of the Railway Labor Act, namely, that peaceful procedures must be given an opportunity to function in connection with the settlement of disputes before production is shut down. Of necessity, we have made the language covering the situation very broad, flexible, and simple. The penalties are about the mildest which could possibly be provided. I may add that they would never affect the members of the United Mine Workers of America, because they are very strongly organized. They have absolutely a closed shop, and there would be no chance for them being brought under the provisions of the section to which the Senator has referred. If the employer wished to reopen his mines and get his workers back to work, he would have to make an agreement with the United Mine Workers. If there were any justification for a walk-out such as that about which the Senator has spoken, the union would back up its members.

Mr. REVERCOMB. Mr. President, will the Senator further yield to me?

Mr. BALL. Mr. President, I am attempting to make a speech. The Senator may discuss the amendment later.

Mr. REVERCOMB. Will the Senator allow me to answer the statement which has been made by him?

Mr. BALL. No. I have tried my best to answer the Senator's question.

Mr. REVERCOMB. May I say this to the able Senator? I am not thinking now of any particular group of workers. I am sure the Senator intends that his amendment shall cover the entire field of employment. I do not believe that any question of a loophole is involved. I am merely urging that language be placed in the amendment which will cover the subject of permitting men justifiably to quit work when their lives and health become endangered.

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

Mr. BALL. I yield.

Mr. AUSTIN. I ask the distinguished Senator from Minnesota, Are we not now discussing something which is not in any way related to the pending bill? As I understood the interrogatories which the Senator from Minnesota tried to answer, they involved this assumption: There is no dispute pending with respect to safety at the place of work at a time when

actual danger exists and for which men refuse to work. I ask the Senator from Minnesota if that is not the situation? It is not referred to in any way in the proposed amendment. Is it not true that the situation to which reference has been made is not involved in any sense of the term, and that if we were to try to characterize it as a relationship between employer and employee, which it is not, we would have to say it was equivalent to a lock-out, and that the employer who maintained the dangerous condition would be the person who would be solely responsible for it? Therefore, are we not sparring about something which does not relate to the bill at all, namely, a condition of things, a condition of danger, in which men act normally and with proper fear, a condition which may never become a labor dispute, never a part of any negotiation, and never brought before the Board? In other words, are we not jousting with a windmill?

Mr. BALL. That is what I say we are doing. I do not believe the situation which the Senator from West Virginia was discussing would ever come under the provisions of the amendment.

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

Mr. BALL. I yield.

Mr. REVERCOMB. Do I understand the Senator to say that if men did quit work within the pending 60 days, because of dangerous conditions, or refused to enter a dangerous place of work, they would not be subject to the penalties which have been described as being mild?

Mr. BALL. I think it would depend considerably on the circumstances. I think if it was a refusal of men to work under conditions which they regarded as far too dangerous, any court in the land would say that was not a strike, and it would not be considered a strike.

Mr. REVERCOMB. How are they going to get into court to preserve that right?

Mr. BALL. They would go first to the NLRB, and I think they would make exactly the same interpretation.

Mr. REVERCOMB. Just one more question. Does not the able Senator feel we might clarify this language in his amendment so as to provide for such a contingency as I have suggested?

Mr. BALL. We spent weeks and weeks working on this language. I may say if we started trying to write specific provisions to cover every such little situation that might arise, we would be here weeks trying to write this one amendment.

Mr. President, it is rather amusing that nobody has yet made any reference to subsection (c) which applies to the employer who violates the duties imposed in subsection (b) a much severer penalty than is applied to any of the employees.

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

Mr. BALL. I yield.

Mr. OVERTON. Does the Senator intend to discuss section (d), which applies to employees?

Mr. BALL. I expect to come to that in a few moments.

Mr. OVERTON. I wish the Senator would provide for the RECORD an explanation of the references in subsection (d) to sections 8, 9, and 10 of the National Labor Relations Act.

Mr. BALL. I shall do so.

Subsection (c) of the amendment provides:

> (c) Any employer who fails to perform the duties imposed on him by subsection (b) of this section shall be deemed to have engaged in an unfair labor practice within the meaning of section 8 of the National Labor Relations Act, and the National Labor Relations Board is hereby authorized to utilize such powers as are granted to it by such act to prevent and restrain such unfair labor practices.

That means that if the employer should lock out his employees during the 60-day period they could go to the NLRB, which could order them all paid back pay during that period. If the employer reduced the rates of pay during that period, the NLRB could order the reduction restored, and the courts under the interpretation of the act would sustain them.

That I might say is a far more severe penalty than that imposed on the employee who strikes in violation of the simple duty which Congress would impose on both parties in subsection (b). Yet, so far as I know, no employer has protested seriously against it, and I think it is rather significant that no Senator seems to be greatly concerned about the welfare of the employer in this situation.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question for information?

Mr. BALL. I yield.

Mr. VANDENBERG. I am somewhat puzzled as to the limitation upon the operation of the remainder of the amendment beginning with subsection (b). Do I understand that all the processes and all the penalties do not apply if the employer or the employee has asked for the services of the Federal Mediation Board?

Mr. BALL. No; quite the reverse. The 60-day period and the penalties for violation of duties by both parties during that period apply only if the Federal Mediation Board has proffered its services to help settle the dispute either at the request of either party or on its own motion.

Mr. VANDENBERG. That is what I am asking. Does not the language say that it applies only when the Federal Mediation Board proffers its services?

Mr. BALL. The language of the committee bill says the Board may proffer its services on its own motion or at the request of either of the parties.

Mr. VANDENBERG. Is that affected by the Senator's amendment?

Mr. BALL. No.

Mr. VANDENBERG. Then, the amendment would include the request of either party?

Mr. BALL. Yes.

Mr. VANDENBERG. That is what puzzled me.

Mr. BALL. The language of the committee bill is that whenever the Board proffers its services, it shall give notice to the respective parties that this subsection applies. That is used all the way through here. I may say that we deliberately restrict the 60-day period to apply only when the Federal Board intervenes. We think there should be an obligation on this agency and its regional offices to keep abreast of the situation, and if it ever sees a shut-down developing to intervene and proffer its services, so that it would have during the 60-day period an opportunity to attempt a peaceful settlement.

Mr. VANDENBERG. Then, as I understand, it is a matter of option and judgment of the Federal Mediation Board whether it will make this section of the bill operative.

Mr. BALL. No. Once it comes into the dispute it has no discretion about it.

Mr. VANDENBERG. But the mere fact that the employer had asked the Board to intervene would not automatically produce an intervention. Is that correct?

Mr. BALL. It is within the discretion of the Board. This is the provision on page 24 of the committee bill:

> (b) The Board may, in its discretion, proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute.

That is, the Board may in its discretion.

Mr. VANDENBERG. Therefore, the point I am trying to make is that the employer cannot precipitate this formula by his own exclusive wish and application?

Mr. BALL. That is correct. And there has to be in effect a judicial determination that the situation warrants the intervention of the Board.

Mr. PEPPER. Mr. President, will the Senator from Minnesota yield?

Mr. BALL. I yield for a question.

Mr. PEPPER. Under the amendment the able Senator is addressing himself to, there are certain cooling-off periods or certain times during which the employees are not supposed to stop work. Is that correct?

Mr. BALL. Under the circumstances we have outlined if the Federal Mediation Board proffers its services in the dispute, the 60-day period covers both collective bargaining and mediation from the time of the first request of either party for collective-bargaining conferences on the dispute.

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

Mr. BALL. I yield for a question.

Mr. PEPPER. What I wish to get from the Senator who is very well informed as to the effect of the cooling-off period, is what is the total time employees would be required not to stop work under the amendment in any circumstances?

Mr. BALL. The total time under the amendment would be 60 days from the initial request of either party for a collective bargaining conference on a dispute. That 60-day period would cover both the collective-bargaining efforts and the mediation after the Board intervened in the case.

Mr. PEPPER. Does the Senator recall what the cooling-off time in the

Smith-Connally Act is at the present time?

Mr. BALL. It is 30 days, I believe, but I may say to the Senator that is entirely different from this cooling-off period. Under the Smith-Connally Act it is 30 days after the election is held on the question of whether the employees will strike. That is in effect a cooling-off period. What is provided here is not. This is simply an injunction on both parties to take at least 60 days in efforts at peaceful settlement before they resort to a trial by economic force.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Minnesota yield to the Senator from Florida?

Mr. BALL. I yield for a question.

Mr. PEPPER. Does the able Senator recall what the time is in the National Railway Disputes Act?

Mr. BALL. There is no specified time in that act. Sometimes it may be as long as 6 months, or even longer.

Mr. PEPPER. That is, the workers may be required under that act not to stop work for that length of time?

Mr. BALL. The Railway Labor Act merely says that they shall go through certain procedures, and it is in the discretion of the National Mediation Board how long they take for each step.

Mr. PEPPER. Would the Senator say that it is possible for the National Mediation Board to require them to be engaged in the procedure for as much as 6 months without stopping work?

Mr. BALL. Yes; they have done so many times.

Mr. PEPPER. Then, would the Senator admit that these delays in work stoppage do not help prevent strikes, because they have not prevented a strike in the railway case, although the railway workers are subject to the Railway Act?

Mr. BALL. Of course I will agree. I did not present this amendment as a panacea that will stop strikes. I think it will help minimize them by establishing an orderly method in the efforts to settle disputes which inevitably arise between employers and employees. That is all we are trying to do. We are not attempting, and I am not claiming we have, any solution which will eliminate all strikes. I would agree with the view of the Senator from Florida that the proposal recently made by some administration official that we outlaw strikes for 6 months is completely impractical. It could not be done.

Mr. PEPPER. Mr. President, will the Senator allow me, in the form of a question, first to state my compliments for his making that very frank statement in regard to the matter, and, second, to add an additional question, as to whether under the amendment there is any provision for requiring management, during the 60-day period, to make any correction or improvement in the conditions which provoke the work stoppage by the employees?

Mr. BALL. That would depend on what the Senator means. The language says that it shall be the duty of the employer "to restore and maintain the rates of pay, hours, and working conditions which existed immediately prior to the time the dispute arose, except that changes agreed upon in writing with the employees or their representatives may be made."

If the dispute arose out of a pay cut, the employer would have to restore the wage, clearly, under that language, but I do not think there is any requirement that the employer raise the pay, unless he voluntarily agreed with the employees to do it.

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

Mr. BALL. I yield for a question.

Mr. PEPPER. So, if the basis of the dispute should be, as in the railway case, a wage difference, during the time of 60 days when the employees were required to observe the mediation procedures and not to stop work, there would not be in the able Senator's amendment, any requirement on the employers to make any favorable changes for the employees in respect to the wage scale?

Mr. BALL. No; there is none in the Railway Labor Act, except—and I am not sure of their practice—I think they may make their final settlement on wages retroactive. That is quite often done, and especially where it goes back to the expiration of a contract. I am not sure of the practice of the railway industry, but there certainly is no requirement in the amendment to that effect, and I do not know how we could write a workable one in the amendment.

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

Mr. BALL. I yield.

Mr. PEPPER. The able Senator has made quite a study of this subject. Does the able Senator think that, with respect either to such a period or with respect to the period when the Government has the operation of, for example, the lines of a railroad, it is too much to expect, or that it is not quite fair to the workers to expect, that during that time they shall be required to work without the requirement on the part of management that management in any way at all shall improve the conditions against which the strike was called?

Mr. BALL. We provide this very brief period of 60 days; and I think the parties are writing a 60-day reopening clause in most contracts, so that they are reopened 60 days before they expire, on condition, I think, that both parties maintain the status quo.

Let me say to the Senator, in respect to the Government seizure, I think when it becomes necessary for the Federal Government to take over and operate industry in the interest of the general public, the Government should do its best to see to it that neither side gains any advantage by reason of that fact.

Mr. PEPPER. Will the Senator allow me just two or three more questions?

Mr. BALL. I yield.

Mr. PEPPER. Does not the able Senator see a difference in the position of management and the employee in cases like this. For example, suppose that, as I think the able Senator from West Virginia suggested a moment ago, there are safety conditions against which the workers protest very bitterly and wish to have improved. Suppose the wage is inadequate, and the workers feel it is grievously low. If we make them work, even for the Government—although I will say that I do not think the workers should stop work against the Government—if we make them work either for the Government or management during the time when they are not permitted to stop work, management is suffering no detriment, but the workers are. Why would it not be fair, in case the Government is representing management as the operator of the mines or the railroads, for example, that during the time of the suspension or work stoppage it shall be the duty of management to meet the workers at least half way in correcting the conditions against which the workers felt so grievously that they were even willing to lose their wages in order to protest against those conditions?

Mr. BALL. In answering the Senator's question, let me say that he is getting directly into a situation of compulsory arbitration by the Government, except that the Government in effect arbitrates by agreeing with the representative of the employees on conditions, and agrees with the Government representing the employer. The union still has its representative negotiating the settlement the Government makes, but the employer is left out in the cold completely.

Let me say, Mr. President, that it is my feeling that no employer I know of wants his plant seized by the Government. Generally speaking, he will make a reasonable effort to reach an agreement with his employees which will avoid that. The employers in the railways, for instance, accepted the findings of the emergency board created by the President. So did 16 of the railroad brotherhoods. Two of the brotherhoods precipitated the current Nation-wide tie-up of our rail transport. I think that in that kind of a situation neither party should gain any advantage, if we could possibly fix it so they would not, by reason of Government operation.

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

Mr. BALL. I yield.

Mr. PEPPER. We hear a great deal nowadays—and I will ask the Senator if this is not true—to the effect that the situation is not comparable between management and labor, and the impression is generally created that if railroad workers quit running the trains, operating the railroads, they are solely at fault, if they stop working, in spite of the fact that they have been negotiating with management since January 1944 in order to get an improvement in their situation. With all that time elapsing from January 1944 down to this time in 1946, over 2 years, without their demands being met, they feel they have been inconsiderately treated, and if finally in desperation they do stop work, does not the Senator think it is fair and proper that during the time of the work stoppage, and even if the Government takes possession, there should be some authority to give them a livable condition until the whole controversy can be appropriately settled? Would the Senator object to the Government having that authority in case the Government takes over, and would the Senator object to

providing in his amendment authority in a mediation board to recommend to both parties what might be conditions under which a work stoppage should not occur, including wage increases, if that is the point in controversy, so as to be fair to the workers while they are being kept on the job?

Mr. BALL. I do not quite get what the Senator is driving at. But let me remind him of this: In the railway case a Presidential emergency board made a recommendation which the employers accepted, and the men could have remained at work and immediately gotten the benefit of the very large increase; I think it was $1.20 to $1.50 a day for all these trainmen, who certainly are not exactly starving to death as it is. They also were granted changes in rules which they wanted. They did not get everything they asked, but very few of us get everything we ask, it seems to me. And because they turned down that proffer, I think the position of the Government in the railroad situation today should be to support completely and 100 percent the findings and recommendations of the Presidential emergency board, because every time the unions are permitted to threaten the Nation with a transportation tie-up and thereby blackmail an additional increase to which that board did not think they were entitled out of this economy of ours, we are undermining orderly procedure and orderly government.

Mr. PEPPER. Mr. President, will the Senator yield for one further question? I am sorry; I thought I had no further questions.

Mr. BALL. Yes.

Mr. PEPPER. Does the Senator know whether that proposal was to cover just the time of Government operation, or was it a permanent settlement that was recommended?

Mr. BALL. The emergency board recommendation was a permanent settlement, accepted by the employers and by 16 of the brotherhoods.

Mr. PEPPER. Yes, Mr. President; what I am asking the Senator is on that very point. The reason why the railway workers did not agree to that recommendation was because it was not proposed as the wage scale that would be in effect during Government operation, but was proposed as a permanent wage scale. What I am saying to the Senator is that if he is going to insist upon a period during which work shall not stop, whether it be 60 days or 6 months, are we not going to have to impose upon somebody—in the case of Government, a right, and in the case of management, the duty—to see to it that during the time the workers are not permitted to stop work and the public is not deprived of the service they render or the goods they provide, that there can be for that time some improvement in the conditions against which they are willing to strike?

Mr. BALL. For the brief period of 60 days I do not think that any such provision, which would be terrifically complicated and almost impossible to work out and put into statute form, is necessary at all. I think it is perfectly sound and just and logical to say that both sides must maintain the status quo existing before the dispute arose for at least 60 days while they try to settle their dispute peacefully without stopping production, and that is all we attempt to say.

Mr. PEPPER. Let me make this observation, Mr. President: Under the Smith-Connally Act may not the Government keep the control of the railroads and the mines which it now has, up until a time 6 months after the end of hostilities, as proclaimed by the President, or up to a time when the Congress, by joint resolution, might decree the termination of the Smith-Connally Act? Is that not correct?

Mr. BALL. We are not talking about the Smith-Connally Act. That is a different thing from our little amendment which provides 60 days for efforts at peaceful settlement.

Mr. PEPPER. I know, but does not the Senator understand that the Senator from Florida has been trying to make an analysis of the two cases? I say that in the case of the Government operation of the mines and the railroads, that Government operation theoretically might be stretched out 6 months or a year, because the President has asked the Congress not to terminate the state of war at least until 1947. I do not believe the exact date has been fixed. Would it not be fair to authorize the Government, if the Government did not have such authority, and if the Government had such authority would not the Senator support the Government in its exercise, to say to the railway workers, and to the miners, "Now, listen, gentlemen, I am speaking as the President of the United States to you as citizens of this country. I do not know how this controversy you have with your management is going to work out. But you are not working for management now; you are working for the Government of the United States. Let us sit down and work out a wage scale. Let us work out working conditions while you work for the Government, and then meanwhile you can carry on your negotions with management about your permanent adjustment." Would not that kind of a policy tend to save the public from being deprived of coal and railway services and, as I said, would not the able Senator give that authority to the President, if he does not now have it, and if he has it, would not the Senator support him in the exercise of it, so as to get the men back in the mines and the railroads, without further interruption of the service?

Mr. BALL. In answer to the Senator's question I will say that I certainly would not. I think I stated my position several times, which is that I think that when the situation reaches the point that the Federal Government has to take possession of and operate private properties, that neither the owners nor the employees should gain any advantage or profit thereby.

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

Mr. BALL. I yield.

Mr. TAFT. Is it not true that if a collective bargaining agreement were about to expire, the men could file a request in advance of that time for a conference, and thereby start the 60-day period running? So, as a matter of fact, the expiration of the 60 days, might coincide with the termination of the existing contract, and if the men cared to make the request in advance they would not even have to work 1 day of the period beyond the time of their existing contract. Is not that a correct interpretation of the language?

Mr. BALL. That is absolutely correct. As I said a while earlier, the labor-management conference held last fall recommended unanimously that there be written into all labor contracts a provision for reopening them 60 days before expiration.

Mr. TAFT. Is it not also true that during the first 30 days of the waiting period the Government may not even know there is a dispute?

Mr. BALL. That is quite possible.

Mr. TAFT. The Mediation Board does not intervene until after the end of the first 30 days, and during that 30-day period the Board can hardly do more than find out what the differences are, so it would take the Board practically that long to decide what change should be made, even if the Board were authorized to make a change.

Mr. BALL. I think in a great many complicated industries, with various pay scales and classifications and complicated issues and disputes, there is no question but that this 60-day period is all too short. But we have preferred to err on the side of not being too stringent and not trying to write too rigid a statute. We just wanted to set a pattern so that both management and labor would spend a little more time and a little more effort, and give Federal mediation a little more chance to settle these disputes peacefully before they stopped production.

Mr. VANDENBERG. Mr. President, would the Senator from Minnesota allow me to ask the Senator from Florida one question?

Mr. BALL. Yes, if I may do so without losing the floor.

The PRESIDING OFFICER. Without objection, the Senator from Michigan may proceed.

Mr. VANDENBERG. May I ask the Senator from Florida if the point he raises would be covered by a requirement that the findings of the Federal Mediation Board should be retroactive to the time when the application was made?

Mr. PEPPER. Undoubtedly that would help. Of course, even many Senators do not have much money in the bank, and workers as a general rule do not always have savings to tide them over, even if they could be assured that they would get back pay. But certainly the Senator has proposed a very helpful suggestion, and it would do a great deal to keep men from going out if they were assured that any settlement would be retroactive to some fixed time.

Mr. VANDENBERG. I think it would add a justification for the 60-day requirement.

Mr. PEPPER. It would tend to do that. The Senator was good enough to ask me the question. If a provision were put in the amendment which would make the settlement of the wage retroactive to a given time, and then if the men still felt

they should go ahead, if they should have a compromise agreement during the time they work for the Government, it would help greatly.

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

Mr. BALL. I yield.

Mr. HILL. I simply wished to ask whether the Mediation Board would necessarily make any findings.

Mr. BALL. The Mediation Board, as I conceive it, and as the committee conceives it, would never make any public recommendations. It would be a Mediation Board, merely to bring both parties together.

Mr. HILL. That was my understanding; and having that understanding, I do not believe that the suggestion of the Senator from Michigan would or could apply, because, as the Senator from Minnesota suggests, the Mediation Board is not a board which makes findings or renders decisions. It is merely a board which tries to negotiate and to use its good offices to get management and labor together. It is not in any sense a board which makes findings. Is that correct?

Mr. BALL. The Senator is absolutely correct.

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

Mr. BALL. I yield.

Mr. AUSTIN. Are we not again trying to place the Government-seized plant upon the same basis as the plant which is not seized? Are we not confusing the theory that it is improper and unpatriotic to strike against the Government with the theory that it is entirely proper, and entirely patriotic, to strike against a private individual or employer? If we stand on those solid grounds, we find that in the case of seizure by the Government we have a recognition of the peculiar relationship between the citizen and his Government. Because of that we provided that the Government agency which was operating the facility so seized could go to the National Labor Relations Board and apply for a change in wages or other terms or conditions of employment in such plant, mine, or facility. I read from section 5 of the Smith-Connally Act:

> Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any act of Congress or any Executive order issued thereunder. Any such order of the Board shall, upon approval by the President, be complied with by the Government agency operating such plant, mine, or facility.

In other words, in the 30-day period which is spoken of, the Government in justice, fairness, and equity to a group of its citizens who cannot have the right to strike against the Government, applies to the National Labor Relations Board, and adjusts, for the time being, whatever controversy or labor dispute there may be between the former employer and the employees.

But that is not the situation which the amendment purports to deal with. The amendment purports to deal with a dispute regarding the same things, but between different parties, namely, the employer and the employee. The provisions of this amendment merely encourage peaceful negotiation, and attempt determination of the dispute, allowing a period of time which does not seem to me to be unreasonable when we consider that it covers the whole matter of negotiating and efforts at mediation. If there is anything wrong with the time——

Mr. BALL. If there is anything wrong with the time it is too short.

Mr. AUSTIN. It is too short, in my opinion. But even if it is too long, let those who think it is too long support their thought on that matter and shorten it. That is my position. I think that in theory it is a very good thing to provide an opportunity and an encouragement for peaceful adjustment.

Mr. BALL. I thank the Senator. I agree that the situation covered in this amendment is completely different from that which is created when the Government seizes the properties and operates them. Subsection (d) simply provides that—

> Any employee who fails to perform the duties imposed on him by subsection (b) of this section shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's failure occurred for the purposes of sections 8, 9, and 10 of the National Labor Relations Act.

Section 8 is a list of unfair labor practices. It prohibits an employer from firing an individual for union activity, among other things.

Section 9 is the section which deals with representatives and elections to determine collective bargaining representatives.

Section 10 is the procedural section on presentation of unfair labor practices to the Board.

What that means, in effect, is that the employee is deprived of the special status which we gave to employees on strike in the Wagner Act. The definition of an employee in section 2 of the Wagner Act reads as follows:

> The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice—

And so forth. The effect of that definition of an employee has been to take at least half of the economic risk out of the strike action for the employees. The employers' risk was left just the same. But prior to the enactment of the Wagner Act the employer could, if he thought the strike was completely ill-advised and not supported by his employees, attempt to break it by hiring other employees to work, and open his plant. We notice that in the wave of recent strikes not one plant out of a thousand attempted to operate while there was a so-called strike in progress. Why? Because if the employer tried to open the plant and hire people to go to work, he knew that when the dispute was finally settled—and under the Wagner Act he had to bargain collectively with the union and settle it—he would have to take back all his striking employees and fire the employees he had hired during the strike. Under such circumstances new employees cannot be hired. Consequently the unions have been tremendously reinforced in their strike power, because as a rule they do not have to worry about an employer attempting to break the strike and remain in production, because the Wagner Act makes such a course prohibitive in cost for the employer.

At the same time, the right to reinstatement of the employee when the dispute is finally settled, regardless of how long it may take, has tremendously lessened the risk to the employee in a strike. The employer can no longer say, when half of his employees, or perhaps a minority, or perhaps the employees in one little department, go out on strike for no good reason, "If you boys do not want to work, you are through. You are fired. I am going to hire someone else." Two years later the National Labor Relations Board may order him to reinstate those employees, with 2 years' back pay. So we have taken a tremendous amount of economic risk for the employee out of the strike.

It seems to me that if the Congress feels that it is reasonable to ask employers and unions to devote at least 60 days to efforts at peaceful settlement of their disputes in the public interest, it is perfectly reasonable for the Congress to say to the individual employees who refuse to follow even that simple rule laid down by Congress, "Very well; we will take away this special immunity and privilege which we gave you in the Wagner Act, and we shall leave the employer free to reemploy you or not, as he sees fit; and if you strike within the period of 60 days, you do so at your own risk, under these circumstances."

Then, Mr. President, the proviso at the end protects the employee. It provides—

> That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

So the loss of employee status applies only to the particular employee engaged in the dispute; and, of course, if the employee is reemployed by the employer, he regains all his rights under the Wagner Act.

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

Mr. BALL. I yield for a question.

Mr. PEPPER. If a worker violates the provision to which the Senator has just been addressing himself, and does so with the result that he loses his status as an employee, even for a short time, will he lose his seniority in the plant?

Mr. BALL. I think that would depend entirely upon the collective bargaining contract in the plant and upon the kind of bargaining basis on which he came back to the employment.

Mr. PEPPER. Let me ask the Senator another question, please: Would not it be a matter for him individually to negotiate and bargain upon with the employer, because it would be up to the employer to decide whether he would hire the employee again; and the employee would have no right, would he, under the Senator's amendment, to claim the status of an employee so as to obtain the protection of the National Labor Relations Act in trying to restore his seniority?

Mr. BALL. Oh, absolutely right. But the Senator knows, of course, as a practical proposition that if there were a strike in violation of this amendment, the employer would go on negotiating with the union in an effort to settle it; and when he reopened his plant he would rehire most of his employees. He might insist on firing a few ringleaders whom he might think had called the strike in violation of this amendment, but he would still reemploy his employees under an agreement agreed upon with their representatives for collective bargaining; and the status of each individual employee's seniority and all of his other rights would be subject to that bargaining process, and probably would be covered in the contract; and I may say to the Senator from Florida that there are a thousand and one varieties of seniority.

Mr. PEPPER. Mr. President, will the Senator yield for another question?

Mr. BALL. I yield for a question.

Mr. PEPPER. As a matter of fact, Mr. President, is it not then proper to say that if the amendment of the able Senator from Minnesota becomes the law of the land and if a man declines to work for another man, except upon conditions satisfactory to him, and quits work because he cannot by collective bargaining obtain satisfactory conditions, he will be deprived of the benefits and the protection of the National Labor Relations Act?

Mr. BALL. Just a minute—with this qualification: provided that he went on strike during the 60-day period which the Congress sets out as a reasonable time in which to make attempts at peaceful settlement.

Mr. PEPPER. I thank the Senator.

Mr. HILL. Mr. President, will the Senator yield to me for a question?

Mr. BALL. I yield.

Mr. HILL. Would not there be another condition, too: not only would he have to go on strike during the 60-day period but the Federal mediation agency would have had to have intervened?

Mr. BALL. That is correct.

Mr. HILL. It seems to me that is important because, after all, the Federal mediation agency is an arm of the Government which the Government is setting up in an effort on the part of the Government to do all it can to bring the parties together and to get them to agree. In a sense, it really means that the Government would be saying, "We want you to give us at least 60 days within which your Government can try to get you disputants together." Is that correct?

Mr. BALL. That is absolutely correct. In other words, when the Federal Mediation Board moves in, presumably the dispute is one in which a stoppage would seriously affect the public interest; and when the Mediation Board moves in, it puts both parties on notice that this amendment has come into effect.

Mr. HILL. And, really, the 60 days begins to run from the time when one party gives notice to the other party that a conference is desired; is that correct?

Mr. BALL. That is correct.

Mr. President, the final subsection of the amendment, subsection (e), reads, in part, as follows:

> (e) The penalties set forth in subsections (c) and (d) for failure to perform the duties imposed by this section shall be exclusive and no other legal or equitable remedy for such failure shall be available.

That provision is very important because it limits the penalties which may be applied to either an employer or an employee who violates the 60-day request of his Government to the penalties set forth in subsections (c) and (d). We made that provision because there is a strong possibility that under the language of the measure there might lie a possibility of civil suit for damages and possibly a right to go into court and obtain an injunction. So we wished to be very sure that the remedies we proposed were exclusive and that no others would be available.

The final sentence has been read. It simply reiterates that no individual can be required to render service without his consent, which, of course, is a right under the Constitution, which we could not take away by legislation, anyway. But that same sort of provision is contained in the Railway Labor Act, and we thought we would play doubly safe and put it in this amendment.

Mr. President, that concludes my discussion of the pending amendment. I have yielded freely for questions during the discussion. I see I have taken up far more time than I had planned to take up.

I wish to discuss the general situation somewhat, and also our other minority amendments. During the rest of my remarks, in order to conserve the time of the Senate, I shall not yield any further.

Mr. President, in the last few days we have heard a great deal of discussion about the importance of retaining the principles of voluntaryism in this labor-relations field. It is rather amusing that the Senators who are strongest in their insistence that we must impose absolutely no restraints or any compulsion on unions are the same ones whom we usually find most strongly advocating the application of all kinds of compulsion to the other party to the collective-bargaining process. This Congress has not hesitated many times to apply compulsion to employers. I shall mention just a few: In the Wagner Act the Congress said to the employer: "You cannot fire any employee for joining a union, no matter how much you may disapprove of that particular practice. You must bargain collectively with the authorized representative of your own employees, whether you want to or not." The employer cannot contribute anything to the support of the union, even though he may have a very good association or so-called company union which functions fairly well. He is not permitted to help such a union. We completely prevented that. Under some decisions of the National Labor Relations Board the employer has been practically deprived of his right of free speech to his employees, because he is not supposed to coerce them, and a plain discussion of the facts of his business with the employees has been interpreted by that Board as a violation of that particular provision. I understand, although I am not quite sure of this, that the Board has never quite had the temerity to take one of those cases up to the Supreme Court, which I certainly hope would determine that the employers, as well as the rest of us, still are entitled to the right of free speech. But certainly the Wagner Act has applied compulsion all the way down the line to employers in the employer-employee relationship.

It is rather interesting to note that there is such violent opposition on the part of labor to any kind of modification of the Norris-LaGuardia Act which limited the right to obtain injunctions in labor disputes. Yet, the Wagner Labor Relations Act, which they defend and which, they contend, must not be changed in even one syllable, specifically suspends the operations of the Norris-LaGuardia Act whenever the NLRB wants to go into a Federal court and obtain an injunction to compel the employer to do what he has not chosen to do. The Walsh-Wheeler Act requires employers who have Government contracts to pay the scale of wages established by the Department of Labor. The Fair Labor Standards Act provides that the employers must pay their employees a minimum wage at the rate of time and a half if they work more than 40 hours per week. We have prohibited child labor. We have prohibited shipments in interstate commerce of goods produced by child labor. We have legalized the closed shop. Mr. President, we have imposed all such restraints on the employer and at the same time the Supreme Court, in one decision after another, has held that through the passage of the Norris-LaGuardia Act and the Clayton Act we have completely removed labor unions from the application of various Federal statutes, from the antitrust laws to the antiracketeering law, including recently the anti-kick-back law which was enacted specifically to protect employees in the war industries from having money extorted from them in order to maintain their jobs. And yet it is supposed to be wrong to suggest even a few mild restraints on unions.

Mr. President, the other day the Senator from Montana [Mr. MURRAY] obtained consent to have printed in the RECORD a statement which, according to the publicity release in connection with it, was supposed to be a petition from approximately 120 of the Nation's leading economists who were protesting against the enactment of proposed anti-labor legislation, and urging the adoption by the Senate of the committee substitute for the so-called Case bill. I had occasion to check the first 35 names on that list of 120 so-called leading economists. I checked their names in the last edition of Who's Who. It has turned out that only 10 of those persons are leading enough to be in Who's Who. I will admit that the check which was made was not a very careful one, but the first 35 names were checked. Of those 10 to whom I have referred, one is a dean in a college and a former professor of religion and sociology. One is a professor of literature and drama. One is

listed as an economist. Two are professors of political science and sociology. One is a professor of history, formerly employed by the NYA. One is an economist who specializes in political science. Two are professors of psychology. One is a clergyman and a professor of Greek. Those were among the first 35 named on the list of 120 leading economists who were telling us what we should do about labor legislation. Of the first 35, only 10 were important enough to be listed in Who's Who, and of those 10 only 2 are economists. I submit, Mr. President, that their knowledge of labor relations and their qualifications to tell the United States Senate what it should do in the field of labor legislation, are open to serious question.

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

Mr. BALL. Mr. President, at the beginning of my speech I announced that I would not yield because I wished to complete what I had to say, and do so as soon as possible.

It became quite obvious last night that certain Senators who are violently opposed to the passage of what they call antilabor legislation were doing their best to talk it to death. In other words, they were resorting to a filibuster, or at least the technique of a filibuster. One of those Senators had previously expressed himself many times on this floor when opposing filibusters which were being conducted by small minorities against other measures then being proposed for enactment into law. On those occasions he expressed his belief in the principle that it is basically wrong in the democratic process for any minority, by abuse of its freedom of unlimited debate in the Senate, to prevent the majority from passing the legislation which it desires to pass.

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

Mr. BALL. It seems to me that if one of us believes in that principle, and applies it in one instance, he must be prepared to apply it in all situations even when he finds himself in the minority which is violently opposed to the passage of some particular piece of legislation.

Mr. PEPPER. Mr. President——

Mr. BALL. Mr. President, I have already announced that I will not yield.

Mr. PEPPER. Mr. President, I rise to a point of personal privilege.

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

Mr. BALL. Mr. President, the Senator from Florida—

Mr. PEPPER. Mr. President, is it not possible for a Senator——

Mr. BALL. Mr. President, do I have the floor?

Mr. PEPPER. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. Is it not possible, under the rules of the Senate, for the Senator from Florida, when he has been misquoted by another Senator, to advise that Senator that he will vote for cloture when the cloture petition comes before the Senate for a vote?

The PRESIDING OFFICER. The Senator from Florida may so advise the Senator from Minnesota when his time comes, but not now.

The Senator from Minnesota.

Mr. PEPPER. I thank the Senator.

Mr. BALL. Mr. President, the Senator got into the RECORD his statement. I am glad that he will support our cloture petition. However, I cannot reconcile his willingness to do so with his determination not to limit debate by unanimous consent, which is a much more workable way of arriving at the same goal. However, that is his privilege.

In that connection, Mr. President, it seems to me quite fundamental that in our democratic system of government, the rights and freedoms of individuals depend in the long run on the exercise by those individuals who enjoy such rights and freedoms, of reasonable restraint. Each individual should preserve a true regard for the rights and freedoms of all other individuals in our society. When any individual or any group of individuals takes it upon himself, in the exercise of his rights and freedoms, to go to extremes, and to the extent that he begine to trample upon the rights and freedoms of other persons, he is mistaking freedom for license, and it is time for the Government to step in and place restraints and limits upon that person's conduct. Obviously we do not, by law, attempt to prescribe specific limits on all the freedoms and rights which we enjoy. If we were to do that we would have ten times the volume of statutes which we now have. We cannot regulate conduct to such a minute degree. In the exercise of our freedoms we depend on the individual using a little self-restraint and seeing to it that in the exercise of his rights he does not trample upon the rights of others. We are not required to prescribe detailed limits with respect to how far each person may go in exercising his own rights and freedoms. However, when any individual exceeds the bounds and starts to depriving others of their rights and freedoms, the Government must step in.

Half a century ago some capitalists in this country mistook the freedom of an individual to use his property as he saw fit for a license to disregard completely the rights of others and the general public welfare, and they began organizing into great trusts and monopolies, which deprived all the other people of the country of their rights and their freedoms, so the Government had to step into the picture with the antitrust laws, which did limit the freedom of an individual to use his property as he saw fit.

Perhaps there have been some cases where the operation of the anti-trust laws has unwisely and perhaps unjustly hampered individual initiative and enterprise in this country, but it became necessary to put that restriction on enterprise because it had gone hog-wild, and had mistaken freedom for license.

Mr. President, I submit that in the very same way today certain leaders of great and powerful unions have mistaken the rights which Congress has given to them through statutes—they are not in the Constitution—for license to take the same kind of public be damned attitude which the great capitalistic barons of half a century ago took, and which led to the antitrust laws.

It is very late for the Congress to step in and put a few limits on the completely unrestrained and unrestricted exercise and use of the great economic powers of these unions and their leaders regardless of the public welfare.

Mr. President, I listened last night with great interest to the remarks made by the Senator from Massachusetts [Mr. WALSH]. I looked for them in the RECORD this morning, but they are not yet printed. As I recall, he complained of the emotion in which the Senate was acting. It occurred to me that he was making about as emotional a speech as I have yet heard in this debate. He attempted to characterize not only the amendment on which we had just voted, the Byrd amendment, but the other amendments, as a stab in the back, as I recall the language, of the working men and women of this country. To support his thesis he cited the working conditions which he had observed in his State 40 or 50 years ago.

Mr. President, I have heard so much of that kind of emotional, illogical, unreasoning attack on these carefully worked out attempts to correct abuses and evils which all of us admit exist without endangering the rights of the working people, that I get just a little tired. It seems to me that if every time the United States Congress attempts to do something about a current problem we are to be reminded of the abuses on the other side of this employer-employee relationship which existed 30 or 40 years ago, it is going pretty far afield. We are not legislating for 40 years ago; we are legislating for today.

Mr. President, it is about time that we corrected the unbalanced situation which Congress created when it passed the Wagner Act, applying all kinds of compulsion to the employer, but leaving the unions completely free to disregard the public interest through combining and conspiring against their fellow workers whenever they felt like it, and creating monopolies. I do not think it is quite logical or reasonable to say that the United States Senate is stabbing the working men and women of this country in the back when it adopts such an amendment as the Byrd amendment.

What did the Byrd amendment do? It merely said that when we establish one of these welfare funds it should be a trust fund, a fund held in trust for the benefit of the employees for whom it is supposedly set up; that employers, who in most of the cases contribute half or all the funds, shall share jointly with the unions in the management and administration of the funds.

Is that stabbing the working people in the back? I respectfully disagree. I think it is protecting them against having a fund supposedly established for their benefit siphoned off into the pockets of some union bosses.

I submit, Mr. President, that the pending amendment is the mildest possible way by which Congress can tell both employers and unions that it is about

time they started following a few reasonable, orderly procedures in efforts to settle their disputes peacefully, instead of tying the economy of this country in a knot every time someone has a fancied grievance.

There is a vast difference, Mr. President, between individual working men and women and the unions which represent them in collective bargaining. Unions today function as legal entities, and it is about time we began treating them as such. Unions enjoy a great many immunities and privileges under the laws of various States and under Federal law on the theory that they are voluntary associations of individuals. I think most union men would chuckle at that description of a union in these days of the closed shop, the goal of virtually every union in this country. When an individual goes to work in the building trades, for instance, he cannot work and earn a living unless he joins the union. That is "voluntary" association. One cannot work in the coal mines unless he joins the United Mine Workers. Dues are paid, not by the member, but by the employer, through the check-off. I fail to see what is voluntary in the case of a great many of the unions as they exist today.

It is quite true, Mr. President, that 40 or 50 years ago, even 20 years ago, there was a necessity for guaranteeing the right of organization of employees and strengthening the collective bargaining process, because the unions then were relatively small, they generally bargained on the local plant level, and a great many employers were just antiunion. They were operating closed shops, in which any member of a union was barred from a job.

Mr. President, there has been a radical change since those days, and anyone who contends that such unions as the United Steel Workers, the auto workers, the United Mine Workers, the great maritime unions, the railroad brotherhoods, need this special protection of the Government in their relations with the employers with whom they deal, I do not think recognizes reality. As a matter of fact, I think the shoe is on the other foot.

In the recent steel strike, for instance, Mr. Murray, president of the CIO and the United Steelworkers, reached an agreement on wages finally with Mr. Fairless, the president of the United States Steel Corp., which is the biggest, best integrated steel company in the business. Some 800 other firms which had contracts with the same union had not been able to get even a collective bargaining conference. They were shut down at the same time that the steel mills were shut down, and when they went to bargain with their local unions, they were just told, "The 18½-cent settlement is the pattern. You have to agree to that before we even talk about the rest of the contract." A great many of those plants are still shut down, because even when the local union wanted to make some concession, realizing that the employer faced special conditions, the international union vetoed it.

Mr. President, those smaller employers, dealing with this giant international union, not the local union, really are hardly in a position today to destroy unions.

We need protection for workers and for the general public against this complete irresponsibility which labor unions and other unions enjoy, against the license which the United States Supreme Court has given them to create monopolies in the kinds of goods and services which the Government may buy in a particular area.

The Brotherhood of Electrical Workers in New York will not permit any electrical equipment made outside that area to be installed in buildings in New York, and the Supreme Court has said they are free to enforce that monopoly, which has more than doubled the price of electrical equipment to the consumers in New York. We have passed a great deal of legislation in an effort to solve the tremendous shortage of housing. There are a number of unions in the construction industry which today are using the boycott to prevent the use of materials fabricated by rival unions in manufacturing plants. They are barring their use. They say, "You cannot use them." If that course is continued and if Congress permits the continuance of that abuse of the secondary boycott, in my judgment in a few months it will become one of the most serious bottlenecks in the housing situation.

Mr. President, that concludes my remarks on this general subject. I submit that the amendments which the minority presents, which have been carefully considered and worked out, are not only in the interest of the general public but also in the interest of the individual employees themselves, although I grant that they will restrict somewhat the power of the union bosses.

Mr. TAFT. Mr. President——

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

Mr. BALL. I yield.

Mr. TAFT. I only want to call the Senator's attention to the fact that he began to work on this matter as far back as in December 1941.

Mr. BALL. Yes.

Mr. TAFT. I remember, in December 1941, the Senator and I presented a proposal for the creation of mediation boards and a complete mediation procedure, which was considered by the Committee on Education and Labor. That was nearly 4½ years ago. I only wanted to compliment the Senator on the fact that he has been so persistent in working on this matter for so many years. I think the Senate's attention should be called to the fact that there is nothing sudden or violent about this proposal. It is the result of study given by the Senator from Minnesota during all this time to the best method of trying to set up a general mediation procedure.

Mr. BALL. I thank the Senator. I certainly agree that there are a few of us in the Senate who have been concerned about this problem for not months, but for years, and have been thinking about it and studying it, and if the way the Senate has proceeded with it can be called hasty, ill-considered action, then I do not have a proper understanding of the English language.

Mr. SMITH. Mr. President, as a member of the minority, who joined in submitting the amendments which have just been discussed by my distinguished colleague the Senator from Minnesota, I want to make a few remarks on the general situation. In making them I want, if I can, to try to speak of the spirit of our amendments and the spirit of this debate. Without criticizing any of my colleagues, because that is something I do not like to do, I should like to say that I think it has been most unfortunate that in some of the speeches here the suggestion has been made that any of us who may possibly feel that there are some wrongs to be remedied must necessarily be looked upon as being opposed to the working people of this country. I object, Mr. President, when the motives of Members of the Senate are reflected on by anyone. I regret very much that a day or two ago we had the reflection on the motives of one of the most distinguished Members of this body, the Senator from Virginia [Mr. Byrd], with whom I was happy to collaborate last night, both in the preparation of the amendment which was adopted and in the adoption of the amendment.

In presenting my remarks, Mr. President, I desire to emphasize two thoughts that mean much to me at this time, and which should mean much to all of us. We should be thinking in terms of uniting our Nation, and we should be opposed to every divisive influence, and when I say "divisive influence" I include those divisive influences which tend to come between us here while we are trying to debate this matter intelligently and fairly and in a right spirit on a high plane, when it is suggested that possibly our motives are not what they should be.

Mr. President, in presenting my statement—and I have prepared it in order to have it brief—I have tried to reflect what I feel should be the spirit of the amendments offered by the minority.

Next to the vitally important questions of foreign policy which are before our country today, the most important domestic issue of course, which is now being debated here in the Senate, is management-labor relationships and the proper Government policy with regard to those relationships.

As a member of the Committee on Education and Labor I had the privilege personally of attending practically all the hearings on the President's proposed fact-finding bill, and also on the Case bill as it was sent to us from the House. Our deliberations finally resulted in the appointment of a small subcommittee which drafted the mediation bill which has been proposed in the committee report and which is now before us.

Three minority members of the committee, namely the Senator from Minnesota [Mr. BALL], the Senator from Ohio [Mr. TAFT] and I were in accord with the mediation procedure set forth in the mediation bill as presented by the majority, but, Mr. President, we felt that

in addition to improved mediation machinery we should face and deal at this time with certain evils which have become increasingly threatening in the industrial situation, and which we felt should be remedied.

I desire to speak of the spirit of what we call our corrective amendments. We are trying to take a long-range view of management-labor relationships and to meet the evils which were recognized by the House in the passage of the Case bill. It is my considered judgment that the House was sound in recognizing the evils which it was endeavoring to remedy, but I feel, and I think my colleagues agree with me, that the legislation as passed by the House needs careful revision, inasmuch as it appears to have been passed too hastily. I feel it is too punitive and fixes too heavy penalties on individual workers.

I mention that in passing because we of the minority did take up those evils and tried to offer remedies in a fair way and in a practical way to take care of them.

Before discussing our minority amendments further at the moment, and particularly the first amendment which has been offered, and which was so ably discussed by my colleague from Minnesota [Mr. BALL], I want to review some of the difficulties that seem to be involved in the whole question of our management-labor relationship. In this connection I am glad to pay a tribute to my distinguished colleague from Florida [Mr. PEPPER], who has brought out some of these matters very clearly, and especially to my colleague from Oregon [Mr. MORSE] who so ably yesterday presented out of the vast fund of his experience as a member of the War Labor Board, the problems that are involved in these relationships.

These difficulties, Mr. President, fundamentally arise from the fact that we are dealing with sensitive human relationships where, as has been pointed out on the floor by previous speakers, the very living of human beings and their families is involved. I mention that because we deal with a tender subject when we deal with a situation of that kind. It cannot be handled in a rough, gruff way. Our long-range objective, of course, must be to make human relationships happier and to do all in our power to prevent divisive forces of misunderstanding and hatred to break down the unity of our productive operations. Someway, somehow, we must restore in the relationship between management and labor mutual confidence, in order that misunderstanding and hatred may be eliminated. In such delicate relationships there are no laws that can possibly be passed that will create the atmosphere of happy and productive living. Fundamentally, I am profoundly more concerned in finding ways and means of removing the barriers to understanding between management and labor, to the end that these essential elements in our society can work together cooperatively, than I am in passing laws to correct wrongdoing.

But, Mr. President, we must bear in mind that society depends on the preservation of law and order and it must be possible for a just government, representing all its people, to find ways and means to prevent the stoppage of our national productivity. We must produce if we are to live. Where wrongdoing is done by either the forces of management or the forces of labor, these forces must be told that irrespective of the merits of their side of the controversy, the welfare of all our people is our first consideration.

My distinguished colleague, the Senator from Oregon, yesterday pointed that out very clearly in the opening of his remarks.

We of the minority are just as insistent on the importance of free collective bargaining and the fundamental right of management and labor to resolve their own problems across the table as the majority of the committee are. Personally, I agree with practically everything contained in the majority report so far as its positive presentation of the collective-bargaining issue goes. I disagree with the implications in the majority report which seem to suggest that management has been entirely wrong in these controversies. I am holding no brief for management or labor in this discussion. I am simply urging that we do not try to fix the blame on one side or the other, but, rather, try to find the cause of the differences and then decide what is right. This is not a time for name calling or blame fixing. It is a time for stressing the importance of unity and trying to find out, by understanding these differences, what is the right answer and best for our people as a whole.

We of the minority in presenting our amendments have not failed for 1 minute to recognize the abuses by management in the past which the Wagner Act was aimed to correct. We have simply pointed out that there has been wrongdoing on both sides, and we are asking that that wrongdoing be corrected as far as legislation can correct it by the passing of appropriate regulations.

It was our desire in presenting these proposed amendments to look upon them as corrective of certain ambiguities and misunderstandings, rather than punitive. I believe that if some of my colleagues on the other side of the aisle had been willing to read and study these amendments carefully they never would have charged, as was charged yesterday, that we were simply labor-baiting and trying to stab labor in the back. There is no such purpose; and every fair-minded man must know it. I believe that if our sound-thinking labor leadership would carefully study them that those leaders would agree that they are fair and are in no way detrimental to the position of sound labor unionism and their right to collective bargaining. Everyone of these evils which we aim to correct was admitted by labor leaders themselves at our hearings. It all appears in the record. But there was such a great fear that in some subtle way the right to strike might be impaired that their conclusion was that no legislation was possible which would be effective.

During the hearings we discussed the evils. They were admitted; and yet any suggestion that they ought to be corrected was met by the argument that we would impair the right to strike. This would seem to imply that in certain fields organized labor is above and beyond the reach of the law and should not be asked to comply with legal standards that we require of other members in our society. This, of course, is an untenable position.

I am well aware and profoundly sympathetic with the long struggle of the workers to emerge from a condition of what might be called partial servitude because of the rapid development of the industrial era. The conception of labor as a commodity merely to be bought at the lowest possible price is an intolerable conception to any fair-minded person, and the passage of the National Labor Relations Act, as well as the Norris-LaGuardia Act was justified from the standpoint of protecting the workers in their independence as freemen, and their right to organize and bargain collectively through representatives of their own choosing, in order to improve their economic status. Let us be frank, however, and admit that those measures were one-way streets and endeavored only to curb what were called unfair labor practices by employers.

Logically, if there are any abuses of power by your labor unions or by their leaders, it would seem to be proper that such abuses should be curbed by defining their unfair labor practices in the same law and provide comparable penalties for their infraction. It is hard to see, for example, why labor unions should not be just as responsible as employers for carrying out their contracts.

As I say, I feel the correct approach to these difficulties would be by amendment of section 8 of the National Labor Relations Act where we define unfair labor practices by employers. We should add a definition of unfair labor practices by employees. Let us be perfectly fair in facing this whole situation. Let me say in this connection that I would like to see Mr. William Green, president of the A. F. of L., Mr. Philip Murray, president of the CIO and their advisers, who at our hearings admitted the existence of evils, sit down with us and agree to what we all know are unfair practices by the unions and union leadership. Certainly we and they cannot condone jurisdictional strikes; we and they cannot condone secondary boycotts; we and they cannot condone violence on picket lines and certainly all should be willing to agree to at least a breathing space after negotiations of grievances begin before the Nation is tied up with work stoppages. If only our labor statesmen would be willing to say: "Yes; we have made mistakes and we are willing to correct those mistakes," how the Members of this Senate and Members of the House would welcome the opportunity to cooperate with such labor statesmen in finding the remedies fair to both sides to cure such wrongdoing.

While I feel that ultimately the correct way of dealing with this matter is by amending the National Labor Relations Act to cover these points, I feel that the immediate step is the series of amendments to the bill before us, which have been suggested by us in our minority report.

We ought to go over our whole National Labor Relations Act and iron these things out, doing justice to both sides in disputes, and making collective bargaining better and more available. In the meantime, we have these amendments which can cure some of the most pressing evils.

Mr. President, since our minority report was filed we are confronted with the most serious industrial crisis in the history of our country. We have the coal strike and the railroad strike. Let me consider the coal strike, and let me say in considering it that I am one of those who feels very strongly that no legislation should be passed hastily in the heat of the moment because we are aroused on account of the apparent abuse of power which it seems to me is being exercised by Mr. Lewis. Every amendment which the minority is offering was prepared and thought through over many months, long prior to the time when this particular issue arose. Whatever may be the right or wrong of Mr. Lewis' main objectives, it is obvious to all that it is too great a peril to the Nation for one man to be able to tie up the entire functioning of our industrial system in order to cure the particular grievance of his group. If every group in this country that felt aggrieved over some difficulty had the power to tie up the Nation, we can realize what a succession of crises we would be going through.

Mr. Lewis is basing his whole case on an insistence that a welfare fund for his workers must be established before he will negotiate a new contract for the continuance of the operation of the coal mines. Looking over the long history of Mr. Lewis' leadership of the mine workers, I can join with those who recognize the splendid accomplishments he has brought about for his people, by his continually bringing to the attention of the American public the difficult and hazardous occupation of the mine workers and their living conditions. I have not agreed with Mr. Lewis' methods, but I feel that Mr. Lewis has been sincere in his attempt to improve the condition of the mine workers. I wholeheartedly agree with those who suggest that we as Americans should not ask that the mining of coal, so essential to our whole living and our whole industrial process, should be carried on under conditions where those who perform this difficult and dangerous service are not either given adequate compensation or are not adequately provided for so far as their health and living are concerned. Certainly the objectives which Mr. Lewis has outlined appeal not only to the sympathies, but to the sense of justice of all of us. It should be possible to work out some plan whereby the conditions of living of these peoples could be based on a plane where all free Americans would be proud that they were able to take care of their people with a sense of appreciation of the important service rendered.

Mr. President, when I was a boy I had a cousin who was engaged in the coal mining business in Pennsylvania, and I recall on my early visits to the area being taken down in the coal mines and seeing how the miners lived. It left an impression on my mind of deep concern for those who had to work under such conditions. Later I lived in Colorado, and many times I went down into the gold mines and saw the conditions which prevailed there. There is no question that we have a responsibility for those who work underground in the darkness for us all, to bring about the comforts of life which we all enjoy. We cannot ignore those conditions, yet neither are we justified in blaming the operators exclusively that those conditions exist.

As I previously stated, nothing is gained by trying to fix the blame. I hope we can look at this question from the standpoint of finding out what the facts are, and then trying to do what is right. It is my judgment that many operators—and I know a number of them—are more than anxious to correct these conditions and to bring about a situation under which the workers and management can have a happier mutual relationship. But if these conditions are to be met, undoubtedly it will require the public to participate in the form of a higher price for the product. The implications that all mine owners today are wealthy "economic royalists" who live in luxury because of the fat profits from the coal-mining business seems to me to be entirely out of order. Such charges only tend to divide us when we need unity and understanding. Let us be sympathetic with both sides of this controversy and see if we have not statesmanship enough to bring the parties together.

No, Mr. President; the issue is not whether we are in sympathy with the legitimate desires of Mr. Lewis to improve the condition of his workers. The issue is whether Mr. Lewis should be able to demand that he virtually levy a tax on the production of the mines in order to give him a fund that he and his union can handle for alleviating these conditions. If any such sum of money as 60 or 70 million dollars is to be used for this purpose there should be adequate safeguards in the handling of this fund, and neither Mr. Lewis nor his union should be open to the charges that the funds so appropriated for welfare purposes were improperly or unwisely used. I do not think he would want to be in that position. Certainly, if as the newspapers report, the demand has been made that the funds be turned over without accounting for them, it is obvious that this is an unreasonable demand, which Mr. Lewis himself must recognize.

That is all there was, Mr. President, as I saw it, in the Byrd amendment. It simply provided a plan whereby a trust could be established, whereby there could be participation in the management of the fund by both employers and employees, and whereby differences could be settled by an impartial arbiter, or, in the last analysis, by the equity courts, which would have jurisdiction over the trust. It seems to me that the issue is very simple, and that a great deal of heat which was not justified was present in the debates.

We have the issue of the Smith-Connally Act, and the seizure of the railroads by the President. I have been hopeful that the railroad unions, which have been so magnificent for such a long period in our history, would see the responsibility resting on them to respond to the President's request that they go back to work. It is my considered judgment that anyone who declined to return to work at the President's request in a crisis of this nature and with the assurance that the grievances would be immediately considered and every attempt made to straighten them out by fair-minded mediation boards or arbitration or some other process—such workers who declined to cooperate, while they could not be compelled to work if they did not wish to, should nevertheless be deprived of the special privileges and rights given them under the National Labor Relations Act.

Mr. MORSE. Mr. President, will the Senator yield on that point?

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

Mr. MORSE. Mr. President, I agree with the Senator that these workers ought to agree to go back to work, particularly if they can have assurance that all the issues in the dispute will be submitteed to arbitration before an impartial arbitrator. My question is this: Would the Senator agree with me that, right now, someone high in the Government ought to make just such a proposal as the one I think the Senator from New Jersey has made in the course of his remarks?

Mr. SMITH. I agree with the Senator from Oregon.

Mr. MORSE. Namely, that they should go back to work, with the understanding that all issues in dispute in this railroad strike will be arbitrated and that all parties will abide by the results of the arbitration.

Mr. SMITH. I agree with the Senator, at the same time recognizing, of course, the danger of compulsory arbitration, if it might be called that.

Mr. MORSE. No; I do not think it should be called that. I think it is voluntary arbitration at its best. The Government says, "We call upon both sides." After all, we have been hearing only one side of the railroad dispute. Quite a case can be made, in my judgment, from the workers' standpoint.

Mr. SMITH. I agree with the Senator.

Mr. MORSE. I do not know the merits of their case, and I am not arguing it.

Mr. SMITH. Neither am I.

Mr. MORSE. But I agree with the Senator from New Jersey that if we are really going to talk about rules of reason, what should happen is that the Government should suggest to the workers—and this is voluntarism at its best, I think—"Let reason come back into your heads now, and we offer you the voluntary arbitration of all the issues, and the decision will be binding on all concerned."

Mr. SMITH. I thank the Senator, and I say to him that I agree fully with his suggestions. That is the spirit of my thought in the matter.

Mr. VANDENBERG. Mr President, if the Senator will permit a question, let me ask what happens if they say, "No"?

Mr. SMITH. That is one of the big problems. But if we did not make such an offer, and if they stayed out, the President would have the problem of what

to do. It has been suggested that the Army can be brought in, but it is a little difficult to understand how the Army can operate the railroads and run the coal mines.

Mr. MORSE. Mr. President, the Senator from Michigan did not ask me the question, although we had a little conversation here. My answer would be that if the workers still said, "No," then let the Government demonstrate that it still can operate the country.

Mr. SMITH. That is the Government's obligation.

Mr. VANDENBERG. And unless it does that, there is no government left.

Mr. SMITH. I agree with the Senator in his observation.

Mr. President, I do feel that no one should expect to get both the protection of Government, on the one hand, for his freedom to work and his right as a worker, and, on the other hand, decline to cooperate with Government at a time of desperate emergency.

Turning now to the amendments offered by Senator BALL, Senator TAFT, and myself, we have endeavored to isolate the most obvious evils in the present situation, and it is my judgment that if the amendments in our minority report had been adopted 2 months ago the present situation might not have arisen. In none of these recommendations is there any interference with the legitimate right to strike, nor can I see how there is any possible harm to the legitimate rights of labor.

On page 5 of our report we say:

> Our amendments are directed specifically against admitted—

When I say "admitted," I mean admitted by labor leaders as well as leaders in management—

> and widespread evils which are not only restricting free competition in industry but are curtailing the economic freedoms and opportunities of millions of workers. We defy anyone to show how the proposals we advance will interfere with or hamper in the slightest the legitimate activities of labor unions aimed at advancing the welfare of employees.

I wish that our friends on the other side who feel that we are doing something terrible to labor would just read our amendments and read the explanation of them. There is nothing in them that could be charged fairly as being detrimental to the legitimate aspirations of the workers.

It is my judgment, therefore, that the wise course to take is to adopt these amendments which were very carefully thought through and very carefully worded, and are the result of the study of experts of many years of experience in the labor field.

My distinguished colleague the Senator from Ohio [Mr. TAFT] pointed out, just after the Senator from Minnesota concluded, that 4 or 5 years of careful study and work have led up to the suggestions which are made in these simple amendments.

Should these proposals be adopted, I would then be in favor of setting up, as the Senator from Oregon [Mr. MORSE] suggests, a joint House and Senate committee to make a study of the whole labor situation and to propose permanent long-range legislation. I think this legislation should take the form of amendments to the National Labor Relations Act which would aim to equalize fully the relative positions of employees and employers in the collective-bargaining process. We should define in the National Labor Relations Act, as I have advocated above, unfair practices on both sides; and we should constantly be prepared to improve this code, if it may be called that, by the cooperation of the leadership of both management and labor. Such a course, while not impairing any of the rights the act guarantees to labor, would balance the National Labor Relations Act and would take away the stigma that it is one-sided legislation.

Let me insist, however, that I am not willing to bypass the immediate emergency and sidetrack legislation that is urgently called for, by simply approving this proposal to study the subject further. We must take positive action at the present time. With that taken care of, let us then move into further study for a long-range labor policy.

Mr. President, I am one of those who believe that we are on the eve of a new development in management-labor relations. The President was sound in calling for management-labor conferences, as suggested by the Senator from Michigan [Mr. VANDENBERG]. While it seemed at first blush that the conferences adjourned without final agreement on the vital issues before it, I look upon it as progress on the road to better understanding. I have talked to those on both sides of the discussion who were present at the conferences. They all agree that progress had been made and that there should be more conferences. It is my hope that this policy will be continued and that we shall think more in terms of across-the-table discussions than in terms of punitive legislation.

I agree with the statement of the Senator from Oregon that one of the causes of the failure of those conferences was the fact that there was an abnormal war situation in which there was Government control, and the Government stayed out of the conferences when it should have come in, because of its controls over the economy. I agree with the Senator that that should have been done, and I think the conferences would have succeeded had the Government been a party to them.

Industrial legislation of a fair, nonpunitive kind to correct admitted evils, such as these amendments, is, I believe, necessary. We must restore a just balance between the bargaining rights of management and labor. Legislation, however, cannot cure the misuse of power on either side. The difficulty with the lock-out or the strike as a remedy is that each is a power weapon. In the last analysis they call for the survival of the fittest in a desperate struggle of force. I see no alternative at the moment to the strike as a weapon, but I long for the day when we shall be intelligent enough and statesmen enough to set up some sort of tribunal to do justice to the parties to these difficulties, and whose recommendations will be accepted by the parties as being just. I do not want to see mandatory control by Government. I do not want to see wage fixing by Government, which would mean price fixing as well. But I do feel there must be some form of arbitration by which we can put an end to work stoppages.

Perhaps the whole matter comes down to a determination of the kind of relationship we are looking forward to between management and the workers. In my own thinking and study of this subject, I have always felt that some plan for the worker to benefit by the success of the enterprise with which he is associated is most important. Unskilled labor today tends to be a migrant commodity which is purchased for a price. This seems to me to be undesirable. To a certain extent of course, it cannot be prevented; but every step which it is possible to make to strengthen the ties of individual workers to the industries in which they are engaged and to give them permanency of employment will, it seems to me, be a step in the right direction.

This suggests to me the word "partnership." I know that is a fighting word with many industrialists. It may not be the right word to use, because of some of its implications; but nevertheless something akin to partnership should be present in management-labor relationships. There should be a greater understanding between management and labor as to what the problem of the other fellow is. Some scheme should be worked out whereby labor, through its representatives, could understand the difficult problems which management faces in running an industry under conditions of free competition which we prize so much in America. I am advised that in some industries this already has been done. In fact, I have some friends who have explained their plans to me, and I am very much impressed with them.

Certainly management should be familiar with the purely human side of the workers' living—the worker as a human being, his problems at home, the education of his children, and his future welfare. It is this kind of a partnership I am talking about, where both can know the problems of the other and be sympathetic with those problems. The high walls between the employer and his employees, which I am afraid the National Labor Relations Act tends to exaggerate, should be done away with. We must break those walls down. It should be perfectly possible for the employee to know his employer in a human way, and I believe that such a relationship would evolve into intelligent profit-sharing plans whereby, while the worker would be protected against loss, and certainly assured a standard minimum which would give him an adequate living, he would also be entitled to some share in increased productivity or increased profits in the industry in which he is engaged and to which he has contributed. Only in this way can we link the workers to industry so that they will take pride in their output, and not be required constantly to agitate for better conditions which should come to them naturally.

Furthermore, Mr. President, I should like to suggest that I am profoundly interested in annual wages, as against the hourly rate. I am not prepared to discuss this matter at this time. However,

thinking in terms of future security, I am sure I personally would be much happier if I could feel I had at least, let us say, 40 to 50 weeks a year of certain employment at a fixed yearly wage, rather than a higher hourly wage, but with uncertainty of tenure of the job.

The over-all purpose of these suggestions is to tie the workers into their special industries so that they will be a part of those industries and not simply a roving labor commodity to be bargained for. I cannot imagine myself being employed in some important industry where it made no difference to me whether that industry was successful or not, and where I had to be constantly negotiating for a decent living for my wife and my children. I would want some incentive in order to be a part of my job. It would make me eager to work for the advancing of the industry or other occupation with which I was identified.

Finally, Mr. President, I should like to say a few words on what I believe to be probably the most important aspect of this industrial situation; namely, the responsibility which rests on every one of us in this country at this critical time in our history to build a united Nation fit to give moral leadership in a confused world.

We have treated the struggles of management and labor on the economic and political level. But there is a moral side to them which is no less important. I feel that it is the most important of all. We need a new spirt and a new attitude, a new trust between Americans, based on our common destiny in the great American adventure. Let us start with it in the Senate. We ourselves need to practice what we preach to others. We need to demonstrate a democracy which works, because selfishness gives way to statesmanship in industrial and in national affairs.

The state of the world is too dangerous to allow the luxury of national division. We are in the Nation's and the world's spotlight today. If we cannot make democracy work in America, why should men expect it to work in Europe?

No task is more urgent than this task of making democracy function in industry. Can we live as a free people, or must we be put into the maze of bureaucracy and ruled by Government boards? Must Government always take over? The answer cannot lie in the legislative field, important as that is. The answer lies primarily in the attitudes and aims of labor and management. If greed hardens into class war, we will have sold out our American inheritance of freedom. If trust is allowed to grow as we face our own mistakes and accept our common partnership in America's destiny, we can then set a pattern for the world that will be contagious.

Mr. President, I plead for an end of divisiveness and a return to that patriotic unity which made possible the miraculous war production and VE- and VJ-days.

Mr. SALTONSTALL. Mr. President, will the Senator yield? I should like to ask him if he would be willing to answer a detailed question with reference to his amendment?

Mr. SMITH. I shall be glad to yield.

Mr. SALTONSTALL. Earlier in the day I listened to the Senator from West Virginia [Mr. REVERCOMB] and the Senator from Kentucky discuss two lines on page 4 of the amendment. Those lines are:

> That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

Mr. President, that leaves the question of reemployment status entirely up to the employer. If and when the Federal Mediation Board enters the picture, why would it not be helpful to permit the Board to make recommendations with reference to reemployment status, and not leave the matter entirely up to the employer?

Mr. SMITH. Mr. President, I believe the Senator has asked a fair question. At the moment, I see no objection to the method which he has proposed. In drafting the amendment we did not feel that one who had violated the obligations placed upon the employer on the one hand, and the workers on the other, pending mediation, had any right to return to the employer and demand reinstatement. We did not intend that he would not be allowed to go to some other employer and seek employment. The Senator's question is, Why should not the Mediation Board make recommendations? I have no doubt that in any readjustment of disputes, that is exactly what would take place. Furthermore, I have no doubt that, except in extreme cases, any employer would hesitate to reinstate an employee if the difficulty were straightened out.

Mr. SALTONSTALL. Would the Senator accept an amendment to his amendment which would add certain language to the end of the second line on page 4, after the word "employer," reading as follows:

> or under such recommendation as the Federal Mediation Board may make providing said Board has intervened in said dispute.

Mr. SMITH. So far as I am concerned, I would not object to the amendment, but I would not wish to speak for my colleague, the Senator from Minnesota [Mr. BALL], who introduced the amendment.

Mr. SALTONSTALL. Mr. President, I offer the language which I have read in the form of an amendment, and ask that it be read. The Senator from West Virginia [Mr. REVERCOMB] joins with me in proposing the amendment.

Mr. SMITH. Mr. President, I wish to make only one suggestion in this connection.

The PRESIDING OFFICER. The clerk will read the amendment offered by the Senator from Massachusetts to the amendment of the Senator from Minnesota.

The CHIEF CLERK. On page 4 of the amendment proposed by Mr. BALL in behalf of himself and other Senators, in line 2, after the word "employer" it is proposed to strike out the period, insert a comma, and the following:

> or under such recommendation as the Federal Mediation Board may make providing said Board has intervened in said dispute.

Mr. SMITH. Mr. President, I make one suggestion. The Mediation Board makes no recommendation with reference to any other subject except this amendment. The language which has been proposed by the Senator from Massachusetts would be an exception, and in this particular situation the Board could make a recommendation. I believe that the logical thing for the Board to do would be to work with the employer and the employee and suggest, perhaps, that the employee should be reinstated if he has not been a serious offender.

Mr. SALTONSTALL. Mr. President, I thank the Senator from New Jersey.

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

Mr. SMITH. I yield.

Mr. REVERCOMB. Earlier in the day I asked a question with reference to the language of the amendment in section 3 (b) (2) which reads, "Of the employees and their representatives to refrain from any strike or concerted slow-down of production."

I pointed out that, under that language, if men failed to go into a certain place because it was dangerous for them to work there, and the mediation proceedings in an attempt to settle the dispute had already started, it might be said that men were on strike. Perhaps they would be on strike for good cause. I had in mind suggesting to the able Senator that there be added at the end of the last sentence on page 4 the following language:

> nor shall the quitting of work by an employee or employees in good faith, because of the dangerous condition of work at the place of work of such employee or employees, be deemed a strike under this section.

However, in view of the amendment which has been offered by the able Senator from Massachusetts, in which I gladly join, it seems to me that the situation would be taken care of if it could be determined what, in fact, is a justifiable stoppage of work. Certainly, the able Senator from New Jersey does not wish to penalize and prevent the free employment of men who quit work because of a just cause for so doing.

Mr. SMITH. I agree with the Senator from West Virginia.

Mr. REVERCOMB. I thank the Senator.

Mr. SMITH. I may say to the Senator that I would not feel I could accept the amendment in the absence of my associates, but I believe the point which the Senator has made is well taken and, of course, it expresses what some of the rest of us have in mind. I may say, further, that the language of the paragraph to which reference has been made would have no effect unless the Federal Mediation Board had come into the picture.

Mr. REVERCOMB. Yes; I understand that. But, the situation to which I refer might arise within the 60-day period. I merely want to point that out.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Massachusetts has formally offered his amendment?

Mr. SALTONSTALL. Yes. The Senator from Massachusetts understood that the amendment had been offered when it was read at the desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts in behalf of himself and the Senator from West Virginia [Mr. REVERCOMB] to the amendment of the Senator from Minnesota [Mr. BALL].

CONTRAST BETWEEN FOOD SUPPLIES OF CANADA AND NORTH DAKOTA

Mr. LANGER. Mr. President, I should like to bring to the attention of the Senate an article which appeared in the Fargo Forum last Sunday. The Fargo Forum is a newspaper of North Dakota having the largest circulation of any newspaper in that State. The article to which I refer is entitled "Stanley Sun Finds Canada Land of Bread and Bacon." The article reads:

Claude Knickerbocker, editor of the Stanley Sun—

I may say, Mr. President, that Claude Knickerbocker is eminently reliable—

and father of three sons now discharged from military service after careers which saw two of them prisoners of war for 21 and 26 months, respectively, in the European theater, recently visited Canada. When he returned home he produced this column on his reactions to the trip across the border:

"Last Saturday we took a little jaunt across the border into Canada. A look around causes one to wonder whose baby England really is. We brought home a couple of loaves of bread. White bread. You don't realize how gray our bread is until you cut off the end of a Canadian loaf and place it beside one of ours. In George's Meat Market at Carlyle we saw more ham than we've seen in Stanley in 2 years. He had only three kinds of bacon. In the lumber yard we saw more lumber than is probably in the whole State of North Dakota at this time. At a hardware store we bought a very good casting rod for $7.50. That's just about 100 miles from Stanley and you can get there in 2½ hours without risking your neck. So you don't have to take our word for it."

Mr. President, that is the picture in Canada, just a little way from North Dakota, with a line between.

Mr. President, I wish to give the outlook in North Dakota which is depicted in an editorial in the same newspaper. It reads:

GROSS STUPIDITY DEPRIVING AMERICA OF FOOD AND MILK

How long are the people of the United States going to tolerate the grossly stupid—or is it deliberate and culpable—mismanagement of the controls over the Nation's food supplies by the Office of Price Administration?

Here in Fargo and Moorhead, in the heart of one of the richest, most prolific food-producing areas on earth—in a land where there is a superabundance of milk and meat-producing animals, where there is no lack of feed for these animals, we are facing the possibility of a complete cut-off from our milk supplies Monday, and we cannot buy fresh meats.

There is no real shortage of milk or meat in America.

Mr. President, nearly 2 years ago I took up this matter of a milk famine in Fargo and Moorhead with the OPA, and I was promised something would be done about it. Nothing has yet been done, as will be seen.

In fact, there is, according to the records of the Government itself, a greater supply of milk and of meat than we had in normal times.

This is purely and wholly a man-made shortage.

It is beginning to take on a bad odor. It is beginning to smell of deliberate manipulation on the part of the control agencies, the creation of such situations as this threatened milk famine in Fargo and Moorhead, for example, a result of deliberate stalling tactics on the part of OPA over a period of months.

It was obvious when OPA took the ceiling prices off the cream that went into processed products and left it on butter and milk for human consumption in the cities, that this would be certain to switch such a volume of milk away from the products on which the ceilings were maintained as to create artificial shortages in those controlled products.

Apparently that is what these bureaucrats, afraid of their jobs and willing to gamble with the Nation's precious food supplies to maintain themselves in office, are after. They have fought off every effort to have this ridiculous situation corrected.

They have brought Fargo and Moorhead to the shivery edge of a milk famine. They have forced a butter famine on millions of Americans.

High-up officials of OPA have had this critical Fargo-Moorhead situation before them for 77 days, during which they have dawdled and stalled, keeping the entire community on the tenterhooks of anxiety as to their milk supply.

It is monstrous that we in America are under the thumb of a dictatorial bureaucracy so callous and indifferent.

This mismanagement of the price controls is a national catastrophe.

The Fargo Forum has gone on record time and again as being in favor of controls.

Mr. President, I can vouch for that statement personally, because I take that newspaper, and know that it has done what it could for price control, and has done what it could to help the Government in time of war.

But it believes they should be administered with some semblance of sanity and judgment.

The people who are in control of OPA have proven they are not capable of providing that kind of administration. They should be removed from office, or the Office of Price Administration should be abolished, or controls placed with some other agency.

Mr. President, in the valley in which Moorhead and Fargo are located, the latter the largest city in the State of North Dakota, we are producing more milk and more meat than in any other vicinity, but there is a milk famine with which the people of Fargo and Moorhead are face to face. I have tried to help them, but so far I have been unable to get any assistance from the OPA.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. THOMAS of Utah. Mr. President, because of the parliamentary situation, and also because of the fact that I intend to discuss several subjects in relation to the pending bill, I shall speak longer than is generally my custom. I trust that I shall not be taken off the floor, and that I may proceed in my own way.

All of us have received hundreds and hundreds of telegrams about the present situation. I have brought one for consideration today, to take as my text in considering the amendment which is before the Senate. It is a telegram from a man I know, a man with whom I went to school, a man in distress. It reads:

After spending the night in a station we are terribly upset with the state of the Nation, particularly the inadequacy of the laws and Congress since the war. May Congressmen sense their responsibility to the whole public and not just the pressure groups. Then we will be proud of Congress.

Mr. President, this gentleman was a fine student, but it was not possible to get him to take a course in history, or political science, or economics. He was headed straight for one of the tightest, smuggest specially privileged monopoly professions in our country. He is a man who will fight to the last ditch any health bill which might seem in any way to interfere with the freedom of himself and the group to which he belongs, although it might be the last word in regard to the protection of the health of the people of this Nation. He is a man who has therefore profited by having the Government make him a specially privileged individual, and he finds himself of an evening in a station, with the trains stopped. So he blames the Congress of the United States; we are responsible for his ills.

I wonder what the Congress can do. We can pass a law making it illegal to strike; we can pass another law attempting to force the railway trainmen back to their work, but both laws would have to be enforced.

The hatred which the people of our country immediately reflect toward their representatives when once some little ill strikes them is something against which I protest.

The rights which both industry and labor have today have come as a result of long struggle. They have come as a result of legislation not one single bit of which was passed through the Congress of the United States without the most strenuous opposition that was ever offered up to that time in the history of the Congress.

I can remember when the amendment was offered to the National Labor Relations Act wherein it was provided that nothing in that act should take away the right to strike. I recall how that amendment was resisted. It was resisted to the extent of the contention that surely no one should have the right to strike in time of war or against the national defense.

I remember last week when one of the officers of our Government suggested that the right to strike be temporarily abandoned, and that there be no strike during a certain period, by law—not by common consent or agreement, but by law.

Mr. President, there are countries that have laws against striking. There is one where there is a single will, Communistic and Socialistic in its nature. Men do not strike there because, to use the phrase of a generation ago "There is just one big union." All the people work for the one class—the workers. They cannot strike against themselves. Therefore they do not strike. The interesting thing is that

those persons in our country who are disturbed because workingmen strike are the ones who are afraid of the form of government which keeps workingmen from striking.

Mr. President, I do not mention that to show that men are not logical and that we do not live an ordinary, simple, logical life. I mention it to show the confusion in thinking which exists, like that shown by the one who sent the telegram. He knows nothing about the rights of men. He simply has in mind that Congress has not legislated, has not done something to make it possible for him to get his train. I feel that way about the matter myself. I should like to be able to ride on the train when I need to. I should like the mail to continue to go through. But from the little study of history I have made, I believe there are definite limitations on what we may do in such cases.

I wish to commend the previous speaker, the Senator from New Jersey [Mr. SMITH] with all my soul for the remarkably thoughtful approach to the subject he displayed, and for the solemn warning given us in urging that we consider these problems in a most serious manner, and meet them thoughtfully and study them carefully before we act.

Mr. President, it is in the spirit of one who has had something to do with our labor-industrial relations during the last generation that I want to speak. I am opposed to the pending amendment primarily because it would take away from men who strike certain rights, which were obtained by the workers in an attempt to cure one of the greatest ills the country ever faced in connection with industry-labor disputes, an ill which caused more bloodshed, more beatings, and greater destruction of property than any other ill which has existed in connection with industrial-labor relations.

The National Labor Relations Act has done many things for the benefit of the whole country, but the one thing it has done a litle bit better than anything else is that it has destroyed the strikebreaker and the scab. By destroying those two agencies it has brought about a condition where there is a little less bloodshed, a little less loss of property, in fact there exists nothing like the brutality of 10 or 15 years ago in connection with strikes.

If we should modify the National Labor Relations Act only to the extent of depriving men who go out on strike and who do not live up to the conditions prescribed during the period of 30 days or 60 days of their right to reemployment, and permitting the employer to hire some one in their place, we would immediately return to the days of contests over jobs, and the organization of strikebreaking outfits, which had to be destroyed by amendment to our Interstate Commerce Act to prevent, for instance, the shipment of strikebreakers across State lines.

Mr. President, that which we call liberty, and which after all is at the seat of all these rights, represents an eternal struggle, a struggle which by no means has been consummated and which is as old as civilization itself. At one time, in a book which I wrote on Thomas Jefferson, I used the sentence "An eternal struggle," and in connection with it I decided to write a footnote. I had written of "a struggle which has been going on throughout the ages" and at that point I wrote my footnote, which I wish to read. The footnote speaks of what are probably the beginnings of the first rights, which resulted in what are now the rights of human beings. I showed that where these simple rights were accepted in the beginning, certain kinds of laws and certain kinds of civilization developed. As I said, I had written of "a struggle which has been going on throughout the ages," and in the footnote I wrote this:

> I mean this literally. As scholars unfold for us more of the origins of the ancient world, we discover how very old this struggle is. We see, too, where the conflict lay. In addition we see how, as men put their faith in law, the concept of liberty burst forth and legislated as a guaranty the freedom from arbitrary caprice. That our land was to be one of law and not of men has a new meaning when we examine the idea in the light of one of the earliest struggles between an individual right and a single will. In the ancient world of the Near East with its Code of Hammurabi and in the ancient world of the Far East with its Code of Shun, we find the beginnings of the struggle for the protection of private rights. Those peoples who were influenced by these two great codes moved on toward the beginnings of the concepts of liberty and freedom. Through law and especially through the written contract came private property rights. The great civilization of ancient China kept that mighty empire on a private-property basis. The civilizations of Mesopotamia influenced the Hebrew. Hammurabi laid down the rule that a purchase without written document was a theft and was punishable by death. When we come down to the conflict in thought between the Hebrew and the Egyptian we discover many of the elements of the contest today between the theories of the single-will states and the democracies. In the later conflict between theories of China and Japan the same elements are found. The Japanese state was one wherein the Mikado was law; he owned the land and could do with it as he saw fit. He rules in theory by caprice. This was condemned by the code-influenced, private property-respecting Chinese. The Hebrews could not stand the unrestrained power of the ancient rulers of Egypt, who had complete power of life and death over all. Thus we can say that more and more scholars of the ancient world are recognizing the very early beginning of this great conflict. The American concept of liberty, with its many freedoms and various permissible loyalties, is a result of long development. After what has just been said, the Liberty Bell quotation taken from Leviticus 25:10, "Proclaim liberty throughout all the land unto all the inhabitants thereof," may have for us a deeper meaning.

Mr. President, in our discussions some have condemned the actions of the unions. They have pointed out that it would be well if we could settle labor disputes in some other way than by strikes. It would be well indeed if they could be settled otherwise. I want to show that, no matter how clearly injustices are pointed out, where men maintain their right before the law, by definite action, we fail to do anything unless that action is forcibly placed before us by some contest, such as the one which is now going forward. It will take a little while to say this, but I want to get over to my friend who sent the telegram the point that if liberty and decency are to make progress in this country we must depend upon something else than merely kindness and decency to bring it about.

In the latter part of 1943 and 1944, as a member of a subcommittee of the Committee on Education and Labor, I participated in hearings on the subject of the plight of the white-collar worker. The Senator from Florida [Mr. PEPPER] was associated with me. Twenty-five million men and women in the United States, working their heads off and working their hardest, unorganized men and women, who could not strike, were attempting to live under a condition which we had imposed upon them by making half rules and regulations. Their employers had said to them that they would like to raise their pay if the Government would let them. All sorts of little injustices were perpetrated, and nothing could be done for those workers.

We issued our reports. We had splendid publicity. I wrote an article on the subject. I am mentioning this to show that even after the hearings and the publicity in every newspaper of the United States, and after this article appeared in one of our national magazines with a circulation of 3,000,000 and certain persons had obtained permission to make reprints, which were sent out by the hundreds of thousands of copies, nothing was done for the white-collar worker. No changes were made. We did get over, as a result of the testimony of Mr. Davis, the fact that in institutions which employed fewer than eight persons the employer could raise wages without running counter to some regulation. Nothing was done. Even in the case of the white-collar workers on the Federal pay roll who are pretty well organized it was only a week or so ago that we finally passed a bill granting them substantial increases, thank goodness, beginning July 1.

In this article I stated:

> We must put an end to the general impression, fostered by some statesmen, that almost everybody outside of the armed forces is getting along fine in this war. True, there is much evidence to sustain that idea. Theaters, restaurants, hotels, expensive resorts, and Pullman cars are full to overflowing; department stores, jewelers, and furriers are doing a rushing business; the black-market crooks find an endless supply of contemptible customers eager to pay preposterous prices for beefsteaks, whisky, nylon hose, and gasoline.
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> There are, indeed, millions whose standard of living has risen or, at least, has not dropped. But beneath this upper layer of war rich is a great mass of war poor—larger than any of us even suspected until the subcommittee of the Senate Committee on Education and Labor recently completed its investigation of the white-collar class. Senator CLAUDE PEPPER, of Florida, is chairman of this subcommittee, and the other members are Senators JAMES M. TUNNELL, of Delaware; ROBERT M. LA FOLLETTE, of Wisconsin; KENNETH S. WHERRY, of Nebraska; and myself.
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> Skeptics may say, "Of course, there are a few who aren't getting along so well, but total income payments to individuals in 1943 were nearly $142,000,000,000. There is no such thing as unemployment; every newspaper carries columns of 'Help Wanted' ads

offering good jobs to one and all. There just can't be many whose standard of living has gone down."

Not many? Well, I have before me incontrovertible testimony which shows that 20,000,000 Americans and their dependents are living as best they can on incomes that have not risen appreciably since Pearl Harbor. While their incomes were frozen, their taxes have increased; they have bought war bonds; they have contributed to war charities, and their cost of food, clothing, and shelter has gone up. The United States Bureau of Labor Statistics says the rise in the cost of living is 23.4 percent. Philip Murray, president of the CIO, says it is 50 percent. Our committee isn't sure as to the exact figure, but we do know that millions upon millions of good American citizens have had their incomes cut, in effect, from 25 to 50 percent.

Few thoughtful and patriotic Americans expect to go through the war without sacrifice. Those at home realize that no matter how much their standard of living is cut, no matter how shabby and hungry they may be, their sacrifice is nothing compared to that of their sons, husbands, brothers, and sweethearts on the fighting fronts. But, as the Army, Navy, and Marine Corps share the hardships of war as equitably as possible, so should we at home divide the hardships of the home front.

We're not doing that. Our white-collar workers are taking more than their share of punishment. Those in this class who are in the better-income brackets have tightened their belts, set their teeth, and probably will manage to get the necessities of life throughout the war. But in most areas now a white-collar family cannot exist upon much less than $50 a week, an independent business girl needs $30 a week, and millions of these low-salaried workers and their dependents will suffer dire poverty if the cost of living continues to rise.

Millions of white-collar workers are trapped like a man in quicksand. The more they struggle, the deeper they sink. Desperately they cut their expenditures for food, clothing, and housing; they give up movies, books, magazines, vacation trips—everything but the bare necessities—but still, with their actual income going down, they can't make ends meet. Piling up are fixed expenses incurred before the war—installment purchases, insurance payments, payments on a home, to dependents, on a car needed in business. No longer can they save. They must sell their war bonds, spend the funds accumulating for education of the children, give up their life insurance and their home.

When we increase by millions the number of persons who are debt-ridden we are endangering the economy of the Nation. But that isn't the only danger. Upon this class depends the further growth of American education and culture.

When you drive these workers into a bare-existence living, you retard the development of music, of literature, of the arts; you stop the progress of education; you block the development of better homes and of the decent living of which the United States has been so proud.

Mr. President, there is one group of white-collar workers which we in Congress tried to do something about. They were not organized so that they could go on strike, and could not even make a united stand. They had everything against them. They worked usually for the county, the city, the school district, or the State. They could not make demands. We knew their condition. For years and years we have had the Federal aid-to-education bill, which is primarily a bill to try to equalize the pay of school teachers throughout the United States. In 12 years we have been able to bring it to the floor of the Senate only once, and then we were defeated.

Mr. President, I say in no uncertain terms that the unorganized white-collar worker cannot get his rights, no matter how just his claims are. The school teachers, who are also unorganized, cannot get their rights. So long as society responds only to the pressure of the pressure groups which are organized so that they can strike and make their will known, and so long as we act as we have acted, and assume that we are not responsible for the conditions of those people who are caught, just so long will we see the spectacles which are going on today. But when once we raise the standard of living for those who are not properly organized, for those who cannot make their demands, undoubtedly then will the standard of living be changed for all those who are properly organized and adjustments will be made by peaceful means.

Mr. President, I wish that we could bring home to the people of the United States the fact that if we do so little for those who do not demand, it is our own fault when we do so much for those who do demand.

How quickly the sentiment of our country crystallizes around an accomplished fact. Those of us who have to deal with such laws know how harsh the American people can be in their treatment of us.

But there was one man who suffered more in his day from the attacks of individuals who were able to attack than anyone has suffered since I came into public life. I refer to Woodrow Wilson, at the time when he stood firmly in favor of the Adamson law. Point out to me a single man in public life today who would suggest taking away the one or two privileges which were granted by that act. Point out to me a single man in the Congress of the United States who would do what would be the logical thing if we wanted to prevent strikes—propose a law abolishing the right to strike. Now it is proposed that we enact laws which will take away that right half way or one-third of the way or for 60 days or for 90 days. Is there any better way to destroy an outright liberty which has been gained as a result of civilization's experience than by nipping it for a few days or a little time or under these circumstances or under those circumstances? Government by law, where the liberties of the people are maintained in law, cannot take any half-way measures. We cannot say to the worker—and now I am addressing myself to this amendment—"You have a right to strike, and you may strike; but if you strike now or against me or in this place, then we will take away that right." That would make them fight for their right to get back their jobs again, and we would reinstate the scab and the strikebreaker and all the ills which came in their wake. Mr. President, that is what this amendment will do.

One of the sponsors of the amendment suggested that we should study it. I accept the invitation. Although I do not think the people of the United States will study the amendment or will study or pay any attention to what I say, nevertheless their liberties can be destroyed quite as much by piecemeal. The amendment would say to our people, "You can be free on Monday, Wednesday, and Friday, but you will be a slave on Tuesday, Thursday, and Saturday." Mr. President, that does not constitute or make for liberty.

In the category of white-collar workers we arbitrarily place many who are not exactly that, such as the aged and infirm who have pensions and annuities that gave them a decent living until prices went up. One man wrote me, "After running an engine 45 years I was put on a pension of $100 a month and I could get along. Now it takes $125 for my wife and me to get by on. Last week I bought a bushel of oats for my chickens for $1.10. For those same oats last year the farmer got 40 to 45 cents. That is not fair to me or to the farmer."

We have known those facts, Mr. President, ever since the rise in prices began; but nothing was done for the poor white-collar worker, because he was not organized and could not make any demands.

We also include those men in the armed services whose dependents are affected by the rise in living costs. Most of the families of servicemen reduce their standard of living the moment the wage earner goes into the service.

We did raise the pay of the soldiers, thank goodness. But what a struggle and an argument and what a time we had doing it! The man who was in the armed forces was then in a position in which he could not organize, and did not. The wife of a serviceman wrote to me:

My best girl friend and I both married about the same time, and each had a baby. My husband was getting $52.50 a week when he was drafted. I get $80 a month allowance, and everything costs so much more every day that I am selling our war bonds, and even cannot take the baby to the doctor as often as I should. My girl friend and her husband work in a war plant, and I would do that, but I have nobody to take care of the baby, and she has. I have no relatives who can help me.

The two of them make more than $150 a week. My husband writes to me to be a good soldier and everything will be all right after the war, and I try to be and not worry about what will happen to us if he is killed, but it seems to me something is awfully wrong about everything.

Mr. President, I cannot refrain at this point from saying that we had almost a year's struggle in the attempt to provide benefits for nurseries, at a time when mothers had to work and babies had to be taken care of. We failed in that effort. Why? Because those mothers were not organized.

Therefore, I say, all honor to organizations and leadership which can do something for its people, so long as our country remains so backward in attempting to settle the ills which it can see and can understand.

About 15,000,000 of the white-collar class are salaried workers, and you can't fight a war without them. You can't have schools, churches, hospitals, or Federal, State, or municipal government; you can't operate stores, offices, hotels, or restaurants; or publish

magazines, newspapers, or books; you can't get your mail delivered or your checks cashed at the bank, or make a long-distance call on the telephone.

Harass them, undernourish them, force them, through underpayment, out of their jobs, and you cripple the Nation. They are vitally necessary to the thousands upon thousands of vitally necessary men and women. How many lives could doctors save if they had no nurses? How could a judge hold court without clerks and stenographers? What good is a college with a scholarly president if there are no teachers? How much could be accomplished by executives of great banks, insurance companies, and industries if even one-fourth of their white-collar assistants decided to don overalls and go to work in war plants?

Many white-collar workers have done just that. In addition, hundreds of thousands, of course, have left to join the fighting forces. Fortunately for our economy, enough have stayed on their jobs to keep the wheels going, even though their raises in pay usually have been inadequate, or nonexistent. We worry about the lack of manpower that may reduce production in war plants. It's time we started to worry about manpower that is just as essential—white-collar manpower. Weaken the present staffs and you'll create behind-the-lines bottlenecks that will affect war operations far overseas.

The typical white-collar worker, man or woman—7,500,000 of them are women—is a mighty good American. He usually is well educated, versed in current affairs, and must dress well and make regular trips to the barber or hairdresser. He budgets his expenses and wastes no money. I have no figures to prove it, but I believe he has made more real sacrifices to buy war bonds and to contribute to war charities than have workers whose earnings have risen because of the war. Usually, white-collar workers do most of the volunteer work in war bond, Red Cross, March of Dimes, and Community Chest drives. They're on the job in civilian defense and they're mostly the ones who worked long hours at the schoolhouse getting out the ration books.

Who is interested in these people? Nobody. They're the forgotten men and women.

Ordinarily they belong to no union. No experienced negotiators plead their cases. Their collective bargaining usually is a brief session in which the employee stands before his employer's desk and, shaking in his shoes, asks for a raise which he doesn't get. He enjoys his work, likes his associates, has been on the job for years, is in a groove, and he stays on the job.

Back at his desk, he's resentful, perhaps, or maybe he agrees with his employer that this is war and everybody must make sacrifices to help the boys on the firing line.

That was told to every worker in the United States when he tried to bring about some rectification of an injustice done to him. He was told, "It is war."

Mr. President, it is peacetime now, but we have failed to make the adjustments, and since we have failed, we have the troubles which are facing us today.

The average white-collar worker doesn't quite understand why he must suffer more than do his friends in war work, but loyally he plunges back into the old routine, working harder at longer hours to make up for the vacancies in the staff left by those who have gone to war, proud that he's doing his job well, hoping that some day, some way, things will get better.

But unless Congress takes action right away things are going to get worse.

One group of these workers is made up of the 900,000 school teachers. They exist upon an average salary of less than $1,550 a year. More than 250,000 teachers have gone into the armed services or have taken more profitable jobs, and, according to Dr. Donald DuShane, of the National Education Association, "At least 30 percent of our children are being cared for by improperly and inadequately trained teachers who are working only temporarily." That means that 7,000,000 children—perhaps yours are among them—are not getting the kind of education they need.

More than 4,500,000 white-collar workers, in addition to teachers, are on public pay rolls, from the tiniest towns up to the Nation's Capital. In some cases these employees have been given relief—an over-all average increase of 14 percent between January 1941 and July 1943. But that increase brought the average earnings up to only $118 per month.

A clerk in a Los Angeles court writes, "I would be willing to make sacrifices if others would do the same. My cost of living has increased 40 percent and my income tax 400 percent. My income has not increased one red cent. Yet a neighbor's daughter, 19, on her first job, receives $225 a month—much more than I get."

A civil engineer writes: "I am 42 years old, and have worked for this city for 12 years. Checking back over my records, I find that 2 years after I left college I was making just as much, in buying power, as I am now. Then I wasn't married. Now I have to support a wife and three children."

Too many college-trained men and women are reaching the point where they must cash in their life's savings and borrow to get the bare necessities of life. These include librarians, lawyers, social workers, architects, college professors, and scientists of many kinds. The income of some classes of scientists has risen, but the American Association of Scientific Workers reports that "large numbers of scientists earn between $35 and $50 a week."

There are 136,000 clergymen, most of whom never had much more than a bare living, whose parishioners have given them little, if any, increase in salary. Nearly a million employees of hospitals, including nurses, are working loyally and tirelessly, attempting the impossible task of caring for more patients with smaller staffs. Hospital workers are notoriously underpaid, but ask a $25-a-week nurse why she doesn't give up the drudgery and take a more profitable job in a war plant, and she probably will tell you firmly, "I love my work. I'm happy to be helping the unfortunate." That's the kind of American who is being pushed around.

Mr. President, did we push them around? There is now on the calendar a bill providing for the drafting of nurses. We discovered, thank goodness, that we did not need such a measure. But there was another group which consisted of persons upon whom we could impose. We forgot them. We did not take care of them. I repeat, and I will repeat over and over again. So long as we fail to do something for the people of this country who cannot take care of themselves, we will have to put up with men who organize and make it possible to take care of themselves. If every inch of progress which we make is to be made only as a result of fighting, we must realize that the strike situation will never be improved.

The largest group that is paying more than its share of the cost of the war is made up of workers in offices and wholesale and retail stores, and itinerant salesmen. The National Industrial Conference Board in 1943 made a survey of 35,600 employees in 351 companies in 21 cities, and found that the average file clerk got $22 a week.

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

Mr. THOMAS of Utah. I yield.

Mr. MORSE. I believe that the Senator from Utah is making a contribution by pointing out that so long as we do not take care of those in this country who cannot take care of themselves, we will continue to be confronted with demands on the part of those who have helped themselves, so far as their needs are concerned. Does the Senator agree with me that, as we study the history of American labor, we find that American labor has discovered that, by and large, it must use the strike weapon in order to impress upon the American people the unfavorable conditions in which American labor frequently finds itself?

Mr. THOMAS of Utah. Mr. President, the answer to the question is "Yes."

Mr. MORSE. May I move to my next question?

Mr. THOMAS of Utah. I should first like to explain the answer which I have made. I might refer to the Industrial Labor Conference which was held in 1931. I may say to the Senator from Oregon that I can answer his question by asking another one: Did the association of coal operators work out a system of welfare, and provide a health and welfare fund for their employees? What are the names of some of the institutions which have done anything of that kind? The Congress of the United States did not get around to doing anything for the white-collar employees for almost 3 years.

Mr. MORSE. Does the Senator from Utah, who is a student of American labor history, agree with me that it has required the strike weapon to teach American employers that they must give to the American workers a more decent standard of living than they would be willing to give if the matter were left entirely to them?

Mr. THOMAS of Utah. The strike method has been required, and also the law courts. Let us forget about strikes for a minute and think about the beginning of struggles which have been made for such things as, for example, the 8-hour law. Many of the advantages which labor now has have come only as a result of force on their part. It so happens that the first 8-hour law, which went to the Supreme Court of the United States, came out of Utah. It came about as the result of conditions in the mines. I am proud to say that my father sponsored the measure from the start. It was enacted and later contested. The suit went to the Supreme Court of the United States. How was the case argued in the Supreme Court? Persons may make fun of me for showing how basic rights of liberty have their origin. The Supreme Court of the United States said that the law to which I have referred was unconstitutional because it destroyed the liberty of a man freely to contract to work 12 hours day, if he wanted to do so, or 15 hours or 20 hours. How the Supreme Court happened to decide as it did, I do not know. It was merely one of those exceptional things which happen in this everlasting struggle to do something about something.

Mr. MORSE. Mr. President, will the Senator permit me to ask one more question?

Mr. THOMAS of Utah. I yield.

Mr. MORSE. Does the Senator agree with me that there are still too many employers in America who would take advantage of any limitation which might be placed on the right of free workers to strike, and would keep the working conditions of those employees at a level below that to which they are entitled?

Mr. THOMAS of Utah. What the Senator has stated is the history of the labor movement in our country.

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

Mr. THOMAS of Utah. Mr. President, am I allowed to yield without losing the floor?

The PRESIDING OFFICER (Mr. FERGUSON in the chair). The Senator from Utah may yield, but he can retain the floor only by unanimous consent.

Mr. LUCAS. May not the Senator yield for a question?

The PRESIDING OFFICER. Yes; he may yield for a question.

Mr. THOMAS of Utah. I yield for a question.

Mr. LUCAS. I wonder how the Senator from Utah squares his theory with the present railroad strike. No welfare fund is involved in that strike. As I understand, 18 out of 20 railroad brotherhoods agreed definitely on an increase of 16 cents an hour. Only 2 of them disagreed. I was wondering what there is in this particular strike which squares with what the Senator from Utah is talking about. I refer, of course, to the railroad strike.

Mr. THOMAS of Utah. Mr. President, I have been making the point, which is a very simple one, that the only way in which any kind of progress has been made in improving the rights of the workers has been by organizing and resorting to the strike technique. I have been endeavoring to trace the history of the unorganized workers. The particular point which has been raised as a result of my answering a previous question may not be logical at all in answering the question of the Senator from Illinois.

Mr. LUCAS. I appreciate that the progress which the workingman has made has been through the medium of the strike. But the time has come, it seems to me, when the right to strike against public services which are vital to the continuation of the health, safety, and welfare of the Nation, should be considerably curbed. There should be found some kind of remedy to be applied at some place along the line. Just what that remedy should be, I am not sure that I know.

Mr. THOMAS of Utah. I shall endeavor to state the remedy. I think the remedy has been offered to the country and that it did not accept it. Mr. President, I do not believe that every strike which has taken place was based on the finest of ethics or the best of morals.

Mr. LUCAS. I am sure that the Senator believes so.

Mr. THOMAS of Utah. I do not care to go into a discussion of a particular strike. That is not my theme. My whole idea is to show that if we legislate we may make more mistakes than we have ever done in the past, but I have not brought that point out yet.

Mr. LUCAS. I thank the Senator from Utah, and I apologize for interrupting him before he finished.

Mr. THOMAS of Utah. It is perfectly all right. The point is down in my notes, and I shall come to it.

Mr. President, I shall proceed now, because I still think the point we are discussing is exceedingly important. We may curse those who employ certain tactics, we may do as I have done, say that the morality of certain strikes is bad, that the ethics of them are bad. I myself believe that the strike technique is archaic, and that strikes should be stopped, just as war should be stopped. But unless we can preserve liberty, justice, and freedom, unless we can take care of our people in some other way, than the force method, we cannot get rid of either war or strikes.

I am sure that the American Revolution could have been logically settled without George Washington taking up arms if people had been reasonable, if people had been intellectual, if people had been wise. But they were not, and that is the whole point now. I make it over and over again, because it is the one lesson we need more than anything else when people write and place the responsibility for the railway strike upon the Congress of the United States. The present occupant of the chair was not presiding at the time I started. That was my original theme, taken from a telegram.

I repeat:

The National Industrial Conference Board in 1943 made a survey of 35,600 employees in 351 companies in 21 cities, and found that the average file clerk got $22 a week; the average stenographer, $30; switchboard operator, $25; key punch operator, $25; and junior typist, $23. These generally were in the larger companies that pay fairly well. Conditions vary in different areas, and hundreds of thousands in those classes, particularly in small businesses, are paid much less.

Although it is agreed that the average woman cannot live in most cities on less than $30 a week, the average wage for clerks in department stores in New York is $23 a week. A recent survey by the YWCA showed that the average salary of women office workers in the Midwest is $27.89 a week.

Remember that an average figure is reached by combining the salaries of workers who are being paid a living wage with the salaries of multitudes who are not. Statesmen may attempt to quiet protests by arguing that the average isn't too bad, but such oratory won't buy food and clothing for the office worker who gets $16.60 a week.

One office worker wrote me: "We who work in offices and stores and banks are in a pocket. Even in the boom of 1928 we didn't get raises in proportion to those given the bosses. For most of us there is little opportunity of advancement, for we can't all rise to the heads of departments and there always must be $25-a-week clerks. I've given up hope ever of increasing my standard of living, but surely, in order for my company to do its part in the war, it isn't necessary that my standard be cut in half."

Too many persons don't consider the difference between salary and take-home pay. One office worker observes, "When I get my pay, 20 percent has been taken out for withholding tax, 10 percent for war bonds, 1 percent for social security, and 5 percent for the company retirement fund, totaling 36 percent. Then when my wife and I pay for food and clothing we find they've gone up 30 percent. And now they want us to double our purchases of war bonds. I haven't had a raise, yet workers out in the plant have had two or three raises and, with all the deductions, make more than ever in their lives before."

How can Congress help the white-collar worker? First, we must keep the cost of living from rising any more. If possible, we must reduce it.

But we must do more than that. We must increase the take-home pay of those white-collar workers who are suffering real privation. They should be given some relief from taxes, which can be done by increasing the exemption figure. It has been suggested that, also, there should be an additional exemption for those workers whose income has not increased perceptibly since Pearl Harbor. Certainly a good tax program should be based primarily upon ability to pay.

Probably most important of all, Congress should ease the War Labor Board restrictions on frozen salaries in the lower brackets. The wage-stabilization program is necessary and its over-all effect has been good, but whoever thought we wanted to freeze the wages of clerks getting $25 a week?

No one thought we wanted to do that, Mr. President, yet it was done, and nothing could be done about it, because these people were not organized.

While the stabilization program, justly, has been blamed for much of the suffering of white-collar workers, some of the criticism has been unfair. There are two classes of employers: one that is willing to give raises, but is often blocked by War Labor Board rulings; and the other that wants to buy labor as cheaply as possible, and falsely tells employees, "The War Labor Board has frozen all salaries. We'd like to give you raises, but the Government won't let us." So employees of the latter go around cussing the WLB and the Government.

The War Labor Board has been partly to blame for this. WLB rules and forms are so complicated that the average person can't understand them, and when an employer says, "That's the WLB ruling," employees don't know what the rules really are and are unable properly to plead their cause.

Mr. President, I make the further point that it is only through organization that it is possible to employ the lawyers who can understand these rulings and fight for rights under them. More and more, I have to repeat, unless we are thoughtful of the whole body politic, we will have to put up with those who can make their claims.

When William H. Davis, Chairman of the Board, appeared before our committee he admitted that the forms are complicated and promised to try to simplify them. We suggested that the WLB prepare and circulate to all white-collar workers a statement in simple English that would tell them exactly how they can get a raise.

One thing that should be made clear is that most employers of eight or fewer employees are exempt from WLB rulings, and also that the Board has no control over State, county, and municipal employees, nor over those of nonprofit hospitals and charitable organizations. When teachers and nurses don't get raises it's the fault of local officials.

Here I must make another point. When we organized the Nurse Education Corps, and wrote the law which brought that great body into existence, one of the finest experiments in education in war work that our country tried, it was the opposition of the hospital-employer to the bill which made it necessary to go as far as we did, for they tried to keep the standard of pay down. Who could

speak for the 17- or 18-year-old high-school graduate who went into that service? Custom blocked them. Custom made it impossible for them to receive decent pay. Custom made it allowable for institutions, even though charitable, to make profit on work which was not properly paid for. When we stand against such things, we merely invite the other type of thing. Wise employers know it, and, thank goodness, less and less we see among the employer class the old-fashioned exploiter.

Mr. President, it is time for me to pay tribute to the scores of the employer group who came before us during the civil liberty days, in our industrial labor conference of 1941, and before us when other bills were under consideration. I have never yet seen a man who spoke for himself, an employer, who was a small-calibered man. But I have seen scores of men become small-calibered men by attempting to follow the philosophy of a flimsy sheet which was handed them by some organization secretary. I have seen whole groups of men pass their judgment upon legislatures, upon legislators, upon Congress, and the individuals in Congress, not from anything they read in the press, but because at their luncheon meeting they met with associates each one of whom had in his pocket a little flimsy typewritten paper telling him how he was to think for that day, and how he was to carry on. The wisest, finest most successful men in our country, men who, if we should suggest they never thought for themselves, would resent it—and they should resent it—follow down the line when they are organized to follow down the line, and they follow implicitly and without understanding and without judgment. A man in my position has some interesting experiences when we meet such persons as these. Sometimes they do not even inquire enough to find out that the one who is presiding over the hearing is simply a broken-down college professor. They have a program all written out for the presiding officer and they present it to him. Of course, the presiding officer does not know anything about the subject matter under discussion. What should he know about labor relations? What should he know about strikes and related matters?

Mr. President, the subject of labor relations is a very complex one. The subject of strikes is a very complex one. War of course is a very complex subject. All these problems and other problems with which we must deal are so complex that the longer one lives and the more one knows about them the less likely one is to follow a program presented on a flimsy sheet. Such presentation is made, however, again and again. I urge that we be careful in accepting such programs; that we scrutinize them carefully before we adopt them.

I continue to read:

> When teachers and nurses don't get raises it's the fault of local officials. It should be made clear also that, in most cases, the WLB does not oppose raises that bring wages up to 50 cents an hour. And that the Treasury Department, not the WLB, controls salaries of more than $5,000 a year.
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> Unfortunately, in most cases, increases in salary are limited by law to 15 percent above the base salary of January 1941. But individual increases, under certain limitations, may be given for length of service, merit, reclassification, promotion, etc. Some employers don't understand how to give raises properly; some don't want to know.
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> "My company had a job classification that had been approved by the WLB," one clerk writes me, "and they said they couldn't give me a raise. When I told them I would quit, and convinced them I meant it, they quickly wangled a way to give it to me."
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> Another: "I am an office manager for a Tennessee concern. I am 37 years old and earn $180 a month. I have received one $5 raise since 1936. But for WLB rules, I would be getting at least $225 a month, which is what new men doing less important work here are getting."
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> The cure for this is to raise the 15-percent ceiling in the lower-salary brackets and to loosen slightly the restrictions, so that fairer adjustments may legally be made.
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> "That will bring more inflation!" some statesmen cry in horror-stricken tones. "You'll raise prices so a loaf of bread will cost $100."
>
> That is nonsense. Inflation doesn't come from the bottom. The $25-a-week clerk doesn't overspend. It is the uncontrolled waster who brings inflation. In Washington, in New York, in every city, you see men and women spending $100 in one evening in a night club, you see them buying mink coats, jewels, and liquor. They toss away millions of dollars to get what they want at any price in the black markets.
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> Thousands of businessmen, evidently with unlimited expense accounts, are coming to Washington in drawing rooms, living in expensive suites, spending enormous sums for food and drink. The money they spend and the money the Government pays them for contracts, much of which is spent lavishly all over the United States, may cause some inflation.
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> But you won't get inflation by giving a shabbily-dressed typist $2.50 more a week, or by increasing the wages of a bank clerk so he and his family can keep up the payments on their little home, or by giving a college-trained school teacher enough money to buy a new dress. That money is spent for bare necessities, not squandered on luxuries.
>
> If we give a fairly decent living to the white-collar class we won't weaken our economic structure—we'll strengthen it, and in spots that are becoming dangerously unsound today. They're fine, upstanding patriots and are being kicked around, forced to make more than their share of sacrifices for the war effort, mostly because they are unorganized.
>
> No longer must they be the forgotten millions. Not only for their good, but for the good of all of us, we must give them aid, for these people are as necessary as the men and women who are building airplanes. Crush the white-collar workers and you cripple America.

Mr. President, that was written more than 2 years ago. Senators know what we did when the attempt was made to raise the wage level by amending the Fair Labor Standards Act. Senators all know the discussions that took place in that connection. I repeat, Mr. President, that if we fail to do what is right in dealing with the subjects now before us, greater ills will face us.

There is one more phase of the pending bill to which I wish to address myself. Again I am going to be a bit historical in my approach, because I fear that we are headed toward making the same mistake heretofore made. I shall again use my own words, words which I used before in an attempt to keep us from taking certain action, because if no one else learns a lesson from our deliberations on this important matter, I myself hope I may learn a lesson and may make a proper interpretation of the problems presented by industry-labor relationship. I think I know the methods that have worked successfully and the methods that have not worked, not only in our own country, but in various countries of the world, and I believe that when certain methods used in one country work well, we may learn from the use of such methods.

Mr. President, it is said that history repeats itself. I sometimes wonder whether this is not a more polite way of saying that men do not learn from their mistakes. Two years ago, in the midst of world war, this body gave its assent to the Smith-Connally War Disputes Act, which is based on the philosophy that you can promote industrial production by a system of legal compulsions. Today the folly of that conception is a notorious fact. Yet here we are in the crisis of reconversion and it is proposed that we repeat that mistake and bind and fetter the working people of America in the interest of full peacetime production.

Mr. President, this philosophy did not succeed then. It will not succeed now. I venture to believe that it will never succeed so long as Americans deserve the honor of being called free men.

In the course of the debate on the Smith-Connally Act, I made certain remarks on a democratic philosophy of industrial relations. With slight alterations, those remarks are pertinent to the present crisis. I wish to repeat them, and I beg for them the earnest consideration of my colleagues in the Senate.

As to laws directed against the excesses of one man, and there was one man who was attacked more than any one else at the time I spoke these words, I said:

> We all know that the worst element in lawmaking, one against which we have a constitutional ban, is that of legislation directed against a given person, general legislation aimed at a given person. Under our democratic processes such legislation is considered so unfair that we have a constitutional ban against it; and whenever in the history of our country we have attempted to cover a particular man or a particular incident by general legislation we have generally passed bad legislation.

I may say, parenthetically, that the only individual who received any substantial benefits from the Smith-Connally Act, which we were then considering, was John L. Lewis, against whom it was directed. He, under that act, was able to negotiate a wage increase for his followers.

I should like to remind the Senate of another occasion when we acted hastily on the theory of hitting at an individual. We all remember the utilities scandals of the decade of the twenties. We remember that there was one utility leader who ran away from the country. His name was Insull. He was living in a foreign land. He was indeed a refugee,

not so much from his country as from the people whom he had wronged in business. Suddenly the people of our country wanted to bring him home and try him. Our leader, Senator Robinson, presented a bill changing some of our extraterritorial rights so that we could arrest him. I spoke to Senator Robinson. I was concerned more about what my country was doing in passing a bad law even than with taking care of the old gentleman who was a refugee. I pointed out that if we enacted a particular law to get him and bring him home to try him, he would not be convicted, and that Congress would make a gesture, another mistake, by using its lawmaking force in an attempt in which it ultimately could not be successful.

Senator Robinson said, "Why do you say that if we bring him home he will be turned loose?" I replied, "Senator Robinson, I say it because I know my countrymen; not because I know law, not because I know anything about Insull, not because I know anything about the circumstances, but when he comes back he will be tried by a jury, and American juries generally do not convict 82- or 83-year-old men." That is the only thing I could say. That was the only argument I could put forth. Senators know the history and the outcome.

Mr. President, in the textbooks America is made a laughingstock because she uses the greatest medium she has, the will of the Congress of the United States, in legislation to make it possible to arrest or stop a refugee who is hiding away from his own people. Generally banishment was deemed quite a punishment in ancient times, and I think it is a punishment. The state should have been satisfied with that. But we will go on. As to making laws in the heat of passion I said:

> Because of what has been in the hearts and souls of some of us and in the minds of certain newspaper writers, the strike in the coal mines has caused a stimulus which has produced emotional voting on the part of Members of Congress. I realize when I make that statement that probably I am criticizing myself; because if one Member of Congress votes emotionally, so might any other Member of Congress. I pray that the day may come when we all shall be reasonable, when we all shall be intellectual in that which we say and in the way we vote.

As to the right to strike:

> That right, of course, has never been taken away. It is guaranteed in law. It cannot be taken away, because it is, as every laboring man knows, his only final resort in making an appeal to justice. It is his only resort in making an appeal to justice. It is his only resort to justice when everything else has been removed.

That is a fact, Mr. President.

As to the nature of strikes and the proper technique for the solution of industrial disputes in a free country, I said:

> Strikes are uneconomic in their nature. They bring sadness to innocent people. They bring distress to the women and the children of the workers. Strikes are extremely ineffective even in the long run toward bringing about changes in industry-labor relations. They are very much more ineffective than the method of collective bargaining, which has been made use of by so many unions in dealing with their employers, by reason of which, for a generation or for two generations, there has not been resort to strike on the part of those who have availed themselves of collective bargaining. Labor has gone forward under that peaceful arrangement.

I wish to present the fundamental thesis of the committee bill on voluntary mediation. It is based upon a simple statement which was made in one of our hearings. The right of wage earners to refuse to work on terms unsatisfactory to them, and the right of employers to refuse to operate their plants under conditions they do not accept, are fundamental human rights. They are rights which, in a free society, can be restricted only by voluntary agreement.

Further as to the nature of strikes and the proper technique for the solution of industrial disputes in a free country, I said:

> The peaceful method is always more constructive than the forceful method. That statement holds good as between nations as well as in industrial relations. We all know that after the war we must adjust our country first of all to peaceful relations. We must, after the war, count our loss in dead, our loss in wounded, our loss in missing. There is blood-letting even in industrial relations, as we know from our experience. The loss of life and the loss of property, in war as well as at times in industry-labor relations, are never regained, although a point contended for may have been won.
>
> Mr. President, I hope I have said enough to convince my brethren in the Senate that it is with the deepest sincerity that I oppose the conference report. I oppose it because I have a fundamental belief in the institutions of our country, and that those institutions can best be enlarged and developed by peaceful action, by voluntary action, even if it does seem to take a longer time than might be taken if we were to follow the course which the adoption of the conference report would permit.

Mr. President, in relation to that last statement, Senators will remember that the President of the United States followed the logic of that statement and sent us a veto message, and that we, with worse emotion than was displayed when the bill was discussed, passed the bill over his veto.

Mr. President, so long as we carry on without faith in the great fundamentals on which our country's liberty rests, and without faith in the rights which we have gained as American citizens, and fail to continue to protect them and make adjustments in accordance with them, we are going to have this same type of labor problem.

As to the social consequences of repressive antilabor legislation, I said:

> Mr. President, we cannot win a war in a half-hearted way. We cannot win a battle with unhappy troops. We cannot bring about great production with unhappy labor. We cannot bring about cooperation in industry with unhappy and coerced industrial leaders. When we turn from the ordinary processes of voluntary action to forced action we are asking men to assume an unnatural attitude.

And, further:

> Let us give credit where credit is due. Let us think of the 50,000,000 workers in the United States and realize the great work which they are doing. Let us think of our neighbors who are war workers, and thank them for the sacrifices they are making. Because of the action of one or two, Mr. President, let us not at this time cast a reflection upon the fine things which our Government, under its leadership, has been able to bring about in our industry-labor relations.

We should be just as mindful today as I urged that we be at that time.

Mr. President, I do not believe that the voluntary system of industrial relations has outlived its usefulness in this country. The coercive system, whether we call it fact finding or compulsory arbitration, or what not, is contrary to the ideals of personal freedom on which this country was founded. Once we start down that road, there is no stopping place. Governmental settlement of strikes creates a responsibility for wages, profits, and prices. We have seen that in the steel industry. A settlement in one industry creates a problem of correlation with competitive industries and with the economic system in general. One encroachment leads to another and the snowball grows. On one fine day a student of social affairs traces the course by which the Republic has been transformed into a totalitarian state.

I am serious about that, Mr. President. I think I know about as well as anyone the course of empire in other lands than my own. I watched the end of what was called the German Republic. I saw it first-hand. I saw people acting emotionally because they hated certain techniques related to their freedom. Those techniques were thrown overboard in an attempt to have a more orderly process, and all liberty went out the window.

This assumes the cooperation or acquiescence of labor and management in governmental control. If there is not such obedience, who can foretell the social disasters which might arise?

Mr. President, I submit that the basic responsibility of democratic government is not to settle industrial disputes by fiat or by superimposing complicated coercive mechanisms for their settlement, but by encouraging free voluntary negotiations between labor and management. The wisdom of Burke speaks to us with perfect relevance across the years:

> The proposition is peace, not peace through the medium of war; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determinations of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific.

Mr. President, I doubt very much whether Congress is proud of the action it took when it passed the Smith-Connally Act. I cannot help but say that I doubt very much whether, if we decide to turn back the clock in industrial relations, 2 or 3 years from now we shall be very proud of the action we will have taken in this instance. The questions involved are vital and I like to discuss them from the standpoint of being an American, and I have discussed them only from that standpoint. I like our American ways.

The fact that our people have traditionally accepted the thesis of "a government of law, and not of men," as the proper form, causes us to think in terms of rights. We are tampering with rights when we pass legislation which, in an attempt to solve certain problems, interferes with freedom. An attempt to solve problems dealing with the relationship of human beings or of governments based primarily upon rights is an invitation to continual clash, and not to peace. The right of life, liberty, and the pursuit of happiness is not a right in the strictly legal meaning. It is in reality the echoing of the strivings of the human heart to live in ordinary, everyday life—the ultimate potentiality of man. It is the reechoing of an ideal. We may, before we get through with these remarks, talk about man's right to a job; man's right to have a decent home; man's right to go and to come as he wishes; man's right to all of the freedoms, not only the four basic ones; but we do not mean it in a sense of statutory right. We want something more. Mr. President, that is what I am pleading for in regard to our industrial labor relations.

We are attempting to pass legislation which will cause a discussion about certain rights, and we are going to shave those rights and get into litigation, when we ought to get into a peaceful atmosphere. We want the fullness of democratic life based upon the theory of common consent and the notion that liberty comes from respect of others, not as a result of a basis of demand on our part. Probably this is the answer I should have given to the Senator from Illinois when he asked me how I bring into harmony what I said in answer to the Senator from Oregon with what is taking place in a strike-ridden world today: I cannot bring it into harmony, but I know that liberty can be destroyed by unjust strikes, quite as well as it can be destroyed by an unjust government, and I know that the theory of common consent and the notion that liberty comes from a respect for others, not as a result of demands, are the bases of our liberty. These are the ideals which the average man strives for, prays for, and believes attainable. They are the ideals based primarily upon the simple theory of treating others as you would like others to treat you and the basic notion that all social life must have its culmination in mutuality.

Are these the dreams of a hermit isolated on the top of a high mountain overlooking the expanses of the universe, or are they based upon a practicality which faces us every minute of the day? I accept the latter thesis, and I shall tell you why. I have ridden in an airplane. I do not believe that my pilot flew me safely from one place to another just to save his own skin. Every day I travel on streets and over bridges. I do not believe that the architects who designed those bridges and those streets made them strong just because they thought that one day they themselves might cross the bridge or travel on the street I paid for my last meal with a bill that no one questioned. I do not know whether there is enough silver in the Treasury to redeem my silver certificate or not. In fact, like the other 140,000,000 people in America, I have not read the Government's promise on that bill. I live by faith, you see, and so do you. We have put our savings in Government bonds without ever thinking about reading them. No one worries about his bank deposits any more; even those who have bank deposits have ceased to worry. Few workers in America go to work feeling that their jobs will end tomorrow. In fact, they plan and get credit and the doctors accept their promises on the theory that they will be working tomorrow. In law, has every man a right to his job? Then, Mr. President, do you not see that life of faith and trust is finer and fuller than a life of rights. Still, I have carried through the Senate the Wage and Hour Act; still, I have had much to do with the labor laws in the last 13 or 14 years; still, I advocated the full-employment resolution at the Philadelphia meeting of the International Labor Organization in 1944 and the Paris meeting in 1945; still, I was one of the first to propose a world-wide bill of rights; and still, I am plugging for continued legislation making the rights of all more certain. But still I know that the better life is not based upon rights, but upon faith and trust; and that good peace at home and abroad, in the family, in the Nation, and in the world can only come because men want peace.

We are going to have an everlasting continuation of strikes, lock-outs, atomic bombs, suspicion, distrust, advantage-taking, and general bedevilment, as long as we attempt to run things as we are attempting to do now. We can have all those things if we want them and if we are willing to pay for them—pay not only for those who like these everlasting clashes—but pay finally in forced sacrifices of those who will give their all in war and social unrest.

The world has known the idea of progress for a century and three-quarters. We have had the concept of evolution for nearly 100 years. We have had the dreams of our founding fathers built upon the notion that America is a promised land and dedicated to the concept of freedom for over 150 years. We have had Jefferson's great letter to Adams, written just before he died, wherein he said that he and Adams would yet look down from heaven with joy at the fulfillment of their great dream. For over a century America has learned that the four freedoms pay. Even religions thrive better here under the philosophy of freedom of religions and for religion than they do in the lands where particular religions are protected by law. American life is built upon the right to come and go; the right to have and to hold; the right to think, to aspire, and to achieve. These rights are attainable only and are worthwhile only when they rest upon faith and trust. The institutions which make us great are the individual savings accounts of our kiddies, the insurance of our parents. Thus, my great idealism is based upon the practical, everyday economics of bread and butter and a place to lay my head.

That is prologue. Our task is to achieve as much of that prologue as possible, but knowing at the beginning that we can do it only through understanding, and understanding of the practical sort comes only through education. A society based upon a well-trained citizenry is still America's best dream. It should be the world's dream. There can be no peace until there is some contentment, until living standards are such that men and women cannot only produce enough to live on, but a surplus to keep that living bigger, better, and more complete. I shall take my illustration for the accomplishment of this from two pieces of legislation, both of which were deemed very impractical. First, the soldier education bill and, second, the full employment act. I believe that for the first time that a nation has attempted to express itself with thankfulness to those who have served it well by offering educational advantages to the individuals who have come out of that service it has placed the philosophy of education where is should be put. The soldier education bill is not a bill primarily for the benefit of the soldier boys and girls; it is for the benefit of the Nation and the American people. Realizing what happened to France, and what happened to England, as a result of the last war, we recognized the loss of a whole generation of leadership, and the American Government was determined that a generation of leadership should not be lost to us as a result of this war. The soldier education act is based upon that theory. "Build us a better nation" is its slogan. No one knows that better than I do, because I, myself, wrote that theory into the bill.

The Full Employment Act is not a pitiful piece of fragmentary mutterings based upon a flimsy interpretation of the slogan "the right to work." The full employment idea had its concept in the notion that it was Government's duty to see that its people are well fed, well housed, and well schooled. The Government is not entirely unselfish in this. We have, you know, Mr. President, the Federal income-tax system. The more one earns, the more all of the people get through a distribution of taxes collected. At one time, when governments belonged to kings, taxation was a burden for the benefit of the few. I know no privileged class under the theory of our tax system. But 10 years ago there were many groups of overly privileged. The strange thing is that, hard as it was to bring about these simple reforms, no one complains today because of their accomplishment.

I like our dollar economy as it works today. Some make greater profits than others, but the theory of the leveling remains. There will always be those who are ahead, who are brighter, who live better by their wits, who gain more than others. That is America. I have no objection to it so long as it is not done by advantage taking, and there will be no advantage taking which will last very long if the problems of our economics are made part of our educational scheme. That is what you are doing. But we must go further than the lawyer-minded among us are willing to go at present. We must see basic causes and basic effects. We will note that the cure for many a clash in our economic life is attained through the simple device of

equal opportunity, a real life of interdependence, a spirit of mutuality.

War, anywhere, is of concern to all everywhere. Poverty, anywhere, reduces wealth and living standards everywhere. There are those who have a notion that starvation in the middle of Asia does not affect life in prosperous America. Look around and see what is happening today. Accept the basic fact of life that while men kill each other in hideous war they are, nevertheless, thoughtful of each others welfare.

It is true that great suffering almost invariably brings forth at least little gains. In our own national life we know the cost of the formation of the Union, the freeing of the slaves, and the repulsion of the threats of Wilhelm II and Adolf Hitler of Germany. Why men must suffer in order to see is the cause of faulty education. Surely the lessons of the First World War should have been sufficient to have lasted the people of Europe and Asia at least a generation, but they were not. Must the law of suffering and sacrifice always function in order that we may learn anything? Did it require the depression to give us the philosophy we now have of attempting to make life more abundant and fuller? Evidently it did. Moreover, only through the depression were we able to achieve a measure of social security and set up our first fair labor standards. Perhaps in comparison, the suffering of the depression era was not sufficient to bring about even the crude beginnings of a basic right to work. I mean a single clear-cut, complete right to have a job for the asking, a job compatible with one's capacities and attainments.

It is wrong, at this late date, when soldiers are sent overseas in the first phases of a war, and during the long hours when all that men may do is to think things out, that their thoughts should be resolved largely into fears that, should they be so fortunate as to return, they might not have a job to return to. The fear might not have been, and I hope was not, founded on anything stronger than generations of habit. Even so, the fact of their worry, of your worry, Mr. President, and of my worry, over security based upon gainful employment is sufficient to suggest the disease and the cure.

In spite of our gains, we missed one opportunity when we builded upon the ashes of the late twenties and early thirties. Widespread misery should have brought forth guaranteed employment in such force as to have amounted to an ironclad contract between this Government and its people that any man, any woman, however aged or otherwise disqualified under the old standards, could confidently expect to earn money merely through his own election and volition, and that the truth be recognized, once and for all, that in a properly organized society, alive to its responsibilities and opportunities, there can be no such thing as a labor surplus. With so much to be done, and so little time in which to do it, how can anyone speak of surpluses. The only surpluses we want are surpluses from honest labor.

Mr. President, I believe that you will agree with me that if it were not for the fear in the minds of many persons of a surplus of labor, the country would not now be confronted with the present unrest and strikes. Persons are afraid that the return of more workers will prevent them from obtaining full employment, and they wish to make their gains while they can do so. Organized labor and organized industry are at their wits' ends today, because they will not recognize the great fundamentals.

The time should have come so that an individual wishing to work part time or full time, according to his own best interests and ambitions, should be able to have what he wants, and another gainfully employed, who because of his ability is offered a better job, should be able to take it with confidence, losing nothing and risking nothing.

Where is all this made-work to come from? Look at poor leveled cities of Europe. See the ravages of bombs and booby traps everywhere. It took us all, working 16 hours a day, on call 24 hours every day to do these little destructive jobs. How much would it take to construct a great, beautiful world community? Moreover, job guaranty is something like insurance. By simply having it handy the workingman loses his fear psychology. He knows that he may earn and may spend or save according to his habits. He need not be subservient. It will avail him nothing to be arrogant. He cannot fail to obtain some kind of job. Yet, he may easily fail through lack of industry, for only through industry can he rise, and failing this he is a failure and knows it. No child in America who reaches the third grade is incapable of distinguishing the difference between a successful man and a failure. He even learns that lesson in Sunday school.

We had statistics about illiteracy as a result of the last war and we learned that the one privileged group under the Selective Service Act consisted of those who were deferred because they were not able to understand English.

If demagogs come into being because of slogans based upon assumed or actual injustices, is it not better to have a just peace and make the demagog impossible than to spend all of our energies knocking out his contrivances and overcoming his ambitions? Cure the ills of inequality throughout the world and the type of peace we have in America will become possible. That does not mean a time of bliss, a world of inaction, nor a world without strife. But the strife can be of a different type; contest, competition for constructive purposes instead of destructive purposes might pay if we would only get the idea.

If I should try to analyze what I have been saying I would do it in this way. We have spent our energies trying to overcome inequalities in our economic life by guaranteeing certain techniques; the right to strike, the right to organize, the right to assemble, the right to free speech. These result in laws dealing with the techniques of our economic life. The cure for those who demand these rights can be made only by higher wages, decent savings, better environment, and proper training. Those present might say to themselves after hearing my stressing of training, "This fellow, THOMAS, still remains a Confucionist." I do. I do not believe that man should ever live on the level of an earthworm. Such a statement is no longer the dream of the idealist. It is a fact which is recognized by anyone with a memory that goes back a single generation. In the last war, through lack of preparation and training, boys died getting them into the service. In this war there has been less of that. In the last war boys died of lockjaw and other preventive diseases. In this war there has been less of that. Look to your community-health standards, your educational standards. Has it paid to have them a little better? That is my point; simple, so simple that you will say that everyone knows that. But does everyone? The next time a great problem faces you try to settle it on the basis of fundamental understanding of that problem instead of on a basis of force. It is only through the schools that such an understanding can come. It is those who know the history of mankind and the advancing march of civilization who do not lose the faith in the great fundamentals of America and her mission.

Mr. President, I want to make a point here as simple as the one I made in my first reference to the white-collar worker. I wish to refer to an event in America, which should have been the most historic in our whole industry-labor history. I wish to point out that for once we were started in the right direction and that we went back. We went back through lack of understanding, through lack of education, through lack of appreciation of where and how our liberties are made and where they rest.

The next historic event which I say marks the very acme of decent industry-labor relations in the United States, and the one on which we should have based all our industry-labor actions since its inception was the industry-labor conference held in Washington in 1941. A new thing happened in industry-labor relations at that time when the representatives of industry and of labor unanimously accepted my motion that there should be no strikes and no lock-outs, but that all disputes should be settled by peaceful means. That is the foundation upon which to build. Were we willing to build? We were not. On the very day that motion was made and the motion got into the newspapers there were attacks on the floor of Congress by those who said I had no authority to make the motion, that the industry-labor conference was not legal, and not proper, and not right. An immediate effort was made at that time to defeat it. We were discussing the motion for a long time. It took only a little while to unite labor behind it. Industry was frightened of it because of certain things which had happened. Industry lives without faith. It lives on its rights, and by its rights, and by the voices of high-paid lawyers fighting for those rights.

We will not have industrial peace in America so long as every difference is settled by litigation. It just does not happen that way. Men begin arguing about the law instead of about justice. But that was the foundation on which

to build—everything voluntary, giving on the part of everybody. Labor said, "If we are willing to renounce the right to strike we do it only because there is a guaranty on the part of all that, to use the words of the Senator from Oregon in questioning the Senator from New Jersey a moment ago, every problem which has to be settled will be put upon the altar of proper voluntary adjudication, and settled.

We had that chance. We in America took that stand. The American people honored what was taking place for a moment or two, and 50,000,000 of the American people respected it. We had production the like of which no one ever expected, which won the greatest war in history. But still we turned back on those proper techniques.

Make industry-labor techniques upon that constitution, and we will have industry-labor peace in America. I suggest going back to it. I suggest that kind of conference rather than the kind of conference we had last fall, when the motion I have referred to, and that ideal and that agreement, were thrown out the window for what was thought to be something better, and as a result nothing came.

Whoever was responsible for the different approach and for the belittling of the great action taken in 1941 is responsible for much of the industry-labor suffering which we have had in the last few years and which we have today. Whoever is responsible for not living up to the principles of that great promise is responsible for keeping us back in the peaceful evolution of industry-labor relations for a whole generation.

We missed an opportunity when the going was hard and men crusaded. Gains are more difficult to achieve now that we have war prosperity. Who cares about labor, except to resent the newest strike? Who cares about employment so long as most people can get some kind of job in at least a few weeks of mild effort? Our muscles relaxed after a hard war; we are soft as putty. There will be strikes, there will be clashes, there will be contests, there will be resorts to courts, mediation boards, and conciliation, but you cannot do away with the evils incident to the stoppage of pay, the idleness of strikes, the slipping back into poverty and debt, the keeping of kiddies from schools and the actual killings which have sometimes resulted by law.

The amendment which is before us, I repeat, is the most dangerous thing in the world, reinviting into industry-labor problems and strife, bad as it is, the strikebreaker, the scab, allowing that kind of thing to perpetuate itself.

Modify that right in the National Labor Relations Act which is given to workmen who are out on strike to go back to their places, and we go back to the scab days, the days of the strikebreaker. It is inevitable, if we do what has been suggested by the Senator from Minnesota, namely, provide that if after 30 days men do not respect their promises, or what is forced upon them by law, then they lose their rights under the National Labor Relations Act.

I cannot stress that too much, Mr. President. It is fundamental, and if we change the fundamentals, we change the whole thing and invite the chaos and bloodshed, the strife and the unhappiness, which were ours in years gone by.

This is the lesson of our times. I repeat, the guaranty of labor techniques in law will not make for peace. Mr. President, we must have some of these techniques, but they must rest on the fundamentals of voluntary trust and faith in one another.

A recognition of the broad objectives for which all should strive in our society is the key to final labor peace—higher standards, decent schools, honest hours, protected savings, and equal opportunity; for each to move into the field of his great aspiration and into the sphere of his potential capacity.

What is the great fear in America today that underlies the threatening industry-labor unrest. Despite our Full Employment Act and despite our prayers, the unconscious juggling for position in our present-time industry-labor strife is a fear of future unemployment. We may be in for it, I do not know. But when we again come face to face with this problem, let us recognize it. It is a religious undertaking and will be attained only through zeal amounting to a religion. Who today in the United States will defend some of the practices we proved right here in San Francisco in our civil-liberties investigation?

We have come a long way, but not far enough. The constitution of decent industry-labor relations is the motion accepted by industry and labor in 1941. That did not destroy any rights. There we merely said that we will turn to the techniques of peace rather than the technique of war for the settlement of our disputes and for the attainments of our objectives. That should be fundamental in America. Our courts do not always pronounce absolute justice, but no one would like to see disputes between Americans or between Americans and their governments settled by direct action.

I am a product of the American public-school system. I went to kindergarten, and I finished with a Ph. D. It took a long time, and I did other things, but during every minute of my education I was exposed to American ideals. If there is a rule of history to which I can turn now as a guide, it would be the 150 years of struggle in our own country to make a political concept work and become universally accepted. The founding fathers worked out the Federal system on the simple idea of allowing those things which are of purely local concern to be settled locally, but those which are of common concern to be handled by representatives delegated to speak for all. We builded bigger than we thought. That governmental technique is the basis of our political liberty. It is the key to not only national peace in a nation made up of 48 States, but it is a key to a theory which can become world-wide.

Mr. President, I wish to digress there for a minute or two. When our founding fathers said that matters which are of local concern shall be settled locally and matters which are of national concern shall be settled by all, or by the peoples' representatives, that theory applied then, and it worked successfully. But when we came to the time in the industrial life of the Nation and took fiction and made it law, as was done by the Supreme Court in decision after decision, and assumed, for example, that industry, manufacturing, agriculture, and mining are all of purely local concern and therefore not matters of concern to the whole Nation, and refuse to place labor legislation on the national statute books because of decisions of that kind, the time finally came when a change in thought was imperative. Probably the greatest thing that happened in our long years of civil liberty hearings was the breaking of that fiction. It happened one Saturday morning when we had before us witnesses from one of the largest industrial concerns in America. We called all the witnesses before us at one time and went to school together, as it were. We tried to find out what there was of local concern in that institution. We discovered, for instance, that the plans were not made in the State where the institution was located. We found that all the workmen were not hired there. We found that the raw products which went into the finished products did not come from that State. We found that the products were sold in many States. When the simple question was asked: "What is there in connection with your institution that is of purely local concern?" the answer came very positively, "Nothing"; because there was nothing.

Mr. President, that simple case, placed by a committee of Congress upon the Record of Congress, was so strong, so forceful, that even the great Supreme Court of the United States could no longer hold to fiction when it had facts placed before it, and the law of the United States was changed accordingly, and the National Labor Relations Act was declared to be constitutional as a result, because no longer could it be conceived that when a surplus existed in one State it was of concern only to that State; no longer could it be conceived that mining was simply and thoroughly of local concern, although perhaps none of the products of the mine were used locally.

Mr. President, I come back to my fundamental thesis. Industrial relations must be based upon true justice and confidence and faith one in the other, otherwise we will continuously and everlastingly read the false scripture of fiction, and fail to read the true scripture of facts.

Mr. President, medical students are told that in the Middle Ages those who studied surgery and medicine did not dissect cadavers as is done now, because it was then considered to be wrong to do so. Therefore the students did not have an opportunity to examine and study the human body as they do now. The students instead of using a cadaver, were taught from textbooks. And when it was necessary to perform an operation the textbook was consulted. Under the ribs will be found the lungs. Yes, they are there; the book is correct. But the study of textbooks alone does not make a surgeon proficient. He must do more

than that. He must have actual experience.

The lawyers who depend everlastingly and eternally upon cases already decided, instead of digging into the true facts of the situation, will always make mistakes, and will hold the people of the Nation back, as was done for generations.

I shall talk about the National Labor Relations Act in a moment, but I wish to say first that as a result of the hearings I spoke of a moment ago, we finally obtained in the Supreme Court a reversal of its former stand, and a measure of industrial peace came to the country as a result of that reversal of position.

Mr. President, those who live by symbols instead of on the basis of facts fail to understand our national background. Let us consider art. Those who examine the pediments of some public buildings in Washington will see on many of them goddesses dressed in cheesecloth. They will see many classical designs. They will see many symbols. When the great Thomas Jefferson memorial was authorized the architects wanted to build a pediment with Greek goddesses dressed in cheesecloth and classical designs and the usual symbol of liberty. I protested. I said no. I said, "When history is better than symbol we will stick with history." "Oh, no," it was said, "you cannot do that. That is contrary to the rules of art." I said, "Why are we building the monument to Jefferson? We are not honoring Jefferson. He is dead. We are trying to honor American democracy, and we want our people to know its history." After not weeks of speeches, but months of speeches on my part, and they ran into years, the artists who said "It cannot be done," finally said, "Gentlemen, if I can catch the spirit of what Senator THOMAS is saying I will try to build so that every schoolboy who comes to the Thomas Jefferson Memorial may learn something about the history of his country and of his Government." So now the schoolboy who visits the memorial and asks, "Who are the men up there?" is told, "Those are the five men who served on the committee of the Continental Congress which wrote the Declaration of Independence." "Oh," they may say, "we thought just one man wrote the Declaration." "Oh, no, it was a committee of five. It was a national affair. And what is more, of that five, one was opposed to it." In that committee were found such elements as we have in Congress all the time, minority reports, disagreements. That is a part of our history, Senators. That is a part of America.

What we want in our land is law based upon history, not based upon fiction. And when we understand how our liberties gradually evolved, and when we see how dangerous it is to tamper in any respect with the liberties of any of our people we will be made fully aware of the danger which now faces us in dealing with the present subject matter in an ill-considered and hasty manner.

Thus we have created, as a result of American experience, a conception of Government which can produce world organization and give us world unity. As a result of the creation of the Russian Soviet System, Russia furnishes a technique which can expand into a world organization. And the British Commonwealth of Nations idea gives us another pattern.

While men have dreamed of peace since the beginning of time they did not invent a form of government which might become world-wide and, therefore, insure the peace. No longer is the concept of world government merely theory. No longer is it based upon prayer and aspiration. The way of peace is in the world. Whether the world tread the path of peace remains to be seen. It can only do it if it understands where it is going. Education is a process of leading. The new world needs leadership. We shall succeed or we shall fail, therefore, on the basis of the character of that leadership. Is it to be a leadership based upon the single will with the followers forced to go where they are told. That is a question which is germane to this discussion. If so, now is the best time to accept fascism as a universal ideal because the world knows its technique better than ever before. Or will it be a leadership growing out of deliberations of trained deliberators, using as a basis for argument the knowledge of history, the facts of society, the understanding of man and his nature. That is the democratic way and by no means the easy way as is the technique of the single will. That, is for us to answer here. Will we deal with fundamentals, or will we be satisfied with biased partisan strife, or an unquestioned acceptance of the will of the leader? Will we accept the theory that we can take away from a man a right or a liberty and still preserve it? These things must be faced by us and by our children. The fight for the thing we call liberty is eternal. We are as much in the midst of it today as the world was when it developed its first rights under Hammurabi.

My prayer is that we will all say that American democracy, American freedom, and American liberty, all center in a single concept: individualism with a social conscience and a sense of responsibility; and, when American democracy works and reaches its conclusions, it is understood by all that that which it does it does by common consent.

American democracy is preserved for us in a constitution which becomes a guide for our political habits. Thus, the American Constitution is, in very deed, the companion of the American people in the accomplishment of their political, economic, and social aims. Let us make it always our companion in our studies and in our acts.

That is my plea in regard to this legislation.

Mr. President, I wish to refer to one more matter and then I shall be through. I wish to talk about the drafting of the Federal mediation bill.

In drafting the Federal Mediation Act of 1946, the majority of the Committee on Education and Labor have been guided by their firm conviction that "successful labor-management relations will not be achieved by compulsory or repressive measures, but can only be achieved and preserved as the result of collective bargaining." This faith in the collective-bargaining process is based upon our observation of its successful operation under the National Labor Relations Act and our conviction, and the conviction of expert witnesses identified with both management and labor who appeared before us, that the chief cornerstone of a sound labor relations policy is maximal reliance upon the collective-bargaining process.

In this connection I believe that it will be profitable to us to recall briefly the situation prior to the National Labor Relations Act and to recognize and appreciate the great advances in economic stability and industrial democracy which have been realized under that statute. And while we consider the beneficial effects of the Wagner Act let us resolve not to weaken it or impair its effectiveness in our effort to find a solution for ills unrelated to that statute.

Prior to the enactment of the National Labor Relations Act there were many causes of interruptions to interstate commerce. Among the most prevalent of these were the refusal of many employers to recognize the right of their employees to organize and to bargain collectively. I hardly need remind Senators of the violence, discrimination in employment, including blacklisting, and espionage, and other despicable devices resorted to by some employers to prevent their employees from organizing and bargaining collectively. It was "to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce" by "giving definite legal status to the procedure of collective bargaining and by setting up machinery to facilitate it" that we enacted the Wagner Act. We specifically noted that prudence forbids any attempt by the Government to remove all the causes of labor disputes. We merely segregated into a single category susceptible to legislative treatment those sources of industrial discontent which were deemed to be among the most fertile.

The National Labor Relations Act has worked well, and while the ultimate objective of the legislation has not yet been realized, 10 years of experience under it have conclusively demonstrated that it was a step in the right direction. When the right of employees to organize and bargain collectively is safeguarded, collective bargaining results, and interruptions to commerce are appreciably reduced. Thus, while prior to the act, "at least 25 percent of all strikes" sprang from "failure to recognize and utilize the theory and practices of collective bargaining," today only a small percentage of all strikes result from this cause.

During the 10 years of the act's existence far-sighted and law-abiding employers have increasingly accepted the basic purposes of the act. There have resulted a diminution in interruptions to commerce and an increase in healthy and democratic cooperation between management and labor which have been highly beneficial to the country at large, both in peace and war. With continuing and increasing frequency the board is called upon to resolve questions concerning representation rather than to police unfair labor practices. Thus, for six consecutive years the proportion of unfair labor practice cases to election cases before the board has continued to fall.

Consequently, whereas in 1937 the unfair labor practice cases comprised 71 percent of the cases before the board, in 1945 the election cases accounted for 75 percent of all cases presented to them. Moreover, during 1945 almost 90 percent of the board's cases were adjusted informally in the field. This increasing trend toward acceptance of the collective-bargaining process is further reflected in the fact that in 1945 nearly two-thirds of all factory production workers and one-third of all employees in nonmanufacturing industries were covered by collective bargaining agreements. This is a healthy development which should not be forgotten when labor legislation is being considered.

Denial of employees' basic right to organize and bargain collectively led to strikes prior to the National Labor Relations Act. That it would have the same result today but for the act has been recently demonstrated. Thus, in 1943 and 1944, when the National Labor Relations Board declined to conduct elections among supervisory employees, foremen's unions, relegated to self-help in order to assert their right to association, conducted a large number of strikes. For this economic warfare the act substitutes the orderly process of resolution by the board of questions concerning representation and collective bargaining between the employer and the representative of its employees. Denial to employees of the peaceful machinery of the act relegates them to use of the economic weapon to obtain recognition from employers, and interruptions of the flow of commerce inevitably result.

The relations between an employer and his organized employees are likely to pass through three phases. These might be characterized as first, the initial stage, when recognition is still being sought; second, the negotiating stage; and third, the stage of living together under a contract. In general, the National Labor Relations Act is concerned with the elimination of industrial strife during the first of these three stages, although the Board occasionally must take jurisdiction over some problems which arise at the second, or negotiating, stage. The pending bill is primarily directed at potential break-downs in relations at the second and third stages. For this reason, there is no conflict between the National Labor Relations Act and the proposed bill. The amendments recommended by the minority of your committee would, however, impinge upon the National Labor Relations Act and might well lead to more difficulties than they would solve. I seriously challenge the wisdom of incorporating in a single statute provisions intended to strengthen the hand of the Government in mediating labor controversies, and other provisions, such as those suggested by the minority of your committee, whose purpose is apparently to curtail the activities of only one side in a labor-management controversy. Over-all industrial peace would not be promoted by modifying that part of the existing law which protects the right of collective bargaining, in order to correct those unfortunate things which sometimes happen when a breakdown in negotiations leads to a work stoppage.

The record of the past 10 years indicates that the basic purposes of the National Labor Relations Act are being achieved. The act was passed for the limited purpose of reducing or eliminating that part of industrial strife which had previously resulted from many employers' denial of their employees' right to organize and bargain collectively through freely chosen representatives. While there have been strikes in recent months, it is most important in considering this bill to recall that only a handful of such strikes have resulted from those causes which the Wagner Act was designed to eliminate. The present industrial unrest seldom results from discriminatory discharges or the refusal of employers to recognize labor organizations. It results, instead, from the failure of some unions and employers to resolve their differences, largely concerning wages, without recourse to economic weapons. The strikes prior to the Wagner Act flowed largely from the denial of the right of collective bargaining; the strikes today are more generally caused by the absence of agreement on the substantive terms of the collective bargain itself. This present failure of collective-bargaining in some instances is possibly the natural, and not unexpected, result of the atrophy of the collective-bargaining process following the necessary imposition of compulsory arbitration upon management and labor by the National War Labor Board during the war. Therefore, while we would revise and strengthen the Government's mediation machinery to discourage strikes from today's causes, we firmly believe that the situation does not justify modifying a statute which is being increasingly accepted by the employers of the Nation.

As we recognized in the National Labor Relations Act and as the majority of your committee has recognized in the drafting of the Federal Mediation Act of 1946, there can be no effective and healthy limitation of the right to strike. "The right to strike is one of the indispensable democratic freedoms. Equality of bargaining power between employers and employees is achieved only through the existence of such a right on the part of employees. Abridgments of that right cannot be tolerated in a free society in peacetime even though it may be supported as a temporary war emergency measure." The right of free men to refuse to work under conditions unsatisfactory to them is a fundamental democratic right.

Strikes are not a kind of conduct to be suppressed, limited, or arbitrarily delayed by legislative pronouncement. Strikes of any duration do not occur spontaneously. They are a costly and serious step normally taken by men who have much to lose only after all other alternatives have been exhausted. The strike is a resort to economic warfare which is only taken in desperation. Strikes are caused; they do not spring Minerva-like without prior growth and development.

There are only two effective remedies for strikes. The first is remedial legislation like the National Labor Relations Act which removes the causes of strikes and makes possible genuine collective bargaining by parties of relatively equal economic strength. The second is mediation legislation like the proposed Federal Mediation Act which provides governmental assistance to the parties in reaching a solution to their differences by making available to the parties full and adequate facilities for conciliation and mediation and the voluntary arbitration of disputes. Both of these methods of avoiding interruptions of commerce have been tested and found beneficial and just. Any other approach to the problem will substitute ineffective, repressive, and punitive measures for constructive and effective reliance upon voluntary processes.

These voluntary, truly democratic processes are not the panacea. They will not prevent all strikes. They will, however, prevent more strikes than will be prevented by limitation of the right to strike, and they will accomplish this result without any undemocratic restriction of a man's right to refuse to work.

In connection with consideration of proposals to limit the right to strike, it is well to recall what happened when strikes have been outlawed. In World War I, England prohibited strikes by criminal penalties, and had far more strikes than in peacetime. In World War II, with primary emphasis upon voluntary adjustment machinery and governmental mediation and arbitration, England's record was much better. Moreover, even in Nazi Germany, where strikes were suppressed with great brutality, strikes occurred during the recent war.

Human nature being what it is, more can usually be accomplished by persuasion and voluntary agreement than can be secured by coercive legislation. This is especially true among a free people. Occasional abuses are a small price to pay for freedom. We need not—and shall not—forfeit democracy to obtain industrial peace.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks a telegram which I have received from the American Veterans' Committee in opposition to the pending bill.

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

CHAT PATERSON,
Washington Representative,
American Veterans Committee,
Washington, D. C.:

We believe that any labor legislation passed at this time would represent an hysterical response to the present industrial strife rather than a serious study of the weaknesses in labor-management relations. The Case bill is a typical example of this type legislation, for it is obviously directed against organized labor. The Labor-Management Mediation Board proposed in the bill would be constituted of representatives or employers, an equal number of employees, and an unspecified number of public members. An employer is defined as someone who employs more than 50 people. No specific provision is made for representatives of organized labor, and it would, therefore, be possible for a legally constituted Board preponderantly to be made up of members opposed to organized

labor. Because all disputes must be submitted to the Board, and because labor is restrained from striking for a period of 30 days, the use of labor's only genuinely effective weapon is limited. The bill would outlaw the boycott and sympathetic walk-outs, thereby eliminating any support which organized labor might receive from its own ranks. Because the American Veterans' Committee includes in its ranks a considerable number of those veterans against whom this legislation is aimed, and because passage of the Case bill would greatly weaken organized labor, we feel that it must be defeated.

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 a concurrent resolution (H. Con. Res. 153), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 25th day of May 1946, at 4 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

LEAVES OF ABSENCE

Mr. MORSE. Mr. President, because of a long-standing engagement, I ask unanimous consent to be excused for the remainder of the session of the Senate today.

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). Without objection, leave is granted.

Mr. HOEY. Mr. President, I ask unanimous consent to be absent from the Senate tomorrow. I have an engagement of 2 months' standing to speak at the Duke University commencement tomorrow. I expect to fly back here if I can, but I wish to obtain permission to be absent. I wish to say that if I were present I would vote against cloture, even though I am in favor of the legislation which is proposed.

The PRESIDING OFFICER. Without objection, leave is granted.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the concurrent resolution messaged over from the House today be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, which the clerk will read.

The legislative clerk read the concurrent resolution (H. Con. Res. 153), as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 25th day of May 1946, at 4 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. BALL] on behalf of himself and other Senators.

Mr. TAYLOR. Mr. President, I send to the desk an amendment intended to be proposed by me to the registration amendment intended to be proposed by the Senator from Virginia [Mr. BYRD], and I ask consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and printed in the RECORD, as if read, and will be regarded as in compliance with the cloture rule.

The amendment intended to be proposed by Mr. TAYLOR to the registration amendment of Mr. BYRD is as follows:

Amendment intended to be proposed by Mr. TAYLOR to the amendment intended to be proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 5, after line 9, insert a new section as follows:

"SEC. —. (a) Every Member of or Delegate to Congress and every other officer and employee of the United States or of any department, agency, or instrumentality thereof (including a Government-owned or controlled corporation), shall, not later than 30 days following the date of enactment of this Act or upon the date of taking the oath of office as such a Member, Delegate, officer, or employee, whichever is the later, and on the second day of January of each year thereafter, file with the Securities and Exchange Commission a report containing a full and complete statement of (1) all dealings in securities or commodities by such Member, Delegate, officer, or employee, or by any person acting by, or on behalf of, or pursuant to the direction of such Member, Delegate, officer, or employee, during the preceding year, (2) the amount and sources of all income received by such Member, Delegate, officer, or employee during the preceding year, including all fees, salaries, income from trusts or estates, and dividends received or credited to his account, and (3) if such income is derived from a law firm or partnership, the names of the clients of such firm or partnership from whom fees were received. Such reports shall be submitted in such form and manner as may be prescribed by the Securities and Exchange Commission, and shall be available for inspection by the public under such rules and regulations as may be promulgated by the Commission.

"(b) Any such Member, Delegate, officer, or employee who (1) willfully makes any untrue statement of a material fact in any report filed under the provisions of subsection (a), or willfully omits to state in any such report any material fact required to be stated therein, or (2) willfully imparts, directly or indirectly, information, or any part thereof, obtained by virtue of his office or employment, to any person not entitled under the law or the rules and regulations of a department or agency to receive such information, shall, upon conviction thereof, be punished by a fine of not to exceed $10,000, or by imprisonment for not to exceed 2 years, or both.

"(c) As used in this section—

"(1) The term 'security' means 'security' as defined in section 2 of the Securities Act of 1933, as amended (U. S. C., title 15, sec. 77b).

"(2) The term 'commodity' means 'commodity' as defined in section 2 of the Commodity Exchange Act, as amended (U. S. C., title 7, sec. 2).

"(3) The term 'dealings in securities or commodities' means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

"(4) The term 'person' includes an individual, partnership, trust, estate, association, corporation, or society."

Mr. MORSE. Mr. President, I send to the desk an amendment intended to be proposed by me to the pending bill, and I ask consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and printed in the RECORD, as if read, and will be regarded as in compliance with the cloture rule.

The amendment intended to be submitted by the Senator from Oregon [Mr. MORSE] is as follows:

Amendment intended to be proposed by Mr. MORSE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, after section 8, insert the following new section:

"SEC. —. Nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees or labor organizations under the National Labor Relation Act, as amended, or the exercise of the rights of employees, labor organizations, or carriers under titles I and II of the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to impair the functions of the National Labor Relations Board established pursuant to the National Labor Relations Act, as amended, or the National Mediation Board and the National Railroad Adjustment Board, system, group, or regional boards of adjustment under the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to amend or modify the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932.'

Mr. WILEY. Mr. President, I wish to modify my amendment to the pending bill, and I ask that the modified amendment be considered as read under the cloture rule. I ask unanimous consent that the reading of the modified amendment be dispensed with.

The PRESIDING OFFICER. The modified amendment will be printed in the RECORD as if read, and without objection, it will be considered as read under rule XXII.

The modified amendment intended to be proposed by Mr. WILEY is as follows:

Amendments intended to be proposed by Mr. WILEY to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 19, line 14, strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill insert the following:

"SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an

industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

"(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure or refusal of any party, or of all parties, to participate in the proceedings.

"(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., title 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term 'carrier or carriers' shall mean the employer or employers parties to the dispute and/or their representatives; the term 'employees' shall mean the employees parties to the dispute and/or their representatives; the term 'board of arbitration' shall mean such boards established under this section; the term 'Mediation Board' shall mean the Federal Mediation Board, and the term 'chapter' or 'act' shall mean this section.

"(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

"(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

"(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however*, That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided, further*, That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

"(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

"(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

"(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective bargaining contracts.

"(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slowdowns of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties."

On page 7, after line 19, insert the following new subsection:

"(h) Notwithstanding the provisions of the National Labor Relations Act exempting employers subject to the Railway Labor Act, as amended, and subsection (f) and (g) of this section, any such employer who violates the duties imposed upon him by subsections (f) and (g) of this section shall be subject to the penalties therefor to the same extent and in the same manner hereinbefore provided for employers, and any employee of an employer subject to the Railway Labor Act, as amended, who violates the duties imposed upon him by the subsections aforesaid shall lose his status as an employee of the employer engaged in the particular labor dispute in connection with which such employee's violation occurred for the purposes of the Railway Labor Act, as amended: *Provided*, That such loss of employee status for such employee shall terminate if and when he is reemployed by such employer.

"(i) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof."

Mr. McCLELLAN. Mr. President, I send to the desk several amendments to the pending bill and ask that they lie on the table and be printed, and that the reading of the amendments be waived under rule XXII.

The PRESIDING OFFICER. The amendments will be printed in the RECORD as if read, and regarded as in compliance with rule XXII.

The amendments intended to be proposed by Mr. McCLELLAN are as follows:

Amendments intended to be proposed by Mr. McCLELLAN to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 19, line 12, after the word "Act" insert a comma and the following: "except the provisions hereof relating to compulsory arbitration."

On page 24, before the period in line 22, insert a comma and the following: "except as otherwise provided by the provisions of this act relating to compulsory arbitration."

At the proper place in the bill insert a new section as follows:

"SEC. —. (a) Whenever the Board certifies to the President that (1) there exists between an employer, which is a public utility whose rates are fixed by a governmental agency, State or Federal, or which is engaged in the business of transportation or communications or in the production of coal, oil, or steel, and its employees, a labor dispute which obstructs, hinders, or burdens the flow of commerce, or which threatens to obstruct, hinder, or burden the flow of commerce, or which results in a serious threat to the national economy, and (2) that the parties or either of them have refused to agree voluntarily to submit the controversy to arbitration as provided in section 5 (c), the President shall issue an order directing the parties to submit such controversy to arbitration in the manner provided in subsection (b).

"(b) Upon the issuance of an order by the President under subsection (a), each of the parties named in such order shall, within 5 days, submit to the Arbitration Board created under subsection (c) a clear and concise statement of the issues in controversy, together with a statement of their respective positions with respect thereto. The Arbitration Board shall thereupon hold hearings and take such testimony as it deems pertinent to the determination of the issues in controversy, and, not later than 30 days after the date of the issuance of such order of the President, shall render and certify to the

National Labor Relations Board its decision concerning the settlement of such controversy. Upon such certification the National Labor Relations Board shall issue an order directing the parties to comply with the decision of the Arbitration Board concerning the settlement of such labor dispute. Such order shall be in effect for a period of 1 year following the date of its issuance. If either of the parties shall fail or refuse to comply with such order of the National Labor Relations Board, the Board shall have power to petition any circuit court of appeals (including the United States Court of Appeals for the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the United States District Court for the District of Columbia), within any circuit or district, respectively, wherein such party resides or transacts business, for the enforcement of such order. Upon the filing of such petition, the proceedings in, and the jurisdiction and powers of, the court shall be the same as in proceedings for enforcement of orders of the Board under section 10 (e) of the National Labor Relations Act. No labor organization which fails or refuses to comply, or the members of which fail or refuse to comply, with an order issued by the National Labor Relations Board under this section, or the members of which engage in a strike or other concerted stoppage or slowdown of work during the pendency of proceedings under this section, shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act.

"(c) There is hereby created an arbitration board to be composed of 25 members appointed by the President by and with the advice and consent of the Senate. Members of the arbitration board shall serve for a term of 5 years, except that (1) of the members first appointed, five shall be appointed for a term of 1 year, five for a term of 2 years, five for a term of 3 years, five for a term of 4 years, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members shall be paid compensation at the rate of $25 per diem and shall be reimbursed for any travel, subsistence, or other necessary expenses incurred while engaged in the business of the board. The board shall have authority to sit and act at such places as it may determine, having in mind the convenience of the parties, and shall sit in panels composed of five members. A panel in any case shall be composed of members of the board selected and agreed upon by both or all the parties to the controversy except that if the parties are unable to agree upon the composition of such panel within 5 days after the issuance of the President's order under subsection (a), the members thereof shall be selected by lot from among the members of the board. A decision rendered in any case by a majority of the members of a panel shall be the decision of the board for the purposes of this section."

THE SCHOOL-LUNCH PROGRAM—CONFERENCE REPORT

Mr. TAYLOR obtained the floor.

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

Mr. TAYLOR. I am happy to yield to the Senator from Georgia if I do not thereby lose the floor.

Mr. RUSSELL. I certainly shall endeavor to protect the Senator in that respect. I am not one of those who believe in taking Senators from the floor. I am a great believer in the right of free speech and unlimited debate in the Senate.

Mr. TAYLOR. I thank the Senator.

Mr. RUSSELL. I wonder whether the Senator will permit me to request that the Senate take up consideration of a conference report on the school-lunch program measure. I do not think consideration of the report will require any time at all.

Mr. President, with the permission of the Senator, I ask unanimous consent to present the conference report, if I may do so without jeopardizing the right of the Senator from Idaho to the floor.

Mr. TAYLOR. That is agreeable to the Senator from Idaho.

There being no objection, Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'National School Lunch Act'.

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

"APPROPRIATIONS AUTHORIZED

"SEC. 3. For each fiscal year, beginning with the fiscal year ending June 30, 1947, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as 'the Secretary') to carry out the provisions of this Act.

"APPORTIONMENTS TO STATES

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying, during such fiscal year, agricultural commodities and other foods for the school-lunch program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the aforesaid funds made available for such year for supplying agricultural commodities and other foods under the provisions of this Act, except that the total of such apportionments of funds for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. The amount of the initial apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and, finally, apply the figure thus obtained to the total funds to be apportioned. For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico. If any State cannot utilize all funds so apportioned to it, or if additional funds are available under this Act for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner.

"SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, $10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of $10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for nonfood assistance in accordance with the provisions of this Act.

"DIRECT FEDERAL EXPENDITURES

"SEC. 6. The funds appropriated for any fiscal year for carrying out the provisions of this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses and less the amount apportioned by him pursuant to sections 4, 5, and 10, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

"PAYMENTS TO STATES

"SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during

such year by $1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by $3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings, of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE DISBURSEMENT TO SCHOOLS

"SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

"SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

"MISCELLANEOUS PROVISIONS AND DEFINITIONS

"SEC. 11. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

"(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

"(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.

"(d) For the purposes of this Act—

"(1) 'State' includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, 'State educational agency' may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101 (6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used on school premises in storing, preparing, or serving food for school children."

And the Senate agree to the same.

RICHARD B. RUSSELL,
J. H. BANKHEAD,
ARTHUR CAPPER,
ALLEN J. ELLENDER,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

JOHN W. FLANNAGAN, Jr.
CLIFFORD R. HOPE,
STEPHEN PACE,
AUG. H. ANDRESEN,
ORVILLE ZIMMERMAN,
HAROLD COOLEY,
Managers on the Part of the House.

Mr. RUSSELL. Mr. President, I ask unanimous consent for the immediate consideration of the report.

Mr. WHITE. Mr. President, is it a unanimous report, signed by all the conferees?

Mr. RUSSELL. It is a unanimous report and is signed by all the conferees on the part of both Houses.

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

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move the adoption of the report.

The report was agreed to.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. TAYLOR. Mr. President, on yesterday I had a prepared statement which I intended to present, but in the excitement last evening it became lost in the shuffle; and the hour was so late that I decided to let it go until today. At this time I should like to proceed with it.

Mr. President, no vote that I have cast this session gives me greater satisfaction and pride in retrospect than my negative vote on the Lea bill, the so-called anti-Petrillo bill. On the final vote, you will recall, only three Members voted against the bill, the Senator from Vermont [Mr. AIKEN], the Senator from Washington [Mr. MITCHELL], and I. I debated the bill for 4 hours with the Senator from Colorado [Mr. JOHNSON], and I tried to convince my colleagues that the bill was unconstitutional, unworkable, and badly drafted. I consulted in advance with several students of labor and radio problems. All of them told me that the bill was clearly unconstitutional; but, as friends, they advised me not to take up the fight. "Petrillo," they assured me, "is the most unpopular man in the country today, and if you do not join the pack and bark at him, you will miss a chance for acclaim from press and radio. Since the bill is obviously invalid, you might just as well vote for it and leave it to the courts to throw it out." I did not heed that warning, much as I appreciated the

kind spirit that prompted it. I do not think that Congress should legislate for the headlines, or reflect the passions of the moment. I do not think we should enact unconstitutional legislation, and rely upon the courts to mop up after us. Upon Congress, as well as upon the judiciary, rests the obligation of protecting the Constitution.

One of my chief concerns in the fight over that bill was for the acting profession and for all those who earn their livelihood in the radio business as actors and singers—I myself having formerly been in that occupation. The Lea bill, if enforced, could do much harm to radio actors; yet their union has been accused of no abuses, and their employment relations have been happy.

This week I had the satisfaction of learning that the radio industry, which espoused and promoted the Lea bill, has begun to realize that, in so doing, it has very definitely "laid an egg" to use one of its own expressions. Tide magazine is a trade paper which speaks for the top crust of the advertising business, which produces practically all of the major network broadcasts. In its May 17 issue, it devotes its leading article to an analysis of the Lea Act and a consensus of opinions of the advertising agencies' lawyers and executives.

Their verdict on the bill does not agree with the majority of the Senate, which thought it was conferring so great a boon on the radio business, but with these experts in the radio business, the three lonesome dissenters. They call the bill a legislative boomerang. Their judgment is based entirely upon self-interest, but it is cool, rather than hysterical self-interest. On reading it, I made a silent wish which I have made many times in the past. I wished that when business leaders have problems which require our attention, they would come to Washington and talk them over with us in person, rather than entrust them to trade associations and lobbyists, who seldom, if ever, exemplify the best or the most authoritative thinking of the industry which they profess to represent. Pressure boys thrive on conflict, rather than on solutions. We have seen this illustrated on many occasions. On the OPA issue, for example, the retail dry goods lobby has been repudiated by most of the large department stores in the country. Advice, consultation, and exchange of views is always helpful to everyone, but pressure campaigns delude both the pusher and the pushed.

The article in Tide is worth reading. It would be well for all of us now to think back to the failure of the anti-Petrillo bill. For we are again being asked to legislate on labor problems in white heat, when passions are high, and when each day's reflection and deliberation is the occasion for whiplash headlines about delay and procrastination. Let us not cook another indigestible hasty pudding.

Mr. President, I ask unanimous consent that the entire article to which I have referred from Tide magazine be printed in the RECORD at this point as a part of my remarks.

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

LEA ACT—LEGISLATIVE BOOMERANG?—AN EXAMINATION OF THE ANTI-PETRILLO LAW, WHICH INDICATES THAT IT MAY NOT WORK AT ALL AND MAY BACKFIRE ON THE BROADCASTERS, IF NOT ON THE ADVERTISERS

When Congress passed, and the President signed, the Lea bill last month, they ostensibly sought to get James Caesar Petrillo and bounce his American Federation of Musicians out of one of the deepest, softest feather beds in United States industry. However, competent radio attorneys who have studied the law say that Congress failed on both counts. If not unconstitutional (in violation of the thirteenth, antislavery, amendment), the law, they claim, contains a loophole large enough for Petrillo to drive a brass band through. And there are enough smaller loopholes to make the act appear utterly useless from anyone's standpoint.

The Lea Act was designed, as its proponents announced, to keep Petrillo's union from doing certain specific things for which it is famous. The act makes it a misdemeanor (punishable by a year in jail and/or a $1,000 fine) to "coerce, compel, or constrain" a broadcast licensee:

To hire more employees than he needs to perform actual services.

To pay fees because he fails to employ persons he doesn't need (as when musicians get double fees if one program is broadcast over both an AM and an FM station).

To pay more than once for services performed in broadcasting (as in the case of extra fees for transcribed rebroadcasts).

To pay standby fees.

To refuse to carry noncommercial educational broadcasts (as in the famous case of the Interlochen, Mich., Music Camp which Petrillo kept off the air).

To refuse to carry programs originating overseas.

To pay royalties in connection with making transcriptions.

To restrict the number of records which can be made or used for broadcasting.

To pay fees for the use of transcriptions of live programs. (These last three things apply not only to radio licensees but to everyone else.)

MAJOR VICTORY

The Nation's newspapers found only one basic fault—in a comment typical of papers everywhere—the New York Times complained of the ridiculously narrow scope of the legislation. Justin Miller, president of the National Association of Broadcasters, thought that the act was the radio industry's first major legislative victory. Broadcasting gleefully called the law a momentous victory for all who live by the microphone. The bill was written to take away Jimmy Petrillo's gun. It does just that. It brings an end to AFM pillaging of radio. And one advertising journal made a quaint historical allusion—"Caesar hath met his Brutus."

But it looks as though Brutus came armed this time with a rubber dagger. Attorneys say that the act can't hurt anybody directly, but that indirectly it is succeeding already in making the Congress which passed it and the radio industry which acclaimed it look thoroughly ridiculous; and the same attorneys believe that the industry wouldn't have a snowball's chance in hell if it tried to have the act enforced.

For the joker in the act, and the part which lawyers are looking at closely, is subsection C. It stipulates that the law "shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right heretofore or hereafter existing or of any legal obligation heretofore or hereafter incurred or assumed."

As the bill was discussed in the House, Representative CLARENCE F. LEA, Democrat, of California, explained: "The bill is not intended to prevent bargaining or the entering into contracts between the broadcaster and any other person even for the purposes which are prohibited from being accomplished by coercion under the terms of this bill. Any obligation created by contract thus made, or any obligation that exists as a matter of law against the broadcaster, is subject to enforcement by legal procedures in court. A strike for failure to comply with such a contract would not be in violation of the provisions of this bill."

NO VIOLATION

In other words, if the broadcasters agree to any or all of the practices cited, Petrillo will violate nothing. And, as will be shown, while his current contract lasts, or if and when similar ones go into effect, all the things which Petrillo does and which the proponents of the act dislike, will still apparently be 100 percent legal.

The only possibility of crimping the AFM under this new law, some radio lawyers say, would come up between contracts, while negotiations for new ones are going on. And they say that you don't have to be as sharp as Petrillo to duck any possible prosecution even then.

EXEMPT DEALINGS

He will do this, says NAB's Miller, by going to work on advertisers and agencies. By doing so, he would make his subsequent dealings exempt from the act, since the Lea Act deals primarily with broadcasters; only on a few points (and relatively unimportant ones at that) does it prohibit any "coercion" the musicians might direct against anybody else. Petrillo could use any legal means to get individual contracts with advertisers and agencies.

This opens up a whole new field. Even if he has no real desire to deal directly with advertisers and agencies, Petrillo can scare them by making them think he has. Aside from the trouble it would put them to, and it might be considerable, there likely would be further complicated union disputes—with, for example, those advertisers with closed-shop CIO contracts for their regular workers. Faced with the prospect of dealing with the AFM, it is a cinch the advertisers and agencies will do their utmost to leave the job to the broadcasters.

If a strike for failure to comply with a contract does not violate the act, the question comes up: When would a strike violate the provisions of the law? If in negotiating new contracts Petrillo asks the broadcasters to continue paying added fees for trancriptions, stand-by fees, and so forth, and if the broadcasters refuse, it would probably be illegal for Petrillo to call a strike. That, presumably, would be coercion.

GREATER LIVE FEES

Actually, however, it probably would not be necessary for Petrillo to coerce anyone. The American Federation of Radio Artists, in fighting the Lea bill, showed how to beat that game. Instead of ever suggesting added fees for transcriptions, the AFM or AFRA could simply demand much greater live fees—enough to equal its present live fees plus present transcription fees (plus whatever new increases it felt were coming to it).

In such a case, if the broadcasters balk and the union strikes, there will be no violation. For the union can contend, legally, that the strike is for wages for live performances, has nothing to do with transcriptions, stand-bys, or anything else actually prohibited by the bill.

More likely, however, is a different approach, suggested by Petrillo's attitude toward television. Without demanding anything or negotiating anything, Petrillo has forbidden his musicians to work for television stations. As he sees it, the medium is "not going to grow at the expense of the musicians. As television grows, the musician is going to grow with it, or we are not going to assist in its development." There is no violation obviously and, ironically perhaps, the television stations may have to go to Petrillo for a contract. That makes the law work perfectly—in Petrillo's interest.

INDEFINITE VACATION

To carry that point a notch further, the musicians might easily decide that radio work had become too tiresome and nerve-wracking. So instead of negotiating for new contracts, they might all go on indefinite vacations. Nobody would call them out on strike, of course. Nobody on the union's side would mention the word. And until the broadcasters bring around a new contract, nobody would work.

This, point out the lawyers, puts a whole new complexion on labor relations, thrusts the industry into the position of seeking out the union to get a contract. As long as the law remains on the books, they maintain, it will pay Petrillo to be bashful and dilatory, to refuse to take the initiative. That is, if he wishes to avoid a court test of the act.

ANXIOUS BROADCASTERS

Again, runs the theory, if the broadcasters want to get a reduction in demands for live fees by agreeing to pay for off-the-line or off-the-air transcriptions when used (but only when used), they will have to come to Petrillo to suggest the arrangement. Petrillo, certainly, would want to make them prove their anxiety for this type of a deal before he would agree. Of course he would probably agree, but reluctantly, in order to protect himself against any charges of coercion in connection with extra charges for transcription.

Actually, most of the lawyers except those at the NAB believe that the act would be thrown out on constitutional grounds if Petrillo ever got himself or his boys arrested for "coercion" (as Joseph A. Padway, general counsel of the AFM, hinted might be done). They are even a little dubious that an outraged broadcaster could convince any United States attorney to try to prosecute the case. And, peculiarly, the act has no civil remedies, only criminal penalties, which makes it much more complicated and difficult to enforce.[1]

These same lawyers and others look upon the bill as a phony which not only fails to deliver what it promises but may turn out to be the biggest boner the broadcasting industry ever pulled. They expect that the law will work as badly as the Smith-Connally Act, and that it may really hurt the broadcasters. Like the Smith-Connally Act, they say, the Lea Act served only one need, an emotional one: by passing it, Congress was able to vent its spleen, at least in talk, on a particularly unpopular labor leader. But, they argue, when the law fails to work, Congress' reputation may fall to new depths and the broadcasters may have an infernal, internal revolution.

AUTHORSHIP

They doubt, too, the reports that Charles R. Denny, acting chairman of the Federal Communications Commission, really wrote the bill. More likely, say Government sources, Representative LEA himself, with the help of his fellow Californian, ex-Judge Justin Miller, drew up the legislation.

[1] The difference is that with civil remedies, anyone can sue for relief; but with criminal penalties, action can be brought only by a United States attorney. The antitrust laws contain both civil and criminal clauses, to make them as broadly enforceable as possible.

Miller, who has praised the act all along, also has warned broadcasters to go easy, to make doubly sure of their ground before they try to bring a case to court. And the day President Truman signed the bill, Radio Daily quoted some unidentified "industry spokesman" as warning that "irresponsible or reckless abuse of the bill will certainly ruin the whole thing."

NETWORK FEAR

Aside from Miller, no outstanding radio men have had much to say publicly about the law. Network executives fear an AFM strike more than they detest feather bedding. And some of them share Petrillo's distaste for transcriptions, though not for the same reason. In case of an actual strike, for instance, AFRA members would not cross picket lines set up by musicians. Variety quotes one network executive as saying that 2 weeks of handing out rebates to advertisers would wipe out a network's profits for a year.

On the other hand it might well be economically feasible for an independent station operator to force the issue, even at the possible expense of an AFM strike.

When he was pushing the bill through the Senate successfully a month ago, Senator EDWIN C. JOHNSON (Democrat, Colorado) confessed to one misgiving: although there had been stiff opposition from labor generally, Petrillo himself didn't seem to have any objections. Now the reasons are becoming clear.

In the past Petrillo has always been sure enough of his ground and the discipline of "his boys" not to care what anyone except the members of his union thought. Chances are he hasn't changed much. Though he hasn't had much to say yet, another AFM executive, W. M. Murdoch, of the Toronto Musical Protective Association, made this suggestive comment: "It was one of those bills that sometimes pop up, and on analysis, don't mean anything." Whatever Petrillo was thinking, he was acting in his traditional manner:

THE PETRILLO MANNER

While Congress was busy denouncing him, he told the motion picture companies they would have to hire three times as many musicians as they had, pay them twice as much. (He settled for 30 percent more money, 44 percent more musicians.)

Just after the President signed the bill, Petrillo reiterated his year-old ban on music for television, and again told AFM members that they could not play simultaneously for AM and FM programs without double pay.

And last week the AFM told KROW (Oakland) that University of California students would have to stop using music on their weekly variety radio show unless they hired stand-by musicians.

Mr. TAYLOR. Mr. President, in continuing with the thought that the Congress should not pass measures which would probably be declared unconstitutional at some future time, I feel that, inasmuch as we have been informed that the President of the United States is to address a joint session of Congress tomorrow afternoon at 4 o'clock, it would be very ill-advised for the Senate to continue deliberating at this time upon the pending bill. Almost certainly the President's address to the Members of Congress will be concerned largely with the problem of labor relations and labor legislation. I believe that it would be wise for the Senate now to adjourn until tomorrow afternoon at 4 o'clock, and then meet and listen to what the President has to say before proceeding further.

Mr. President, I can say from practical experience that the thinking of the working people of America is fundamental, and sometimes elemental. Generally speaking, they are not highly educated. I am afraid that many of them have what we might call an inferiority complex, because they do not have many of the things of life which other persons are able to enjoy. They come from the poorer classes, as we sometimes choose to refer to those who work for a living. Under the circumstances I am afraid that repressive labor legislation might result in a terrible strike taking place generally throughout the country, and chaos might be provoked throughout the Nation. Workers are jealous, above all else, of their freedom. From my experience in associating with them, from working with them in the factories, and from my contacts with them in other ways, the one thing of which they are most jealous is their freedom, their privilege to tell John D. Rockefeller, for example, what they think of him if they wish to do so. If they get the idea that someone is trying to tread upon their rights, I fear that the consequences may be disastrous.

I have spent many hours in talking with workers. While there are only a few of them who have read the Constitution and know exactly what are their rights, they have been told over and over again that they do have certain rights, and that they are just as privileged, in many ways, as is the richest man in the country. So, I do not believe that the enactment of legislation, particularly at this moment, would end labor strife. Even if the legislation were eminently fair, coming at the present time when labor is engaged in a great struggle, they would view such legislation as being aimed at them in their struggle with the employers.

It seems to me, Mr. President, that in collective bargaining labor is at a tremendous disadvantage. I have in my mind a picture of an ancient Roman amphitheater. I see the employers on one side of the arena safely in a cage behind bars, and the employees who are bargaining being required to come out on the other side of the arena into the middle of the area where the lions are waiting. The lions are those critics of labor, such as the press, who are always anxious to defame labor. Labor is required to come out into the merciless center of the arena and bargain while the employers are safely back behind the bars. The employers are not making demands; they are only denying them. They do not receive any publicity. They have done nothing spectacular. They have continued to operate their businesses, and would continue to do so by paying the same wages forever if labor did not make demands upon them for increases in the compensation which they receive. So labor gets the headlines. That is the way it is in the United States Senate. A Member of the Senate may introduce constructive measures. That is what he is expected to do. But it does not make the headlines. However, if he opposes violently some measure, or does something which is sensational, he can make the headlines.

I heard someone say the other day—I do not know whether it is true or not—that the late Senator Borah had never

introduced a bill. He always opposed something. He always chose measures which were sponsored by other Senators and opposed them. He was an expert at such things, and he remained constantly in the headlines.

The Senator from Mississippi [Mr. BILBO], in his own inimitable way, does the unusual and the unorthodox all the time. I have noticed that since the able Senator from Mississippi left the Senate and returned to his own State in order to campaign there, practically every day he has been given front-page space in the Washington newspapers merely because he does not do what he is expected to do. That is the position in which the workers find themselves. They are making demands; they want something; so they receive all the publicity while the employers are immune. It places the workers at a serious disadvantage.

Inasmuch as we are so close to the controversy here in the Senate, I think it might be well to have a word from someone who is outside looking at it, and get his idea of what is going on. I should like to read an article from the Washington Daily News of Thursday, May 23. The headline is "In All Fairness," and the article reads:

In the heat whipped up in Congress over labor legislation many things have been said that will not bear the light of cool analysis.

Even in the calmer mood of the minority report on the Senate labor bill, submitted by Senators BALL (Minn.), TAFT (Ohio), and SMITH (New Jersey), all Republicans, there are some inferences that can be challenged, because they concisely express assertions made in other quarters.

"It has always been an axiom of liberalism that unrestrained and unregulated power in the hands of any individual or group is dangerous to democracy and freedom," the report says.

Well and good. Accepted. The report then continues: "Labor unions and their leaders exercise such unrestrained and unregulated power today. The proposals which we are making in these amendments are aimed to be corrective of certain labor practices in the same sense that the anti-trust laws of the early decades of this century were corrective of the abuses of the free-enterprise system.

"Such measures safeguard real freedom. Our amendments are no more against the true interests of enlightened labor unionism than such measures as the Interstate Commerce Commission and the Securities and Exchange Act were against the best interests of business."

Without going here into the amendments, some of which seem helpful, some not, the inference of these statements can be examined with some benefit.

There is general agreement that John L. Lewis has indulged in an exercise of power not commensurate with his responsibility as a union leader and a citizen by his refusal for some time to bargain collectively in the accepted manner.

But the inference from what the Senators say, and others have said it directly, is that national labor leaders are going around calling strikes willy-nilly.

The inference also might be drawn from what the Senators said that power is weighted on the side of labor leaders and unions. That isn't the fact. Our big industry is as powerful, if not more so, than ever, and its power is enhanced by its interconnections. This is proved today in politics of which the best demonstration is what has happened in Congress to measures supported by labor.

Because of their great financial resources, increased by tax refunds, big industries are well able to stand long workless sieges.

The Senators also referred to antitrust laws to regulate business. The truth is, of course, that business continually has been striving to shake off such restrictions.

The irony of it all is that Members of Congress who are so rabid to do something about labor include many who were so anxious to vote huge tax refunds to business, who voted for the insurance antitrust exemption in both House and Senate, who voted for the Bulwinkle bill in the House and are ready to vote for it in the Senate.

Their complaints about labor would come with better grace if they were equally alert to protect the public interest from these other threats. In all the excitement it is only fair to point this out.

Mr. President, that was an article written by Mr. Thomas L. Stokes.

Inasmuch as we are enacting legislation to curb the freedom of labor, I should like to point out that when fascism was riding roughshod across Europe it was the laborers, the labor movement, those who worked with their hands, who were principally responsible for the continuance of the underground movements, the resistance. We very seldom read of any bankers being shot because they were associated with the resistance movements. We very seldom read of any great industrialist being shot because he was out with the Maquis or other elements sabotaging the Nazis. On the other hand, we generally read that the big industrialists, the upper strata, were collaborating with the Nazis, and I am sorry to say that in my opinion in America there are some who would be very happy to have some fascism or nazism here. They did not like Hitler's fascism because the Germans ran it, and in the competitive economic system there is over the world, the boys are out to get their hands on everything they possibly can, and that was the object of Hitler's fascists. The big businessmen financed Hitler because they were having difficulty getting markets and raw materials and colonies by peaceful means, and they decided to go after them by forcible means.

When our own exploiters saw the situation and realized that they were actually in danger of being enslaved themselves, naturally they fought Hitler and helped us by putting their factories at our disposal, although, of course, they did not do it until after they had had a strike of their own, the first one of the war, a sit-down strike, wherein they refused to produce any armaments until they got their cost-plus contracts.

But now that Hitler is safely out of the way, I think some of them would not be averse to having the condition here in America such that the labor unions could be destroyed, and democratic government would give way to totalitarian rule by the big interests of the country. Perhaps I am overly apprehensive, but that is my feeling.

Mr. President, yesterday we adopted an amendment which said that no employer can give anything of value to a representative of any union. I should like to say that I think it is going to be another mistake, along with the Lea bill, something which we will live to regret, because many examples can be cited of arrangements which are now in force in our country, very happy arrangements between employers and their employees, whereby the employers finance, or help finance, many worth-while activities.

It has been pointed out previously that many employers furnish the funds for health-benefit associations and other things of the kind; but I should like to call to the attention of the Senate the fact that it will be impossible for them to continue doing so, because, no matter how the employer may feel about it, if the amendment shall be enacted it will be against the law for him further to continue these activities, and it will be beyond the power of the union to finance the activities; so they will be discontinued.

There are throughout the country literally thousands of baseball, softball, basketball, bowling, tennis, golf, and other athletic leagues or teams which unions manage but which employers finance, at least in part. There are also bands, orchestras, parks, playgrounds, dance halls, and recreation centers which unions operate, but which management helps to finance. There are picnics, boat rides, vacation plans, and, yes, even victory-garden programs, where the union manages the activity, but the company gladly contributes a small or a large part of the cost.

And let me stress that the companies support these projects gladly, voluntarily, and enthusiastically—partly because they take sheer human delight in seeing their people enjoy themselves and partly because they consider it good business.

I do not want anything I said a moment ago, Mr. President, to be construed in any way as a blanket indictment of industrialists. Many of them are great humanitarians. But I do say that even as in Germany, they do have enough power so they could enslave the country. I think there is danger in this country of the same thing happening as in Germany unless we are ever on guard against it.

Let me give some concrete cases. The union of the employees of a retail chain—and this is an example of what would be outlawed by the Byrd amendment which was adopted last night—began to develop a girl's softball league, a tennis league, and later a bowling league, in a large city where such activities were common and where the games drew large crowds. The union officials wanted these activities to prosper for two reasons: First, the girls enjoyed such sports, and secondly, it might be a means for increasing their regard for their union. Teams were organized and the girls began to meet for practice. One day the union manager of a team invited the manager of the chain to come out to watch the girls practice.

When the employer went out to a park to watch his girls perform, in company with the manager of the union, he discovered that there were quite a few ball teams practicing in the same park. He further discovered that some of his competitors had girl teams practicing in the park. All these teams of pretty young

girls were decked out in rather colorful and expensive uniforms. Large crowds came to see the pretty girls and the colorful costumes. But the new team of our friend was not bedecked in pretty uniforms—these girls were playing in cheap makeshift outfits because their union was new and did not have the money to buy them nice uniforms.

This employer was neither a "tight wad" nor was he blind to the business factors involved in the situation. He saw that large crowds of people watched these girl teams, and that the teams were known by the names of their companies. He at once saw the possibilities for advertising through an attractive and successful team. He furthermore had the good sense to know that girl employees who came to like the athletic activities would tend to stay on the job and would not drift away to other employment. He promptly proposed that since the union did not have the money to "doll-up" their girls, the company would like to help by supplying the teams with the prettiest outfits obtainable. There was an activity which doubtless created a great deal of good will between the employer and the union. But now, by the adoption of the Byrd amendment, we have outlawed such a thing absolutely. Anything of that nature henceforth is against the law.

This retail management didn't want to bother with the problems or organizing and managing athletic teams. They merely wanted their girls to have attractive and successful teams. They merely wanted their girls to enjoy the sports. They much preferred that the girls, through their union, manage their own sports, while the company makes a cash contribution and watches the game from the side lines.

Mr. President, the legislation before the Senate would not permit that management to give their own employees pretty uniforms.

A famous manufacturer of sweet goods maintained in connection with one of their American plants a generous program of financing picnics and outings, for the families of employees. The primary objective of the company was to prevent labor turn-over in their plant. By trying to win the good will of the entire family of an employee, through these picnics and outings, management hoped to cut down labor turn-over, which was quite costly to them.

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

Mr. TAYLOR. I yield, if by so doing I do not lose the floor.

Mr. REVERCOMB. Mr. President, I ask unanimous consent that the Senator from Idaho may not lose the floor by yielding to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. REVERCOMB. I thank the Senator from Idaho for yielding at this time. On behalf of the Senator from Massachusetts [Mr. SALTONSTALL] and myself, I offer an amendment to the pending amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 4 of the so-called Ball amendment, at the end of line 12, it is proposed to strike out the period, insert a colon, and add the following:

nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees de deemed a strike under this section.

Mr. REVERCOMB. I may say that earlier today the Senator from Massachusetts [Mr. SALTONSTALL], on behalf of himself and the Senator from West Virginia, offered an amendment to the pending amendment offered by the Senator from Minnesota [Mr. BALL] and other Senators. I am now authorized on behalf of the Senator from Massachusetts to withdraw that amendment, and to offer the amendment which I just sent to the desk and which was just read.

The PRESIDING OFFICER. Without objection, the amendment will be received.

Mr. BALL. Mr. President, will the Senator from Idaho yield to me?

Mr. TAYLOR. I yield.

Mr. BALL. As one of the authors of the pending amendment, I am perfectly willing to accept the amendment just offered by the Senator from West Virginia on behalf of himself and the Senator from Massachusetts. I think it states what is the purpose of our amendment, and I accept it, and ask that our amendment, as modified by the additional language just read, be reprinted.

The PRESIDING OFFICER. Without objection, the amendment will be modified accordingly, and will be reprinted as requested by the Senator from Minnesota. The previous amendment offered by the Senator from Massachusetts on behalf of himself and the Senator from West Virginia is withdrawn.

Mr. REVERCOMB. Mr. President, will the Senator from Idaho further yield to me?

Mr. TAYLOR. Yes; I yield.

Mr. REVERCOMB. I want to thank the Senator from Minnesota for accepting the amendment as a modification of his amendment. I also wish to thank the Senator from Idaho for yielding and giving me the opportunity to present the amendment.

I now ask unanimous consent, Mr. President, that the amendment which has just been accepted by the Senator from Minnesota as a modification of his amendment be printed in the RECORD.

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

On page 4 of the so-called Ball amendment, at the end of line 12, strike out the period, insert a colon, and add the following:

"Nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section."

Mr. TAYLOR. Mr. President, I was just recounting the case of a candy manufacturer who was in the habit of financing picnics for the benefit of his employees as a part of his labor-relations program. On the side this employer had another motive, namely, to keep a union out of the plant. But the union succeeded in organizing the plant and in securing a union-shop contract. Within a very short while the union and management were on most cordial terms and the company felt that the union's presence in the plant was more of an asset than a hindrance.

But the families of the employees wanted to keep up the picnics and outings, as doubtless they will even now, but the amendment adopted last evening will bring an end to the picnics. To hold the good will of its members the union felt it should provide such a program. But the union was new and was decidedly limited in funds. It could not afford the elaborate meals, and prizes and other expenses which the company had borne in the past. Furthermore, it was a matter of pride with the union officials that the former company program, which was aimed partly at fighting the union, should not be continued by the company in competition with the union. The union was in a dilemma, it must equal the former outlay of the company, but it did not have the money to do so.

At this juncture, the personnel manager of the company had the good sense to size up the situation and to guess the problem facing the union officials. He also had the good sense to know that any effort by the company to interfere with the union or to embarrass it would be bitterly resented by the union leaders. He proposed to the company that they continue in the company budget the former amount spent on these picnics, but that the money be turned over to the entertainment committee of the union as a good-will contribution of the management. Management further realized that these young union officers might be suspicious of any proposal by management regarding the operation of the picnics. So they suggested that the union completely manage the program, but with company financial aid. Of course, no longer will they be able to have the picnics unless the union is able to foot the bill itself. The Senate of the United States last night adopted an amendment which provides that it shall be against the law for an employer to help finance even a picnic for his union.

Here is another instance where the local situation made it better for all parties that the company contribute money to an activity, but leave its management entirely in the hands of the union. By this method there was less likelihood of friction, and much better prospect for harmony and mutual respect.

I venture to say that the amendment adopted last evening is going to cause far more labor strife than exists now, not because of any great effect it is going to have, but because of little irritations, because management has been in the habit of assisting unions in their recreational programs and health programs and can no longer do so.

Another very interesting illustration of company-financed but union-managed activity is an annual Labor Day parade in a large industrial center. Each year the unions carry on aggressive competition for prizes and honors for the best display and floats in the parade, which

is strictly a union show. These parades have become such colorful spectacles that it is estimated that between a million and two million people gather along miles of streets to watch the spectacle. Union committees spend much time and energy trying to figure out clever and unusual displays to win the coveted prizes.

Now everyone loves a good parade, and that includes the managers of big companies. They like to see their employees put on a good show and win the prizes. So it has become customary for various companies to quietly but most substantially back their own employees' unions. This is particularly true of concerns such as bakeries, dairies, and retail stores which sell directly to the public. They consider it first-rate and relatively inexpensive advertising to have their company names borne by colorful floats in this strictly labor parade. At a recent parade, one big bakery supplied their union with 100 big vans especially painted for the display, plus a beautifully uniformed band and a synthetic loaf of bread that cost more than a thousand dollars and required a tractor-drawn trailer to carry it to victory and the prize. Not to be outdone by a bakery, a nationally known dairy company set its machine shops to work to outdistance that loaf of bread.

Obviously such an activity is an outpouring of good fun and human rivalry of a healthy sort, plus some sense of clever advertising. Equally obvious is the fact that no company wants to share the management of a Labor Day parade. But if there are any parades henceforth, Mr. President, the company must take upon its shoulders part of the responsibility for managing them, or all the persons involved may be sent to the penitentiary. The employers give their money and cheer for their own employees—and hope that many people will see the show. That was in the good old days before the adoption of the Byrd amendment.

We could assemble hundreds of such examples of athletic teams, camp grounds, dance halls, dramatic clubs, and every other conceivable sort of sport or recreational activity that a local group might devise—with employers gladly contributing money, but not wishing to be bothered with any further responsibility for the activity.

Let us examine the development of some typical company health and sick-benefit insurance schemes.

A large midwestern sales agency required a crew of well-trained and above-the-average salesmen, preferably middle-aged men. Companies in the field were in the habit of stealing crack salesmen from each other, by various inducements. The company we are considering decided to set up a fund to help care for the hospital and medical expenses of its employees, plus some provision for salary payments to the family when the breadwinner was laid up for very long. These benefits were open to all salesmen in the employ of the company, provided they agreed verbally to return to work for the company after receiving any benefits under the plan. The fund was entirely supplied and operated by the company, through its personnel department. The amount of aid to be given was not prescribed by any fixed rules. The company representatives judged each case on its merits.

There were three motives in maintaining the practice: first, the desire to stop labor turn-over; second, the generosity of the owner who had grown up with the business; and third, an effort to keep a salesmen's union from getting into the business. But the union finally secured a contract, after something of a fight. Subsequently, the union and management established very harmonious relations and took up the question of the sick and health benefits. Management was glad to continue contributing the funds, and joint supervision of the outlay was established. But this did not work well at all. Some of the more "militant" union members were always complaining that a particular family had not received a sufficiently generous allowance, and blamed the representatives of management for "discriminating" against that family because of some past alleged grievance or grudge. There were endless arguments, making for ill will. It was obviously necessary either to discontinue the benefit fund or to find some less damaging method of supervision. Management did not wish to discontinue the fund, for that would lay them open to recrimination and would lose them the values in lowered labor turn-over.

At this juncture the management proposed that a union committee accept complete responsibility for administering the funds. By this means they confined all arguments over the amount of benefits within union circles, thereby removing the only bone of contention between the union and management.

Those who have not had practical experience in such matters may say that such an arrangement is an unprincipled method; but the experience of many companies shows that it works better than joint management in many instances.

Very similar results flowed from a plant hospital. A large establishment built a small private hospital for employees and their families. Limited medical service and less limited hospital services were rendered employees. The company considered the investment as profitable in reducing labor turn-over. The costs were borne by a pay-roll tax which took 1 cent from the employee and 2 cents from management. The services were administered by the company, with an advisory committee of employees picked by the personnel department.

When the union came in, the services were continued on the old basis. But more cantankerous individual union members were always filing grievances against the way the hospital was operated. They particularly charged that the head physician was incompetent, was a company stooge, and so forth. After some careful consideration by an intelligent personnel department, the company decided to propose to the union that they assume complete responsibility for management of the services, with a lump-sum contribution from management, to be supplemented by any amount the union chose to take from its own members. Management figured that it is much easier to criticize the other fellow's work than your own—and that complete responsibility for administration by the union would tone down their attitude. The joke of the story is that the union committee cracked down on union members tending to abuse the privileges more than management had ever done, and wound up rehiring the same physician in charge.

That is only an example, Mr. President, showing that it will be very difficult in many instances to have joint administration of many of these undertakings and projects which have been a part of American industry. If labor administers these funds, then it is responsible, and if there is any criticism it does not add to the dissatisfaction on the part of labor with management. It does not help to build up ill will. It is a matter within the union. But if all these countless thousands of good-will projects now have to be administered jointly, instead of being projects creating good will they will become bones of contention, and will help to create ill will, out of which probably many major strikes will arise over some matter which at first was petty.

We could give many other illustrations of this same principle. When a union and a company honestly sit down together and seek the best possible manner for administering some fund benefiting employees, many times the best way to remove the entire matter from the area of union-management friction is to make the employees feel that they are completely responsible. Divided responsibility often becomes a fruitful source of friction. Placing the union members completely in charge leaves them no one to criticize but themselves if anything goes wrong. They also feel a greater sense of ownership and responsibility; and do a better job.

That ties in with what I stated a while ago, Mr. President, that people who labor with their hands sometimes have an inferiority complex and feel overaggressive and assertive, trying to overcome the feeling "I am just as good as the other fellow if I just had the breaks he had." When the employees are permitted to participate in these activities, and have the opportunity to manage something, they tend to feel more friendly toward those who are managing the plant. In other words, they begin to share the problems of management. But now we will not even let them have that small boost to their ego. We are going to deprive them of the pleasure even of administering petty funds for picnics, and one thing and another.

A large wholesale house with several hundred employees was a self-insurer, with a sick-benefit fund. While it is probably true that management administered the fund reasonably well and with practical fairness, there were always charges and rumors of favoritism. That is the point I wish to bring out, Mr. President. Even if management administers these funds well, labor will be found criticizing management because there is an opportunity to criticize; and there is really no need for a situation which causes friction, if the unions are permitted to manage these matters for

themselves. Discontent with the administration of the superintendent became a prominent factor in leading employees to turn to a union that happened along about that time. Anxious to prevent organization of their plant, the management built a company union and delegated to it considerable authority over the sick-benefit fund. But low wages finally led the company union to bolt, en masse, to a bona fide union.

When the company and the union finally negotiated a contract and established fairly friendly relations, the management of the sick-benefit plan—the funds for which were contributed by the company as a percentage of the pay roll—was handed back to the company. But immediately grievances began to pour in. The more militant and noisy union members charged the company with discriminating in favor of "company pets." The union voted to set up its own sick-benefit fund and to levy on members a flat sum per week. But after some calculations they discovered the cold facts of life, and saw they could not provide very ample benefits.

At this juncture, the management made a farsighted move. It proposed to add its contribution to the union members' more modest sum, to supply an adequate sick-benefit fund, but to leave the management entirely in the hands of the union. To tell the whole story, it must be said that a union treasurer did try to run away with $600 of the fund, but he was caught and the funds were restored. At this juncture, the management did not suggest taking back the fund, but merely advised the boys to be careful about bonding all officers and taking the usual precautions.

I could continue this recitation of instances at great length, with infinite variety as to the nature of the funds and the way in which they are administered. In many cases there is mixed responsibility. But also, in many instances, both management and the union are agreed that placing full responsibility on the shoulders of the employees may result in the best atmosphere and the smoothest administration.

Educational programs sometimes become a matter of mutual interest between employers and the union. In a particular instance during the war, a union which organizes skilled workers in small shops decided to open a training school for workers, to enable its members to advance their earning power. But the school was also open to nonunion students wishing to enter the trade. The union felt that this would attract such people to the union. When some of the employers heard of this project by the union, they were greatly interested and most anxious that it succeed. They needed more trained workers. They also guessed that the union had only limited financial resources. Several employers offered to help finance the training school, with the verbal understanding that they be allowed to canvass the students with a view to hiring them. Most of them were small employers who could not afford to set up any kind of training program for themselves, and they had complete confidence in the ability of the union to do a good job. Furthermore, they had no desire to become involved in administering the school. They were quite happy to make modest contributions to its maintenance, and to get their share of the graduates. But, of course, under the Byrd amendment they will no longer be able to help finance the school unless they also assume the responsibility of managing the school; and that, in turn, probably will lead to dissatisfaction on the part of the employees.

In another instance, the union of a department store set up a dramatics club. It aroused considerable interest and began to give little performances at union meetings around town. The club went by the name of the shop where the members worked. The personnel department and the advertising departments of the big store immediately sensed that there was an activity which might be of benefit to both of them. The management proposed to the union that it would be glad to assist the dramatics endeavor financially and with materials. From that time forward the carpenter shop, the display department, and the dress and the clothing departments of the store began to give unlimited help to the play group. Scenery, costumes, printed programs, notices of performances carried in the store ads, and other contributions in kind were given, as well as cash. Here, again, Mr. President, is a human situation. The union and the boss are not fighting each other. They are merely living together. The owner of the store is glad to see his employees have a good time. He is also appreciative of the advertising which a successful play group gives his store name. He used to attend rehearsals personally and applaud "his play company" as enthusiastically as the union leaders applauded. But that employer can no longer contribute to the dramatics club of his employees without becoming a criminal in the eyes of the law as we are writing it at this time.

Employment offices and hiring halls are sometimes productive of joint support by union and management. During the war a union that organizes small shops set up a recruiting program to attract people into their hiring halls, so that they could fill their shops with union members. The union advertised for workers and sent solicitors around to all sorts of meetings to plead with people to work part time or full time to help the war effort. But the union was young and could not afford to invest too much money in such recruiting activities. The employers quickly sensed that this activity was profitable for them, and offered to make cash contributions to the union. Particularly the small employers realized it was far more economical to pool their advertising efforts through the union employment office than to run small ads in the newspapers. They had neither the facilities nor the desire to share in the supervision of the hiring halls. They had the good sense to know that the union would tend to favor the employers who contributed, if it showed any partiality in rationing out the sparse supply of workers.

There was another activity in which the employers found it good business to contribute financially—in that case, to a hiring hall, in order that they might obtain their employees more reasonably than if they individually advertised in the newspapers and conducted their own hiring. But they will no longer be able to do that, because they would be giving something of value to representatives of the union to maintain the hiring hall, and that would be against the law, according to the provisions of the Byrd amendment.

Mr. President, for the benefit of those whose knowledge of labor relations is limited to what they read in the newspapers, let me give a rather unusual illustration of how good labor relations can devise a novel procedure for solving a tough problem.

A large wholesale bakery, with several hundred delivery trucks on the road all the time, is bound to have many traffic accidents. In a particular case, discipline of drivers who had accidents became a serious bone of contention between management and the union. Where the company felt that negligence had produced loss of a vehicle or injury to pedestrians, the management was inclined to discharge the employee or to lay him off for a considerable period of time.

But accidents are bound to happen—as in the case of the Lea bill, I may say—and the union often made a good case for its members' not being to blame for a given accident. Then a bitter fight always ensued between the union grievance committee and the traffic superintendent of the company. The general manager of this company was a former truck driver himself, and he had considerable faith in human beings. He was convinced that some democratic procedure could be devised whereby guilt would be determined with reasonable accuracy, and justice done. Since the company and the union never had serious trouble over anything else, he rightly judged that it was not bad people, but bad procedure, that was causing the friction.

After considerable discussion, the company and the union set up a traffic court to try offenders. After considerable experimentation, they finally arrived at a procedure whereby a jury of union truck drivers could be called to sit in judgment on any case where the normal grievance procedure did not produce a quick settlement. This jury sat over a trial very much like a criminal court. The company, the insurance company, the employee or the union might individually or severally appear before the court, with or without counsel, to argue for or against the offending driver.

The union elected its juries and stood ready to supply them whenever their services were required. But it cost money to take those drivers off their jobs and to assemble them. The company held that this was a legitimate charge against the business, and paid the union the total costs of the trials. Neither the company nor the union would abandon this traffic court.

Now, Mr. President, I want to point out something to the distinguished Senators present. These cases which I have cited may seem quite unorthodox. They may not appear to be the conventional way of handling such matters. They are all an outgrowth of free, democratic discussion by the people on the scene—the union and management in a plant working out what seems to them to be the best way of meeting a problem with which they may be faced. They are American democracy, our free way of life at its best. They do not conform to the usual manner of hiring an insurance company to look after health or sick benefits.

They do not conform to a standard pattern laid down by law, nor by a Government board. They conform to one thing only, namely, the free and cooperative judgment of the employers and the union men on the spot. They are men who sit down together and work out the solution of their problems by a method which works. And, I may say, it works precisely because they figured it out for themselves. Whenever it ceases to work, they meet again and do some more figuring. Out of it comes a result which pleases them, a result which works for them.

The Byrd amendment would extend the long arm of the Federal Government into the private lives of these little people and forbid them to do what they have found it is good for them to do. The sponsors of this legislation are really proposing the most unwarranted of Government interference with private initiative. Here we have unions and employers who have, in good will, good sense, and democratic respect for each other, met and solved their local problem. But it would appear that some Senators would want to break up this wholesome process and compel those persons to conform to some rigid pattern which they hope to devise on this floor.

I repeat that genuine collective bargaining means just such meetings of men of good will, men of good sense, men determined to find a way to overcome by their own common sense all local difficulties.

Mr. President, the present wave of strikes is to be expected. We have gone through a war in which persons kept themselves in restraint. They were compelled to remain steadily on the job. They could not take vacations. They built up pressures within themselves, and the present period of unrest is only one which we should naturally expect. If we want absolutely peaceful, stereotyped, and uniformly regular labor relations in this country, I see only one way in which we may procure them. They cannot be obtained by the Congress passing laws compelling men and women to work. It might be possible to shoot some of the workers, but they would still refuse to work. We must make up our minds that we shall have strikes, and that we must sit them out. We may have to go hungry to some extent if we want to maintain a free country. That is something for which we may be required to pay. On the other hand, if we cherish our personal comfort, and the right to get a letter through to Aunt Millie on time, and other things which we take for granted, we may find that they cannot be easily attained. If we cherish our privileges more than we cherish our free institutions, and insist on everything being done after a pattern, then let us face the situation squarely and scientifically, just as the British have done. Let us socialize our basic key industries such as those which can tie up our economy. We will then know that the workers will remain on the job just as do the employees in the Post Office Department. The Post Office Department has never had a strike. It seems that government is more capable in dealing successfully with labor problems than are the private employers of the Nation. Perhaps some of the basic industries to which I have referred should be socialized. I am not attempting to say which ones should be socialized. But the socialization of our basic industries may be the only way by which we can have absolute peace in connection with labor and industry. We do not have to worry much about the little private enterprises because the employees in those industries may go on strike and thrash out their problems. If one chain of grocery stores is closed down because of its employees going on strike, the consuming public may patronize some other chain of grocery stores. If the services of one garage are no longer available to the patrons of that garage because of a strike of the employees of the garage, the public may go to another garage. We must make up our minds to like the situation and wait patiently for the strikers and the employers to settle their differences.

Mr. President, I make the prediction that no bill which the Senate could pass, no matter how restrictive or how stern it might be, would be of any help at the present time. The Senator from Virginia said that we should do something very stern. We can get just as stern as we please, but it will not force men and women to return to work until they feel that they are getting a square deal.

Mr. President, the Senate should remember that there are thousands of employers and union leaders scattered through the towns and cities of this country who are settling their differences through peaceful means. We never hear of them, precisely because their little local meetings succeed in producing a workable pattern for them.

Do Senators believe that the long arm of the Federal Government should reach out to a little town in Iowa and tell the owner of a grocery store there that he may not give a pretty uniform to the girl clerk who plays on the union ball team? Should this Government tell the owner of a clothing store in Michigan that he may not contribute to a fund which is managed by the union to help his own salesmen when they are sick? If the manager of a brewery wants to pay for the instruments and the uniforms for a snappy brass band to be managed by the union of his own employees, shall we tell him he may not do so?

It is well to remember that America is a vast country, filled with some pretty ingenious people. We have to have traffic laws, but we must be very careful that those laws do not obstruct the free flow of ideas and methods. We must remember that most employers and union men, right on the job where the problem arises, are better able to find a way out than those of us here who never managed a union or a union grievance procedure. The proposed legislation is most unwise, because it is bound to interfere with precisely the kind of collective bargaining that we all profess to desire. It will not accomplish the aim it professes. It will accomplish much harm.

Remembering that there are thousands of shops throughout the country where these health, educational, recreational, and other cooperative programs are in operation, how is any member of the Senate going to justify to the people who are proud of these programs that we have seen fit to outlaw them? How can we justify to any employer or union outlawing something that they know by their own experience is mutually helpful to them and does no one else any conceivable harm? Some of these welfare schemes have been in operation for years, and the community has come to depend upon them. Everyone is happy over them. But some morning they learn that their Congress has outlawed them as being very bad. It does not make sense, and we will never be able to convince these citizens who have done their democratic duty that it makes sense.

I do not believe that we will be able to convince members of management that we have acted wisely when it begins to come home to them what we have really done. Thousands of managers who have participated in these programs for their union members, to help keep them satisfied, to help keep good employer-employee relations, when they find what we have done to them, will begin printing articles in trade papers, like the article I introduced from Tide magazine saying that we acted ridiculously in passing the Lea bill. The very people that bill was passed to benefit are now ridiculing us, saying that we were stupid in the extreme.

I think many people who have written urging that we pass labor legislation, when they find what kind of labor legislation has been passed, that we have ended their good relations with their employees, and made it against the law for them to participate in these programs, will start printing articles in their magazines saying that the Senate went too far, and overstepped the bounds, and that that was not what they wanted.

To be perfectly frank, Mr. President, if we would take the letters which come to Members of Congress saying, "We want you to pass some labor legislation," and would go to the people who wrote the letters, I will wager we would not find one of them in 100 who had any idea what he meant when he said, "Pass some labor legislation." If we should ask what kind of labor legislation, he would be at a total loss. That is just the way Congress is acting. There is a demand, in the newspapers especially, and on the part of many people who have not thought the matter through, that we do something—legislate, pass some labor legislation. So the Congress frantically starts legislating, without any idea of what it is legislating about.

The amendment of the Senator from Virginia was the most outstanding example. It was offered, then the able Senator from Florida [Mr. PEPPER] started pointing out idiosyncrasies and flaws and faults in the amendment. Then, its sponsors would take it out and amend that part of it; then, they would bring it back, and the Senator from Florida [Mr. PEPPER] would read it again and point out something else that was the matter with it, either just downright silly, or probably unconstitutional. They would then take it out and amend it some more. Four or five times they had to repair to the cloakroom with the amendment and feverishly work on it, then, they would bring it back and the Senator from Florida would work on it. That is the spirit of this whole proceeding. It does not make any difference who wrote the amendment or who offered it or what it is about, let us pass it. Pass it. Do not even have any debate on it.

Last night our opponents tabled one amendment offered by those of us who are trying to make the bill a workable measure. They would not even give us an opportunity to set forth the merits of the amendment. They were so anxious to get busy and pass something, the Byrd amendment, in that instance, which had been amended until it did not resemble what it started out to be at all, they were so anxious to adopt it, because it had the reputation of taking a sock at labor, and they wanted to get at that one right away, that they would not even consider an amendment offered in an effort to improve the bill, as we have tried to improve it, or make it less obnoxious, at least, by pointing out flaws and defects in the amendment of the Senator from Virginia.

Mr. President, I shall close now, but I have a poem here I wish to enter in the RECORD. Ordinarily I would simply insert the poem, but I truly think it is worth reading aloud to the Senate, or I would not read it. I am not doing this to consume time, but I feel that the poem is worth reading.

This poem was presented to a convention of World Federalists at Chicago, Ill., April 28, 1946. The chairman of the convention said:

The Chair recognizes Silas Blake Axtell, delegate from New York.

I may say that I have had the pleasure of meeting Mr. Axtell, who is a very fine gentleman, a capable lawyer, and a devout believer in world government. Mr. Axtell read this poem, which was written by Elva Just:

The people died. It was the people's war.
Why did they die? What were they dying for?
Why are the people always asked to die?
Who are the people? You, and You, and I!
Our children yet unborn! Then—let us rise!

In God's name, let us rise up and declare
An end of war before the whole world dies!
Come out! Come out, to every village square!
Come out from factories and homes, and schools!
Bring out your laws, bring out your dreams, and skills
Bring out your faiths and all their golden rules!
And hurl your strength against the thing that kills
Our blossoming youth on every countryside!

The World is one, and now no longer wide.
Nothing is out of range, New York, High Rome,
Forbidden Lhasa, jungles or ice-bound bay!
No place is safe where man has built a home;
Stars shine above them all, to light Death's way.

Air knows no boundary, atoms no control
Except this urge fast gathering in the soul
Of frightened man to somehow save his son
From this last awful thing, he's made and done!
You joined your powers for war, Now, stretch your hands
And pluck this hurtling terror from the skies
Before it crashes down upon the lands!
Before the last spring flower falls and dies!

Our human blood obeys no several rules
Of politics, in one or isolate pools.
Blood is but blood. And dust to dust returns
Regardless of its flag. And each hurt burns
For liberty. Then let us so proclaim!
And swear allegiance to our bond, and state
Our will, world-wide, this day to promulgate
A people's peace, and Government in its name!

The poem was written by Elva Just.

All the laboringman has, to make him feel important in this world, is his feeling that he too is free; that he is just as free as any Senator, as any rich man in the great house upon the hill, and if we start taking away that feeling from him it is going to rankle in his soul; he will become rebellious. I am convinced of that, for, having worked in factories myself, I know how the men feel. You can take them with you a long way if you will reason with them. Someone representing the management can come to the factory and, if he is a good fellow and will talk to the boys a little while, can practically win them over to anything. But if someone who represents the authority up above comes to the factory and tends to become a little tough, the boys seem to take a great delight in trying to get twice as tough as he can. It is their only defense, it seems, against their feeling and knowledge that they have not been able to climb the ladder socially and financially. They are willing to go along with anyone, but, on the other hand if anyone tries to rob them of this one precious thing which they hold in common with the highest citizen of the land, this liberty of theirs, they greatly resent it.

Mr. President, they may not understand the Constitution fully, and may not understand exactly what their liberties are, but they have a good idea that they have such liberties, and that they can say what they please about the President or anyone else and get away with it. If they believe that anyone is trying to take their liberties away from them there is likely to be a mass psychological reaction and a mass strike may take place in which practically every laborer in the country would sit down. Then if more repressive measures were taken to end the strike it would only make the situation worse and worse.

Mr. President, as I stated a while ago, I am not a Socialist. I am not a Communist. I have been accused of being a Socialist and of being a Communist. Every time I ran for office I was called a Socialist and a Communist. I denied it in 1928 and I lost the election. I denied it in 1940 and I lost the election. I denied it in 1942 and I lost the election. Finally in 1944 I became tired of denying it, so I simply let the charge go unanswered, and I was elected. I do not know what that means. I do not know whether the people want socialism or like socialism or communism or whether they simply like someone to ignore those who would accuse him falsely.

As I said, I am not a Socialist or a Communist. But if we insist that we cannot be inconvenienced by any strikes, that the wheels must turn smoothly, and that if we want to travel we must go at a certain moment and cannot wait a few days while the men are thrashing out their problems with management, that is really too bad for us.

The strikes are simply a means of letting off steam on the part of the workers. I will wager that the railroad workers are anxiously awaiting at this very moment to hear the call back to work. I will wager that a percentage so small as hardly to be worth mentioning have gone off fishing. I am willing to bet that they are waiting by their telephones for the call to come which will send them back to work. I have been a member of a union, and I believe I know how they feel. While I never was engaged in a strike, I know the psychology of the workers pretty well. I have a brother who is a member of a railroad brotherhood, and I am quite certain he is at this very moment out on strike, because I know he is not the kind of man to let his fellow workers in the brotherhoods down, and I will bet anything I have that at this moment literally the perspiration is standing out on his forehead and that he is sitting by the telephone hoping and praying that the call will come which will take him back to work. But the men think they have gotten a raw deal. All management had to do was simply say "No." Management made no demands on anyone. The newspapers did not write up management. Management was simply behaving itself, going along as usual, and the railroad workers thought they were entitled to a better deal. From what I have seen at first hand, and from what I have heard from my brother who is a member of a railroad brotherhood, I am inclined to believe the men are entitled to a better deal.

Much is said about the railroad workers being the aristocracy of labor. That is mush. That is one job in which the worker does not know from one hour to the next whether he will work or whether he will be laid off for several days. The worker does not dare to go downtown to a movie for fear the call will come for him to go to work "right now." There are no regular hours of work. The worker is at the mercy of someone who may call him at almost any time. Some of the jobs are on regular schedules, but a great many of them are not. Generally a worker is expected, unless he has a considerable amount of seniority, to take the job whenever he is called to take it, whether early in the morning, in the middle of the night, or at any other time.

As I have stated, the workers are simply letting off steam. Even now I am sure they are anxious to go back to work, and if they do not go back I would be willing to bet it is because management is not meeting them half way and is not willing to give them a reasonable deal.

Up to this very moment Senators who now are urging the most repressive amendments have eulogized the railroad workers. Until this railroad strike happened they rose on the floor every little while and eulogized them and said, "Look at the aristocracy of labor. See what fine workers they are. If only we had something like the Railroad Labor Act to apply to all industry, how wonderful it would be." All of a sudden their heroes have gone out on strike, and I do not wonder that some Senators feel quite bitter after the paeans of praise they have uttered for the boys of the brotherhood.

So we see, Mr. President, that so-called perfect laws to keep industrial peace do not work. We cannot frame a law on the floor of the Senate which will settle strikes. I do not believe any group of experts, which we are not, with the possible exception of the Senator from Oregon [Mr. MORSE] can frame adequate strike legislation. We are not experts in labor relations, no matter how much we may think we are, and we are not going to frame a bill here which will settle the strikes that are now in progress or will prevent strikes in the future.

Mr. President, I have been an employer of labor most of my adult life. I started out when I was 15 years old working for wages. When I was 18 I bought a half interest in a business which, incidentally, happened to be a theatrical stock company, and from that day until this, with one or two brief interruptions, I have been an employer of labor. I have always gotten along with my labor. If I wanted to let my passions rule me, I could be very antilabor, very bitter toward labor, because shortly after I first bought a partnership in the business I mentioned we played a small town in Arizona. We had a big tent, with a stage in it, and we presented our plays in the big tent. The stage-hands union told us we had to hire, I think it was, three stage hands. We had not been using any stage hands at all. The actors changed the scenery between the acts, and pulled the curtain, and pushed the light switch. The union told us we had to have three stage hands. We hired them. They put the woods wings on upside down; that is the butts of the trees were sticking up in the air and the foliage was on the stage. Then the one they set to watch the curtain became so interested in the show that he stuck his neck out past the proscenium arch so the whole audience could see him. And the one who was supposed to push the light switch and lower the curtain become interested in the show and forgot to lower the curtain. So finally we told them to go down and sit behind the stage on a bench, and we paid them, and proceeded to run our show ourselves.

That was an injustice and, as I said, I was pretty angry about it at the time. From that and other experience I have had I could feel very bitter toward labor. But I have let my good judgment, my common sense, prevail.

Mr. President, much as we talk about what a great deal we owe to the inventors such as Bell who invented the telephone, and Fulton who invented the steamboat, and Watt with his steam engine, however much we owe to them, however much we may owe to Mr. Ford, who perfected mass production of automobiles, however much we owe to them for our high standard of living today, I say that we owe just as much to the idea of trade unions, because if it had not been for trade unions wages would never have risen to the point where the people could buy goods and enable us to make use on a mass scale of telephones, automobiles, and all the other things which we enjoy today.

Labor has had to strike time and again to get petty increases. The newspapers say, "Look at the fools. They have struck, and they have remained idle over such a long period of time that they have lost millions of dollars. There was only a difference of 2 or 3 cents. They could have settled it a month ago. It will take them a year and a half, perhaps, to make up what they have lost in wages."

Mr. President, that is not a valid argument, because if they had never struck in the first place, away back yonder, and insisted on getting increases little by little, a few cents at a time, if they had always been hesitant to fight for their rights, today workers would be getting two or three dollars a day. To be sure, the prices of commodities might not be so high as they are, but we would not be able to buy them at any price, because we would not have the money. We would not have our great mass production economy, with all its conveniences and luxuries, and the blessings it brings to us. So I say that labor is entitled to a great deal of credit.

In the General Motors strike the criticism was made that there was not a great deal of difference between the amount the workers were asking and what the employer offered; but they stuck to their guns and finally got a little more. It was said that it would take them a year or two to make up the difference. But we can thank them for putting up the fight, because it makes it possible for cars to be manufactured cheaply. If they could not be sold to the workers on a mass scale, those of us who can afford to buy a car now, if they were produced for a few of us who happened to receive more than the others, would have to pay so much that probably even a Senator could not afford an automobile. So we all owe a great debt of gratitude to labor.

With respect to the railroad strike which is now in progress, I should like to read an excerpt from the report to the President by the Emergency Board which was appointed on March 8, 1946, pursuant to section 10 of the Railway Labor Act. I may say that this railway strike has been in prospect for many months. No one can say that the railway workers did not give ample warning and undertake negotiations in ample time to have prevented this strike, which we can call a catastrophe if we wish, but I do not look upon it as such. It is a great inconvenience, to say the least. The report of the Emergency Board reads in part as follows:

> In this case, as in similar predecessor controversies between the railroad carriers and the railroad transportation unions, one of the causes of the impasse in negotiations and subsequent conflict in presentation of evidence revolved around differing concepts regarding the operation of the dual basis of pay. Because of this conflict between the parties concerning the dual basis of pay, we think it not inappropriate to comment to some extent upon it.
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> Briefly, the dual basis of pay applies only to road service, and consists in a combination of mileage and hours. For example, in road freight service 100 miles is deemed equivalent to an 8-hour day and a speed basis of 12½ miles per hour. If the crew runs 100 miles or more in 8 hours it is paid on a mileage basis. If the time required to run the mileage is longer than a speed of 12½ miles per hour, overtime accrues at time and a half. If on the other hand the run is less than 100 miles and is performed within 8 hours, the basic minimum pay for 8 hours or 100 miles is applicable.

The question of being paid by the hour or by the mile also arises in connection with controversies with bus companies. Recently in Idaho there was a so-called strike of the bus workers. All the newspapers called it a strike. It involved the Greyhound Lines, which run through my home town. Recently the operator of the local bus line was in Washington and I talked with him. He gave me a perfect illustration of how the workers always take the rap. The work stoppage is called a strike, whether the workers are on strike or whether they are locked out, or whatever may be the reason for the controversy.

He stated that certain scales of pay had been established on the basis of the war speed of 35 miles an hour. Suddenly the war ended and the speed limit was lifted, so that the busses could travel 45 or 50 miles an hour. A run which formerly required a certain number of hours now required a great deal less time, and for the same run the employers wanted to cut the pay of the drivers; but, of course, the workers could not make up the difference, because that was a run, and when they reached the end of it, that was the end of the day's work. So it was simply a question of taking a cut in wages, and the workers did not want to take a cut in wages.

The workers had asked the bus company to negotiate with them. The next morning when the bus company employees came to work the bus depot and the sheds where the busses were kept were locked. The newspapers in my home town and all over the country called it a bus strike. They said that the drivers were out on strike. The operator of the local busses told me that he himself knew it to be a fact that they had not gone out on strike. The bus company claimed that it could not make ends meet if it had to operate on the new basis. The busses were all shut down between the cities, so the operator of the local bus line hired the bus drivers for the wages they were asking of the Greyhound Line, and he put some of his city busses on the intercity routes. They were not built for that purpose, and probably were not as efficient as they might be; but he put them on, and he told me that he was making plenty of money. And yet the bus company was so exercised and excited that it would not even negotiate with the bus drivers over their contract. It had found a good way to cut wages by increasing the speed of its busses, and it was not going to sacrifice that advantage.

Mr. President, a resolution was presented on the floor of the Senate signed

by 135 economists, I believe, saying that we should not pass this repressive labor legislation. The economists thought that it would solve nothing. The Senator from Minnesota [Mr. BALL] raised the question whether those people knew anything about labor relations, or whether they were qualified to advise us. Some of them were doctors of divinity, ministers of the gospel, teachers of those who would take up the church as their life work. I think that those men should know something about the problems of labor. Certainly any minister of the gospel or anyone interested in teaching Christianity should know something about the trials, tribulations, privations, and suffering of those who labor. I think that would qualify them rather well. If they are conscientious they must certainly have familiarized themselves with the problems of labor.

The Senator from Minnesota stated that only 10 of the 35 he had looked up were in Who's Who. I am surprised that there are even 10 economists in the United States who are listed in Who's Who. If anyone had asked me to make a wager on the subject, I should have said that there were not that many who were well enough known or of sufficient prominence to be included in Who's Who.

Mr. President, the Senate has failed to provide broad and comprehensive social security legislation. Not satisfied with our dereliction in this matter, we now sally forth to strike labor a blow while the workers are engaged in deadly conflict with the great octopus of corporate wealth—in this instance a great black giant in the coal industry, erected on the graves of countless under-privileged children whose lives were sacrificed because of substandard living conditions, because of filth and flies and foully offensive lack of even the most basic sanitary facilities.

I know that railroad work is a very difficult life. My brother's health is impaired from the constant nervous strain under which he labors in operating a locomotive. He has had an accident or two. It happens to all of them. They are constantly under a great strain. Frankly, his health is breaking; and if he does not last many years—and he will need to last a good many years yet—when he does break under the strain of the severe occupation he will be left without any way to take care of his family.

So I hope that the people of America will not place all the blame on those who labor. I feel that there are at least two sides to this question, and that labor's side is equally justified with that of those who own and operate the plants, if not more so.

Mr. JOHNSON of Colorado. Mr. President, due to the fact that at 12 o'clock tomorrow the Senate will vote on cloture, and due to the fact that all amendments must be presented before that time, I am forced to offer tonight an amendment which I am really not quite ready to offer. As a matter of fact, I wished to hear the President's statement at 10 o'clock this evening before I offered my amendment.

I understand there are at least 25 or 27 amendments which already have been submitted.

Mr. BALL. Mr. President, will the Senator yield at that point?

Mr. JOHNSON of Colorado. I yield.

Mr. BALL. I believe that, under the cloture rule, if the Senator presents the amendment at any time before the vote is taken on the cloture petition tomorrow, if he does not offer the amendment tonight, there will be an hour tomorrow during which amendments may be offered, under the rule. Amendments offered during that time would still be offered in compliance with the rule. The offering of an amendment at such time would be a privileged matter, and the Senator would be able to take any other Senator off his feet in order to offer it.

Mr. JOHNSON of Colorado. That is why I am presenting the amendment tonight, in order to have that privilege tomorrow, if necessary. Otherwise, I would not present the amendment now.

The PRESIDING OFFICER (Mr. FERGUSON in the chair). Without objection, the amendment will be received, printed, printed in the RECORD, and ordered to lie on the table.

The amendment submitted by Mr. JOHNSON of Colorado is as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place insert a new section as follows:

"SEC. —. (a) Whenever the President determines that the Nation is imperiled, or the domestic tranquillity, or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

"(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

"(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

"(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void."

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask a question. Suppose that in the course of his address the President injects some new matter in regard to which we may need to offer an amendment. Under the rule we could not offer such an amendment, as I understand the situation.

The PRESIDING OFFICER. Unanimous consent would be required for that purpose, if the cloture motion were agreed to.

Mr. JOHNSTON of South Carolina. But that would tie up the Senate, because probably some Senator would object.

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

Mr. JOHNSON of Colorado. I yield.

Mr. CAPEHART. I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CAPEHART. When will it be in order to offer an amendment which I have, which is in the nature of a substitute for the bill?

Mr. JOHNSON of Colorado. Mr. President, if the Senator is asking me, I shall say that it will be in order to offer the amendment at the end, after all the amendments have been acted upon.

The PRESIDING OFFICER. Under the rule, it will be in order to have the amendment submitted, for printing, at any time up to the time when the cloture petition is voted upon. It will not be in order to offer the amendment for consideration until after the pending amendment and all other amendments have been disposed of. It would be the last thing to be voted upon prior to action on the committee amendment as amended.

Mr. CAPEHART. Mr. President, I desire to submit the amendment in modified form, to be printed under the rule.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and printed in the RECORD, and lie on the table.

The amendment submitted by Mr. CAPEHART is as follows:

Amendments, in the nature of a substitute, intended to be proposed by Mr. CAPEHART to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz, at the proper place insert the following:

"SECTION —. That with the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of government that a means be provided for supplying essential goods and services when such stoppages occur.

"(a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he

shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary for him to take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security. While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, to the fact that the United States would have returned such properties to their owners at any time when an agreement was reached settling the issues involved in such work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing.

"(d) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization, to seek in good faith to induce such employees to return to work and not to engage in any strike, slowdown, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work (unless excused by the owner of the business or its agent, or unless prevented by illness, disability, or similar valid reason) or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, and the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provisions of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slowdown, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct of direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or both.

"(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(g) As used in this section, the terms 'employee', 'representative', 'labor organization', 'commerce', 'affecting commerce', and 'labor dispute' shall have the same meaning so far as they apply to labor disputes in an industry included in the scope of the National Labor Relations Act, as amended, such words shall have the same meaning as if applied to the Railway Labor Act, as amended, so far as labor disputes involving employers or employees covered under the Railway Labor Act, as amended, are concerned.

"SEC. —. The provisions of this act shall apply to industries or facilities already in the possession of and being operated by the United States Government or any agency thereof, which governmental operation has been brought about as the result of a work stoppage or threatened work stoppage.

"SEC. —. Notwithstanding the provisions of any other law, this act shall be in full force and effect from and after 12 o'clock meridian of the day following its approval."

Mr. CAPEHART. Mr. President, I wish to say that, although I am aware, of course, that the Chair knows and all Members of the Senate know it to be so, I still wish to call their attention to the fact that in refusing to work the railway workers are defying the Government of the United States.

Mr. JOHNSON of Colorado. Mr. President, I should like to make a brief statement at this time. It will not take me long to deliver it to the Senate. I desire to make it in connection with the amendment which I shall offer at the proper time. As I have said, there are approximately 25 or 30 amendments already pending to the bill, and more amendments are likely to be offered. Statements have repeatedly been made on the floor of the Senate that, if all the amendments now pending were enacted into law, they still would have no effect whatsoever upon the pending railroad strike.

Mr. President, after I have offered my amendment, that statement no longer will be true, because my amendment has to do directly with the railroad strike, and with nothing else.

I need not tell the Senate about the strangulation of traffic and the paralysis that has gripped the country, with the shut-downs all over the United States, with the threats of famine and the threats of riot and the threats of disorder which certainly must come about if the railroad strike continues. Yet, with all the amendments and with all the consideration which is being given to labor legislation, even in the face of the situation which confronts the country, no amendment to deal directly with the labor situation is before us.

A little while ago we were told that the President would appear before a joint meeting of the Congress at 4 p. m. tomorrow. I hope he makes a fighting speech. I hope he tells us very definitely of some legislation which he recommends, because the situation requires a fighting speech. The desperate situation which we are in cannot be handled by any milk-and-water approach. The approach must be hard and it must be stern, even though the Senator from Idaho [Mr. TAYLOR] complains about stern legislation even at a time like this.

I have read in the newspapers that the strike is now almost 100 percent effective. Three hundred and eighty-four railroad lines are tied up. I heard over the radio a few minutes ago that out of a normal number of 17,500 trains in the United States, only 100 are operating. The surprise to me is that 100 trains are still operating. The surprise to me is that the tie-up is not 100 percent effective. I say that because I know something about railroad labor; I know how loyal they are to one another; I know how they stand shoulder to shoulder in any fight in which any branch of organized labor finds itself engaged. So I am surprised that this strike is not even more effective than it is, even though it be 99.9 percent effective.

Mr. President, at 10 o'clock tonight the President of the United States will talk to the people. I understand his talk will be a "fireside chat." In his address I really expect the President to be very firm and to tell the people the exact situation, although perhaps they know it as well as he does.

Today I have received telephone calls from Denver, and in them I have been told of the tragic situation in that city and what is going on at the Union Station and how concerned everyone in that city is about the present strike situation.

Mr. President, the President of the United States is going to find that the people to whom he will talk tonight are very impatient, that they are angry, that they are frightened, that they are terribly discouraged. The audience he will face, even though he faces it over the microphone, will not be a very pleasant one to face, because of the antagonism with which he will be confronted when he speaks to the people. So I hope, and I fully expect, that the President will be very serious and will make some definite recommendations which will give the people hope that the present situation will clear up, and will clear up very soon.

I understand that some consideration is being given to operating trains with military forces, directly or indirectly. I sincerely hope that nothing of that kind is contemplated. I cannot think of a greater mistake which anyone could make than to attempt to operate the trains directly or indirectly with military forces. Many men in the military forces understand the operation of trains, to be sure; but we have 250,000 trainmen in the United States who know all about the operation of trains, and they can do a good job of it.

The thing we need to do here in the Congress and the thing which needs to be

done at the White House is to get the 250,000 trainmen and the other members of the operating unions back to operating the trains, and not attempt to fool ourselves or attempt anything so reckless as to try to operate the trains with military forces. I say to anyone who is considering such a thing as that, please do not do it, because it will only end disastrously for all of us.

As I understand the situation, the President took over the railroads on the part of the Government based on the provisions of the 1916 law, the law which authorized the President to take over the railroads in the First World War. It authorized the President to operate the railroads during wartime. I understand that the President's order is based upon that old law, which I presume everyone thought was obsolete. I wish to remind the Members of the Senate and everyone else, for that matter, that in 1918 the Congress authorized payment out of the Treasury of the United States to the railroad companies of compensation for any losses which they suffered through Government operation of the railroads. I presume that law is also still in effect. I presume also, that inasmuch as the Government has now taken over the railroads, and they are suffering great financial loss because the trains are not operating, the Congress will be called upon to vote millions upon millions of dollars in order to compensate the railroads for the losses which they are now sustaining as a result of the strike. The situation with reference to World War I set a precedent for that kind of treatment. I believe it is very unfortunate that the President has taken over the railroads under the 1916 and 1918 laws.

Mr. President, I wish to read my proposal. It is not long. I shall read it into the RECORD and comment upon its provisions. I know positively that if this proposal is enacted into law the railroads will operate for at least 200 days. I do not know whether the provision which is before the Congress at the present time would result in the operation of the railroads for one hour. There is no other provision now before the Congress, except the amendment offered by the Senator from Wisconsin. I do not understand how it would operate, but I should make an exception of it. Perhaps it would do something toward settling the present railroad strike. I do not know. But my amendment would result in the operation of the railroads for at least 200 days, and the rights of labor would not be violated.

Mr. President, my sympathies are with the men who operate the railroads. As the Senator from Idaho has said, those men who are called out on the lines at any time during the day or night, have grievances in many instances. I believe that their demands should be considered seriously, and that many of them should be met. My amendment would do nothing to violate or injure the rights of those men.

Mr. President, my amendment reads as follows:

(a) Whenever the President determines that the Nation is imperiled, or the domestic tranquillity or general welfare threatened—

I obtained those words out of the Constitution, Mr. President, in case some Senators may not recognize them—

by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employers of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

Mr. President, I can hear Senators say, "A simple proclamation by the President will not have that good effect. Certainly, if that is all your amendment means, the President could issue that kind of a proclamation without any law telling him that he may do so."

However, Mr. President, I have provided for sanctions in the next paragraph. I do not believe that we can deal with this problem tonight without making provision for the imposition of sanctions. I believe that sanctions must be provided for. I regret the necessity of putting sanctions into a law and having the railroad workers, or any other laborers whether organized or not, interpret the language as being directed toward them. However, when the Nation is in peril, and when its welfare is threatened, drastic action is called for.

I now read the next paragraph:

(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work, within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a), shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

Mr. President, that is a severe penalty to impose upon a railroad man. There is nothing quite so valuable to him as his seniority rights. They mean everything to him. They are counted from the time he starts working for the railroad, and they end only upon his retirement from railroad service. His runs, his wages, his employment, and all considerations granted to him by his employer are based upon his seniority. It is priceless to him.

Under the amendment a railroad man would not be taken out and shot if he does not work, and no physical penalty would be exacted from him; but if he does not work he loses that which is most precious to him, namely, his seniority. I know enough about railroad men to know that they will not take any chance on losing their seniority rights. No; the amendment does not make refusal to work a crime.

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

Mr. JOHNSON of Colorado. I yield.

Mr. CAPEHART. I should like to invite the Senator's attention to the fact that at about this time, or possibly a little earlier last night, I asked unanimous consent to introduce a bill which would do exactly what would be done by the proposal which the Senator from Colorado has read, except with reference to the 100-day period. The bill which I asked unanimous consent to introduce last night was similar to the amendment which was offered by the able Senator from Illinois about 10 days ago. Last night I tried to obtain unanimous consent of the Senate to introduce the bill to which I have referred, and have it acted upon by the Senate. I agree 100 percent with the able Senator from Colorado that a provision such as is in the bill which I hold in my hand will stop the railroad strike. I realize, as does the Senator from Colorado, that it is quite severe. I know of no way, however, of protecting 140,000,000 American people than by, in some way, stopping the present railroad strike.

Mr. JOHNSON of Colorado. The strike must be stopped. I am sorry I did not give the Senator credit for the measure which he wished to propose.

Mr. CAPEHART. I do not want any credit for it. If any credit is to be given, it should be given to the Senator from Illinois, because I merely improved upon his amendment and tried to do so in the form of a bill. If we could have passed the bill last night and the House had acted favorably upon it today, no doubt by this time the railroad strike would be at an end and trains would now be moving. That indicates how much confidence I have in the suggestion which the Senator from Colorado has made and in the amendment which was offered by the Senator from Illinois. I agree with the Senator from Colorado that it is only along that line that we can do anything under the circumstances. I dislike very much to introduce such a bill as the one to which I have referred, but I see no other way in which we can remedy the crisis which now confronts the Nation. We must protect the American people. In my opinion, our job is not to debate the merits or demerits of labor controversies and disputes between management and labor. Our job as Senators is to protect all the people all the time and not debate whether one side is right or the other side is wrong. Our job is to pass laws which will protect all the people. The duty of the courts is to enforce the laws. I do not think it is germane to pending legislation for Senators to take sides in disputes between employers and employees. Our job is to be fair and equitable to all people, to legislate for all 140,000,000 American people. I hope that is exactly what we will do, rather than take sides in any labor disputes.

Mr. JOHNSON of Colorado. I thank the Senator from Indiana for his comments. I read a part of the bill he presented last night for the consideration of which he asked unanimous consent, but so far as I read in it, it was almost an exact duplicate of the amendment offered a few days ago by the Senator from Illinois [Mr. LUCAS]. The amendment offered by the Senator from Illinois does not in my opinion affect the operation of

railroads in any degree, and I will state why I do not think it does.

Under paragraph (g) of the second section of the amendment, on page 5, I find this language:

As used in this section the terms "employee," "representative," "labor organization," "affecting commerce," and "labor disputes," shall have the same meaning as in section 2 of the National Labor Relations Act as amended.

Of course, if the definitions are the same, then the amendment of the Senator from Illinois does not in any way apply to or affect the operation of railroads, because, as we know, the railroad unions and railroad labor are not under the National Labor Relations Act. There is a special act affecting railroad labor. That is why I offer this amendment, as a complement to the amendment which was offered by the Senator from Illinois.

I have the feeling, Mr. President, that if we had a lesser number of amendments in front of us, if we had the amendment that was offered by the Senator from Illinois, complemented by the amendment which I am offering now, and if they had been consolidated into a bill, we would have the legislation necessary to deal with the railroad strike and with the coal strike.

The amendment offered by the Senator from Illinois deals with the coal strike and strikes similar to the coal strike, while my amendment deals with the railroad strike. If we had these two amendments in a bill by themselves, the Senate would have something to act on.

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

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. What does the Senator propose to do about the railroad strike? After all, the railroads have been seized already under an existing law. Why is another law needed at the moment?

Mr. JOHNSON of Colorado. I do not want the Government to seize the railroads. I think that is a very foolish thing to do.

Mr. TAFT. It has been done, however.

Mr. JOHNSON of Colorado. They were seized under the 1916 law; and, under the 1918 law—World War I law—the United States Treasury will be called upon to pay the railroad companies for any losses they sustain because of their seizure by the Government. That is what I am complaining about. My amendment does not contemplate seizing the railroads. I do not think the railroads should be seized. I do not think the proper way to solve the problem is for the Government to take them over—temporarily or in any other way—and especially I think it was a terrible mistake to take them over under the 1916 law, with the ensuing financial burden imposed on the Treasury to make up their losses, for which there was a precedent in 1918. There is no doubt in the world that the same thing will happen again.

Mr. TAFT. What does the Senator propose to do about the present strike?

Mr. JOHNSON of Colorado. This is what I propose to do. I should like to see the President return the railroads to the operators. I do not say anything about that in my amendment, but it seems to me that would be a sensible thing to do. What I propose is a very simple thing. It is so simple that I presume Senators will be dubious about it. I read the provision a moment ago, but I am glad to tell the Senator from Ohio what my amendment contains, because other Senators have come on the floor since I read it, and I should like to have them hear it. I shall read the first part of the amendment.

Whenever the President determines that the Nation is imperiled—

Certainly it is imperiled at the present time—

or the domestic tranquillity or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation.

It seems like a very simple remedy, for the President to issue a proclamation to that effect, and call upon the employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work, until after the expiration of a hundred days following the date of the proclamation.

If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

Now here is the sanction, here is the penalty; and it is a severe penalty. Without accusing the railroad worker of crime, without molesting him in any way from a physical point of view, without sticking a bayonet in his back and telling him to crawl on an engine or crawl on a freight train and operate the railroads, without doing any of those drastic things, we do something which is extremely drastic, extremely effective, but which is mild in comparison, and not so objectionable. The second subdivision reads:

(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

That is a severe remedy.

Mr. TAFT. Will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. Does the Senator think we can deprive the railroad worker of his seniority rights which he has acquired without any assistance from the Government, but by personal arrangement with the railroads?

Mr. JOHNSON of Colorado. Yes, indeed, I do. He got those rights because of the sufferance of the Government. They would be worthless to him if Government did not operate. He does not get those rights under any law, but certainly the Congress can take such rights away from him.

Mr. TAFT. I do not see how Congress can take those rights away from him.

Mr. JOHNSON of Colorado. I do not know why Congress cannot take them away from him if it wants to.

Mr. TAFT. Of course Congress has no right to take them away from him. They are not rights created by law, and I see no way by which Congress can deprive him of those rights. The railroads may attempt to do so, the railroads can do so now, but it would bring about another strike if the railroads did it. And who will get the seniority rights the man gives up? When the employees go back, the same seniority rights are going to exist, and nothing Congress may do will possibly destroy them. I cannot understand the remedy suggested by the Senator.

Mr. JOHNSON of Colorado. The Senator is jumping at conclusions. The Senator probably does not know how precious seniority rights are to the men. The proclamation is to be issued by the President. The railroad men are put on notice that if they go out on strike they are going to lose not only their jobs but their seniority rights, and as a result they are not going to strike against the President's proclamation. The proclamation would be issued only in a great crisis, only when the Nation is in peril. The President is not going to adopt such a drastic remedy as that in an ordinary small strike, but when the welfare of the country, when society itself, is threatened, when Government is threatened, certainly the President has to have some remedy.

The Senator from Ohio says that the Government has not that power. Yet I understand that tomorrow we are going to be told that the thing to do is to pass a law making it a criminal offense to strike against the Government. If we can pass such a law as that, if we can make a crime of striking merely because under a 1916 law the Government took over the operation of the railroads, if we can pass that kind of drastic legislation, then certainly we can pass such legislation as I have suggested in the amendment.

Mr. TAFT. I am absolutely opposed to such legislation, so far as I am concerned. All the legislation and measures which have been proposed have acknowledged the right of men to strike or quit work. Penalties have been imposed only on the officers, and those who have organized the strike. That penalty exists today. Such men can be indicted today, as I understand, under the Smith-Connally Act.

I certainly would not vote for any law which made it a crime for an employee to strike. Furthermore, I think that if we did that there would be universal defiance. It is not possible to put 200,000 men in jail. I think it is an utterly vain remedy for any strike. I do not favor the more drastic remedy, and I am only suggesting that I doubt whether the Senator's remedy is one which we can constitutionally impose.

Mr. JOHNSON of Colorado. I recognize that the Senator from Ohio is a very

great lawyer, and I respect his opinion, especially on legal matters. I do not always go along with his judgment, and I think he is letting his judgment run away with his legal opinion in this case. I feel certain that if he will reflect a little more on the proposal he will not find any constitutional barrier against the adoption of such a provision. Of course, if the Senator from Ohio is correct, if we are not going to adopt any sanctions whatever against striking, we might as well forget legislation on the matter; we might as well quit; there is nothing we can do. Are we going to take this thing lying down? Are we going to let a few little organizations and a few organization leaders imperil the whole Nation, inflict famine and bloodshed and other ills upon the country? Certainly, if the strike continues that is what is going to happen. There is no question but that there will be suffering in every city of the Nation—in every part of the country. There will be tremendous losses of property. Food will spoil.

I talked the other day with a colonel who had just returned from India. He told me about the country there, the great jungles, what fertile land is there, the vast acreages of unimproved land in India. I said, "Tell me, Colonel, why it is then that 100,000 Indians starve every year? If they have all this fertile land and plenty of labor, why do they not reduce those jungles to fertile fields?" He said, "The answer is very simple. The reason the Indians starve is because they do not have transportation." He said, "They cannot get food from here to there, and as a result many starve to death."

Mr. President, if the strike continues we will be in the same condition. We will have the food, we will have the wheat, we will have the fat cattle, but we will not be able to get the fat cattle and the wheat from the place where produced to the places where it is needed for consumption. Then we will be in the same situation as many of the people of India if we let the strike continue.

I wish to read two more paragraphs:

(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

That means that after the President issues his proclamation, and after the men are required to go ahead and work or lose their seniority, they will be paid in accordance with the agreement which is entered into afterward; they will be paid up to the time the President issues his proclamation. In other words, the new pay rates, the new conditions which will be agreed upon, will be retroactive to the date when the President issues his proclamation.

There is one other short paragraph which I will read, and then I am through:

(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void.

That is in order to take care of the objection which has already been raised by the Senator from Ohio.

Mr. President, I submit the amendment.

The amendment submitted by Mr. JOHNSON of Colorado was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place insert a new section as follows:

"SEC. —. (a) Whenever the President determines that the Nation is imperiled, or the domestic tranquillity or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

"(b) Any such employee who engages in a strike, slow-down or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a), shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

"(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

"(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void.

Mr. JOHNSON of Colorado. Mr. President, I wish to place in the RECORD an editorial which was published in the Evening Star of today entitled "The President's Duty." I hope that the President will read the editorial; I hope he will read it a half a dozen times, and I also hope that Members of the Senate will read the editorial, not once, but many times. It states the case exactly as it is. It points out the tragic situation which faces the country today, and it calls for a remedy in keeping with the situation we face.

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

THE PRESIDENT'S DUTY

Because so few believed that it would come to pass and because it is certain to have such a shattering impact on the national welfare, the railroad strike seems to belong in a different category from the other strikes which have plagued this country since the war's end. But actually, except in the measurement of its consequences, there is no real difference.

In the railroad strike, the coal strike, the steel strike, the petroleum strike and in many of the other strikes involving powerful unions and great industries vitally affecting the life of the Nation there is clear and undeniable evidence that collective bargaining has failed. And the railroad strike, climaxing a succession of threatened railroad strikes which were prevented only by actions taken outside the law, demonstrates that the Railway Labor Act, possibly the best legislation of its kind in our experience, is a failure.

Equally clear are the principal reasons for the collapse of the machinery set up for the voluntary settlement of industrial disputes. These voluntary processes have failed because of an increasing disinclination to make them work. In some cases the employers have been at fault, believing that they could obtain a better settlement with their workers after a strike had forced Government intervention. In more cases the unions have been at fault. Slanted laws have given the men who belong to unions and the men who lead them enormous power, and experience has taught them that, frequently, they can use this power to coerce the public and to coerce the Government, thereby obtaining greater concessions than could be obtained through peaceful bargaining.

The railroad strike illustrates the point. Two out of 20 unions, representing 250,000 workers, forced the President by threat of a strike, to offer them a higher wage than had been recommended by the emergency board set up under the law. But the President did not bid high enough and the leaders of these two dissenting unions—men possessed of power far out of proportion to their sense of responsibility—have resorted to a strike which has crippled the country, believing that they can get what they want, whether reasonable or unreasonable, if the public can be made to suffer enough.

The question of placing blame, however, is of secondary importance. The significant fact, whether unions or employers or both are at fault, is that the public is the victim of their excesses, and that there is not now any legal means whereby the overriding public interest can be protected.

In this situation the duty of the President is clear. He has tried as best he could with the means at hand to keep our economy on an even keel. But there cannot be the slightest doubt that he has failed, nor that the prestige and dignity of his office have suffered in the process. Furthermore, as failure piles upon failure, the prestige of the President will continue to diminish until a point is reached at which he will have little or no influence and we will witness the spectacle of the President of the United States being defied by every small-minded and arrogant spokesman for a minority interest with some selfish and often petty end in view. Clearly, there is no hope in this direction, and unless the country is to resign itself to a continuing and endless succession of utterly destructive industrial upheavals, the duty of the President is equally clear.

For the first time in more than a decade labor legislation is before the Senate. Some action is going to be taken, yet the various proposals now under consideration, desirable as they may be in themselves, are far from adequate. The imperative need is for broad and comprehensive legislative action—action which will be basically concerned with the protection of the public interest in a situation which has become intolerable. But the recommendation for that action should and must come from the President.

It would be a futility, however, to come forward with a timorous, halfhearted, politically motivated proposal. In the Star's opinion, the time has come for the President to put before the Congress a forthright recommendation for legislation setting up a system of compulsory arbitration,

applicable to all industrial disputes vitally affecting the public interest and backed by sanctions sufficiently drastic to insure acceptance by the parties to the disputes.

Mr. MURRAY. Mr. President, I hesitate at this moment to address the Senate on the pending legislation but, as I understand, discussion of the legislation must continue at this time, notwithstanding the colloquy which has just taken place, which impresses upon u. the serious crisis confronting the Nation as the result of the railroad strike. I would very much prefer, if it were possible, to delay my remarks until after we have heard from the President tonight, and at the joint session of Congress tomorrow afternoon at 4 o'clock. I am sure we are all waiting with great anxiety the recommendations of the President of the United States in the serious situation which confronts us. Nevertheless the pending legislation must go forward. Therefore I should like to take the time of the Senate in discussing the issues which are now before the Senate.

Mr. President, I wish to discuss in a general way the amendments now before the Senate through which it is claimed that industrial peace is to be restored to the Nation. Already Senators have pointed out in much detail the far-reaching effect of these proposals. Everything that has been said against these amendments has been demonstrated throughout the years to be the truth. As pointed out by so conservative a publication as the Wall Street Journal, which was read into the RECORD yesterday, they will fail absolutely in accomplishing any result except confusion and chaos in the field of labor relations. Let me quote from that editorial:

> None of the labor measures recently brought forward deals at all thoroughly with the fundamentals of national labor legislation. Any one of them, if enacted, would leave Federal laws on the subject a patchwork of inconsistent and partly conflicting provisions for the courts to struggle with. The real need is not of more law but of less, of simpler and more precisely expressed statutes designed first of all to render men and groups of men equal before the law.
>
> Federal labor law should be thoroughly revised and codified. Until it is ready to tackle that job in an atmosphere of relative industrial peace, Congress would do well not to legislate on labor.

Mr. President, no one familiar with the past history of labor relations in this country can fail to see the consequences which will ensue from the adoption of these violently restrictive proposals now before the Senate. These amendments would take away from men their fundamental rights if they sought to better their conditions. All this is sought in the name of industrial peace. Of course, it is obvious that such laws would accomplish just the opposite of what is desired. If Congress is induced to pass this legislation, taking away rights of the working people, it will turn us back to all the evils which we spent 50 years in endeavoring to correct.

During the course of this debate, Senators addressing this body have expressed profound concern over the dangers inherent in attempting to enact this kind of legislation in the heat of excitement and emotion.

Nevertheless, ever since the opening of this debate, the situation has grown steadily worse. The reason for this development it seems to me, is that the underlying causes of the crisis which we are confronted with have been ignored.

We are attempting only to attack the symptoms, and we are approaching them with feelings of ill-will and emotion.

We have failed to note that all these labor disturbances which we are contending with have sprung from the economic and social upheavals of the war. At the end of the war, industry was confronted with the need of making tremendous adjustments in returning to peacetime production. A program of reconversion was in order. The Congress passed liberal laws to aid industry in reconversion.

But, Congress took no action in that direction for labor. Labor was left with its problems and required to fight it out with management the best it could under the democratic processes of collective bargaining. But, management has had the whip-hand. It occupied a position of great advantage. It came out of the war with huge earnings and a disposition to be adamant against the demands of labor in its claims for the adjustment of wages and working conditions. It realized that a strike at this time would arouse the resentment of all who might, as a result, suffer inconvenience. So, management bluntly rejected the claims of labor as revolutionary and impossible. On the other hand, the workers contended that their claims were just and fair and equitable in view of the situation in which they found themselves stranded at the end of the war.

So, there was a failure to work out contracts between management and labor to readjust the workers to peacetime conditions, and we began to witness a series of shut-downs because of a lack of contracts.

The finding of a scapegoat upon which to place the blame or responsibility for these conditions can serve no purpose.

In his message to Congress warning against the enactment of repressive legislation affecting either side in the struggle for readjustment, the President said:

> I hope that the Congress * * * will not adopt repressive or coercive measures against either side. A free American labor and a free American private enterprise are essential to our free democratic system. Legislation which would stifle full freedom of collective bargaining on either side would be a backward step which the American people would not tolerate.

But, Mr. President, notwithstanding these fine words, the country is left in a state of confusion. Our citizens are properly shocked by the distressing results from the shutdown of the coal mines. At this moment an organized effort is on foot to place the sole blame for the closing of the mines on the workers, and in total disregard to the President's appeal, all sorts of repressive, coercive, and punitive measures are now being proposed against the workers. It is assumed, without any proof whatsoever, that the workers are solely to blame. Daily we read editorials denouncing John L. Lewis, the spokesman for the mine workers. Scores of cartoons are being published in which that heavy-browed leader "is symbolized by every sort of animal from weasel to the lion."

Last Sunday all the newspapers in the country carried reproductions of a photograph of John L. Lewis and Charles O'Neill in conference. That photograph shows these two men to look enough alike to be psychological twins. As one writer points out, "both have lowering eyebrows. Both are in need of girth-controlling diet. Both are expensively dressed and enjoying what look like good cigars. But the resemblance goes much further than such matters of dress and avoirdupois." In both cases there is an appearance of extreme pugnacity and unwillingness to compromise.

Now, Mr. President, each of these men have powerful backing. Mr. O'Neill has behind him all the wealth and influence of the mine owners. Lewis represents the power of a half a million mine workers. One represents organized capital—the other organized labor.

During the long weeks of this crisis these men have fought in just about the same way. Neither displayed much regard for public convenience or welfare. It has been said by one critic that "their arguments take the form of occasional grunts."

But, Mr. President, all the bitter attacks published in the press have been leveled exclusively against the workers and not against the operators.

It is assumed that if a strike interferes with production, some labor leader must be the devil in the woodpile. It never occurs to most writers and cartoonists that it takes two to make a quarrel. So, Lewis is assailed as the villain in the case and O'Neill is referred to as a sort of industrial statesman representing the operators.

Mr. President, this is not the first time that the Senate has had before it demands for hasty legislative action to meet a crisis precipitated through the failure of the Congress to enact appropriate legislation designed to obviate the fundamental causes. In 1943, in the heat of a controversy over a stoppage of war production in the coal mines, we debated and passed the War Labor Disputes Act, more commonly known as the Smith-Connally Act. That was the most ill-conceived and ill-considered piece of legislation ever to come before the Congress. In his veto message of June 25, 1943, President Roosevelt warned the Congress that the Smith-Connally Act would not lessen, but would promote, industrial strife. That prediction was fully borne out by subsequent events.

Had it not been for the far-sightedness of President Roosevelt in obtaining a no-strike pledge from the major labor organizations at the very beginning of the war, it is probable that the Government's machinery for settling labor disputes would have broken down in wartime under the influence of that legislation just as it did break down at the end of the war when the no-strike pledge no longer operated.

But now again, Mr. President, we are witnessing a drive for further restrictive labor legislation based on emotion. As I have already pointed out, even such a conservative newspaper as the Wall

Street Journal describes this as unwise legislation and warns against it.

Mr. President, in recent months we have witnessed a series of strikes from one end of the country to the other.

We have also witnessed an increasing demand for constructive action by Congress—action to avoid the ill effects of these strikes and to promote cooperation and industrial peace.

I am one of those who believe that the situation calls for the most careful and constructive legislation that will avert further confusion and discord. America is no longer an agricultural country; it has become a highly complex industrialized economy in which the laissez-faire theory of government is completely outmoded. A shut-down of the coal industry creates far-reaching complications in our economy and Government cannot stand idly by.

As the elected representatives of the American people it is our responsibility to act; to act without prejudice and emotion; to act without delay; and to act wisely.

It is my judgment that the American people want a realistic and comprehensive program of legislation that will go to the roots of these conflicts between capital and labor and usher in a period of cooperation—a period of peaceful prosperity and expansion. Thoughtful citizens, like the editor of the Wall Street Journal, are disappointed to find every strike situation used as an excuse for a frenzied drive to weaken the rights of American labor, and to forestall a statesmanlike program of effective action.

To map out a realistic program we must first determine the real causes of conflicts between management and labor.

Cause No. 1 has been the rapid increase in the cost of living. As a result of the war, the cost of living has gone up 24 percent since 1941, and 12 to 15 percent since October 1942, when wage stabilization went into effect.

These price increases, however, do not take into consideration the enormous increases in living costs due to the black market. Price control violations have been eating away at the pocketbooks of every family in the country. The over-all statistics also conceal the particularly acute situations which have developed in certain areas of the country—notably in the coal regions. There the miners are at the mercy of the company stores. There enforcement of price controls because of inadequate funds and personnel has been notoriously inadequate.

But what has happened to wages during that same period? Average hourly earnings for all manufacturing have risen 20 percent, above October 1942. But it is "take-home" pay, or average weekly earnings, that determines the workers' income. Average weekly wages for all manufacturing have gone up only 6.1 percent since October 1942. In fact, they have not kept pace with even the official cost of living. And they have, of course, fallen far short of the actual rise in living costs, if black-market prices and deterioration of quality are taken into account.

Moreover, "take-home" pay has been dropping rapidly in recent months. As a result of reduction in both hourly pay and weekly hours, average weekly wages for January 1946 were 13.1 percent below those of January 1945.

That is not the whole story, however; when the American worker demands an increase in base pay, he is not asking for more money for the same work. His output per hour is substantially above what it was back in 1941 when his basic wages were frozen to the cost of living under the Little Steel formula. Output per man-hour has risen about 5 percent each year since 1935, or close to 50 percent.

The worker has continually produced more for each hour of work. What he is asking now is that he be paid in accordance with what he produces. This is a matter of simple justice. It is also a matter of basic necessity in order to maintain high production and continuing purchasing power to absorb the increased output of industry.

There is also the question of what has happened to profits. The lag of wages behind productivity is evidence enough that profits have been swelling all out of proportion. And the figures certainly verify this conclusion.

During the war period of 1942 to 1945, average annual corporate profits were approximately $23,000,000,000, or more than four times the average of the prewar 1936–39 period. And even after deduction of taxes, the annual average was more than $9,000,000,000, or 2½ times the comparable average for 1936–39.

For particular industries, the figures are even more striking. In textiles, 1944 profits before taxes were 6 times the 1936–39 average; for electrical equipment about 5 times, for printing and publishing 4½ times, for rubber 6¼ times, for transportation equipment over 4 times, and for lumber and timber over 12 times.

Is it any wonder that working men and women are aggrieved and feel impelled to strike in order to obtain a better share of the products of their labor so that they may build for themselves and their families a standard of living more in keeping with American ideals? The greatest cause of strikes today is the profiteer who sees in a period of short supply, the natural aftermath of the war, an excellent opportunity to increase his profits at the expense of the American people.

The answer to the rising cost of living is clear. On the one hand, we need an extension of the Price Control Act for an adequate period of time, without crippling amendments, together with adequate funds for administration and enforcement.

On the other hand, we need extension of the minimum wage law, without inflationary amendments, to allow those now receiving substandard wages to come just a little bit closer to catching up with the cost of living.

A second cause of labor disputes, in my opinion, is the rapid growth of monopoly and the concentration of business and industry in the hands of a small group. There are some persons who seem to think that the problem of prices and the cost of living is a strictly temporary phenomenon occasioned merely by the shortages resulting from the war. As soon as we recover from wartime shortages, they claim, then the law of supply and demand will come into its own, and prices will be determined on the basis of competition between business enterprises. This approach reveals an appalling ignorance of the economic facts of life. Prices are no longer determined primarily on the basis of competition. Prices are increasingly controlled by the handful of monopoly interests which dominate almost every branch of our economy.

Mr. President, in an article which appeared in Fortune magazine in March, 1938, I find the following statement:

> In the progress of mankind there was a time for the Dark Ages, another for the Renaissance, another for an Industrial Revolution. There was a time for the building of America, for the creation of bigger markets and bigger pay rolls and, inevitably, bigger industrial units. And that is our time.
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> In our time men have become conditioned to the idea of bigness. They believe that to grow big is almost of necessity to progress. They believe that the expansion of American enterprise necessarily involves the corporate expansion of its units. And they are taught that the corporate expansion of the units should result in bigger profits, individually, to the economy as a whole.
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> American business was founded upon the principle of free competition maintained through free markets. But during the era of bigness the units of business became so big that they developed a fear of price wars; they dared not compete against themselves, and no one dared to compete against them. There consequently emerged the superunits—well-defined industrial groups whose members act in concert and whose aim is not competition but, on the contrary, price stabilization.
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> But inasmuch as these policies impinge upon and invade the sphere of public welfare, they impinge upon and invade the functions of government. By its very office, government must intervene.

Mr. President, what is the connection between monopoly control and labor disputes? First of all, monopoly control means higher prices, prices that drive the wage earner to demand higher wages. Second, monopoly prices mean higher profits for the privileged few, profits that sharpen the contrast between the position of capital and the position of labor, and make it inevitable that the wage earners demand a larger share of the national income. Third, monopoly profits mean vast economic power in the hands of a few business enterprises, power to force their employees out on strike and to sustain, with little trouble, the losses resulting from the strike. In such an endurance contest between the unlimited financial resources of monopoly and the hunger of men and women on strike, monopoly will invariably gain the upper hand. Fourth, monopoly economic power means the political power to gain control of parties, to elect members of Federal, State, and local governments, to destroy democratic principles and to block liberal legislation.

During the period between World War I and World War II monopoly power in America grew by leaps and bounds.

I ask unanimous consent to have inserted in the RECORD at this point a statement entitled "Basic Facts on Concentration of Economic Power Before World War II."

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

BASIC FACTS ON CONCENTRATION OF ECONOMIC POWER BEFORE WORLD WAR II

The 45 largest transportation corporations owned 92 percent of all transportation facilities of the country.[1]

The 40 largest public-utility corporations owned more than 80 percent of the public-utility facilities.[2]

The country's 20 largest banks held 27 percent of the total loans and investments of all the banks.[3]

The 17 largest life insurance companies accounted for over 81.5 percent of all the assets of all life insurance companies.[4]

The 200 largest nonfinancial corporations owned about 55 percent of all the assets of all the nonfinancial corporations in the country.[5]

One-tenth of 1 percent of all the corporations owned 52 percent of the total corporate assets.[6]

One-tenth of 1 percent of all the corporations earned 50 percent of the total corporate net income.[7]

Less than 4 percent of all the manufacturing corporations earned 84 percent of all the net profits of all manufacturing corporations.[8]

No less than 33 percent of the total value of all manufactured products produced under conditions where the four largest producers of each individual product accounted for over 75 percent of the total United States output.[9]

More than 57 percent of the total value of manufactured products was produced under conditions where the four largest producers of each product turned out over 50 percent of the total United States output.[10]

One-tenth of 1 percent of all the firms in the country in 1939 employed 500 or more workers and accounted for 40 percent of all the nonagricultural employment in the country.[11]

In manufacturing 1.1 percent of all the firms employed 500 or more workers and accounted for 48 percent of all the manufacturing employment in the country.[12]

One-third of the industrial-research personnel were employed by 13 companies. About 150,000 industrial corporations were without research laboratories.[13]

Mr. MURRAY. Mr. President, the table I have just inserted in the RECORD reveals that in 1931 the 200 largest nonfinancial corporations owned about 55 percent of all the assets of all the nonfinancial corporations in the country. One-tenth of 1 percent of all the corporations owned about 50 percent of total corporate assets and total corporate net income.

That was the picture immediately before the war. During the war the trend toward the growth of monopoly was tremendously accentuated.

When the defense program began Government turned to big business for the production of military goods and equipment. Small business was brushed aside.

On September 30, 1944, 100 corporations held 75 percent of all outstanding prime contracts. Big business corporations also received the great bulk of subcontracts. They received the bulk of the new war plants which had been built with Government funds or financed through the amortization provisions of the tax laws.

Mr. President, in the Washington Post this morning there appeared an article in which it was stated that the United States Steel Corp. had taken over the big plant at Geneva, Utah, which had cost originally $200,000,000. The United States Steel Corp. obtained the plant for the sum of $47,500,000.

Big business also got most of the contracts for scientific research. Under those contracts, for the most part, the corporations which carried on the research will have control, through patents, of the postwar commercial applications of such research.

Furthermore the big corporations of the country succeeded in obtaining tax exemption for the expenses involved in huge advertising campaigns designed to build up their prestige in the public mind.

As a result of all those influences, the position of big business increased in each successive year of the war. In 1939 firms with more than 1,000 employees accounted for 30 percent of the total employment of all American trade and industry. By 1943 this figure had risen to 44 percent. In 1939 firms with more than 1,000 employees accounted for 36 percent of the total pay roll. In 1943 this figure had risen to 53 percent.

Since the end of the war large industrial and business concerns have been steadily absorbing smaller firms. In the fourth quarter of 1945 the rate of mergers and acquisitions in manufacturing was higher than at any time in the previous decade and a half. This should be a warning to all of us that monopoly is on the march.

Mr. President, at this point I should like to read a portion of an address entitled "Business Restrictions Upon the Market," which was delivered by Hon. Wendell Berge, Assistant Attorney General of the United States, before the American Marketing Association on Thursday, May 16, 1946. It reads as follows:

In the lifetime of the present generation we have witnessed a profound and calculated increase in the rise of economic monopoly, the concentration of economic power, and the drive to eliminate competition as the organizing principle of the market. We have become sharply conscious of a revival of economic feudalism, of a renewal of the philosophy of privilege, and the reappearance of a whole array of monopolistic devices intended to destroy the free market.

Our national economy is not mature. Our capacity for economic growth is tremendous, but it will not take place without effort. Difficult and vexing situations incident to reconversion must not be permitted to warp the immense opportunities of the years ahead. If labor, Government, and industry cooperate wholeheartedly in utilizing the vitality and flexibility of our economic system, the American people will go forward to levels of production and abundance which we have only begun to glimpse. Abuses of economic power to limit and dominate the free market can jeopardize this future. It is among our first concerns to make certain that the opportunity and the promise within reach are given every aid to their realization. In this undertaking enterprise is at stake, and with it the fate of economic freedom.

The growing political power of monopoly is evidenced in many ways. There is the current drive to cut the antitrust law into shreds by exempting insurance companies, railroads and newspapers, and by preventing adequate appropriations for the Antitrust Division. There is the attempt to tighten banker control of the railroads. There is the drive of the power trust against the Missouri Valley Authority and other similar measures which would tend to promote small business and new competitive enterprises in the industrially backward areas of the country. There is the campaign of the large banks against any public program that would make capital available for small business and competitive enterprises.

Above all, there is the current campaign to restrict the rights of labor and entrench monopoly control over the lives and destinies of the American people. The antilabor amendments now pending before the Senate will further strengthen this campaign.

The answer to the problem of monopoly lies in a broad program to prevent increased concentration of economic power, to break up monopolies where that is at all possible, and to devise appropriate forms of public control over monopolies which cannot be broken down. It also calls for preservation of the antitrust laws, adequate appropriations for the Antitrust Division, loans for small business, and developmental projects to expand industry in backward areas.

In my opinion, such a program would go a long way toward reducing the causes of disputes between management and labor.

In addition to the cost of living and the growth of monopoly, a third cause of labor disputes is our present system of taxation.

For many years, the tax burden in American has fallen too largely upon the shoulders of those least able to pay.

Let me be a little more specific about the effect which taxes have on the purchasing power of the average worker. Let me add the impact of Federal taxes to the impact of rising living costs, and see how the average man or woman now stands as compared to 1939.

It has been calculated that a married man, without children, earning $2,000 a year, would have $1,830 left after income and social-security taxes. This would

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[1] National Resources Committee, June 1939: The Structure of the American Economy, pt. 1, p. 106.

[2] Idem.

[3] Twentieth Century Fund, Inc.: Big Business, Its Growth and Its Place, 1939, p. 9.

[4] National Resources Committee, op. cit., p. 103.

[5] Ibid., pt. 1, p. 107.

[6] President of the United States in his message to Congress April 20, 1938: 75th Cong., 3d sess., S. Doc. 173, Strengthening and Enforcement of Antitrust Laws, p. 2.

[7] Idem.

[8] Idem.

[9] Temporary National Economic Committee, monograph No. 27, The Structure of Industry, p. 275.

[10] Idem.

[11] Howard R. Bowan, Donald W. Paden, and Genevieve B. Wimsatt: The Business Population in Wartime, Survey of Current Business, May 1944, pp. 12–13.

[12] Department of Commerce and Bureau of Old-Age and Survivors Insurance (see app. B).

[13] Works Progress Administration, National Research Project on Reemployment Opportunities and Recent Changes in Industrial Techniques, Industrial Research, and Changing Technology, 1940, pp. 45–46.

buy about the amount of goods and services that could have been purchased in 1939 with $1,250 or $1,400, depending on which cost-of-living index is used.

On the same basis, a $1,500 income would buy about $1,000 to $1,100 worth of 1939 goods and services, and a $1,000 income would buy about $600 to $700 worth. And I am not talking about a small minority of the population. There are about 30,000,000 wage earners and their families included in these income brackets.

For many years, the large industrial and business organizations in America have been enjoying unfair advantages under our tax laws. For many years they have been using devices invented by high-powered law firms. They are devices which, though they may be within the letter of the law, nevertheless represent unjust evasions of the spirit of the law.

But during the last few years we have seen a new device in the history of taxation, a new method whereby monopoly is enabled to enhance its economic and political power. I refer to the carry-back and carry-forward provisions of the tax laws.

During the hearings on the 1942 tax laws, representatives of our big corporations argued that the engineering costs of conversion from war to peace would be so great that industry could convert only if it were given tax exemption during the war for the purpose of building up postwar reserves. It was argued, however, that it would be impossible during the war to calculate how much of a postwar reserve any company might need.

Accordingly, the present carry-back and carry-forward plan was devised. The theory behind this plan was that a corporation should be able to average off its wartime and postwar profits in order to be able to sustain the losses incurred in converting their plants from war to peace. In essence, this plan means that every corporation has been given a postwar reserve equal to the total amount of normal taxes and excess profits taxes paid during the preceding 2 years. It is provided that out of this reserve, the United States Treasury compensates corporations at the rate of 81 cents on every dollar of decreased income and 81 cents on every dollar of loss.

In August 1944 when I discussed this matter on the floor of the Senate, I pointed out that at that time the postwar reserve set up for American corporations under these provisions of the tax laws amounted to $28,000,000,000—the estimated amount of normal and excess profits taxes levied during 1943 and 1944. (See CONGRESSIONAL RECORD of August 9, 1944, p. 6898.) Today this fund amounts to more than $31,000,000,000—the estimated total of all normal and excess profits taxes paid by corporations for 1944 and 1945.

Although the argument in favor of these provisions of the tax laws was presented to Congress in terms of the need for meeting the engineering costs of reconversion, there is nothing in the law which would prevent this huge reserve from being used to compensate a corporation for losses sustained through strikes—strikes which might easily have been avoided under honest collective bargaining.

Let us suppose that there is a strike which lasts for 100 days. To the workers on strike, this means 100 days of deprivation, sacrifice, and uncertainty. It means 100 days during which bonds are cashed in, debts are incurred, insurance policies are canceled, and bills mount higher and higher.

To the corporation, however, it means not 100 days of financial loss, but 19 days of loss. This is so because for every $100 loss, the Federal Treasury will give the corporation $81. If my figures are not complete, it is because I have not taken into consideration the extent to which financial manipulation and involved bookkeeping methods could succeed in giving a corporation far more than 81 cents of return on a dollar of loss. It is entirely possible, and entirely within the ability of the accounting experts for a corporation to obtain far more than a dollar from the Federal Government for every dollar loss during a strike.

The A. F. of L. executive council recently expressed the belief that governmental tax policies had put industry "in a favored position" where it could resist demands of the workers and sustain prolonged strikes "without financial loss, regardless of the public interest."

Obviously, as the A. F. of L. points out, these provisions of the tax laws do not have the effect of inducing a reasonable attitude on the part of management in its wage negotiations with organized labor. Rather, these provisions induce a stubborn and arbitrary attitude, since management would have little or nothing to lose—perhaps even something to gain—by a strike.

The remedy for this situation is a complete revision of the tax structure—a revision that will not only provide for taxation in accordance with the ability to pay, but will also wipe out all provisions of the tax laws that subsidize strikes.

A fourth cause for labor disputes is the lack of a national system of health insurance.

Under present conditions, the costs of medical and hospital care represent one of the greatest threats to the security of the average workingman and his family. Sickness and disease do not respect the size of one's pay check or bank account. They frequently wipe out a family's savings and lead to heavy borrowing. When the breadwinner of a family is sick, he and his family face the twin calamity of mounting medical bills and the cessation of wages.

Because medical and hospital care is so expensive, the ordinary worker tends to postpone going to a doctor. For him, there is no such thing as preventive medicine. For him, medical care is a luxury resorted to only after it is too late for prevention.

The ever-imminent threat of accident and disease is an important factor in the demand for higher wages. In the absence of an adequate insurance fund to meet the costs of medical and hospital care, the only security for the worker and his family can be a larger bank account.

Consequently, there has been an increasing interest on the part of organized labor, in negotiating with employers, for the creation of special health insurance plans.

The present controversy between the United Mine Workers and the coal operators is only one in a growing number of such cases. Some companies have already agreed to establish plans of this type. A survey by the Social Security Board revealed that in 1945 there were 115 such plans in existence.

How simple it would be to dispose of the multiplying disputes between management and labor regarding health and welfare funds by making a single health insurance law! This is exactly what organized labor prefers, in order to remove the entire question of health insurance funds from the sphere of collective bargaining.

The present demand of the mine workers for a health and welfare program is little understood by a large section of the public.

I should like here to call attention to a discussion of this matter by a well-known writer for the Washington Post, Mr. Alfred Friendly, which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER (Mr. WHERRY in the chair). Is there objection?

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

[From the Washington Post of May 19, 1946]

HE MAY GET 3 PERCENT—JOHN L.'S ASKING FOR NOTHING NEW IN FUND DEMAND

(By Alfred Friendly)

When John L. Lewis' proposal for a health and welfare fund was rejected last week by the soft-coal operators, one of their grounds was that it represented a new social theory and philosophy.

So revolutionary was the idea, the operators implied, that it should be thoroughly studied by Congress before it was installed; because it had such broad national implications and repercussions, it should not first be tried out, in the absence of public policy, on the coal industry.

It is somewhat difficult to follow this line of reasoning. Whatever the merits or demerits of the miners' demand for a welfare fund, the notion does not appear to be new or revolutionary in theory or philosophy.

Quite aside from such plans in Europe and even Asia, there are many health, welfare, insurance, and pension funds in the United States which embody all of the basic ideas.

THE ESSENCE OF IT

The principal elements in the miners' plan are:

1. It shall be paid for entirely by the employers. They are asked to contribute an amount equal to 7 percent of the industry's pay roll.

2. It shall be administered solely by the union.

3. It shall be used to provide medical care, hospitalization, accident and death benefits other hardship compensation, vocational retarining for disabled miners, and even "cultural and educational" grants.

The Bureau of Labor Statistics reports that more than 600,000 American workers are covered by somewhat similar health-benefit programs set up by union-management contracts. (This does not include possibly a million more covered by life insurance schemes, by health and welfare plans outside

collective-bargaining agreements, by voluntary participation plans, or by systems installed unilaterally by either unions or employers.)

THE PATTERN HOLDS

Most of the plans written into labor contracts are financed entirely by the employer, whose contribution is usually 2 or 3 percent of pay rolls. In some cases the contribution runs as high as 5 percent.

Of these systems, a little more than one third are jointly administered by union and employer. In another third, insurance companies assume the principal administrative responsibility. Somewhat less than one-third are run solely by the union.

Most plans in the last-named category are financed entirely by the employers.

ONLY HALF FOR HEALTH

The most important of these is a plan of the International Ladies Garment Workers Union (A. F. of L.). The employer usually contributes 3 to 4 percent of his pay roll. One-third to one-half of this amount is allocated for health benefits; the rest is used for vacation and retirement provisions.

In some instances the amount of the benefit and the rules under which claims are paid are determined by a joint union-management committee. But in other cases the determination is entirely in the hands of the union.

The ILGWU plan covers about 150,000 workers. Health and hospital benefits are paid, many elaborate health centers are maintained and in tubercular cases (occupational disease of clothing workers) sanitarium treatment is provided during the entire illness.

SURGICAL BENEFITS PAID

Another system is that of the New York City Laundry Workers division of the Amalgamated Clothing Workers (CIO). In this case, the employers contribute 1 percent of weekly pay rolls and the fund is administered by a seven-man union board.

Local unions of the United Hatters, Cap and Millinery Workers (A. F. of L.) in several large cities have also negotiated union-administered health benefit payment plans. Employers contribute 2 percent of the pay rolls.

In some cases the governing board for the fund has employer representation; in others, it is entirely union run.

Hospital and surgical benefits are paid, and disability benefits equal to half of the worker's wage are paid for as much as 20 weeks in 1 year.

MERE FIGUREHEAD

Most of the so-called jointly-administered plans are financed entirely by the employers. And while the employer shares in controlling the plan, the BLS states that the "day-to-day administration is actually in union hands."

In most of the programs, regardless of the type of administration, there are weekly disability benefits of 50 to 60 percent of an employee's regular earnings. The maximum benefit period runs from 13 to 36 weeks. Payments for hospital care are also usually provided, running from $4 to $5 a day for 31 days.

A major provision in virtually all of these plans, and one with important bearing on the mine workers' demands, is that they do not cover disability caused by occupational accidents. This is because there are State workmen's compensation laws protecting workers injured on the job.

THE "COVERAGE" DOESN'T

But some 20 States have only optional workmen's compensation plans. The employer may or may not choose to participate. And in many of the Southern States the benefit payments are woefully low.

If a miner is injured in line of duty in a mine which does not participate in the State plan the miner's only recourse is to sue. The trouble here, the union insists, is that the principal medical testimony will come from the company doctor.

The miners also cite the disaster last December at Four Mile, Ky., in which 24 lives were lost. Suits against the mine are to no purpose, for it was incorporated for a trifling sum, its property was mortgaged to its full worth, and there were no assets to be seized.

HE'LL GET SOMETHING

From experiences such as this, Lewis is therefore demanding that his welfare plans also provide benefits for occupational injuries.

It is almost a certainty that Lewis will acquire a welfare fund, though probably not as large as he is demanding. Two or 3 percent seems a more likely figure.

It is also probable that the fund will be jointly administered, or run by a tripartite trusteeship, with public or Government representation.

Finally, one provision of the contract may require all mines to participate in State workmen's compensation laws. The operators have already offered this proposal and they may use it as a lever to reduce the size and scope of the welfare fund.

Mr. MURRAY. Mr. President, the present controversy between the mine workers and the coal operators has thus far centered around the confused question of the health fund.

Mr. President, the question of the coal strike and the miners' health fund has been discussed at length on the floor of the Senate. I find something very perplexing in the attitude of those who contend that the present crisis in the coal industry calls for legislation limiting the rights of labor.

On the one hand, they all agree that the health problem in mining areas is extremely acute. I do not believe there is one man in the United States Senate who will deny that there is a serious need for improved health services for the coal miners of America.

Yet, on the other hand, I have yet to hear a constructive proposal from those who are calling for antilabor legislation—a proposal that would actually do something to improve the health of the miners, and therefore remove one of the most direct causes of strikes in the coal industry.

Mr. President, I do not believe in enacting national legislation to meet the needs of a specific, localized situation. Yet those who favor the restriction of labor's rights are calling for national labor legislation because of the fact that a dispute over health plans has arisen in the coal mines.

If we are to enact national legislation to deal with a localized problem, then, in the name of logic, let such legislation be aimed at the problem which has given rise to the coal strike!

Then, let us enact the national health bill, S. 1606, and thereby establish a national health-insurance fund which will bring adequate medical and hospital care within the reach of every miner in America, and the dependents of every miner!

If this action were taken by Congress, Mr. President, the fundamental basis of the present coal dispute would completely disappear. The miners, like all others, would have a health-insurance fund, soundly conceived and soundly administered. The effect upon labor relations in the mining industry would be incalculable.

No, Mr. President; there is no fundamental answer to the miners' health problems other than the creation of a national system of health insurance.

But the case for national health insurance does not rest entirely upon the situation in the mines. It rests upon a Nation-wide need for improved medical and hospital care.

It rests upon the fact that private insurance plans have proved totally incapable of bringing adequate medical and hospital care within the reach of the great masses of our people.

It rests upon the fact that national health insurance would contribute to labor peace, not only in the coal mines, but in every branch of industry and trade as well.

In this situation, as in many others, the way to prevent strikes is not by curtailing the rights of labor, but by protecting those rights so as to maintain the proper equilibrium between management and labor. Instead of curtailing the right to strike, we must give the people of America the right to health. By so doing, we would remove one of the most prolific causes of conflict between capital and labor.

A fifth cause of labor disputes is bad housing.

Let me quote from the article by Mrs. Agnes Meyer which appeared in the Washington Post on May 8, 1946, and described living conditions in the mining areas of Kentucky:

> At Fourmile I began my study of the miners' living conditions. The company houses are hovels so abominable that no human being should live in them. The roofs leak, the wind blows through crevices in walls and floors, the destitution and filth of generations are everywhere evident. Two families had lived for 30 years right at the mouth of the mine. These shacks with a local lumber supply had cost less than $50 to $75 to build originally. Yet these families, for 30 years, had paid first $6, then $9, a month, or some $3,000 in all, for this abomination of a house and for the privilege of working from father to son in daily risk of their lives when they entered this mine. There is no running water in such camps. One family uses a dirty trickle of a stream that comes from the hill where pigs run and cattle graze. Others use moldy, polluted old wells. Many walk blocks to the nearest source of water, which may be a clean spring in the higher locations or a dirty one if it is in the valley. The open outdoor toilets are often near the water supply. Refuse lies in the streams and in the all-pervasive mud.
>
> The small children in these families are undernourished and scabby-faced, either with skin diseases or filth. The miserable commissary in this mine has an inadequate variety of foods. Other stores are miles away. From 5 to a top of 22 children are crowded into these houses.

Mr. President, I have heard many distinguished Members of the Senate allege that the coal strike calls for legislative action to curtail the rights of unions. I am still waiting for any such Members of the Senate to propose a plan for doing something about company housing.

True, the other House now has before it the long-range housing bill which only recently was passed by the Senate. Yet,

to my knowledge this bill contains no specific provisions for coming to grips with the problem of company-owned housing such as we have come in contact with in the coal industry.

Naturally, it is extremely important, as part of a program for preventing labor disputes, to have expeditious action by the House of Representatives on the housing bill as passed by the Senate. But it would also be helpful, I submit, to have additional housing legislation setting up a program to eliminate and solve the company housing problem about which Mrs. Agnes Meyer has written in the Washington Post.

A sixth cause of labor disputes is the failure of Congress to extend the social security laws.

I refer to the proposals that have been made again and again to improve unemployment insurance, to improve old-age and survivors' insurance, and to establish disability benefits to compensate for the loss of wages while people are out of work because they are ill.

It was early in the course of the war that Congress set up its insurance fund for corporations through the carry-back and carry-forward provisions of the tax laws. There was no delay on that measure.

Mr. PEPPER. Mr. President, will the Senator from Montana yield to me for a question?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Florida?

Mr. MURRAY. I yield for a question.

Mr. PEPPER. I will ask the able Senator if it is not correct that proposed amendments to the social-security law contemplate insurance benefits or payments to individuals who might sustain disability through some permanent injury, but that such proposals have not by the Congress been enacted into law?

Mr. MURRAY. That is exactly true.

Mr. PEPPER. And if we did have legislation of that character in existence today, would that not have eliminated the necessity of John L. Lewis demanding that there be provided out of the coal industry a fund to take care of the miners who have their backs broken and otherwise have sustained total and permanent disability.

Mr. MURRAY. I think it is obvious that if we had such a law there would be no need for the demand now being made by John L. Lewis.

Mr. President, during 1944, as chairman of a subcommittee of the Military Affairs Committee, I took an active part in mapping out the legislation that expedited the industrial conversion of business. I refer specifically to the Contract Settlement Act of 1944, the Surplus Property Act of 1944, and the War Mobilization and Reconversion Act of 1944.

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

Mr. MURRAY. I yield.

Mr. CAPEHART. I should like to ask the able Senator from Montana a question. What would he recommend be done in case the railway workers refuse to work and the rail strike continues for one week?

Mr. MURRAY. Mr. President, I will say that I do not like to anticipate what the President is going to propose tonight at 10 o'clock and tomorrow afternoon at 4 o'clock. I am sure that his recommendations to the Congress will have a profound effect upon all of us, and I am anxiously awaiting his recommendations.

Mr. PEPPER. Mr. President, will the Senate grant a unanimous-consent request for me to try to answer the question asked by the Senator from Indiana?

Mr. CAPEHART. Mr. President, I would be very happy to have the able Senator from Florida answer the question, because to my mind it is the most germane thing that we could be discussing tonight, because our Nation is paralyzed as the result of a strike.

Mr. PEPPER. Mr. President, I ask unanimous consent for 5 minutes' time in which to answer the question of the Senator from Indiana.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana, who has the floor, yield for that purpose?

Mr. MURRAY. I yield for that purpose, if I do not lose the floor by doing so.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

Mr. WHITE. Mr. President, will the Senator again state his request?

Mr. PEPPER. The able Senator from Indiana made inquiry of the able Senator from Montana as to what he would recommend if the rail workers declined to work for a week, and I said that I should like an opportunity to try to answer the question. Of course, I could not do so without taking the Senator from Montana off his feet, and I made a unanimous-consent request for 5 minutes' time in which I would endeavor to answer the question.

Mr. WHITE. Mr. President, I have no desire to object. I think it will take the combined efforts of both the Senator from Florida and the Senator from Montana to make a satisfactory reply.

Mr. PEPPER. I should like to proceed, Mr. President. The inquiry is a very pertinent one, and I should like to have 5 minutes' time in which I shall make an effort to make reply.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? The Chair hears none.

Mr. PEPPER. Mr. President, I was anxious to try to answer the question, because many of us have been very seriously concerned about just that kind of question, and I know how very diligent the Senator from Indiana has been in an effort to find some way out of the present situation.

My suggestion is that the President, in a case where the Government has the operation and the custody of an enterprise or a facility, immediately he takes possession, concentrate his inquiry and effort upon a single question, namely, the maintenance of the service of the industry for the public, leaving aside for the time being the settlement of the permanent controversy. Now to be perfectly frank, one reason I am so anxious to make an observation is that I am afraid—and I say it not in a spirit of criticism in any sense—that so far the effort of the Government has been to bring about a permanent settlement between management and labor rather than a temporary restoration of work by the workers. I am afraid that the Government has not put the same emphasis upon getting the workers back to their jobs as has been put upon the solution of the permanent question.

We, as members of the public, are primarily interested in the railroads running. We want trains to ride on. We are not so much interested, as individual citizens, in the wage scale or the other terms of employment; but we do want the railroads to run. And had the President not been engaged some of us would already have conveyed to him this evening the earnest hope that he would make the statement tonight at 10 o'clock that what he is going to do is to get the workers into his office and say, "Now gentlemen, I am appealing to you as President of the United States to work for me as the representative of your country, and let us come to a sensible agreement about the terms of your employment while you are working for the Government. Meanwhile you go ahead with your negotiations for a permanent settlement."

I have reason to believe—and I say it advisedly—I have reason to believe that such an approach will meet a responsive reception. I believe that if the Government will concentrate its efforts in that way, within a matter of hours work can be resumed on the railroads by the employees, and the trains can be started in operation again. I think the same procedure could be applied with respect to the coal mines.

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

Mr. PEPPER. I yield.

Mr. CAPEHART. Suppose, after the President calls the heads of the unions in, they still refuse to work, as they have done up to this time; then what would the able Senator recommend be done? The reason I am asking the question is this: I am thoroughly convinced that the American people are looking either to the Congress or to the President to protect them in this hour of emergency. I am thoroughly convinced that tonight the American people are looking to the Senate, in session here tonight, to debate and discuss the immediate problem of again operating the railroads of America. I do not believe that they are interested in our debating the merits or the demerits of whether the railroad owners or the employees are right or wrong. As I stated a little earlier, I think we are here representing all the people, and not any one class. I think we should legislate for the good of all the people. I do not believe that we have any right as Senators to debate the merits or demerits of any labor dispute or any other dispute between private individuals. I think we should immediately decide, if we possibly can, what can be done. I know of no one better qualified to discuss that question than the able Senator from Florida, because he is vitally interested in labor, and I am certain that he is vitally interested in the American people. Let us proceed on the basis that something must be done

to settle the strike and get our railroads operating again before there is a real disaster.

How can we do it? To my mind that is the problem. I should like to see the President of the United States and the Congress concentrate on that subject. What can we do to again get our railroads in operation and avoid what might be a calamity?

Mr. PEPPER. I am afraid I am already exceeding my allotted time. The Senator is absolutely correct in concentrating attention upon the immediate problem.

I repeat that if the President lacks authority to deal with the operation of the enterprise while the Government is operating it, then he should tell us so; and no doubt he will tomorrow. If he lacks authority to get the men back to work, and if he lacks authority to offer inducements and fair adjustments to get them back to work, then I think the Congress would be ready to give him that authority almost immediately.

However, let me say that I think the Congress will be reluctant to give authority to use coercion or force until there has been an exhaustion of all reasonable efforts at inducement and adjustment. A few minutes ago I saw in the Evening Star some things that looked a little ominous. The statement was made that General Eisenhower had been instructed to come back immediately from the Pacific, and that various military concentrations have been made at strategic rail points. That is suggestive of a type of coercion and armed force that I shrink from. I hope that is not going to be the spirit in which we are to approach this question, especially if I am right in the information which I have received, that so far the negotiations have been not with respect to whether the men would work for the Government or not, but merely with respect to whether a permanent settlement can be arrived at. I understand that so far the negotiations have not been with the President, but with representatives of the President, management, and labor dealing with each other. The President should call in Mr. Whitney and Mr. Johnston and say, "Gentlemen, I am not asking you to work for the railroads, but to work for me, your Government, and your country. I want to make fair adjustments in this dispute while you are working for us, and I will meet you half way. We want the railroads of this country to operate first, and secondly we will settle the dispute."

It seems to me that if we support the President in such a policy—and if he lacks authority for such a policy, clearly give it to him—that will accomplish the first objective for which we are striving; namely, getting the railroads in operation again. Then we can reach the permanent problem when the more immediate problems are disposed of.

Mr. CAPEHART. Mr. President——

Mr. MURRAY. Mr. President, this is a vitally important discussion which is going on, and I am perfectly willing that it should continue for a few minutes, if I am not taken from the floor.

Mr. CAPEHART. I certainly have no idea of taking the Senator from the floor. Will the Senator yield for just a moment?

Mr. MURRAY. I yield.

Mr. CAPEHART. I was under the impression—perhaps I am wrong, and if I am wrong the able Senator from Florida can correct me—that when the President of the United States, in the name of our Government, took over the railroads, that in itself was all the notice that was necessary to the employees that the President of the United States desired that they work for our Government. What more can he do?

Mr. PEPPER. Mr. President, I should be glad to try to respond if I may be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Florida is privileged to do so, because the question has been asked of him.

Mr. PEPPER. I think the Senator is correct in that the technical and legal custody of the railroads has been taken over by the Government. But I am informed by a reliable source that there have been no negotiations with the workers with respect to their working for the Government. I obtained the information, as I have said, from a person who has been close to the negotiations. I do not know whether the President feels any lack of authority, or feels that he would not be supported by the Congress. He may feel that the question of a permanent wage should be settled now. But, I believe that in the Congress, and assuredly in the country, the chief concern is to get the railroads in operation again. I believe that it is the sense of the Congress that the first negotiations should be with the employees with respect to working for the Government.

Mr. CAPEHART. Mr. President, will the Senator from Montana yield to me for a moment more?

Mr. MURRAY. I yield.

Mr. CAPEHART. Does not the Senator from Florida believe that the workers should be willing to work for the President at the old rates, and if not at the old rates, at the rates which the President recommended that they accept in a new contract with the railroads?

Mr. PEPPER. The able Senator has asked two questions. Let me answer the second question first.

The recommendation as to wage changes made by the President was not for the time they were working for the Government, but as a permanent base. That recommendation related to the permanent contract. In that case I am sure the able Senator would no more blame the workers in this case for not following the President's recommendation than he would blame General Motors, in the General Motors case, for not following the recommendations of a Presidential fact-finding board, and the recommendation of the President.

To answer the first question, of course we expect that the workers should work for the Government. I do not favor a work stoppage. But, as I stated earlier in the day in a discussion with the able Senator from Minnesota [Mr. BALL], I do not believe that we ought to ask employees, in case they feel so aggrieved that they will resort to a work stoppage, to continue of necessity to work for an indefinite time without any improvement in the controversy which caused the dispute in this case, namely, wages. I would not expect the President, during the temporary operation, to solve all the questions; but I think it would be perfectly proper for the President to say, "I am the trustee, and it is my job as trustee to keep this enterprise in operation. I want you to make a contract with the Federal Government as trustee. I am willing to make reasonable adjustments in the wage scale during the limited time that you are working for the Government."

Mr. BALL. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. BALL. I wonder if the informant of the Senator from Florida has indicated to him whether the approach which he recommends, namely, the Congress authorizing the President to offer inducements to the employees to work after the Government takes over the properties, is probably the one which the President will recommend to us tomorrow.

Mr. PEPPER. I have no information on that point. I hope the President will recommend that course if he believes he lacks authority. All I wish to emphasize is that I desire to see to it that the President has authority, and feels that he will have congressional support to negotiate with the workers to work for the Government. That is all I am asking.

I will say to the able Senator from Indiana that if after reasonable trial that method fails, and the President learns by experience the kind of request he should make of the Congress, he can be assured that he will receive most sympathetic and cooperative consideration from Members of Congress when he makes such a request. But we do not want coercion first; and we do not want the Army first.

Mr. CAPEHART. Mr. President, I have yet to hear a single Senator, or anyone in authority, say that he feels that he knows how to get our railroad workers back to work. I believe it has been stated time and again on the floor of the Senate that there is no existing law under which we can force the operation of our railroads. If that be true—and I do not know whether it is or not, because I am not a lawyer——

Mr. PEPPER. I have not the law before me, but there are able lawyers in the Chamber who, perhaps, can confirm my statement. It is my impression that the law under which President Wilson took over the railroads in World War I is still on the statute books. I recall that the Railroad Administrator, Mr. McAdoo, exercised the authority of the Government in the administration of the railroads and made new wage agreements on behalf of the railroads while the Government was operating them. I understand that that statute is still the law of the land, and within reach of the Government.

Mr. CAPEHART. Then, am I to understand that it is the opinion of the able Senator from Florida that the President does have the authority? If he has

the authority, then why would it not be proper for the Congress, by joint resolution, to direct or request the President of the United States to use that authority and again operate the railroads of America?

Mr. PEPPER. I should be glad to join in such a request.

Mr. CAPEHART. If he does not have that authority, and there is no law under which he can prevent our Nation from being paralyzed, then does not the Senator believe that we should give him such authority? I am directing this question to the able Senator from Florida and the able Senator from Montana, who have done a great job representing their point of view. They have been tireless in their efforts. If there is no such law, then does not the Senator think the time has arrived—or, at least, the time will have arrived tomorrow—when all of us should join together, should admit there is no law, and should pass a law which will permit the operation of the railroads?

Mr. PEPPER. Mr. President, if the Senator from Montana, who no doubt will wish to make a longer answer, will permit me to speak first——

Mr. MURRAY. Yes.

Mr. PEPPER. Let me say I am sure that is what all of us are interested in, and I am sure all of us will await with great interest the President's address tonight and his address tomorrow to the joint session. If he lacks legal authority to make a proper approach, I am sure the Congress will be willing to give it to him.

But I hope the President is not going to ask the Congress, first, for authority to use coercive measures or to make it a penal and a criminal offense for citizens to exercise their rights, until every effort of persuasion and reasonable inducement has been exhausted.

Mr. MURRAY. Mr. President, I am sure all of us agree regarding the seriousness of the situation confronting the Nation tonight.

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

Mr. MURRAY. I yield.

Mr. TYDINGS. In the event the Government takes over the railroads—which it has done—and in the event the President and his advisers make a proposal which they deem fair and equitable not only to the railroad workers but for holding the line and for all the other wage scales in the whole country, if the representatives of the employees reject it, with the result that the strike continues for a week, then what should we do? I should like to have an answer to that question: That is, what should we do if the employees reject the offer of an increase as made by the President of the United States?

Mr. MURRAY. I am sure that the railroad workers of the United States who are involved in this strike are patriotic Americans, and I have great confidence that they will exercise sound judgment in responding to the President's request.

Mr. TYDINGS. Let me say to the Senator from Montana, if he will yield, that this afternoon the United States Employment Commissioner for Maryland happened to be in my office, and he told me that an estimate showed that, because of the rail and coal strikes, combined, 57,000 people in Baltimore City, alone, had been thrown out of employment, today. If this strike lasts a week, I am wondering how many will be out of employment in just that one city, if there are 57,000 already out of employment there.

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

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MURRAY. I shall yield in a moment.

First, Mr. President, let me say that the situation confronting us is, of course, extremely serious. I think we have made a mistake in our failure to foresee the problems which are upon us at this moment. My understanding is that this controversy between the railroad workers and the railroads has been up for consideration for a long time. Every effort has been made by these workers to have their conditions of work adjusted, but they have failed in that effort. It seemed to them that it was absolutely necessary for them to exercise the right to strike in order to bring the matter to a focus and to obtain some results.

Mr. TYDINGS. Mr. President, will the able Senator from Montana yield for one more observation?

Mr. MURRAY. I yield.

Mr. TYDINGS. It seems to me that the best solution of the matter would be this: If the President—and I understand he has already done so, either directly or impliedly—offers to these workers an increase, and if that be an interim offer, only, and not binding finally on them, they might come back and operate the railroads on the basis of an 18½ cents an hour increase, which I understand already has been offered, and work for the Government and carry on the other negotiations at the same time. In that way we could get commerce going again. What I cannot understand is why, when the employees can get that much temporarily, they will not return to work.

Mr. MURRAY. That sounds like an extremely reasonable proposal. I am sure that if that proposal is made to the strikers who are involved in this strike, they will, as good citizens, accept it.

Mr. TYDINGS. I am glad to hear the Senator say that, because I am sure he is in a better position to give an opinion on whether it is a worth-while suggestion than most of us are.

But it seems to me that the President already has his board; and he himself, as I understand, has recommended an 18½ cents an hour increase. The board recommended an increase of 16 or 16½ cents an hour, and the President raised it to 18½ cents an hour, so that it would be on all fours with the settlement of the other strikes.

Mr. MURRAY. Yes.

Mr. TYDINGS. As I see the picture—and it may not be an accurate picture—the employees not only want that increase but they want more than that increase in money, and they also want some of the rules changed.

Mr. MURRAY. Yes.

Mr. TYDINGS. It seems to me we might get out of this emergency by this process, which would not do anyone irreparable harm—to wit, that the employees would accept the 18½ cents an hour increase for, say, the next 3 weeks, and go to work under the Government at an increase of 18½ cents an hour, without any change in the rules, but that the negotiations for the additional amount and for the changes in the rules would be carried on at the same time—in which event we would have immediate relief from the rail strike, and negotiations could continue, and the country could be relieved from a tremendous emergency.

I do not know whether that proposal has been presented to the men. But if the men themselves knew that that was the proposal—namely, that they would receive what the President has offered, and that the whole matter would continue to be negotiated—it is a little difficult for me to believe that the railroad men themselves would refuse to go back to work.

But I wonder whether they have had that proposition put up to them.

Mr. MURRAY. That is the point.

Mr. TYDINGS. I do not mean that I wonder whether that proposal has been put up to them by the President, but I wonder whether it has been put up to the employees by those who are speaking for them.

Mr. MURRAY. I understand that that proposal has not been made, and that there has been no opportunity on the part of the employees to consider it. If it is made to them, if they are given an opportunity to consider it, I have confidence that they will give it very careful consideration; and if I were a spokesman for them I would wish to accept it.

Mr. TYDINGS. I would, too; and I think perhaps that would be the solution. But what I cannot understand is this: Assuming that the Senator from Montana and I were the two people to the controversy, it would be settled here in the floor of the Senate.

Mr. MURRAY. I am sure that is correct.

Mr. TYDINGS. Assuming that the President and the employees were the parties to the controversy, I believe it would be settled instantly.

Mr. MURRAY. I think so.

Mr. TYDINGS. But I am wondering why the employees do not have a chance to accept or reject that proposition. As I see the picture, the negotiators for the employees have not put that particular proposition, which the President recommended, up to the employees.

Mr. MURRAY. It has not been put up to the representatives of the employees, as I understand the matter. If it had been I am sure they would consider it.

Mr. TYDINGS. I may be misinformed; but my information is that the original fact-finding board recommended a 16 or 16½ cents an hour increase—as I recall it was 16 cents—and I understand that the President said, "No; I

think these men ought to have the same increase that those who are in the automobile and the steel industries have heretofore obtained," and therefore he made the offer of an 18½ cents an hour increase, instead of 16½ cents an hour which was recommended by the fact-finding board.

Mr. MURRAY. My understanding is that the fact-finding board was limited in making its findings, and that was the reason why it did not go up to 18½ cents an hour.

Mr. TYDINGS. Be that as it may, eventually they were offered 18½ cents an hour.

Mr. MURRAY. Yes.

Mr. TYDINGS. And as I see the picture—largely from the press—the money seems to be somewhat incidental to a change in some 40 rules, against many of which the employees are protesting, and in which they wish to have substantial changes made.

The point is this: The President has taken over the railroads. In my opinion there is no doubt in the world that the Goverment and the railroad companies together will be willing to pay the additional 18½ cents an hour.

Therefore, why not have the railroads reoperated, have traffic resumed, and have these negotiations carried on at the 18½ cents an hour level, without any change being made in the rules, and have the entire question finally settled within 2 or 3 weeks?

Mr. MURRAY. In the judgment of the workers the question of rules is an important element in the negotiations.

Mr. TYDINGS. May I ask the Senator a final question?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield further to the Senator from Maryland?

Mr. MURRAY. I yield provided that I do not lose the floor.

Mr. TYDINGS. Would the Senator from Montana, speaking for himself and the Senator from Florida, they being the two Senators who are the chief contenders in the controversy here, although I say that with no reflection on them, be willing to recommend to the workers the adoption of the course which I have suggested as a temporary solution of the present problem?

Mr. MURRAY. So far as I am concerned, I would be willing to recommend it.

Mr. TYDINGS. I thank the Senator.

Mr. MURRAY. With the understanding, however, that the adjustment as to wages would be retroactive.

Mr. TYDINGS. I think that is a fair statement. Of course, the question of rules is an important element which would be considered before a final adjustment had been reached. But as the Senator pointed out, that is something which would be deferred and would be a subject of subsequent negotiation.

Mr. MURRAY. I thank the Senator.

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

Mr. MURRAY. I yield.

Mr. BARKLEY. I think there should be no misconception or misapprehension from what has been said in this discussion with reference to what the President has or has not done.

Mr. MURRAY. That is what I said at the opening of the discussion.

Mr. BARKLEY. I am quite sure that no Member of the Senate has any authority to state that the President has made any statement such as the one to which reference has been made. He took over the railroads under the authority conferred upon him. Negotiations have been carried on continuously, including practically all of today, at which no conclusion or decision was reached. Because of the failure to arrive at a decision the President has asked the Senate and the House of Representatives to meet in joint session tomorrow at 4 o'clock in the afternoon, at which time he will address the Congress. He is to speak to the country tonight over the radio. I suppose that in that address, as well as in the address which he will make tomorrow to the Congress, he will outline what has been attempted in the way of a solution of the present problem, and will advise the Congress and the country, as well, with regard to the situation. I have no doubt that the President will make definite recommendation in his address to the Congress tomorrow with reference to legislation which will enable him to cope with the situation. I am not authorized to suggest, and I would not do so even if I knew at this juncture what he will specifically and definitely recommend. But I hope the Senate will keep itself in position to consider immediately whatever the President recommends to it in his address tomorrow. I do not believe that we should draw any conclusions as to what has taken place behind closed doors with reference to the various phases of the negotiations which have been carried on in an endeavor to solve the problem, but which, up to now, have failed.

Mr. MURRAY. Mr. President, that is exactly what impressed me at the time the colloquy began. I did not wish to anticipate what the President might recommend. In fact I do not know what he will recommend. I have not been in contact with any person who has anything to do with the controversy, and so I am unable to express any views with regard to the matter. Therefore, I did not wish to engage in a discussion concerning a matter of such seriousness. However, I must say that I greatly impressed by the arguments which have been made by the distinguished Senator from Maryland. They appealed to me as being absolutely fair and reasonable. I am confident that if the proposal which he has suggested were made to the workers, some solution might be reached.

Mr. BARKLEY. I merely rose to express the hope that the Senate would not attempt to speculate in advance on what the President will recommend tomorrow. I feel sure that he will make a definite and specific recommendation, based on all the efforts which have been made to reach a solution. I also hope very fervently that both the Senate and the House of Representatives will be in a position tomorrow promptly to consider his recommendation after he has made it. In the meantime, I believe that we must await that recommendation without believing that we have the slightest advanced knowledge of what it will be.

Mr. MURRAY. I agree with the majority leader.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana wish to continue his address?

Mr. MURRAY. If the discussion which is now taking place is permissible under the rule, and I do not lose the floor, I am willing that it shall continue. I have nearly concluded my remarks, and if it is satisfactory I am willing to yield for questions.

Mr. AIKEN. Mr. President, I should like to ask a question, but I think that I can propound it to the Chair.

If the Senate votes for cloture tomorrow, would it then be in order to offer amendments which would conform with the President's recommendations, provided his recommendations were not already embodied in some of the amendments now before us?

Mr. BARKLEY. Mr. President, all Senators, who are familiar with the rule concerning cloture, know that no amendment may be offered, after the hour which under the rule the Senate is required to vote on the cloture motion, if the motion is adopted, unless the amendment has already been offered, printed and complies with the rule before the vote on cloture is taken.

The ACTING PRESIDENT pro tempore. No amendment would be in order after the motion for cloture has been adopted by a two-thirds vote which had not been presented prior to the time of the vote, except by unanimous consent.

Mr. AIKEN. Then if the Senate desired to pass a measure conforming with the President's request, and it had not already been embodied in any amendment which was printed, it would have to be by way of new legislation.

The ACTING PRESIDENT pro tempore. Yes; or by unanimous consent.

Mr. AIKEN. Or by unanimous consent.

The ACTING PRESIDENT pro tempore. Yes.

Mr. WHEELER. Mr. President, I wish to correct a statement which has been made. The fact of the matter is that the President has appointed a mediation board for the purpose of mediating not only the question of wages, but also the question of rules. He appointed two boards, one for 18 unions, and one for 2 unions, the trainmen and the engineers. Both boards made a recommendation of an increase of 16 cents an hour. Subsequently, and after the strike was threatened, the President made a suggestion of 18½ cents an hour. The trainmen and the engineers wanted 18½ percent, and some changes in the rules. Those are really what the issues now are. The President appointed persons on the board who have been known to be friendly to the railroad employees. After the fact-finding board made its findings of 16 cents an hour, the President went over the board and recommended 2½ cents an hour more. As I have said, the members of the boards were appointed by the President. Some of those members were known to be

friendly to the railroad men when they were appointed. My understanding is that they were appointed at the suggestion of the trainmen and the engineers.

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

Mr. MURRAY. I yield.

Mr. CAPEHART. When the President recommended 18½ cents an hour, did the railroads accept the recommendation and agree to pay 18½ cents to their employees?

Mr. MURRAY. I did not understand the Senator.

Mr. CAPEHART. The President recommended an increase of 18½ cents an hour.

Mr. MURRAY. Yes.

Mr. CAPEHART. Did management accept the recommendation?

Mr. MURRAY. I do not understand that management accepted the recommendation, because it was merely a part of the entire problem.

Mr. WHEELER. I understand that the railroads themselves were willing to accept the recommendation of an increase of 18½ cents an hour.

Mr. MURRAY. They could not accept it because it was tied up with the other problem concerning the rules.

Mr. WHEELER. The railroads could have accepted the recommendation, but the employees wanted not 18½ cents an hour, but an increase of 18½ percent. They also wanted a change to be made in the rules. There are many rules in dispute. For example, the railroads want certain rules changed, and the brotherhoods want certain other rules changed.

Mr. MURRAY. A change in the rules would entail a heavy expense on the part of the railroads.

Mr. WHEELER. That is correct.

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

Mr. MURRAY. The Senator from Michigan has been on his feet for some time, and I yield to him.

Mr. FERGUSON. My reason for asking the Senator from Montana to yield is that we have been discussing the 1916 act. I thought it would be well to read one paragraph of the act which applies to the discussion.

It provides:

> The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

That is the section of the 1916 act. It will be noted that it says "in time of war," and they shall be taken over through the Secretary of War.

Mr. President, the act of March 21, 1918, was an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The original act of 1916 made no provision whatever for compensation, and the 1918 act undertook to provide for compensation, and if the Senator from Montana will yield long enough I shall read the first paragraph, which will indicate what I have in mind and what the statute provided for.

Mr. MURRAY. I only hope that it is not lengthy, because I wish to listen to the President's address.

Mr. FERGUSON. It is not lengthy. It provides:

> The President having, in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission, that during the period of such Federal control it shall receive as just compensation an annual sum, payable from time to time in reasonable installments, for each year and pro rata for any fractional year of such Federal control, not exceeding a sum equivalent as nearly as may be to its average annual railway operation income for the 3 years ending June 30, 1917.

Mr. President, in 1920 an act was passed for the termination of the Federal control, and it provided that the Federal Control Act relating to the last I read—this Transportation Act—was terminated. But we find one provision in the act which says that the 1916 law is still in effect, but it is very doubtful, and I should say from a reading of these statutes that the 1918 law has been repealed and is not in effect, because the law provides, in section (c):

> Nothing in this act shall be construed as affecting or limiting the power of the President in time of war under section 1 of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes.

Mr. President, that is the act I first read.

If I might, I should like to have printed in the RECORD Executive Order No. 9727, issued on May 17, 1946, which is the order under which the President has taken over the railroads at the present time. I ask that it be inserted in the RECORD at this point, instead of reading it. It is the order taking over the railroads.

The ACTING PRESIDENT pro tempore. Is there objection?

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

EXECUTIVE ORDER 9727

POSSESSION, CONTROL, AND OPERATION OF CERTAIN RAILROADS

Whereas after investigation I find and proclaim that as a result of labor disturbances there or interruptions, or threatened interruptions, of the operations of the transportation systems, plans, and facilities owned or operated by carriers by railroad named in the list attached hereto and made a part hereof; that the war effort will be unduly impeded and delayed by such interruptions; that it has become necessary to take possession and assume control of the said transportation systems, plants, and facilities for purposes that are needful or desirable in connection with the present wartime emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation system, plants, and facilities:

Now, therefore, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended by section 3 of the War Labor Disputes Act (57 Stat. 164), the act of August 29, 1916 (39 Stat. 619, 645), and the First War Powers Act, 1941 (55 Stat. 838), as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. Possession and control of the transportation systems, plants, and facilities owned or operated by the carriers by railroad named in the list attached hereto and made a part hereof are hereby taken and assumed, through the Director of the Office of Defense Transportation (hereinafter referred to as the Director), as of 4 o'clock p. m., May 17, 1946, but such possession and control shall be limited to real and personal property and other assets used or useful in connection with the operation of the transportation systems of the said carriers. If and when the Director finds it necessary or appropriate to carry out the purposes of this order, he may, by appropriate order, take possession and assume control of all or any part of any transportation system of any other carrier by railroad located in the continental United States.

2. The Director is directed to operate, or arrange for the operation of, the transportation systems, plants, and facilities taken under or pursuant to this order in such manner as he deems necessary to assure to the fullest possible extent continuous and uninterrupted transportation service.

3. In carrying out the provisions of this order the Director may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable, with power of successive redelegation. The Director may issue such general and special orders, rules and regulations as may be necessary or appropriate to carry out the provisions, and to accomplish the purposes, of this order. All Federal agencies shall comply with the directives of the Director issued pursuant to this order and shall cooperate to the fullest extent of their authority with the Director in carrying out the provisions of this order.

4. The Director shall permit the management of carriers whose transportation systems, plants, and facilities have been taken under, or which may be taken pursuant to, the provisions of this order to continue their respective managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Director shall from time to time otherwise provide by appropriate order or regulation, the boards of directors, trustees, receivers, officers, and employees of such carriers shall continue the operation of said transportation systems, plants, and facilities, including the collection and disbursement of funds thereof, in the usual and ordinary course of the business of the carriers, in the names of their respective companies, and by means of any agencies, associations, or other instrumentalities now utilized by the carriers.

5. Except so far as the Director shall from time to time otherwise determine and provide by appropriate orders or regulations, existing contracts and agreements to which carriers whose transportation systems, plants, and facilities have been taken under, or which may be taken pursuant to, the provisions of this order are parties, shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to any carrier affected hereby, and all payments shall be made by the persons obligated to the carrier to which they are or may become due. Except as the Director may otherwise direct, there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations; and expenditures may be made for other ordinary corporate purposes.

6. Subject to applicable provisions of existing law, including the orders of the Office

of Defense Transportation issued pursuant to Executive Order 8989, as amended, the said transportation systems, plants, and facilities shall be managed and operated under the terms and conditions of employment in effect at the time possession is taken under this order. The Director shall recognize the right of the workers to continue their membership in labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the owners of the carriers, subject to the provisions of applicable statutes and Executive Orders, as to matters pertaining to wages to be paid or conditions to prevail after termination of possession and control under this order; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that, in his opinion, such concerted activities do not interfere with the operation of the transportation systems, plants, and facilities taken hereunder, or which may be taken pursuant hereto.

7. Except as this order otherwise provides and except as the Director may otherwise direct, the operation of the transportation systems, plants, and facilities taken hereunder, or which may be taken pursuant hereto, shall be in conformity with the Interstate Commerce Act, as amended, the Railway Labor Act, as amended, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances, and rules and regulations issued pursuant to such laws, Executive orders, and ordinances.

8. Except with the prior written consent of the Director, no receivership, reorganization, or similar proceeding affecting any carrier whose transportation system, plants, and facilities are taken hereunder, or which may be taken pursuant hereto, shall be instituted, and no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets of any such carrier, provided that nothing herein shall prevent or require approval by the Director of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

9. For the purposes of paragraphs 1 to 8, inclusive, of this order, there are hereby transferred to the Director the functions, powers, and duties vested in the Secretary of War by that part of section 1 of the said act of August 29, 1916, reading as follows:

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable."

10. The Director may request the Secretary of War to furnish protection for persons employed or seeking employment in the plants, facilities, or transportation systems of which possession is taken hereunder, or which may be taken pursuant hereto, to furnish protection for such plants, facilities, and transportation systems, and to furnish equipment, manpower, and other facilities or services deemed necessary by the Director to carry out the provisions, and to accomplish the purposes, of this order. The Secretary of War is authorized and directed, upon such request, to take such action as he deems necessary to furnish such protection, equipment, manpower, or other facilities or services.

11. From and after 4 o'clock p. m., on the said 17th day of May 1946, all properties taken under this order shall be conclusively deemed to be within the possession and control of the United States without further act or notice.

12. Possession, control, and operation of any plant or facility, or of any transportation system, or any part thereof, or of any real or personal property taken under this order, or which may be taken pursuant hereto, shall be terminated by the Director when he determines that such possession, control, and operation are no longer necessary to carry out the provisions, and to accomplish the purposes, of this order.

HARRY S. TRUMAN.

THE WHITE HOUSE, *May 17, 1946.*

Mr. FERGUSON. I appreciate the Senator from Montana yielding for this purpose, so that we may make the RECORD clear.

Mr. MURRAY. Mr. President, I was discussing the problems of reconversion and the measures which had been adopted in connection with the reconversion of industry. There was no delay on any of these measures, which were so helpful and beneficial to industry in meeting the problems of reconversion.

But, Mr. President, when the proposal was made to improve unemployment compensation as part of the War Mobilization and Reconversion Act, then—and not until then—did we see the strategy of delay and obstruction used with respect to real reconversion legislation. The Senate voted down the proposals to provide an adequate level of unemployment benefits, and seriously modified the proposals for an adequate duration of benefits. The House of Representatives then removed completely whatever minor improvements in unemployment compensation were provided in the Senate bill.

The effect of this action was to put a few big corporations in a position where their employees would have less financial resources to fall back upon during the period of reconversion—a situation under which these corporations might better be able to hold down wages and force their will on organized labor.

Mr. President, the insecurity of American workers is a most vital factor—both economic and psychological—in the development of labor disputes. It is a factor which, if we fail to recognize it, will continue to be a source of irritation and strife between labor and capital in this country.

Legislation to impair the rights of labor will accentuate rather than alleviate the insecurity that faces the average working man and working woman. The intelligent answer to this phase of the problem is the enactment of legislation to increase the benefits and broaden the coverage of unemployment insurance and old age and survivors' insurance and to establish a system of disability benefits.

A seventh cause of labor disputes—and one of the most important of all—is the apparent effort on foot in recent years to weaken or destroy existing labor laws.

It is a well-known fact that a substantial proportion of the biggest corporations in America have not yet reconciled themselves to the principles of collective bargaining. They still hark back to the good old days of "yellow dog contract," the company spy, and the company union.

During the war such employers looked forward with anticipation to the thought of widespread industrial conflicts after the war. Let me quote from a statement made in August, 1944, by the chief economist of the Chrysler Corporation, Mr. John Scoville:

> If you believe in economic freedom and competition, then you will be opposed to collective bargaining * * * as industrial turmoil increases, more and more people will see the evils generated by collective bargaining, and we should look forward to the time when all Federal labor laws will be repealed.

If the present drive for antilabor legislation is successful, I am convinced that it will only encourage and stimulate those who want to see an extension of monopolistic control of our country.

The answer to this situation is less anger, less heat, and less of a desire in Congress to carry out economic policies which encourage corporate monopoly. The answer is a broad and well-conceived program to remedy the causes of labor disputes, restore genuine free enterprise, and promote the peaceful settlement of our domestic problems.

Another basic cause for the failure to settle labor disputes and prevent strikes is the lack of adequate machinery for the mediation and arbitration of labor disputes. While this is last on my list, it is not the least.

In stating that we lack adequate mediation machinery, I do not want to be interpreted as minimizing the splendid results of the present Conciliation Service in the Department of Labor.

The record of the hearings before the Education and Labor Committee shows that nearly 1,200 cases of labor disputes were handled by the Conciliation Service during the month of January 1946—a month when labor strife was at a peak. Of these, 1,200 cases more than 900 were settled before a work stoppage occurred. Well over half of these cases were amicably adjusted before any threat of a strike had become serious.

Nevertheless, the Conciliation Service has suffered from inadequate funds, insufficient personnel, low salaries, and the lack of sufficient prestige.

The inadequacy of the Conciliation Service as presently constituted is indicated by the fact that time and time again the President has had to set up special mediation boards.

In his testimony before the Education and Labor Committee, Dr. William Leiserson, professor of industrial relations at Johns Hopkins University, and former chairman of the National Mediation Board, pointed out the difficulties in our present procedure. Let me quote from part of Dr. Leiserson's testimony—page 143 of hearings on S. 1661:

> You have observed recently, I take it, during the oil dispute, the first effort at mediation. The Board was composed of high-grade persons. I think they were judges, at least, the chairman was a judge from Colorado. That Board was appointed to mediate. It met at Chicago and called the people together, the representatives of both sides, to a hearing.
>
> The purpose of mediation is to bring the parties to agreement, and to do this before the dispute becomes a strike. When you do not have a permanent organization that is

thoroughly grounded in the principles and methods, you cannot expect to get these results by mediation.

Dr. Leiserson concluded this line of argument in the following words—from page 146 of hearings on S. 1661:

But every time a real problem comes up, we have to set up a defense mediation board, a war labor board, special panels, and now fact-finding boards. We always have to look for new boards to handle the problems. The great need is for a permanent Federal mediation and conciliation board.

The substitute bill reported by the Education and Labor Committee provides just such a board. This bill provides for a Federal Mediation Board in the Department of Labor for the purpose of making available to both management and labor "full and adequate facilities for conciliation and mediation and voluntary arbitration of disputes."

But there are Members of the Senate who will ask whether we will have more peace through a mediation board having no authority and no compulsion rather than through a law with teeth in it. Let me quote from Dr. Leiserson's reply to that question, which may be found on page 151 of the Senate hearings on S. 1661:

But now * * * am I saying that by a mediation organization having no authority and no compulsion, we are going to have more peace than by a law with teeth in it?

My answer to that is "Yes." The labor-relations problem is just a human problem, just like domestic relations. Family disputes arise because people who live and work together have differences and get into quarrels about them. They cannot be made to work together happily by legal compulsions and penalties.

The same thing happens with labor relations. The Labor Relations Act joins labor and management in a vow to bargain collectively. Then it leaves them, as if they are going to live happily thereafter. That is all right. But when they get to the point of fighting, the Government can help better as a friend than as a policeman. We need a labor relations set-up, not to pass judgment on whether one party is right or the other is wrong in its demands or in the position it is taking on wages and working rules. We do not have standards on those things. They are both right and they are both wrong. And that is why we can make more progress and get better results and more peace by exercising less and less authority, but giving more and more organized friendly aid in dealing with the problems.

The majority of the committee agreed on this point with Dr. Leiserson and other witnesses, including the Honorable William H. Davis, former Chairman of the War Labor Board, who testified along the same lines. The majority of the committee felt that the primary responsibility of the Congress in enacting further legislation dealing directly with labor disputes was to establish a Federal Mediation Board under which the Conciliation Service would operate.

Let us recall that back in 1941, only shortly before Pearl Harbor, the distinguished Senator from New York, the author of the National Labor Relations Act, offered a similar bill. He pointed out at that time that the Federal Government's obligation with respect to labor relations could not end with the legislation protecting the right to organize and the right to bargain collectively. He pointed out that the Government also has the responsibility to make available modern, streamlined facilities for mediation and for voluntary arbitration of differences between management and labor.

Unfortunately, the mediation bill of the distinguished Senator from New York was not acted upon at that time. If it had been on the statute books during the last year, I am convinced that our Government's role in handling labor disputes during recent months would have been much more effective. I am not saying that a labor mediation law would have been a panacea, for a mediation law can deal with only one of the many causes of labor disputes and strikes. But a mediation law on the statute books today would be of great help. A mediation law on the statute books during the months to come will be a great aid in the settlement of disputes and prevention of strikes.

Mr. President, why is it that the Congress has not yet enacted a law setting up a Federal mediation board?

Is it because there is any lack of agreement on the need for a Federal mediation board and an improved conciliation service? Not at all. The labor-management conference called by President Truman last year was unanimous in agreeing upon this point. In fact, this was one of the very few matters upon which the representatives at the labor-management conference could agree.

Mr. President, a statesmanlike approach to all these problems would be to have a thorough and objective examination of the causes of the disputes between labor and management, as has already been recommended to the Senate in Senate Resolution 228.

I should like to point out that the study called for in this resolution, which received the unanimous approval of the Education and Labor Committee, includes "union and employer policies and practices." It also includes "the economic and other factors and governmental policies" affecting disputes between labor and management.

It would have been a great help to us today if such a study and investigation had been authorized by the Senate many months ago. But the fact that it has not yet been initiated is no reason to delay it. It is my hope that favorable and expeditious action will be taken upon Senate Resolution 228.

Mr. President, there are two courses ahead of the American people.

One course is the road to an expanding economy of full employment and full production so eloquently portrayed by the able Senator from Wyoming a few days ago. If we take this course, it means legislation dealing with the many factors that affect disputes between labor and management. It means affirmative action with respect to price control, monopoly, taxation, health, housing, social security, mediation machinery, and related matters.

It means translating into reality the promise which Congress made to the American people in the Employment Act of 1946. This is the road to labor peace and harmony.

But there is another course that lies ahead of us. That is the road of boom and bust, of feast and famine. That is the road that seems to be preferred by those who advocate a floating pool of unemployed in order to keep labor in its place. This is the road down which our country would travel if we followed the lead of the speculators, monopolists, and profiteers.

In time of boom there is always a small minority who can reap fabulous profits. In time of depression there are always a number of large corporations who can take this opportunity to push their smaller competitors to the wall. Monopoly has learned to insulate itself from the ups and downs in business conditions. It has learned to ride the business cycle.

Let me quote in this connection from an article entitled, "We Need Those Depressions," written by Mr. Ralph B. Blodgett, head of an advertising agency in Des Moines, Iowa:

It is to be hoped that depressions are never abolished, for they have many desirable features. Those who learn to ride the business cycle can find as many advantages in depressions as in booms—personal as well as business advantages. Smart folks take advantage of the boom * * * they are then ready for depression-time bargains, bargains in every conceivable thing from a suit of clothes to a railroad.

To those who look forward with glee to the prospect of boom-time profits and depression bargains, legislation to impair or destroy the rights of labor appears both desirable and necessary.

Mr. President, there is no doubt in my mind that the overwhelming majority of the American people prefer the first course—the road to full employment and full production, the road toward the enlargement and expansion of our social-security program.

Unfortunately, the ordinary people of America, as well as Members of Congress, are engulfed in a wave of unscrupulous propaganda. The opponents of full employment and full production use every conceivable psychological trick in their attempt to confuse the public.

I only wish those who talk so volubly about free enterprise would devote a little more of their own enterprise to helping make our free-enterprise system really free and work more effectively.

Mr. President, if we are to make our free-enterprise system operate successfully, we must decisively and courageously choose the road to full employment and full production—the road toward the enlargement and expansion of our economy to meet the demands of our country in the period ahead.

We must not only preserve the rights of labor but we must take affirmative action on a comprehensive program dealing with price control, monopoly, taxation, health, housing, social security, and providing protection and encouragement for small business enterprise.

Only a program of this type will give us an economy which, through the peaceful cooperation of labor and capital, will

we be able to achieve a standard of living and a way of life that will meet the needs of a free people.

Mr. WILSON. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. WILSON. I wish to offer an amendment to the so-called Lucas and Capehart amendments, and ask that it be considered read, printed in the RECORD, and to lie upon the table.

There being no objection, the amendment intended to be proposed by Mr. WILSON, in the nature of a substitute for the Lucas and Capehart amendment to House bill 4908, was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed in the nature of a substitute for the Lucas and Capehart amendment to H. R. 4908 to provide additional facilities for the mediation of labor disputes and for other purposes, viz: At the end of the bill insert the following:

"SEC. —. That with the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

"SEC. —. (a) Whenever the President finds that a stoppage of work or threatened stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in or may result in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to continue or resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary for him to take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security: *Provided*, That while such properties are operated by the United States, and the employees refuse to continue or resume work, then and in that event such properties shall be operated as open shops. *Provided further*, That during the period such properties are operated by the United States no employee shall, as a condition of employment, be required, compelled, or solicited to join any labor organization.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) the rate of production equals the rate of production achieved during the 60 days immediately prior to the work stoppage resulting in the seizure; or (2) such owners and employees have reached an agreement settling the issues in dispute between them; or (3) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States: *Provided*, That upon the return of any properties seized by the United States to the owners thereof, the United States or any agency thereunder shall impose no conditions relative to rates of pay, seniority rights, collective bargaining rights, nor shall any increase of pay or benefits be provided for: *Provided further*, That for 6 months after the date when any such seized properties are returned to the owners thereof, the National Labor Relations Board shall conduct no representation election among the employees of such properties for the purpose of determining the majority status of any labor organization.

"(d) Whenever any properties are in the possession of the United States, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization representing them, in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work or to remain at work or who engages in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment or other benefits to those participating therein or by requiring or compelling any employee to join any labor organization as a condition of employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

"(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(g) As used in this section, the terms 'employee,' 'representative,' 'labor organization,' 'commerce,' 'affecting commerce,' and 'labor dispute' shall have the same meaning as in section 2 of the National Labor Relations Act, as amended."

Mr. BARKLEY. Mr. President, in view of the situation which exists in the Senate and in the country, it seems to me that we ought to seek to bring about an early termination of the consideration of the pending legislation. Therefore, looking to that end, and in the hope that it may be agreed to, I ask unanimous consent that during the further consideration of the pending legislation no Senators shall speak more than once or longer than 30 minutes on the bill or any amendment thereto.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request of the Senator from Kentucky?

Mr. WHITE. Mr. President, reserving the right to object, I take it the request is subject to the cloture proceeding under rule XXII.

Mr. BARKLEY. It is subject, of course, to that procedure. The cloture petition can be withdrawn only by unanimous consent. But if my request should be agreed to it would afford time equivalent to the length of time each Senator could have if cloture were adopted independently of any agreement.

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

Mr. BARKLEY. I yield.

Mr. REVERCOMB. Am I to understand the request to contemplate 30 minutes on the bill and 30 minutes on each amendment?

Mr. BARKLEY. Yes. As a matter of fact, that would give each Senator more time than he would have under the cloture rule.

Mr. BALL rose.

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

Mr. BALL. That was the question which I was about to ask. A Senator could also speak more than once.

Mr. BARKLEY. Yes, on different amendments.

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

Mr. BARKLEY. I yield.

Mr. PEPPER. As I understand, the request is that we enter into a unanimous consent agreement for limitation of time to 30 minutes on the bill and 30 minutes on each amendment, and to postpone the cloture vote.

Mr. BARKLEY. That is not incorporated in my request. If this request is agreed to, I shall follow it with a unanimous consent request that the vote on cloture, if it is to be had, be postponed until after the President has delivered his message tomorrow.

Mr. PEPPER. I understood that the two requests were to be connected.

Mr. BARKLEY. They are not connected.

Mr. PEPPER. One is to follow the other?

Mr. BARKLEY. Yes.

Mr. WHERRY. Mr. President, reserving the right to object, I did not hear the last part of the explanation given by the Senator from Kentucky.

Mr. BARKLEY. My request is for a limitation, that no Senator shall speak more than once or longer than 30 minutes on the bill or any amendment. That, of course, means each amendment. That is all the request that I made. I was asked whether there was connected with that the request that the vote on cloture under the petition now on file be postponed. I replied that there was no connection. I had not included that subject in my request.

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

Mr. BARKLEY. I yield.

Mr. CORDON. Am I correct in the understanding that if the agreement is had to the unanimous-consent request, and thereafter, by unanimous consent, the cloture petition is withdrawn——

Mr. BARKLEY. It is not included. That is an entirely separate matter.

Mr. CORDON. I am assuming that it will be withdrawn afterward.

Mr. BARKLEY. Frankly, I hope that if we enter into this agreement the petition for cloture will be withdrawn, because it would be unnecessary. But I did not couple the two, and I have no right to do so. The authors of the cloture petition, or any one of them, would have the right to ask that the petition be withdrawn, but I myself would not assume that right.

Mr. CORDON. I fully understand the majority leader's position, but I am presenting a hypothetical situation, on the assumption that we shall have the unanimous consent limitation now requested, and that thereafter the cloture petition will be withdrawn.

Mr. BARKLEY. That is something which I cannot predict. I hope that will be true, but I am not connecting the two proposals.

Mr. CORDON. Would the Senator consider my inquiry on the basis of that assumption?

Mr. BARKLEY. If that does happen, it will infinitely simplify matters, in my judgment.

Mr. CORDON. Would not this situation be possible: While we would have a limitation on the right of each Senator to speak for half an hour on the bill and half an hour on each amendment, there would be no limitation on the number of amendments which might thereafter be offered.

Mr. BARKLEY. That is true. There would be no limitation on the number of amendments which might be offered until the final conclusion of the legislation. I may say in that connection that under the rule, prior to a vote on cloture, as many amendments can be offered, printed, and lie on the table as any Senator wishes to offer during the further consideration of the bill.

Mr. CORDON. I understand.

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

Mr. BARKLEY. I yield.

Mr. TAFT. If amendments were offered purely for dilatory purposes, motions to lay on the table would cut off debate, in spite of the unanimous-consent agreement.

Mr. BARKLEY. Yes. I think I ought to state that under the rule, even though amendments are offered prior to the vote on cloture, if cloture should be adopted, under the rule all amendments must be germane to the legislation under consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

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

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. MORSE. Mr. President——

Mr. BARKLEY. I am yielding to the Senator from Montana. Later I shall be glad to yield to the Senator from Oregon.

Mr. MURRAY. Mr. President, so far as I am concerned, and so far as those on the side of the controversy on which I have been speaking are concerned, we are entirely agreeable to the request. It seems to me that it would allow plenty of time for full and complete debate. I do not anticipate any dilatory amendments from this side.

Mr. BARKLEY. I am sure that the Senator from Montana speaks in the utmost good faith in that regard, and I thank him for his suggestion.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. MORSE. Mr. President, reserving the right to object, although ordinarily I believe that debate in the Senate should be limited only by way of cloture, I feel that in this critical hour we should proceed to close this debate as quickly as possible so that we may be in a position to take whatever steps are necessary to support the hand of the President in meeting the crisis which confronts the Nation. Therefore, I shall not object, as would ordinarily be my custom.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I appreciate the willingness of the Senate to enter into this agreement. Of course, the cloture petition is still pending, and I have no purpose at this time to ask that it be withdrawn. I hope it will be withdrawn. But if it is not withdrawn, in order that we may not be compelled to vote upon it until after the President has delivered his speech to the joint session tomorrow at 4 o'clock, and in order that we may in the meantime determine whether it is advisable, feasible, practicable, or wise to attempt to incorporate in the pending legislation whatever recommendation the President may make, or pursue an independent course by the introduction of what his recommendation may be separately and apart, I ask unanimous consent that the vote on the cloture petition be postponed until 5 o'clock p. m. tomorrow.

The ACTING PRESIDENT pro tempore. Let the Chair suggest to the majority leader that it would probably be advisable to ask that the vote on the cloture petition be postponed for a full legislative day, or until 1 o'clock on Monday, so as to give ample time to determine what course the leadership would like to pursue.

Mr. KNOWLAND. Mr. President, as one who presented the cloture petition on behalf of a group of Senators, I should have no objection to the request of the majority leader that the vote on cloture go over until 5 o'clock tomorrow afternoon. If, at that time, it were deemed advisable, unanimous consent could then be asked to have it go over until Monday. But I would have to object were the request made at this time to have it go over until Monday.

Mr. BARKLEY. I presume that Members of the Senate who have sponsored the cloture petition desire to consider whether, in view of the unanimous-consent agreement we have entered into, they will withdraw the petition. They might be in a position to determine that by 5 o'clock tomorrow. If that were done, it would obviate any vote on the cloture petition, and greatly simplify the matter.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. LUCAS. Mr. President, I ask unanimous consent to submit a modified amendment intended to be proposed by me to House bill H. R. 4908 to provide additional facilities for the mediation of labor disputes, and for other purposes, and request that it lie on the table, be printed, and be printed in the RECORD.

There being no objection, the amendment was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. LUCAS to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. —. With the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

"SEC. —. (a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has resulted in the finding provided for in subsection (a). While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began, except that if any changes in terms and conditions of employment, which contributed to the dispute, or which are at issue in the dispute, were put into effect prior to the time the work stoppage began, such properties shall be operated as if such changes had not been made.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not

necessary to provide goods or services essential to the public health or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congress that neither employers nor employees profit by the operation of any business enterprise by the United States under this section and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

"(d) In any case in which the owners of any properties of which possession is taken under this section are dissatisfied with the compensation fixed by the President, or by such agency as he may designate, said owners may file a petition in the Court of Claims of the United States (which court shall have exclusive jurisdiction to hear, determine, and render judgment in all such cases) for just compensation for the use of such properties by the United States. Final judgments in the Court of Claims in cases under this section shall be subject to review by certification or certiorari in the same manner and to the same extent as provided in section 3 (b) of the act entitled 'An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes,' approved February 13, 1925 (43 Stat. 939; U. S. Code, title 28, sec. 288), as amended. In all cases of final judgments by the Court of Claims under this subsection or, on review by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid first out of any net profits accruing by reason of operation of the properties by the United States and second, if the compensation finally awarded hereunder shall exceed such net profits, out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the General Accounting Office of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers and agents of such labor organization, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work within a reasonable time after possession of such properties has been taken by the United States or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, and shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended: *Provided*, That such loss of employee status for purposes of such acts, as amended, shall terminate if and when he is reemployed by such owner or operator, but if he is so reemployed, such employee shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(f) Whenever any properties are in the possession of the United States under this section it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

"(g) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(h) Except as to offenses committed prior to July 1, 1948, all provisions of this section and the authority to operate any properties as provided herein shall terminate on such date.

"(i) Any properties which are in the possession of the United States on the date of enactment of this act, and of which possession was taken by the United States on account of a labor dispute or other interruption or threat of interruption in production or services, shall, for the purposes of this section, be deemed to have been taken possession of by the United States under this section on the date of enactment of this act.

"(j) Notwithstanding any other provision of this act or any other law, no matter shall be exempt from the provisions of this section because it is subject to the provisions of the Railway Labor Act, as amended."

Mr. BARKLEY. Mr. President, I ask unanimous consent for the consideration of the order which I send to the desk.

The ACTING PRESIDENT pro tempore. The proposed order will be read for the information of the Senate.

The Chief Clerk read as follows:

I ask unanimous consent that all amendments intended to be proposed to the pending bill, H. R. 4908, which have heretofore been ordered to lie on the table, together with those that may be offered for printing prior to the cloture vote, may be printed in the RECORD and thereby deemed to be a compliance with the rule as to their reading.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Under the foregoing agreement, the following amendments were ordered to be printed in the RECORD:

Amendment intended to be proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the end of the bill insert the following:

"REGISTRATION

"SEC —. (a) Within 6 months after the date of enactment of this act and annually thereafter every labor organization having as members one or more employees of persons engaged in commerce shall register its identity with the Securities and Exchange Commission and shall state under oath the following information and such other information as the Commission may by regulations require: The name of the labor organization; the address at which it has its principal office; the names and titles of the officers and their annual compensation; the company or companies with which the labor organization deals, if a local organization; the industry or industries in which the labor organization operates, if a national organization; initiation fees; annual dues charged to each member; assessments levied during the past 12 months' period; limitations on membership; number of paid-up members; date of the last election of officers; the method of election; the vote for and against each candidate for office; and the date of the last detailed financial statement furnished all members and the method of publication or circulation of such statement. With such information shall be filed under oath, in accordance with such rules and regulations as the Commission may prescribe, detailed and intelligible financial statements and a copy of the articles of incorporation and bylaws of the labor organization.

"(b) Every labor organization incorporated after the date of enactment of this act having as members one or more employees of persons engaged in commerce shall, when incorporated and annually thereafter, register with the Commission and furnish the information required of existing labor organizations under the provisions of this section.

"INCORPORATION

"SEC. —. Every labor organization having as members one or more employees of persons engaged in commerce shall, prior to its initial registration with the Securities and Exchange Commission as provided in this act, take out articles of incorporation under the laws of the District of Columbia, except that, if permitted by the laws of the State in which a labor organization has its principal place of business, such articles of incorporation may be taken out under the laws of such State. Each such labor organization when incorporated shall have the capacity to act possessed by a natural person, shall be liable for the acts of its officers, members, or agents, to the same extent and in the same manner as ordinary business corporations, and shall have the power—

"(a) to continue as a corporation for the time specified in its articles;

"(b) to have a corporate seal and the power to alter it;

"(c) to sue and be sued in its corporate name;

"(d) to make bylaws for the government and regulation of its affairs;

"(e) to acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

"(f) to conduct its affairs within or without the District of Columbia;

"(g) to exercise any power granted to ordinary business corporations consistent with its purposes and activities;

"(h) to exercise all powers not inconsistent with this joint resolution which may be necessary, convenient, or expedient for the accomplishment of its lawful purposes and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

"PENALTIES

"SEC. —. (a) No labor organization having as members one or more employees of persons engaged in commerce and no member thereof shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act unless and until such organi-

zation complies with the provisions of this act.

"(b) In the event any such labor organization is held by the final decision of a court of competent jurisdiction to have breached its employment contract with any employer or to have unlawfully damaged or destroyed the property of any employer, such organization shall not be recognized as a labor organization, or a representative of employees, under the National Labor Relations Act insofar as any matter relating to employees of such employer is concerned.

"DEFINITIONS

"SEC. —. When used in this act the terms 'person,' 'employer,' 'employee,' 'representative,' 'labor organization,' and 'commerce' shall have the same meaning as is given to those terms by section 2 of the National Labor Relations Act. In addition, the term 'labor organization' shall include national and international organizations having as members labor organizations as defined in said section 2."

Amendment intended to be proposed by Mr. EASTLAND (for himself and Mr. BYRD) to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 26, beginning with line 19, strike out down to and including line 8, on page 27, and in lieu thereof insert the following:

"INTERFERENCE WITH TRADE AND COMMERCE

"SEC. 6. The act entitled 'An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation,' approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 ed., title 18, secs. 420a–420e), is amended to read as follows:

"'TITLE I

"'SEC. 1. As used in this title—

"'(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

"'(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"'(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"'SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"'SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"'SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"'SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"'SEC. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.

"'TITLE II

"'Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, or an act entitled "An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes," approved March 23, 1932, or an act entitled "An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes," approved May 20, 1926, as amended, or an act entitled "An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes," approved July 5, 1935.'"

Amendment intended to be proposed by Mr. ELLENDER (for himself, Mr. BYRD, Mr. HATCH, Mr. LUCAS, Mr. BALL, Mr. TAFT, Mr. HAWKES, and Mr. FERGUSON) to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. . (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: "or any individual employed as a supervisor".

"(b) Section 2 of such act is further amended by inserting at the end thereof the following:

"'(12) The term "supervisor" means any individual having authority, in the interest of the employer—

"'(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action; or

"'(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements.'

"(c) Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization."

Amendment intended to be proposed by Mr. ELLENDER to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. —. (a) When a labor dispute in an industry affecting commerce is not settled or adjusted under the foregoing provisions of this act and if a public utility whose rates are fixed by some governmental agency is a party to such dispute, the Board shall determine whether the dispute threatens to result in such a substantial interruption of commerce as to make it necessary or desirable in the public interest to request the President to create an emergency commission. If the Board determines that an emergency commission is necessary or desirable, the Board shall thereupon request the President to create and appoint an emergency commission to investigate and report respecting such dispute. Such commission shall be composed of such number of persons as may seem desirable to the President. No commissioner appointed shall be pecuniarily or otherwise privately or prejudicially interested in the employees or employers concerned in the dispute. The compensation of such commissioners shall be fixed by the President at an amount not exceeding $100 per day. Such emergency commissions shall be created separately for each dispute or group of disputes in the same industry presenting similar issues and pending at the same time. The commission shall investigate promptly the facts as to the dispute and make a report thereon to the President with its recommendations as to the manner in which such dispute should be adjusted. The commission's recommendations shall be confined to wages, hours, and working conditions, but it may describe in its report other issues, not involving wages, hours, and working conditions, which may be in dispute. The commission's report shall be made within 30 days from the date the commission is created, except that with the approval of all parties to a dispute, the time for making its report may be extended by the President for an additional 30 days. The report of the commission shall be made public promptly by the President.

"(b) The Board shall provide for any commission appointed under this section such stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the commission to perform its functions. When a commission appointed under this section has made its report, the commission shall be dissolved and its records shall be transferred to the Board."

Amendment intended to be proposed by Mr. ELLENDER to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"SEC. —. (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: 'or any individual employed as a supervisor.'

"(b) Section 2 of such act is further amended by inserting at the end thereof the following:

"'(12) The term "supervisor" means any individual having authority, in the interest of the employer—

"'(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or effectively to recommend any such action; or

"'(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements.'

"Section 9 of the National Labor Relations Act is hereby amended by the addition of the following subsection:

"(e) Notwithstanding the provisions of this section and the two preceding sections (that is, secs. 7 and 8) the Board shall not certify as the representative of any supervisor any labor organization other than (1) one which admits to membership only supervisory employees, and (2) is not affiliated through charter, agreement, understanding, or in any other manner whatsoever with any

labor organization which admits to membership nonsupervisors; nor shall the provisions of sections 7 and 8 be deemed to afford protection to any supervisor who may form, assist, or join labor organizations ineligible for certification under this subsection, or to encourage the designation of such an organization by any supervisor as his representative for the purpose of collective bargaining."

Amendment (in the nature of a substitute) intended to be proposed by Mr. KILGORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: Strike out all after the enacting clause and in lieu thereof insert the following:

"That the first section of the act entitled 'An act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes,' approved May 7, 1941, is amended by adding at the end thereof the following:

"'(f) For the purpose of obtaining such information as may be necessary or appropriate for prescribing regulations pursuant to section 13 and for the administration and enforcement of such regulations.'

"SEC. 2. Such act of May 7, 1941, is further amended by adding at the end thereof the following:

"'SEC. 13. (a) The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized to prescribe reasonable regulations establishing standards and requirements necessary and appropriate for the prevention or amelioration of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce. Such regulations may provide, among other things, that the operations of any such mine shall be suspended in whole or in part upon the order of a coal mine inspector if he finds in such mine an unsafe or unhealthy condition which is specified in such regulations as a ground for such suspension.

"'(b) At least 30 days prior to the issuance of any regulation under this section or any amendment to such a regulation, notice of the proposed regulation or amendment shall be published in the Federal Register and shall include either the terms or a statement of the substance of the proposed regulation or amendment. Not less than 15 days after the publication of such notice, interested persons shall be afforded an opportunity to submit, orally or in writing, data, views, and arguments with respect to such proposed regulation or amendment. All relevant matter so presented shall be given consideration, and such regulation or amendment shall, before issuance, be revised to the extent which the Secretary, acting through the Bureau of Mines, deems necessary and appropriate in the light of such matter.

"'(c) Whoever violates the provisions of any regulation prescribed pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

"'(d) Whenever in the judgment of the Secretary, acting through the Bureau of Mines, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any regulation prescribed pursuant to this section, the Secretary may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such regulation, and upon a showing that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order may be granted without bond.'

"Amend the title so as to read: 'A bill to provide for requiring compliance with safety regulations in coal mines.'"

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section, as follows:

"SEC. —. (a) It is hereby declared unlawful for any person, firm, labor organization, association, or corporation, subject to the National Labor Relations Act, as amended, after the passage and approval of this act, to enter into any contract or agreement of employment, oral or written, with any other person, firm, labor organization, association, or corporation whereby either party to such contract or agreement undertakes or promises (1) to employ or promise to employ any person or continue the employment of any person only if such person shall be, become, or remain a member of a labor union or other organization; (2) to deduct from the wages, salary, or other compensation due any employee any sum to be paid as membership or other dues or assessments to any labor union or other organization, unless such deduction is made pursuant to the separately given consent in writing of each employee affected.

"(b) Every contract or agreement entered into in violation of the provisions of this section is hereby declared to be contrary to public interest, null and void.

"(c) Every person found to have violated any of the provisions of this section shall be fined not more than $10,000 and imprisoned not more than 5 years."

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section, as follows:

"SEC. —. (a) Every labor organization, any of whose members are engaged in activities affecting commerce or the production of goods for commerce, shall, by a direct vote of its members, elect all its officers and bargaining representatives annually by secret ballot. Candidates for election shall be nominated at open meetings held at least 60 days prior to the date fixed for such election, upon notice to all members.

"(b) Every labor organization, any of whose members are engaged in commerce or the production of goods for commerce, shall, at least once during each calendar year, publish, in itemized form and within 10 days of its completion, a complete report of its financial activities during the preceding year in at least two issues of a newspaper having general circulation within the county wherein the headquarters or main office of such labor organization is located. Such report shall also be filed, within 10 days after its completion, with the Bureau of Labor Statistics of the Department of Labor, and shall be open to public inspection at any time.

"(c) As used in this section—

"(1) 'Goods' means goods, wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof.

"(2) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this section an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

"(d) Any person who willfully violates any of the provisions of this section shall upon conviction thereof be subject to a fine of not more than $1,000 or to imprisonment for not more than 6 months, or both."

Renumber succeeding sections.

Amendment to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. (a) Subsection (b) of section 9 of the National Labor Relations Act (49 Stat. 449) is amended to read as follows:

"'(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the unit appropriate for the purposes of collective bargaining shall be the smallest practicable employee unit, as may be determined by the Board, and in no case shall be larger than the employee group of any separate plant or shop.'

"(b) The fourth sentence of subsection (e) of section 10 of such act is amended to read as follows: 'The findings of the Board as to the facts, if supported by the weight of the evidence, shall be conclusive.'

"(c) Section 10 of such act is amended by adding at the end thereof the following new subsection:

"'(j) Whenever the Board shall find that any person or persons, or any labor organization, is threatening to violate any contract relating to the wages, hours, or other working conditions of employees, entered into as a result of collective bargaining, or is threatening to engage in a jurisdictional strike, it shall thereupon deny to such person or persons or labor organization, during the period of the continuance of such threat of violation, or threat of jurisdictional strike, any rights, privileges, or benefits which such person or persons or labor organization would otherwise be entitled to under this act. In the case of any actual violation of such a contract, or of any actual jurisdictional strike, such rights, privileges, or benefits shall continue to be denied to any person or persons or labor organization who engaged in such violation or jurisdictional strike for a period of 1 year from the date of cessation of such violation or jurisdictional strike.'

"(d) Section 13 of such act is amended to read as follows:

"'SEC. 13. Nothing in this act shall be construed so as to prohibit or interfere with the prosecution of any cause of action in any court of competent jurisdiction for the recovery of civil damages by any person, including a corporation, injured as a result of a labor strike or violation of a contract relating to the wages, hours, or other working conditions of employees.'"

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. Section 6 of the act entitled 'An act to supplement existing law against unlawful restraints and monopolies, and for

other purposes,' approved October 15, 1914, is amended to read as follows:

" 'SEC. 6. It shall be unlawful for any labor organization or for the officers, representatives, or members thereof to enter into any contract, combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or foreign nations.' "

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. The act entitled 'An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation,' approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 edition, title 18, secs. 420a–420e) is amended to read as follows:

" 'SEC. 1. As used in this title—

" '(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

" '(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

" '(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

" 'SEC. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

" 'SEC. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

" 'SEC. 6. Whoever violates any section of this act shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than $10,000, or both.' "

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"SEC. —. Section 313 of the Federal Corrupt Practices Act, 1925, as amended (43 Stat. 1074), is amended to read as follows:

" 'SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political officer, or for any corporation whatever, or any labor organization, or any committee or other organization organized by or affiliated directly or indirectly with any labor organization, to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation, or labor organization, or committee or other organization organized by or affiliated directly or indirectly with any labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, or officer of any committee or other organization organized by or affiliated directly or indirectly with any labor organization, who consents to any contribution or expenditure by the corporation, or labor organization, or committee or other organization organized by or affiliated directly or indirectly with any labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both. For the purposes of this section "labor organization" shall have the same meaning as under the National Labor Relations Act.' "

Renumber succeeding sections.

Amendments intended to be proposed by Mr. MURRAY to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On page 28, line 6, after "SEC. 8." insert "(a)."

On page 28, between lines 15 and 16, insert the following new subsection:

"(b) Nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees, labor organizations, or carriers under titles I and II of the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to impair the functions of the National Mediation Board and the National Railroad Adjustment Board, system, group, or regional boards of adjustment under said act, as amended."

Amendments intended to be proposed by Mr. WILEY to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On page 19, line 14, strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill insert the following:

"SEC. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

"(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure or refusal of any party, or of all parties, to participate in the proceedings.

"(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., tile 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term 'carrier or carriers' shall mean the employer or employers parties to the dispute and/or their representatives; the term 'employees' shall mean the employees parties to the dispute and/or their representatives; the term 'board of arbitration' shall mean such boards established under this section; the term "Mediation Board' shall mean the Federal Mediation Board, and the term 'chapter' or 'act' shall mean this section.

"(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

"(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

"(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however,* That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided further,* That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all

certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

"(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

"(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

"(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective-bargaining contracts.

"(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slow-downs of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties.

"(h) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof."

Amendments intended to be proposed by Mr. AIKEN (for himself and Mr. MORSE) to the amendment proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On the first page, line 5; on page 2, line 20; and on page 3, line 3; after the word "commerce" insert the following: "and every trade, promotional, or other organization or association of employers which has for its purpose the promotion of the welfare of its members through the influencing of public opinion and which uses the mails or other instrumentality of commerce in carrying out such purposes."

On the first page, line 9; on page 2, lines 3, 5, 17, and 23; and on page 3, lines 8 and 10, strike out the word "labor."

On page 4, strike out lines 12 to 25, inclusive, and insert in lieu thereof the following:

"SEC. —. Any organization which violates any provision of this act shall, upon conviction thereof, be punished by a fine not exceeding $10,000."

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. If cloture is invoked and adopted by the Senate, will the Chair advise the Senator from West Virginia whether, after cloture has been voted, amendments may be offered?

The ACTING PRESIDENT pro tempore. They may be offered only by uanimous consent, unless they are first presented and read into the RECORD under the rule. Under the unanimous consent agreement just entered into, all pending amendments, that is, all amendments printed and lying on the table, are considered as having been read and printed in the RECORD under the rule, and would be in order if the cloture petition should be adopted.

Mr. REVERCOMB. I thank the Chair.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. I did not quite hear the first part of the question propounded by the Senator from West Virginia. As I understood the unanimous-consent request proposed by the leader, it was that any amendment now lying on the desk, or any which might be presented or offered before the cloture vote, should be considered as being been offered in accordance with the rule. Is that correct?

Mr. BARKLEY. That is correct.

The ACTING PRESIDENT pro tempore. The Chair believes that the Senator's hearing was entirely accurate.

Mr. PEPPER. I thank the Chair.

Mr. HATCH. Mr. President, if the Senator from Kentucky is finished with his unanimous-consent requests I desire to make a very brief statement. Has the Senator anything further?

Mr. BARKLEY. No; I have no further unanimous-consent requests, but I have been urged to insist that the Senate vote tonight on the pending amendment. So far as I am concerned, it is entirely agreeable to do it if the Senate wishes to do so, or to have the Senate take a recess until tomorrow and vote on the amendment tomorrow when the Senate reassembles then.

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. I simply wish to obtain the consensus of views of Senators regarding what they wish to do about that.

Mr. HATCH. Mr. President——

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

Mr. HATCH. I yield.

Mr. MURRAY. In view of the very fine spirit of harmony which we have achieved here tonight, it seems to me that we should not continue the session late into the evening. In addition to being present here on the floor of the Senate, I am engaged in conducting committee hearings. This morning I opened the hearings at 9:30 in the Senate Office Building, on the national health bill, and had hearings all morning and a part of the afternoon. I have been doing that every day, right along.

It seems to me that it would be unfair and unnecessary to vote tonight. We do not intend to prolong this debate, and I wish to assure the leader that I have no desire to make any further addresses in connection with this problem, and I am willing to vote on every amendment as it comes up.

Mr. BARKLEY. Mr. President, I appreciate the Senator's viewpoint on that matter.

I shall make one more unanimous-consent request, although I do not wish to trespass in that connection or to take a chance on asking for too much. But on the theory that the Senate will take a recess until 12 o'clock tomorrow, I ask unanimous consent that the Senate proceed to vote at not later than 1 o'clock p. m., tomorrow, on the pending amendment, without further debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REVERCOMB. Mr. President, reserving the right to object, let me ask whether there would be a dvision of time for the purpose of discussion of the amendment.

Mr. BARKLEY. Mr. President, I shall incorporate in my request a further request that the time be divided equally between the proponents and the opponents, to be controlled by the Senator from Montana [Mr. MURRAY] for those in opposition to the amendment, and by the Senator from Minnesota [Mr. BALL] for those in favor of it.

The ACTING PRESIDENT pro tempore. Without objection, the unanimous-consent request is agreed to.

Mr. HATCH. Mr. President, I merely rose as one Member of the United States Senate and one Member of the Congress of the United States that is charged with the responsibility and the obligation for legislation, to voice my strong and hearty approval of the address which has just been delivered by the President of the United States, and to say to the President of the United States, as one Member of this body, that I shall be ready to vote for whatever legislation may be necessary in order to meet the crisis which our country faces at this hour—a grim, dark, stark tragedy, brought on, in my opinion, by the willful action of two men.

Mr. President, I live in a railroad town. I know railroad men. They are my personal friends. I do not think there is any better class of citizens in this country than they are. There are none who are more patriotic. I do not believe at

all that the condition which now exists meets with the approval of the rank and file of the railroad men of these two unions. I wish to join with the President of the United States in the strong statement which he made when he said that when the welfare of one group or two groups or any number of groups conflicts with the welfare of the country, the country comes first.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the appropriate committee.

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

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

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

Sundry officers for appointment in the Navy for temporary service.

RECESS

Mr. BARKLEY. Mr. President, in view of the agreement into which we have entered, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 41 minutes p. m.), the Senate took a recess until tomorrow, Saturday, May 25, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 24 (legislative day of March 5), 1946:

APPOINTMENTS IN THE UNITED STATES MARINE CORPS

TO BE MAJORS

James J. Keating
Ralph B. Dewitt

TO BE CAPTAINS

Harry G. Fortune
Lyle N. Meyer
Robert G. Ballance
Wallace T. Breakey
Harry H. Bullock
Arthur J. Davis
"A" "E" Dubber, Jr.
Reed M. Fawell, Jr.
Jacob G. Goldberg
Leroy Hauser
George W. Hays
John O. Holmes
Edward F. Howatt
Philip W. John
Ralph M. King
Ewart S. Laue
Alfred H. Marks
Gallais "E" Matheny
Harold B. Meek
Jimmy B. Miles
Glenn D. Morgan
Herbert R. Nusbaum
Charles D. Roberts
Walter T. Short
John S. Twitchell
William F. Whitaker
Edmund M. Williams

TO BE FIRST LIEUTENANTS

Jay H. Augustin
Floyd E. Beard
Thomas R. Belzer
Harold C. Boehm
John G. Bouker
Kimber H. Boyer
Thomas W. Brundage, Jr.
Paul G. Chandler
Albert Creal
Henry P. Crowe
Francis T. Eagan
Paul A. Fitzgerald
Ernest P. Foley
Harold Granger
Loran E. Haffner
Rodney Handley
Robert C. Hiatt
Norman H. Jungers
Charles W. Kelly, Jr.
Thomas C. Kerrigan
Albert F. Lucas
George W. Martin
Gooderham L. McCormick
Richard C. Nutting
Joseph S. Reynaud
Arthur N. B. Robertson
Millard T. Shepard
Ormond R. Simpson
Sylvester L. Stephan
Rex R. Stillwell
Allen Sutter
James N. Tinsley
Birney B. Truitt
August L. Vogt
Thomas E. Williams

TO BE SECOND LIEUTENANTS

Francis W. Benson
Carl J. Cagle
Angus M. Fraser
Robert Hall
Fred J. Klingenhagan
Randolph S. D. Lockwood
Melville M. Nenefee
Wilbur F. Meyerhoff
William D. Morgan
Harry S. Nessly
John E. Rentsch
Erik W. Ritzan
Donald J. Robinson
Clyde T. Smith
Guy B. Smith, Jr.
Homer Sterling
Ralph M. Wismer
William E. Abblitt
Julian F. Acers
Edwin W. Allard
Alvia H. Allen
William P. Alston
John R. Barreiro, Jr.
Drew J. Barrett, Jr.
Robert N. Barrett, Jr.
Donald M. Beck
John R. Bohnet
John T. Bradshaw
James G. Brady
James T. Breen
Robert W. L. Bross
Edward W. Bryan
Thomas M. Burton
Richard S. Button
Vernice S. Calvert
Albert W. Campbell
Charles C. Campbell
Henry S. Campbell
Walter J. Carr, Jr.
Alan R. Cason
Walter M. Caulfield
William C. Chamberlin
Roscoe C. Cline, Jr.
Milton G. Cokin
Robert E. Collier
Milton M. Cook, Jr.
John A. Copeland
Charles H. Cowles
Thomas J. Cross
Andrew Csaky
James N. Cupp
Honore G. Dalton
David M. Danser
James N. M. Davis
John L. Dexter
Charles E. Dobson, Jr.
Anthony J. Dowdle
Alexander A. Elder
Joseph H. Elliott, Jr.
James A. Etheridge
Lacy M. Evans
Fredric D. Feezell
Richard J. Flynn, Jr.
Wilbur A. Free
Regan Fuller
Alexander W. Gentleman
Elmer G. Glidden, Jr.
Noel C. Gregory
Robert Q. Grider
Nicholas M. Grieco
Arthur H. Haake
George D. Haimbaugh
Earl D. Hall
Arnold W. Harris
Lawrence P. Harris
Clifton N. Harvel
Tom N. Hasperis
Harold A. Hayes, Jr.
Wilbur R. Helmer
Ernest R. Hemingway
James E. Herbold, Jr.
Robert J. Holm
Harlen E. Hood
Robert G. Howie
William L. G. Hughes
Oscar T. Jensen, Jr.
Richard S. Johnson
Donald J. Kendall, Jr.
Nathan C. Kingsbury
Vincent R. Kramer
Meryl F. Kurr
Hubert C. Lattimer
Douglas B. Lenardson
Frank A. Long
William M. Lundin
Joseph W. Mackin
John L. Mahon
Paul T. Martin
Robert K. McClelland
Boyd C. McElhany, Jr.
John P. McMahon
Ernest L. Medford, Jr.
David L. Mell
James A. Michener
Granville Mitchell
Frederick J. Mix, Jr.
Jack W. Morrison
Robert T. Neal
Eystein J. Nelson
John P. Newlands
Donald E. Noll
Matt S. Ober, Jr.
John L. O'Connell
Peter I. Olsen
John T. O'Neill
George G. Pafford
Oscar F. Peatross
William E. Peek
Jack Peele, Jr.
Ernest E. Pegau
Richard H. Pierce
Lewis E. Poggemeyer
Norman Pozinsky
Charles J. Prall
Bruce Prosser
Clifford F. Quilici
Eldon H. Railsback
Arthur J. Rauchle
Amadeo Rea
Gale W. Roberts
Philip C. Roettinger
Edward G. Roff, Jr.
Russell D. Rupp
Gerald F. Russell
Michael P. Ryan
Carl A. Sachs
Rufus D. Sams, Jr.
Webb D. Sawyer
Ward K. Schaub
Irving Schechter
Wilbert T. Shafer
William J. Sims
Warren S. Sivertsen
Robert L. Smith
Sherman A. Smith
Eugene H. Strayhorn
Victor H. Streit
Robert L. Thomas
William G. Tinsley
Thomas A. Todd
Frank H. Vogel, Jr.
LaVerne W. Wagner
James M. Watkins, Jr.
Robert R. Weir
Henry M. Wellman, Jr.
Gordon H. West
Robley E. West
John D. Wiggins
Edward C. Willard
Frank D. Williams, Jr.
Edwin G. Winstead
Conrad G. Winter
Russell L. Young
Stephen J. Zsiga
Joseph L. Abel
Raymond L. Abel
William O. Adams
Walter R. Anderson, Jr.
Donald V. Anderson
James A. Apffel, Jr.
Albert B. Atkinson
Franklin C. Bacon
James W. Baker
Robert E. Baldwin
Edward L. Bale, Jr.
Robert J. Barbour
Vernon L. Bartram
Newsom E. Baxley
Barry B. Beach
Clarence B. Beasley
William "J" Bedford
Orville L. Bibb
Hudson G. Birmingham
Rolfe F. Blanchard
Paul J. Blasko
John H. Blumenstein
Joel E. Bonner, Jr.
Bernard M. Boress
Lawrence H. Bosshard
James J. Bott
Theodore R. Boutwell
Marion B. Bowers
Thomas J. Branighan
Frank H. Brinkman
John B. Bristow
Robert I. Bryan
Henry Brzezinski
Lyle E. Buck
Robert M. Calland
William E. Cannon
Michael C. Capraro
Earle P. Carey
Evans C. Carlson
John H. Carroll
John S. Chambers, Jr.
Maurice H. Clarke
Forest T. Clary
Eugene P. Claude
Harold T. Clemens
Lawrence R. Cloern
George Codrea
Roscoe E. Cole
Elster C. Colley
James E. Collins
Robert L. Conrad
Jerrold O. Cote
Dennis P. Coyle
Frederick J. Cramer
John A. E. Cunningham
Robert K. Dahl
William G. Dair, Jr.
Richard J. Davis, Jr.
George J. Debell
Gerard Dethier
Harry "E" Dickinson
George W. Doney
John C. Donovan
Alan C. Doubleday
Rowland H. Dow
Frederic F. Draper
Laurence A. Duensing
Thomas C. Dutton
Murray Ehrlich
James English
"J" "E" Estes
Clifford A. Fairbairn
Robert R. Fairburn
George E. Farrell
Glenn E. Ferguson
Cecil D. Ferguson
Thomas M. Fields
Paul J. Flynn
Cary J. Flythe
Wilbur H. Fogleman, Jr.
James H. Foster
Leroy T. Frey
Carl E. Fulton
Paul Fuss
Walter Gall
Raymond F. Garraty, Jr.
Henry G. Gatlin, Jr.
William Geftman
Norman D. Glenn
Gerald E. Goss
Bert A. Green
William E. Greiner, Jr.
Marion J. Griffin
John L. Grow
Albert J. Gunther
Frank J. Haas
Wilson D. Haigler
Arthur M. Hale
Frank W. Harrington
Patrick Harrison
Edward A. Harwood
Robert D. Hayes
George H. Hazel
Thomas A. Heaton
William D. Heier
Charles C. Henderson
Donald L. Herrick
Jake B. Hill
John A. Hood
Ray D. Horner
Kenneth J. Houghton
Richard M. Hunt
Sanford B. Hunt, Jr.
Thomas C. Hurst
William H. Irvin, Jr.
George E. Jerue
Robert B. Jeter
Justin B. Johnson, Jr.
Frank Johnson
Roy N. Johnston
William M. Johnston, Jr.
Herman H. Jones
James L. Jones
James G. Juett
Ralph E. June
Bruce E. Keith
Francis B. Kelly
Robert W. Kersey
Lawrence E. Kindred
Frank C. Kleager
Henry L. Knopes
William J. Kohler
George J. Kovich, Jr.
Bolish J. Kozak
Frank S. Krasniewicz
Robert M. Krippner
Richard C. Kuhn
Philip T. Kujovsky
Hubard D. Kuokka
Harry V. Leasure
Robert C. Lehnert
Warren A. Leitner
Nicholas P. Lengyel
Robert W. Lever
John D. Lines, Jr.
George H. Linnemeier
Charles A. Lipot
Wendell O. Livesay
John Lowman, Jr.
Clarence J. Mabry
Joseph H. Madey
James P. Mallon
Donald L. Mallory
Daniel M. Manfull
James M. Marshall
John Marston, Jr.
Hildeburn R. Martin
John G. McAllister
Robert B. McBroom
Robert A. McCabe
James W. McCall, Jr.
Fred C. McDaniel, Jr.
David W. McFarland
Robert L. McGann
Dudley F. McGeehan
William J. McGloin
James M. McGrew
John H. McGuire
John G. McLean
Stanley N. McLeod
John P. McNeil
Harold N. Mehaffey
Leslie Menconi
Hugh T. Meyers
Felix T. P. Michaelis
Laurel M. Mickelson
Walter R. Miller
Robert T. Moore, Jr.
William S. Moore
Philip C. Morell
Alfred T. Moret, Jr.
James A. Moriarty, Jr.
Paul M. Moriarty
Warren Morris
Jack R. Munday
Donald V. Nahrgang
Harold E. Nelson
Forrest W. Neujahr
Robert B. Neville
Paul "A" Noel, Jr.

Wesley C. Noren
Robert H. Nuess
William Oberhoff
Norman O'Bryan
Thomas R. O'Dell, Jr.
John J. O'Donnell
James P. O'Laughlin
Donald T. Olson
Harry C. Olson
Karl G. Palmer
Paul L. Pankhurst
Ralph J. Parker, Jr.
George K. Parker
Paul D. Parker
Leslie J. Parnell
John S. Parrott, Jr.
Warren B. Partain
John A. Pearson
William Pelon
Anthony J. Pennestri
Louis P. Penney
Alfred H. Peterson
Eugene J. Phillips
Philip N. Pierce
Robert J. Polson
Donald D. Pomerleau
Albert L. Pope
Robert B. Prescott
John T. Quinn
Robert F. Ramsey
William H. Rankin
Robert L. Rathbun
Floyd J. Ray
Dewey D. Raynor
John S. Reamy
George K. Reid
Winfred O. Reid
Richard M. Remington
Harry D. Reynolds, Jr.
Walter E. Reynolds, Jr.
David D. Rickabaugh
Walter J. Ridlon, Jr.
Glenn L. Rieder
Clarence T. Risher, Jr.
Hector G. Risigari-Gai, Jr.
Richard E. Roach
Clifford J. Robichaud, Jr.
William H. Rodgers
Albert M. Roebuck
Thomas H. Rogers, Jr.
Donald T. Rohrabacher
George O. Ross
Aaron M. Rottenberg
Francis F. Rotter
George S. Saussy, Jr.
Alex H. Sawyer
Hartwell V. Scarborough, Jr.
Maynard W. Schmidt
David W. Schumaker
Martin J. Sexton
Marshall L. Shaw
James C. Short
Gerard M. Shuchter
Eugene A. Siegel
Merwin H. Silverthorn, Jr.
David H. Simmons
Frederick Simpson
William L. Sims
John K. Sinderholm, Jr.
John B. Slingerland
Edgar L. Smith
Harold E. Smith
Arthur S. Somers
Ralph H. Spanjer
Raymond H. Spuhler
Christopher M. Spurlock
Fritz Stampfli
Henry W. Stankus
Murray M. Staples
Earl J. Stearns
Fred A. Steele
Robert F. Steinkraus
Frank R. Stewart, Jr.
James R. Stockman
John R. Stone
Wesley E. Strauley
William J. Sullivan
Richard E. Sullivan
Clyde T. Suttle, Jr.
Leland M. Swindler
Howland G. Taft
William I. Taylor
Edward C. Thoemmes
Thomas B. Tighe
Jere T. Tilson
John L. Tobin
Peter A. Tonnema, Jr.
Orlando S. Tosdal.
Alton P. Trapnell
James P. Treadwell
Donald S. True
Burney L. Tucker, Jr.
Walter W. Turner
Alaric W. Valentin
William E. Vance
Perle W. Vaught
Alton F. Vergote
William J. Wachsler
Alexander S. Walker, Jr.
Kirby D. Walker
Harold Wallace
James M. Walley
Walter T. Warren
Corbin L. West
William C. Wheatley, Jr.
Claude L. Whitlock
Chester M. Wiggin, Jr.
Wilbur D. Wilcox
Robert G. Willard
Albert L. Williams
James S. Williams
Lloyd L. Willis
Virgil T. Wills
Michael F. Wojcik
Roy I. Wood, Jr.
John V. C. Young
Clarence L. Zeigler, Jr.
Barooyr Zorthian
Charles Abrams
Jack H. Adam
James Aldworth
John S. Alexander
Gerald D. Allen
Norris D. Allen
Victor E. Allen
Edward O. Alsip
Nels E. Anderson
William H. Anderson
Kenneth L. Anstock
Stanislaus A. Antos
Arthur V. Arcand
Hugh D. Argo
Victor A. Armstrong
Russell G. Arndt
Oliver O. Arnold
Clark Ashton
Robert L. Autry
Gerald P. Averill
James P. Aynes
Charles E. Bacon
John P. Baden
Earle E. Bagnall
Arnold S. Baker, Jr.
Robert W. Baker
William W. Ballew
Arthur R. Bancroft
David W. Banks
John C. Barnes
Irvin "J" Barney
Raymond M. Barrett
Gilbert A. Barrett
William E. Barrineau
Julian G. Bass, Jr.
Richard A. Bauer
Robert W. Bayless
Leslie W. Bays
Samuel G. Beal
Mont L. Beamon
Noble L. Beck
Herbert L. Beckington
Roy H. Becklund
Harvey D. Beeler, Jr.
Richard L. Behrends
James P. Bell, Jr.
Robert T. Bell
William C. Bell
Louis W. Benjamin, Jr.
Eugene N. Bennett.
James L. Berard
Marvin L. Berg
Ernest J. Berger
Donald W. Bergeson
Frank R. Berrar
Thomas E. Berry
Emile S. Billeaud
James A. P. Binfield
Richard A. Bjorson
Francis E. Blake
James A. Blakely, Jr.
Don H. Blanchard
Howard A. Blancheri
Richard L. Bland
Clifford P. Blankenship
Robert D. Bohn
Orren K. Bostick
Ermel D. Bowen
Judson J. Bradway
Lawrence H. Brandon
Richard A. Brenneman
Charles J. Brewer
Maximillian N. Brinkman
Delbert M. Brown
Leslie E. Brown
Nelson E. Brown
William E. Brown
William P. Brown, Jr.
John A. Browne, Jr.
John Browne
Henry K. Bruce
Max F. Brumfield
George M. Bryant
Richard C. Bryson
Edmund Buchser, Jr.
Robert H. Buettner
Ernest A. Buford, Jr.
Robert O. Bunce
Virgil "E" Burkey
Clarence J. Busick
Floyd H. Butler, Jr.
Dennis E. Byrd
Charles T. Caldwell
Loren W. Calhoun
George W. Callen
Charles I. Campbell, Jr.
Christopher M. Canan
John S. Canton
Arnold B. Capps
Edward W. Carmichael
Richard C. Case
William H. Casey
Anthony J. Castagna
Forrest E. Caudle
Curtis A. Chartz
Henry A. Checklou
Nicholas Chernock
Charles H. Church, Jr.
Emilius R. Ciampa, Jr.
Archie J. Clapp
Amil K. Clark
Truman Clark
Thomas A. Coleman
Frank R. Collen
Willard D. Collup
Ray Connelly
Frederick G. Connelly
Milton B. Cooper
James T. Copley
LeRoy V. Corbett
Russell E. Corey
Clarence E. Corley, Jr.
Byron J. Costello
William H. Cowper
George R. Cox
John F. Cox
Lewis J. Cox
Marion "J" Crawford
Charles C. Cresap
William B. Creswell
Erskine B. Crew
George S. Cripps
James T. Cronin
Conrad D. Croninger
Glenn C. Crooks
Ralph B. Crossman
Joe B. Crownover
Calvin C. Crum
Calvin K. Currens
Merlin L. Dake
Philip A. Dallmeyer, Jr.
Robert W. Dalrymple
William A. Danckaert
Elmer R. Daniels, Jr.
Benjamin "A" Danik
Daniel A. Davis
Harold J. Davis
Stanley Davis
Louis R. Daze
Walter P. Dean
Donald R. Dempster
Austin O. Devol, Jr.
Raymond Dewees, Jr.
Gerald T. Dixon
Charles F. Dizney
George H. Dodenhoff
Frederick C. Dodson
Daniel A. Doherty
Charles E. Dole
Carl A. Doll
Howard P. Done
James W. Donnell
Albert S. Dooley, Jr.
James A. Dorsey
George E. Dosch
Charles E. Dove
William H. Drewitz
James L. Dumas
Malcolm T. Dungan
Jack Dunlap
Louis E. Dunning
Phillip G. Dyer
Richard F. Dyer
Quentin V. Earl
William R. Earney
Ardell Ebel
George J. Edelmann, Jr.
Delmar L. Edwards
Harrold J. Eiland
Edward Eisenhardt
Oscar L. Ely, Jr.
Arnold L. Emils
Lloyd J. Engelhardt
Ernest L. Engelkes
Fred F. Eubanks, Jr.
Dee E. Ezell
John D. Fair
Earl H. Falk
William Farrell
Anton N. Fassino
Frank J. Faureck
Francis I. Fenton, Jr.
Howard Ferguson, Jr.
Glenn L. Ferguson, Jr.
Dail D. Fine
John Finn, Jr.
Charles W. Fitzmaurice
Walter J. Fletcher, Jr.
Ted J. Foster
Hardy E. Foster 3d
Albert Fowler
Boris J. Frankovic
Robert M. Fraser, Jr.
Varge G. Frisbie
William F. Fry
Leslie F. Fultz
James A. Gallo, Jr.
Tolbert T. Gentry
Leo Gerlach
Gale B. Gibson
John A. Gibson, Jr.
Alexander J. Gillis, Jr.
Edward N. Ginader
Walter H. Girdlestone
James Girdwood
Eugene W. Gleason
Eugene V. Goldston
George "M" Golleher
David T. Gooden
Jerome D. Gordon
William R. Gould
Carleton M. Green
George H. Green, Jr.
Robert D. Green
Joe R. Greene
Thomas N. Greene
Richard P. Greene
Gerald L. Gregg
Goodwin C. Groff
Loren Grover
Walter Grzywacz
Eric R. Haars
Jack H. Hagler
Wallace M. Halbert
Harold K. Hall
Reverdy M. Hall
"W" "C" Hall
William J. Halligan
Eugene L. Hamon
Dale W. Hansen
Neil M. Hansen
Harry B. Hanson
Murray V. Harlan, Jr.
John B. Harney
James A. Harper
John F. Harper
James C. Harrington
Roger K. Harter
David M. Hartley
Edward Hazlehurst
Howard L. Hean
Everet A. Hedahl
John G. Heidrick
Frederick J. Helling, Jr.
Samuel E. Helm, Jr.
Roland S. Helstrom
Finis Henderson
George C. Henshaw
Frank M. Hepler
Carl L. Hill
Harold S. Hill
Emmett R. Hiller
Howard R. Hinrichs
Paul L. Hirt
Ralph J. Hochendoner
Gordon V. Hodde
Robert W. Hoerle
James A. Hoey, Jr.
Robert W. Hoffman
Robert W. Hohl
Dan C. Holland
Marvin K. Hollenbeck
Henry G. Holmes, Jr.
Howard G. Holt
Sylvestus W. Holtzclawe
Harold L. Honnold, Jr.
William L. Hood, Jr.
Ward L. Hooper
Donald S. Hopkins
Greyson H. Horn
Charles R. Howe
John J. Howe
Raymond L. Howe
Bryce Howerton
Jay W. Hubbard
Frank J. Hubka
Orlin A. P. Hughes
James B. Hunter, Jr.
Kenneth E. Huntington
Herbert E. Ing, Jr.
Martin J. Itzin
James W. Jackson
Owen G. Jackson, Jr.
Dewey H. Jackson
Henry J. Jadrich
William C. James, Jr.
Robert D. Janssen
John "D" Jennings
Francis C. Jennings
William E. Jennings
Alvin J. Jensen
Dwight F. Johns, Jr.
Thirl D. Johnson
David G. Johnson
Wayne Johnson
John D. S. Johnson
Glennon A. Johnston
Coleman C. Jones
Charles D. Jones
Thomas J. Jones
Joseph R. Kapsch
John O. Kaylor
Karl T. Keller
Paul J. Keller
Wilbur C. Kellogg, Jr.
William H. Kellogg
George E. Kelly
Joe L. Kennedy
David H. Kennedy
Charles D. Kerr, Jr.
Alfred W. King
George J. King
Paul D. King
Oscar H. Kirsch
Victor A. Kleber, Jr.
Robert G. Klein
William J. Kopas
George A. Krumm
Casimir C. Ksycewski
Arthur H. Kube
Arvene J. Kugler
James K. Kyser
Eugene F. Langan
Breen G. Lansford
John F. Laspada
Boyce L. Lassiter
Albert T. Lavers
Robert W. Lebo
Harry Lee
Jack Lee
Warren A. Lee
Edward N. LeFaivre
Harry E. Leland, Jr.
Leonard A. Lembeck
Ray T. Lemmons
John J. Leogue
Charles R. Leutz, Jr.
Claude H. Lewis, Jr.
Woodrow B. Lewis
James L. Lillie, Jr.
Johnny D. Lindley
Daniel H. Linebaugh
Baxter R. Little
John Lomac
William J. Long
Edward I. Lupton
William A. Lutnick
Joseph O. Lynch
Robert J. Lynch, Jr.
Ross M. MacAskill
Douglas C. MacDonald
Richard V. MacGregor
Edward "H" Mackel
John A. MacNeil
Warren L. MacQuarrie
Gerald J. Maire
Joseph W. Malcolm, Jr.
Emmons S. Maloney
Robert F. Marr
William G. Mars, Jr.
John B. Marshall, Jr.
Robert M. Marshall
Samuel F. Martin
Kenneth W. Maust
Ralph P. Mawyer
Henry Mayer
William A. Mazzarella
Clifford E. McCollam
Lawrence E. McEachron
Raymond J. McGlynn
James D. McGough
William C. McGraw, Jr.
Clarence E. McGuinness
Donald I. McKamy
Walter R. McKee
Charles F. McKiever
Rodney D. McKitrick
Donald A. McMillan
Francis A. McMullen
Robert A. McMullen
Edward B. McNeill, Jr.
Robert E. McNew
James H. McRoberts
James E. Meehan
John J. Meek
Clark E. Merchant
Edward R. Messer
Dale D. Meyers
Raymond F. Michaud
Donald F. Mileson
Robert H. Millard

Roger L. Miller
Jerry E. A. Miller
Lewis L. Miller
James F. Mills
Robert A. Mills
Emil M. Misura
John T. Molan
Richard E. Moody
Harry R. Moore
John T. Moore
Richard L. Moore
Walter Moore
Oscar "J" Morel
Clark D. Morrow
George M. Mortan
Joseph R. Motelewski
John W. Muldoon, Jr.
Raymond W. Mullane
Henry N. Muller, Jr.
William H. Mulvey
Roderick J. Munro
Samuel H. Murphy
Thomas H. Murphy
Daniel G. Murray
Giuseppe P. Musso, Jr.
Victor E. Myers
Robert I. Nelson
Arthur A. Nelson, Jr.
James W. Niolet
Thomas J. Norman, Jr.
John S. Norris, Jr.
John J. Norton
Lawrence C. Norton
William R. Nowadnick
Edward D. Oglesby
Vernon Olmsted
Charles J. O'Malley
Horace C. Owens
Robert A. Owens
Mauro J. Padalino
Leslie L. Page
Constantine D. Paizis
George A. Parant
George W. Parker
Robert L. Parnell, Jr.
Walter B. Patton
Sherwood Paulin
Ernest W. Payne
James T. Pearce
Poul F. Pedersen
Vernon J. Peebles
Jack E. Perry
Edward H. Pesely
William J. Peter, Jr.
Uel D. Peters
Homer B. Pettit, Jr.
Paul M. Phipps
Reuel H. Pietz
Franklin N. Pippin
Howard T. Pittman
James R. Poe
Eugene J. Pope
Chester J. Poppa
Elery G. Poppe
Ben C. Porter
Joe M. Prater
Ralph H. Pratt
Clarence H. Pritchett
Edward L. F. Proffitt
Forrest B. Pully
John E. Quay, Jr.
William H. Quick III
Stone W. Quillian
Herbert H. Rapson
Grady W. Ray
Benjamin S. Read
Josef I. Reece
Edward P. Reilly, Jr.
John J. Richards
James C. Riffle
Darrell L. Ritter
Robert H. Rivers
Edwin E. Rives
Larry W. Roberts
Robert S. Robertson
Robert B. Robinson
Paul L. Robinson
Vincent J. Robinson
Robert R. Rockwell
John J. Rollins
George W. Ross
John D. Ross
George R. Rupp
Ray D. Rushlow
William M. Russ
Thomas M. Sager
Arthur O. Schmagel
Clarence H. Schmid
Carl E. Schmidt
Frank J. Shoenwetter
Glen F. Schrader
Earl E. Schramm
Richard J. Schriver
Leonard L. Schultz
Charles Schultz, Jr.
Clarence E. Schwaneke
Henry N. Schwendimann
Paul C. Scofield
Robert R. Scott
Frank E. Seabeck
Robert R. Sedgwick
Evan L. Selsor
Robert F. Seward
Vernon W. Shapiro
Harold L. Sharkey
James Sharp, II
Kermit H. Shelly
William A. Shepherd
Leo B. Shinn
Robert W. Shirley
Walter Sienko
Albert W. Simmons
Robert L. Simmons
William F. Simpson, Jr.
Emil Skocpol
Duane W. Skow
Clyde H. Slaton, Jr.
William D. Smart
Burneal E. Smith
George H. Smith
Glenn A. Smith
Max D. Smith, Jr.
Richard C. Smith
Norman C. Smyle
Almond H. Sollom
Ira E. Spieker
Harvey E. Spielman
James C. Stanfield
James E. Stauffer
Thurston B. Stidham
Harold H. Stirling, Jr.
Doil R. Stitzel
Lewis C. Street III
John Strickland, Jr.
Walter E. Stuenkel
Forrest Stump
Garth K. Sturdevan
Thomas L. Sullivan
Earl "B" Sumerlin, Jr.
James G. Sutton
Raymond H. Swalley
John J. Sweeney
William E. Swetnan
Duane A. Swinford
David O. Takala
Harry O. Taylor
Russell S. Teel
Phillip A. Terrell, Jr.
Wilson "C" Terry
Jess Thierry, Jr.
John H. Thomas
Donald S. Thornbury
Daniel M. Thornton, Jr.
Harold G. Todd
Francis K. Tomlinson, Jr.
Earl A. Trager, Jr.
"J" "B" Trant, Jr.
Walter E. Trantham, Jr.
William L. Traynor
Benjamin H. Trout
Harland E. Troy
Nolan E. Tucker
Edward W. Turcotte
Clarence W. Tuxbury
Herman L. Ubbins
John Urell
Johnnie C. Vance, Jr.
Robert R. Vandalsem
Francis W. Vaught
Lester E. Veigel
Elbert F. Veuleman
William H. Vieth
William J. Wagner
John H. Wagner
Eugene "A" Wailes
Edward H. Walker
Calvin Wall
Gaile F. Wallis, Jr.
Thomas H. Walsh
Dewey J. Wambsgans
Charles C. Ward
Dale L. Ward
Ralph P. Ward, Jr.
Raymond E. Wase
Charles H. Watkins, Jr.
Warren C. Watson
William D. Watson
Frederic T. Watts, Jr.
William B. Watts, Jr.
William "J" Webster
Thomas O. Weghorst
James M. Weidner
George W. Weiman
Charles W. Weitzel, Jr.
Robert N. Welch
Harvey E. Wendt
Charles E. Westbrook
John N. Wester
George L. Westerman
Robert Wetzel
John M. Whitcomb
William K. White
William Whitehill
Kenneth T. Whitescarver, Jr.
Harris L. Whynaught
Myron E. Wilcox, Jr.
Patrick E. Wildman
Royce M. Williams
Lynn F. Williams
Francis P. Wilson
Elmer R. Wilson
Robert R. Wilson
Rex Wilson
George L. Winneberger, Jr.
Donald M. Winters
Karl B. Witte
Wayne E. Wolcott
Howard Wolf
Donald R. Wood
Drury W. Wood, Jr.
Jack Wood
Wallace N. Wood
Reece J. Woodard
Laurence "H" Woods
Ray Woods
Harry D. Wortman
Andy D. Yates, Jr.
Arthur C. Young
William E. Zane
William J. Zaro
Harold F. Adair
Rayford K. Adams, Jr.
Leland G. Alexander
Rufus H. Allen, Jr.
John K. Aller
Philip L. Anderson
Robert V. Anderson
George B. Anderson
William E. Androsko
Charles A. Arneson
Frederick L. J. Ashworth
Stuart P. Baar, Jr.
Edward A. Bailey
Raymond O. Ball
Stewart C. Barber
Arnold W. Barden
Kenneth L. Barnes
Robert W. Barnes
Robert E. Beare
William J. Beer
Ralph E. Belk
George H. Benskin, Jr.
Lenard L. Berg
James Bergen
Rocco D. Bianchi
Richard F. Bliss
Miller M. Blue
David W. Bowman
John C. Breckinridge
John T. Breckinridge
Robert W. Breeze
Goodwin P. Broaddus, Jr.
Eugene H. Brown
John E. Brown
Royal R. Bruchman
Sherwood A. Brunnenmeyer
Fitzhugh L. Buchanan, Jr.
George H. Buckmaster
Jack H. Butler
Paul B. Byrum
Ralph D. Cail
Edward E. Camporini
Charles T. Carter
Stacy B. Cartledge
Dean Caswell
George G. Chambers, Jr.
John Chambers
Fred D. Chapman
Lloyd F. Childers
Landon E. Christian
Stanford Cluggish
James E. Condra
Walter J. Connors
Richard A. Cooley
Alan G. Copp
John W. Cotton
John Craig
Bethel Crowell, Jr.
Fred K. Croyle
John E. Cuneo
Donald N. Dackins
Clarence G. Dahl
Dennis D. Damsgaard
David A. Davis
Eugene C. Davis, Jr.
Kenneth E. Davis
Ralph G. Demaree, Jr.
John G. Demas
Frank R. DeNormandie
Don G. Derryberry
Oliver E. Dial
James G. Dionisopoulos
Robert A. Dobbelaar
John "H" Doering, Jr.
Walter E. Domina
William F. Donahue, Jr.
Leonard Dooley
Donald W. Dorn
Robert S. Doyle
Earl C. Dresbach, Jr.
Michael J. Dunbar
James Dunn
William W. Dutton, Jr.
Edward W. Dzialo
John C. Eddy
Arthur D. Edmiston
Donald H. Edwards
Paul M. Edwards
Thomas G. Elder
Frank A. Eldracher, Jr.
Daniel R. Evans
William T. Evans, III
Kenneth L. Fellows
Henry Fischer, Jr.
Sidney Fisher
John P. Flynn, Jr.
Martin S. French
Ray Funderburk
Harold C. Fuson
Leland S. Gaug
Edward D. Gelzer, Jr.
Byron G. Genung
Marshall E. George
George E. Gibson, Jr.
Charles P. Gilchrist, Jr.
John R. Goss
John A. Grondin
Benjamin C. Grosscup, Jr.
Dale Gutshall
Patrick J. Hagarty
Leslie R. Hail
Eugene Hall
Ralph H. Hamilton, Jr.
Burton D. Hammons
John R. Hancock
Nicholas P. Hardeman
Autrey B. Harmon
Donald R. Harris, Jr.
Albert B. Haynes, Jr.
Lester Heinz, Jr.
Robert A. Henry
Robert V. Henshall
Joe "B" Henson
Wilber N. Herndon
Gilbert R. Hershey
Theodore D. Hess
John J. Hill III
Malcolm A. Hill
Twyman R. Hill
John J. Hoffman
Lawrence J. Hofmeister
Thomas C. Holleman, Jr.
Connor W. Hollingsworth
Robert E. Hoskins
Arthur E. House, Jr.
John Huston, Jr.
Carroll V. Howe
Kerwin W. Jacobs
Peter Janopaul, Jr.
Harvey L. Jensen
Manning "T" Jeter, Jr.
Leo R. Jillisky
Robert E. Jochums
Robert C. Johnson
Tracy Johnson
Corbin J. Johnson
Claude K. Johnson
Aubrey T. Jones
Elwin M. Jones
Robert W. Jorn
Eugene S. Kane, Jr.
Timothy J. Kerns
Gene S. Keller
James P. Kelly
George D. Kew
Edwin W. Killian
Reed T. King
Charles S. Kirchmann
Wilson A. Kluckman
Elmer F. Koehler
Stanley E. Kramek
William H. Kreeger, Jr.
Anthony E. Kujawinski
Cecil B. LaFayette
Paul D. LaFond
Benjamin J. Landry
Harvey A. Larson
Donald O. Larson
Roger C. Lawson
Fred Lawton, Jr.
Ernest S. Lee
Phillip K. Leeseberg
Benjamin Leffler
Sylvester F. Leis
Thaddeus F. Lewandowski
Albin L. Lindall, Jr.
Robert B. Lipscombe, Jr.
William W. Lotz
Joseph B. Lynch, Jr.
William H. MacCormack
Anthony J. Machado
Crawford B. Malone
Richard H. Mample
Lorenzo F. Martin
Rob A. Matthews
William L. May, Jr.
Robert L. McBride
Robert C. McCarthy
Robert E. McCarville
Harold J. McClellan, Jr.
Jerry L. McCollom
John P. McCullough
Lawrence McGlade
Louis J. McGowan
Lawrence McGlade
John P. McLaughlin
Clare R. McMahon
John E. McVey
Richard C. Melanson
Charles C. Menzies
George A. Merrill
Bruce F. Meyers
George V. Mikkelsen
Richard G. Miller
James H. Milstead
Richard T. Milyard
Robert W. Minick
Welden R. Mitchell
Herman L. Mixson
Dale M. Molsberry
Arthur B. Montagne
George D. Moore
Theodore R. Moore
Donald E. Morin
Andrew B. Moritz
Thomas E. Mulvihill
John J. Murphy
Cleon E. Nesbitt
Gail A. Newkirk
Claude D. Neyman, Jr.
Robert L. Nichols
William J. Nietschmann
James B. O'Bannon
Walter Panchision
Bruce A. Pates, Jr.
Earl F. Patrick
Kenneth W. Paul
George A. Pavlicin
John R. Perdue
Don M. Perkins
Kenneth J. Petrick
Allen L. Phillips
Ewell B. Pinkston
Jay V. Poage
William D. Pomeroy
Robert H. Porter, Jr.
Harry G. Poulson
Charles L. Presser
Arthur E. Probst
Paul E. Raine
Edgar F. Remington
Edgar E. Reynolds
Charles I. Rice, Jr.
Knowlton P. Rice
Thomas W. Riggs
Harry G. Robinson, Jr.
Glenn W. Rodney
Edward R. Rogal
John J. Rootheff
Maurice Rose
Mervin L. Rowell
Guy W. Rowlett
Thomas T. Sandel
Paul E. Sanders
Louis J. Sartor
Warren A. Savage
George P. Sawyer, Jr.
Adolph G. Schwenk
Edwin R. Scotcher
Clyde V. Scott, Jr.
Darwin H. Scott
John L. Scott
Robert G. Scribner
Robert G. Scurrah
James W. Shank
Alexander V. C. Shaw
Alfred C. Shelby, Jr.
Donald A. Silva
Charles N. Sims, Jr.
John B. Sims
Frederick D. Singer
Ernest P. Skelt, Jr.
Anthony J. Skotnicki
Robert D. Slay
Bradford N. Slenning
Alfred E. Smith

Elmore G. Smith	Merrill Waide, Jr.
George E. Smith	Denzil E. Walden
Grady F. Smith	Samuel A. Wallace
"H" "J" Smith	Wilbourn Waller
Thomas D. Smith, Jr.	Leo E. Walton, Jr.
William M. Smith	Ralph L. Walz
Albert W. Snell	Charles M. Wann, Jr.
Carleton B. Solloway	George W. Ward
Sam Solomon	Henry Waryek
Robert L. Solze	Wilmoth W. Watkins
Joseph A. Sousa	Lester M. Watson, Jr.
Donald E. Spencer	Raymond J. Weber
Hugh M. Steele	Peter J. Weigel
Warren L. Stewart	James A. Weizenegger
Howard D. Stewart, II	Warren E. Wescott
Howard E. Stidham	Nathaniel L. Whisenhant, Jr.
Samuel H. Stiefel	
Jacob Stocker	James H. White
James H. Stone	Kenneth Whitehurst
William W. Storm, III	Carson D. Whitten, Jr.
Charles E. Street, Jr.	John C. Wickham
Arthur J. Sulliyan	Edward F. Wiese
Charles H. Sullivan	Loren K. Wildermuth
William Swanson	Herbert L. Wilkerson
James M. Tanner	John E. Williams, Jr.
Warren G. Tanzler	Frederick S. Wood
Robert J. Thomas	Paul A. Wood
Thaddeus J. Toups	Joseph L. Wosser, Jr.
James V. Townsend	William P. Yerger, Jr.
James B. Turner, Jr.	Douwe B. Yntema
William T. Unger	Walter T. Zamojc
Rollin F. VanCantfort	Emil L. Zanutto
Earl K. Vickers, Jr.	Wilbur K. Zaudtke
Norman Vining	Robert Zeugner
Floyd L. Vuillemot	Paul E. Ziegler
Taylor H. Wagner	Robert "J" Zitnik

HOUSE OF REPRESENTATIVES

FRIDAY, MAY 24, 1946

The House met at 12 o'clock noon.

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

Thou who art the Father of all nature, springtime and harvest have not failed us. Thou coverest the earth as with a garment and crownest us with loving kindness. In the plentitude of Thy mercies we rejoice. It is written that the lilies of the field are clothed by Thee and the sparrow does not fall unregarded. What, then, will be the care of Thy children, and those who bear Thy likeness? O give us hearts of understanding that we may realize our rich inheritance, and thrill us with the challenge of this urgent day, commanding us to take our part in the world's redemption. In our festivities and in our prosperities, minister unto us, and may we forget not all Thy benefits. Give us wills to put first things first, and to be aware that no earthly affluence can atone for poverty of soul.

"We are watchers of a beacon whose light must never die;
We are guardians of an altar that shows Thee ever nigh;
We are children of Thy freemen who sleep beneath the sod;
For the might of Thine arm we bless Thee: our God, our fathers' God."

We pray in Jesus' name. Amen.

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

EXTENSION OF REMARKS

Mr. ARENDS asked and was given permission to extend his remarks in the RECORD and include a resolution.

Mr. McDONOUGH asked and was given permission to extend his remarks in the RECORD in three instances, to include in one a report from the Welfare Council of Metropolitan Los Angeles, and in another an editorial appearing in the United States News by David Lawrence.

Mr. MASON asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in the Washington Times-Herald today.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an editorial entitled "Prophecies in Retrospect" appearing in the Herald Tribune, New York City, May 22.

THE STRIKE SITUATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, yesterday afternoon at the White House the President, in appreciation of the disabled veterans, received them. I could not help contrasting the attitude of those men during the war with the attitude of some of our civilian leaders at this time. During the war the officers and the men under them did not strike against the Government. Negotiating inside the White House there were groups of men who were striking against the United States Government.

I respectfully request, Mr. Speaker, that you and the Members of the House invite Mr. Lewis and the coal operators to appear before the House. I also respectfully request, Mr. Speaker, that you invite the owners of the railroads and the various brotherhoods to appear before the House. It is not a matter, Mr. Speaker, for any one committee. It is a matter for every one of us in Congress. It affects the whole United States and the world.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARNESS of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an article from a magazine.

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

There was no objection.

[Mr. HARNESS of Indiana addressed the House. His remarks appear in the Appendix.]

SPIRITUAL AWAKENING NEEDED

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

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

There was no objection.

Mr. RICH. Mr. Speaker, the United States is now involved in a bloodless revolution. Strikes of the automobile industry, the steel industry, the electric industry, the coal mines, and many, many other strikes. Now we are faced with a complete tie-up of the railroads.

Has American labor decided to wreck this country, as happened in France? O God of our Fathers, be with us yet, be with us yet. Fill our hearts with love for one another in America, not hatred. Help us to live by the Golden Rule and the Sermon on the Mount. Give us a spiritual awakening in America that will bring peace to industries and our private-enterprise system. May we act and do the will of God.

Save America. Save our form of government. It is the best yet devised by man. America, wake up and come to your senses ere it is too late.

IT IS TIME FOR PRESIDENT TRUMAN TO SHOW LEADERSHIP

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MUNDT. Mr. Speaker, the position of President of the United States is one of the greatest leadership posts in the world. In times past, we have had many great Presidents who have met large emergencies with big and brave action programs. Today America faces one of the gravest crises in her history. It is time—in fact, it is already far past the time—for President Truman to show some leadership in meeting this crisis.

Mr. Speaker, I call upon President Truman to summon the Congress of the United States together in joint session tomorrow noon for the purpose of bringing into one working unit the authority of the President and the Congress of the United States for the specific and immediate purpose of putting an end to the defiant strikes which are paralyzing both Government and business, which are depriving millions of starving Europeans from getting American foods which cannot reach seaboard and which are picturing America before the entire world as an impotent giant unable to utilize its own strength.

Mr. Speaker, these grave times call for action and for leadership. Let the President come to a joint session of Congress to spell out precisely the added authority he needs to meet the strike situation; let him pledge us his cooperation and his intention to sign such legislation, and I am sure that before tomorrow night at midnight the Congress of the United States can and will act to give him the strike-stopping authority which he desires.

We have had many joint sessions to declare war against aggressors and to meet the challenges of global conflict. It is now time—it is now abundantly time, Mr. Speaker—that we hold a joint session to meet the challenges of reconstruction, rehabilitation, and near-revolution here at home.

EXTENSION OF REMARKS

Mr. SPRINGER asked and was given permission to extend his remarks in the RECORD in two instances and include in

one an editorial and in the other a newspaper article.

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD and include an article entitled "Feed Famine" from the Wall Street Journal.

Mr. TRIMBLE asked and was given permission to extend his remarks in the RECORD and include an editorial from the St. Louis Star-Times.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a very excellent address.

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

There was no objection.

INDUSTRIAL WAR

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

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

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, we have won the military war on the battlefields of the earth. An industrial war is being waged in the United States that threatens to destroy the fruits of our victory. We have pointed to the Railway Labor Acts as the pattern for other labor legislation. Those acts and all other existing labor acts have now failed. The public sacrificed in war, and the public is today helpless and paralyzed by Nation-wide strikes. The issue transcends employer and employee, transcends political parties, and involves the destruction of the public economy. The Congress that promoted the greatest military victory in human history should now provide for fair wages and reasonable living conditions in mining, transportation, and manufacturing without the Nation-wide paralyzing strikes that now obtain.

Strikes against the Government must not be tolerated. We go to military war when we are attacked. When will the Congress be better justified in passing legislation in behalf of the paramount rights of all the people to curb and prevent strikes? The time for debate has passed. It is time for action. The American public demands that industrial war must and shall be won and prevented.

THE STRIKE SITUATION

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

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

There was no objection.

Mr. COX. Mr. Speaker, Edmund Burke said in his speech on the conciliation of America that "The concessions of the weak are the concessions of fear." Let it be now noted that this Government's policy of appeasement has brought the country up on the brink of ruin. We have reached the point where even the coward must stand up and fight or be lost. But, Mr. Speaker, the situation demands more than that bastard sort of courage thus far displayed. This House has demonstrated that it is not afraid; what say others.

PERMISSION TO ADDRESS THE HOUSE

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

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

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

STRIKES AGAINST THE GOVERNMENT

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. GOSSETT. Mr. Speaker, democracy is on trial. Our Government is in danger. Six months before Pearl Harbor I stood on the floor of this House and predicted that our failure to establish a firm, consistent labor policy would get us into serious trouble. Now we have the miners and the railroads on strike against the Government. Recently a union of Federal employees have insisted they have a similar right.

The very least we can now do is to write immediately into law two things: First, that to strike against the Government at any time, under any circumstances, is a crime; second, that industrial disputes in which the public health, safety, or welfare is seriously involved shall be submitted to compulsory arbitration. To say that such laws cannot be enforced is a stupid admission of futility. A government that can draft men to die for the safety of its people can force men to work for the same reasons.

The American people have a right to be alarmed. They are asking: "Will the big labor bosses continue to vie with each other in seeing who can squeeze the most out of a defenseless public? Can big industries and big labor unions defy with impunity the Government of the United States?" To answer these questions affirmatively is to insult the character and the intelligence of the American people.

Mr. Speaker, I can imagine Hitler and Mussolini looking up from their beds in hell and laughing at our puny efforts to save ourselves from economic and political destruction. Or perhaps in anguish and remorse they simply cry, "Oh, if we had only waited."

SELECTIVE SERVICE ACT

Mr. WASIELEWSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial from the Milwaukee Journal.

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

There was no objection.

Mr. WASIELEWSKI. Mr. Speaker, last week the House extended selective service until July 1, 1946. Two unfortunate amendments were adopted which for all practical purposes have sabotaged the Selective Service Act. We have reports from the State of Wisconsin that the selective-service boards have only been able to fill about 10 percent of their draft quotas. Enlistments fell off 50 percent immediately after the House's action and continue to fall each day. The fate of 600,000 men who have sufficient points to qualify for release is at stake. Some have spent many months abroad and have had active combat service, yet must now be indefinitely detained. Many of these men are married and their families anxiously await their return, others are of school age and are looking forward to completing their studies. All these men, as well as others, are doomed to disappointment. Can the morale of the men in the service or their families at home be kept on a high level under such circumstances?

Further, we have an obligation to fulfill to our allies and to ourselves. We must remain strong if we expect to fulfill our mission at the peace table; our representatives need more than words to support them. If we are to have a lasting peace we cannot permit our Army and Navy to be disintegrated before final victory is complete.

Shortly, the selective-service legislation will come before the House again. I pray and urge that the House may revoke its previous action and eliminate these two sabotaging amendments.

I include as a part of my remarks the following editorial from the Milwaukee Journal of May 20, 1946:

DRAFT FIASCO COMES HOME

The degree to which the House majority sabotaged Selective Service and the whole military replacement program is now reflected right here in Wisconsin. Col. John F. Mullen, State Selective Service director, reports that his organization will be able to fill only 10 to 15 percent of its draft quota for the next 6 weeks. Local recruiting offices say that enlistments dropped 50 percent immediately after the House adopted the ban on drafting 18- and 19-year-olds.

The 85 to 90 percent of the draft quota that will not be raised, plus the boys who would have enlisted if the draft had been working but who choose now to remain at home, were the replacements that the Army was counting on to relieve men in service who have already done their share and are entitled to be discharged. These lost replacements were the men the services were going to use to win the last, and very important, phase of World War II. These were the men that were to help guard and save millions of dollars' worth of military supplies, equipment, and ships for American taxpayers. Through their occupation duties they were to assist in upholding the honor of this Nation, its pledged word, and the respect of other countries for it.

EXTENSION OF REMARKS

Mr. GARY asked and was given permission to extend his remarks in the RECORD and include a resolution adopted by the Richmond (Va.) Ministerial Union on the subject of the food situation in the world.

THE STRIKE SITUATION

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

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

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I believe that if this Congress would pass legislation granting the President the right to permanently seize all the railroads, coal mines, and all like public utilities, the knowledge that the President had that power would bring about a settlement of all strikes within 24 hours; and the power would not have to be used.

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

EXTENSION OF REMARKS

Mr. LANE of Massachusetts asked and was given permission to extend his remarks in the RECORD in four instances, in one to include a resolution adopted at a rally of the Lynn Committee for Armenian Rights, in the second to include a resolution adopted by the City Council of the City of Lawrence; in the third instance to include a report adopted in Washington at a convention of textile workers, and, fourthly, to include a speech made by him in the city of Lynn, Mass.

Mrs. DOUGLAS of California (at the request of Mr. OUTLAND) was given permission to extend her remarks in the RECORD.

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the RECORD.

THE STRIKE SITUATION

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

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

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I have just listened with considerable interest to the remarks made by the gentleman from Minnesota [Mr. GALLAGHER]. I am amazed that any Member of this democratic body would seriously propose, as he has, the permanent Federal operation of the railroads and coal mines.

I simply want to say to him that that which he has proposed is exactly what they have in Russia today—communism, pure and simple. We do not need, we do not want and we will not have it in these United States of America.

This great Nation, a powerful industrial giant, today finds itself prostrate due to strikes. The wheels of industry are turning to a halt, millions forced into idleness, food shortages envisioned in many sections, hunger in sight, chaos everywhere. This, Mr. Speaker, is rebellion. It leads to communism. It leads to such as the gentleman from Minnesota proposes and which, I am sure, he does not want. Labor leaders Lewis, Whitney, and Johnston have defied the President, have defied the people and even thousands of their own workers. They are burning the house down on the working masses.

The time has come for the President and the Congress to act. I respectfully call on the President to appear before a joint session of the Congress and there make known his needs to end this chaos. And, then I call on the Senate and my colleagues to act. As for myself, I am ready to give the President such as will meet the needs.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN asked and was given permission to extend his remarks in the RECORD on the St. Lawrence seaway.

THE RAILROAD AND COAL STRIKES

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I do not agree with my colleague [Mr. GALLAGHER] from Minnesota, who has just demanded that Congress pass legislation authorizing the President to seize and nationalize railroads and coal mines. Such a policy would be either national socialism or communism, and I know that I speak for the vast majority of the American people, when I say that we want no traffic with either one of these isms or any other kind of ism which does not reflect true Americanism.

Mr. Speaker, as a result of the railroad and coal strikes a national calamity has come to our country. Irrespective of the merits involved in these strikes, I insist that the administration and Congress must take immediate steps to secure a resumption of operations in these vital industries. The controversies involved between the operators and the men can and must be settled without the necessity of work stoppages. The President now possesses ample authority to bring about a satisfactory settlement, which action should have been taken by him yesterday before the railroad strike started.

As matters stand today, these strikes are strikes against the American people, instead of against railroad companies and coal-mine owners. I am convinced that just grievances on the part of workers in both industries can be peacefully settled without tying up the country's economy. Unless operations are immediately resumed, there will be a complete collapse, and all of the people will suffer. In addition, we will also fail to meet our commitments to feed starving people in the rest of the world, who are depending upon our promises to supply food.

I urge the President to use his high office to secure work resumption in both industries, and I insist that Congress must take constructive action to prevent a reoccurrence of such tragic events.

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

EXTENSION OF REMARKS

Mr. PLUMLEY asked and was given permission to extend his remarks in the RECORD and include a telegraphic resolution from the Associated Industries of Vermont.

Mr. MATHEWS asked and was given permission to extend his remarks in the RECORD.

Mr. JONES asked and was given permission to extend his remarks in the RECORD and include a letter written by a doctor formerly in the Army, and a note to him.

Mr. HAND asked and was given permission to extend his remarks in the RECORD.

Mr. ARNOLD (at the request of Mr. HAND) was granted permission to extend his remarks in the RECORD.

Mr. HAGEN asked and was given permission to extend his remarks in the RECORD in two instances, and in one to include certain letters.

Mr. GROSS asked and was given permission to extend his remarks in the RECORD and include an editorial appearing in yesterday's Washington News entitled "The Labor Trusts."

THE LABOR SITUATION

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. LANDIS. Mr. Speaker, today we find ourselves in a peculiar situation. Very few Members of the House have the facts on the strike situation.

Some months ago I was turned down on a request of the President to have a small delegation from Congress to sit in on and find out the facts in the strike situation.

Now we come to this conclusion: That in America you cannot make a man work for a living. We also find that it takes railroaders to run the railroads and it takes miners to run the mines. We found from experience after the last war that it costs about $200 a ton to mine coal after the Government took over.

Today our acting chairman has appointed a subcommittee to go into the details of the strike situation. Any Member who has any information or who desires to amend the Wagner Act should furnish that information to our subcommittee.

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

MEMORIAL DAY EXERCISES AT NATIONAL CEMETERY, GETTYSBURG, PA.

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. GROSS. Mr. Speaker, I call the attention of the House to the fact that former Governor Bricker, of Ohio, will make an address in the National Cemetery at Gettysburg on Memorial Day at 2:30 in the afternoon.

This is an annual event. Gettysburg is our greatest national shrine. Most of our great men and many of the near great have spoken there from time to time. We look forward to Governor Bricker saying some things of great national importance. The address will be broadcast. I urge as many Members as possible to be there, particularly the Members from Pennsylvania and Ohio. I am sure Governor Bricker would be greatly pleased to see many of you there.

The ceremonies in the national cemetery, amid the thousands of flags floating in the breeze, is always thrilling and inspiring.

They usually have 500 children strewing flowers. It is an event that will thrill you to tears, no matter how many times you may see it.

Gettysburg usually is the host to thousands of people on Memorial Day. This year there will be tens of thousands to honor our heroic dead and to listen to the words of a great statesman and a probable future President.

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

THE STRIKE SITUATION

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, while the war was on President Roosevelt, with his well-known foresight, called upon the Congress for reconversion measures.

In his Budget message on January 21 of this year, President Truman listed 21 specific measures he had been urging for the reconversion and postwar period. He pointed out that very few of them had been acted on. Congress was quick to help business and industry reconvert. Last fall, it gave them notable tax concessions. Congress has not been eager to help labor reconvert. With the exception on an inept full-employment bill, other legislation of importance to the rank and file of the people languish in committees or on the calendars—action on the Federal pay-increase bill was completed only some days ago. Important amendments to the Railroad Retirement and Railroad Unemployment Insurance Acts, urged by the railroad employees, were pigeonholed in the committee until we secured enough signatures to a petition to bring them up for a vote.

Congress has had an opportunity to act and Congress has not acted. It is unfair for any Member of this House to criticize the President because he was good enough to take time out to greet some 700 disabled veterans, while his mind was busy and his associates were working in an effort to avert the catastrophe that has come upon America.

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

THE LABOR SITUATION

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. BULWINKLE. Mr. Speaker, I would like to ask a question of those Members who are saying that legislation should be passed in connection with the strike situation. What manner of legislation would you have? I admit with you and I agree with you that the conduct of certain labor leaders in the United States is absolutely reprehensible—John Lewis, Al Whitney, and some of the others—but I ask you when you talk about the legislation which should be passed, what have you in your minds? What would you propose?

We passed back in 1924 or 1925 the Railway Labor Act, used as a model all these years not only in the transportation field but also in other lines of industry. I am disappointed at what is taking place. The Railway Labor Act must be studied and amended.

Mr. Speaker, at this time let us not forget ourselves because of our indignation. Heaven forbid that we should stand here on the floor and criticize the President of the United States for taking a few minutes off to be with the disabled veterans who were on the White House lawn.

The SPEAKER. The time of the gentleman from North Carolina has expired.

EXTENSION OF REMARKS

Mr. RABAUT asked and was given permission to extend his remarks in the Appendix of the RECORD and to include therein an article by Father John E. Coogan, S. J., of the University of Detroit, on religion and the criminologist.

Mr. SPENCE asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an address delivered by Governor Szymczak of the Federal Reserve System before the Ohio Bankers' Association.

PERMISSION TO ADDRESS THE HOUSE

Mr. COLMER. Mr. President, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

[Mr. COLMER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include therein a table.

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

There was no objection.

[Mr. DIRKSEN addressed the House. His remarks appear in the Appendix.]

THE GOVERNMENT AND THE STRIKES

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, in the present labor-management crisis the administration is found wanting in two particulars. In the first place, for the last 13 years the Roosevelt-Truman administration has failed to assume an impartial and judicial attitude in reference to labor and management. It has promoted strikes, class consciousness, and has often committed acts which have led to strikes, work stoppages, and the lack of production. In the second place, this administration has fought all legislation that has been proposed to amend the Wagner National Labor Relations Act or to curb the acts of labor racketeers. Several bills have passed the House of Representatives, in spite of administration opposition, only to be killed in the Senate because of the administration's superior strength over in the other body.

Early during my service in the Seventy-sixth Congress I voted for the resolution to investigate the National Labor Relations Board. That House committee recommended certain amendments to the National Labor Relations Act. I voted for those amendments. The administration caused those amendments to the Wagner Act to be pigeonholed in a committee in the other body. Had those amendments become the law it would have been a great step forward in the field of labor-management relations and it would have averted much of the trouble that we have experienced in recent years. There were many other bills that passed the House which were not advanced by the Senate. The Case bill, which I also supported, should have been advanced in the Senate weeks ago, and it could have been used as a vehicle to avert the coal and rail strikes that are now paralyzing the country.

Today American industry is paralyzed and production has ceased. Farmers and city people alike, including our veterans, are without the food, clothing, and shelter that they need. Fights, bordering on near riots, are taking place in our stores. The seeds that have brought forth our present situation were sown by the Government itself during the last 13 years. The group that has brought about our current strikes, and the group that has placed and kept the present administration in power, seem to be synonymous.

Mr. Speaker, if further legislation is needed to meet the present situation I, for one, am ready to vote for that legislation.

THE STRIKE CRISIS

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, there comes a time in the history of a people when they reach the boiling point. It is easy to review past events of history. In my humble opinion, World War II was not necessarily caused by Pearl Harbor, but by the many incidents that occurred previous to Pearl Harbor. Pearl Harbor was the boiling point. The people could stand no more.

The present strike wave is again causing the people of this Nation to reach

the boiling point. The people are demanding that labor legislation be enacted now. Legislation that will protect the public from the tremendous damage that is now being done to them by the railway and coal strikes.

I would suggest to the leadership in this House, that they act immediately on the bill which may come, shortly, from the Senate. If the bill from the Senate, is in proper form, it should be accepted without benefit of a conference committee. The conference committee might pull out all of the teeth.

Mr. Speaker, legislation is needed which will be in the interest of the public. It does seem that when the health, welfare and public safety are involved and when the Government takes over a union and a strike, then that strike should be ended. If it continues it is a strike against the Government, and that means the people of the United States.

It can well be said that the chickens are coming home to roost for this administration. This administration, for many years, has coddled labor and urged legislation which put labor in a favorable position. They helped enact labor legislation which did not protect the public. The people of the United States have been without proper leadership from this administration. The time has arrived to take prompt and determined action.

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

EXTENSION OF REMARKS

Mr. REES of Kansas asked and was given permission to extend his remarks in the RECORD and include an article and two letters.

VETERANS ARE ENTITLED TO MODERATE-COST HOUSING

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

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

There was no objection.

Mr. REES of Kansas. Mr. Speaker, a great deal has been said on this floor and through the press with respect to priorities for veterans on building materials and supplies for constructing homes. There are a half dozen Government agencies dealing with veterans' housing problems. It is understood the Government policy is to see that priority is given to construction of moderately priced homes for veterans, and then to others who are in dire need of them.

Mr. Speaker, there are hundreds of high-priced homes being built in the larger cities in this country, including Washington. I visited a project where 125 homes are now under construction. The lowest price on any one of these houses is $25,400. They run from that figure to beyond $30,000. Those in charge of the project advise they are being supplied with all necessary building materials together with plumbing and other fixtures to complete these homes. The only requirement involved is that they first offer these homes to veterans during a period of 30 days. After that, anyone may buy who has the money. Not many veterans will buy these high-priced houses. This one project alone will total more than four and a half million dollars. The material and equipment in these homes would go a long way in building many moderate-priced homes.

In my district lumber and supply dealers are able to secure only a limited supply of material and equipment to build a few moderately priced homes. If the material used in expensive homes could be used for moderately priced homes, it would help a great deal in solving the housing problem for servicemen and others.

If a veteran wants to build a home in my part of the country he is required to go through reams of red tape in order to secure permission to do it. Then he meets with the further difficulty of lack of materials. I cannot understand how, or why, priorities to big contractors to build expensive homes.

If administrative officials are really anxious to provide moderate-cost housing for veterans, the situation to which I called attention cannot be justified.

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

CURE FOR THE STRIKE EVIL

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

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

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, the question has been asked as to what kind of law ought to be passed to meet the perilous strike situation. Enact a law guaranteeing to every person in this country the right to work wherever he pleases, at whatever wage he can voluntarily agree upon with any employer, without having to pay tribute to anyone. If we do that we will be doing no more than reassert one of the fundamental principles of the Constitution of the United States. This would be helpful to wage earners as well as all others. It is imperative that we do this to preserve national order and stability.

FEASIBILITY OF AMENDING PRESENT LABOR LAWS

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

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

There was no objection.

Mr. RANDOLPH. Mr. Speaker, the gentleman from Indiana [Mr. LANDIS] has already called the attention of the membership to the action taken by the House Labor Committee earlier today in reference to the appointment of a seven-man subcommittee to investigate the feasibility and the practicability of amending present laws dealing with labor and management. The possibility of offering remedial legislation to deal with the economic troubles caused by strikes and other reasons is a proper subject for careful review.

As the acting chairman of the Committee on Labor, I am attempting to exercise my duty during a grave crisis in the history of our Nation. The Labor Committee unanimously empowered me to appoint a group to make a searching inquiry. I selected the following: Mr. KELLEY of Pennsylvania; Mr. FISHER, of Texas; Mr. HOOK, of Michigan, Mr. RESA, of Illinois; Mr. LANDIS, of Indiana; Mr. MCCONNELL, of Pennsylvania; and Mr. BUCK, of New York.

The SPEAKER. The time of the gentleman from West Virginia has expired.

CURE FOR THE PRESENT LABOR STRIFE

Mr. OUTLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. OUTLAND. Mr. Speaker, we hear a great deal these days about labor strife and about the fact that there is no action being taken about it. A certain amount of blame is being placed on the President of the United States; such is most unfair.

Mr. Speaker, these difficulties are not going to be solved by passing hasty legislation such as the Smith-Connally bill which after being passed over President Roosevelt's veto was repudiated by the Republican candidate for the Presidency in the following campaign. We are going to solve labor strife only as we pass comprehensive, thoughtful measures, such as full-employment legislation, minimum wage laws, adequate social security and other things which in the long run will bring a greater degree of decency, of fairness and of democratic living to the American people as a whole. If there would be less calling of names and more cooperation on the President's program there would be less industrial strife. If we had more statesmanship and less politics we would achieve more lasting results.

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

COMMITTEE ON LABOR

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

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

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker I want to congratulate the gentleman from West Virginia on finally getting the Committee on Labor in the House to respond to the sentiment of the country in trying to get some amendments to the National Labor Relations Act. I recall an old spiritual which I believe goes like this:

As long as the light holds out to burn,
The vilest sinner may return.

But I do want to also call attention of the committee to the elaborate investigation of the National Labor Relations Act and of that Board which took place 5 years ago resulting in a report from the select committee of which I was chairman, recommending a complete revision of the National Labor Relations Act, and which revision was passed by this House over the opposition of the Committee on Labor by a vote of 2 to 1. I think

that they can begin their education on this subject by a careful scrutiny of the report of that select committee, and the bill which the House passed pursuant thereto.

THE PRESENT CRISIS

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

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

There was no objection.

Mr. KEEFE. Mr. Speaker, in these times of great crises it is remarkable to hear the speeches that have been made here this morning. Certainly the chickens have come home to roost right on the doorstep of the administration that has toyed with this problem lo these many years. Now we find that at long last, the Committee on Labor is about to conduct an investigation of what they may possibly do to amend the National Labor Relations Act.

It reminds me of the veteran who recently applied for a passport to return to Europe, and when asked why he wanted to return after having served 3½ years in combat, he said, "I have found from my experience over there that chaos in Europe is better organized than it is in America."

EXTENSION OF REMARKS

Mr. HAYS asked and was given permission to extend his remarks in the RECORD.

Mrs. LUCE (at the request of Mr. MARTIN of Massachusetts) was given permission to extend her remarks in the RECORD.

Mr. FORAND (at the request of Mr. KOPPLEMANN) was given permission to extend his remarks in the RECORD in two instances and include in one a resolution.

NATIONAL CEMETERIES

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 639, Rept. No. 2129), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the act (S. 524) to provide for one national cemetery in every State and Territory, and such other national cemeteries in the States, Territories, and possessions as may be needed for the burial of war veterans. That after general debate, which shall be confined to the act and to continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Military Affairs, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment, the Committee shall rise and report the same back to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit.

ADMINISTRATIVE PROCEDURE ACT

Mr. SABATH. Mr. Speaker, I call up House Resolution 615 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the act (S. 7) to improve the administration of justice by prescribing fair administrative procedure. That after general debate, which shall be confined to the act and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the act shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the act for amendment, the Committee shall rise and report the act to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion except one motion to recommit.

TO IMPROVE ADMINISTRATIVE PROCEDURE

Mr. SABATH. Mr. Speaker, later on I shall yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. Speaker, House Resolution 615 makes in order the consideration of Senate 7 as amended by the Committee on the Judiciary. The bill aims to improve the administration of justice by prescribing fair administrative procedure. The rule is an open rule, and provides for 2 hours of general debate.

Mr. Speaker, I hope this is only the beginning of legislation to improve the administration of justice and that it will bring about real justice to all those who are obliged to face our courts.

NOT THIS KIND OF JUSTICE

Speaking about justice, I am reminded of a story. A certain corporation lawyer, having been called to defend an action way out West, after surveying the situation engaged every lawyer in that county that he thought could be of service one way or the other. After the case was concluded the corporation lawyer wired home, "Pleased to report case has been concluded and justice prevailed." In about half an hour he received a wire, "In view of that result, give notice of appeal for a new trial." I hope that is not the kind of justice we are going to have in some of these courts as a result of the passage of this bill.

This bill, Mr. Speaker, is the fruit of 10 years of careful inquiry and consideration by the Committees on the Judiciary in both Houses of Congress, by the President's Committee on Administrative Management, by the Attorney General's Committee on Administrative Procedure, and by many public, quasi-public, and private groups, committees, and organizations representing the bar, business, and industry. Exhaustive hearings have been held, scores of witnesses heard, dozens of conferences and consultations had. Seldom, indeed, has any legislation reached the floor with so much careful thought behind it. High recognition is due the members and the chairmen of the respective committees, and in particular to the gentleman from Pennsylvania [Mr. WALTER].

PRESENT BILL MEETS OBJECTIONS

The object of the bill is, as I have stated, to improve the administration of rules and regulations made by the agencies under grants of power from Congress, and to establish uniformity of practice so that any citizen may have his day in court with a minimum of delay and expense.

Ever since I have been in the House, and for many years before that, there has been complaint from lawyers, from businessmen, from industry, and from plain citizens that they were lost in the maze of administrative agencies and regulations. There has been no argument as to the need for systematization and clarification; the only differences have been as to the methods to be followed, on how to achieve the desired end with the greatest equity to the public and the least disturbance to the complex growth of administrative functions. An earlier bill, the Logan-Walter bill, was vetoed by President Roosevelt because it was felt to be inadequate to the problems, and that it would have the effect of crippling administrative agencies and the courts.

PUBLICITY VALUABLE CONTRIBUTION

There is general agreement that the present bill has not only eliminated the objections previously made but has achieved a substantial contribution in its publicity requirements; and that it has arrived at an equitable and helpful differentiation of the legislative or rule-making powers and the quasi-judicial powers frequently lodged in the same agency.

What the bill does, in substance, may be summarized under four headings:

First. It provides that agencies must issue as rules certain specified information as to their organization and procedure, and also make available other materials of administrative law.

Second. It states the essentials of the several forms of administrative proceedings and the general limitations on administrative powers.

Third. It provides in more detail the requirements for administrative hearings and decisions in cases in which statutes require such hearings.

Fourth. It sets forth a simplified statement of judicial review designed to afford a remedy for every legal wrong.

COMMENDATION FOR INVESTIGATIVE SECTIONS

I should like to bespeak special commendation for the discussion of section 6 (B), dealing with administrative investigation, found on page 23 of the report of the House Committee on the Judiciary. Investigations, the committee says, must not be "fishing expeditions," and may not disturb or disrupt personal privacy, or unreasonably interfere with private occupation or enterprise. They should be so conducted as to interfere in the least degree compatible with adequate law enforcement.

I am told that this is only the beginning in trying to adjust many different viewpoints held by various judges in the different districts. I am hopeful that the Committee on the Judiciary within a short time will bring in a much broader bill that will guarantee real justice to all the people, and assure that justice will be done in all proceedings, that whether a man be poor or rich, equal justice will be meted out.

I do not wish to detain the House further, as this is a bill I know the Members are desirous of considering. I do not believe there will be much opposition to the rule or to the bill.

I now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this is an important bill. In my experience in Congress, no legislation has had more careful and more painstaking consideration on the part of the legislative branch of the Government, the agencies of the Government, the committees of Congress, the American Bar Association, business and other groups primarily affected. For more than 10 years, committees have been working. During all that time efforts have been made to reach a common ground where we could all agree and enact needed legislation. The measure we are about to consider, in my opinion, will not receive a negative vote in the Congress today. That is something—that is an accomplishment. It is the fruition of careful study, tolerance, nonpartisanship, and genuine cooperation. The only aim and purpose of this bill is to see that the rank and file of American people receive the justice which our system of jurisprudence attempts to guarantee to them. I am not going to go into the technicalities of the bill. It will be explained by members of the subcommittee of the Judiciary Committee, who have lived with this matter for 10 long years. I am sure they will be able to answer all questions. For my part, I doubt if many questions will be asked. When the first proposal was suggested to the Congress, I was opposed to it. One school of thought was entirely of one mind. Another school of thought was entirely of another mind. Possibly each school went too far in advocating just what it thought should be done. But after calm study, deliberation, and consideration, as well as tolerance, we are here today with something that the Committee on the Judiciary stands behind unanimously. It is not perfect. It is a pioneer effort. It can be amplified as circumstances warrant.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. JOHNSON of California. In the State of California, the courts and the bar have spent about 6 years studying this same problem. They finally passed a bill almost identical to the bill you are offering here today. It has received universal approbation both of the bench and bar as well as litigants.

Mr. MICHENER. I am sure after this bill becomes law, which I feel sure it will, the same condition will exist in the Federal Government.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield for a comment since my distinguished colleague does not want to delay matters?

Mr. MICHENER. I yield to the gentleman.

Mr. PITTENGER. As I understand it, this is a successor to the old original Walter-Logan bill. Our distinguished colleague from Pennsylvania [Mr. WALTER] and the late Senator Logan rendered a great public service when they introduced that legislation. It should have been passed years and years ago because it is in harmony with American ideas and American traditions of the right to go into court when you feel you have been wronged. I hope we pass it, and pass it soon.

Mr. MICHENER. The Walter-Logan bill passed the Congress, but was vetoed by the President because, he said, the subject needed more study. That study has been made. This type of bill cannot be written on the floor. It is too technical. Neither can it be adequately explained in a short speech in this debate.

Mr. SCRIVNER. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. SCRIVNER. I wish to take this opportunity to commend the committee and the subcommittee, not only on the measure itself, but on the full and complete and explanatory report which they have prepared. This measure is a step in the right direction toward regulating the regulators. I trust the bill will receive a unanimous vote.

Mr. MICHENER. Mr. Speaker, reference has been made to the committee report. This report contains 56 pages, and it is complete. If it were not so long, I should include it in the RECORD, but I want the RECORD to show reference to the report, so that anybody in the future who wants to know what this bill means and why it is here will know where to go to get concise information. It is House Report No. 1980, Seventy-ninth Congress, second session.

Mr. Speaker, Dean E. Blythe Stason, of the law school of the University of Michigan, served on the Attorney General's committee studying administrative procedure. He has also served on bar association committees making like investigation. Indeed, he is an expert on administrative procedure legislation and I have a great respect for his judgment in these matters. After reading this bill, Dean Stason wrote to me approving the bill in its present form. He said:

> This measure has now been given very careful attention, not only by the Senate committee, but also by the appropriate committees of the American Bar Association, where it has been debated, revised, and re-revised, throughout the last half dozen years. I have studied the act very carefully indeed and in fact have participated in certain of the earlier drafts. I am convinced that the measure is now in first-class condition and is as good a measure as can be expected at this time in so highly controversial a field as that of administrative law. I hope that the bill becomes a law at an early date.

I understand that the other members of the former Attorney General's committee agree with Dean Stason.

Mr. Speaker, I have no requests for time on this side.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I am delighted to see this bill come to the floor in the form in which it is probably going to receive the approval of both the House and the Senate. This is a subject that should have been dealt with many years ago. It is more important now than ever before. It is becoming more important every day. There has grown up a great system of administrative procedure that has grown up without any regulation by Congress to the point where the average citizen who has a matter before any bureau in Washington must go through a maze of rules and regulations unknown to him and often unknown to the agency which deals with them.

I have given this subject much consideration. In fact, I introduced a bill which went farther than the present bill. I had hoped that certain features of it would go farther. I had hoped that we would have a more complete separation of the judicial and executive functions in this bill. I do think that the committee has gone a long way, and perhaps they are wise in not going any farther than they have gone.

I want to call the attention of the House particularly to the report on this bill, as has the distinguished gentleman from Michigan [Mr. MICHENER]. It is one of the finest reports I ever read. It is clear, full, and complete. There are many details in setting up a code of administrative procedure. It is a great undertaking. I look upon this bill as merely the beginning of setting forth a code that will regulate and coordinate the procedure in all of these procedures before executive agencies.

This bill has this added advantage: Although one bill was vetoed by the President, although there has been much controversy over this whole subject, we have at last reached the point where the Committee on the Judiciary in the House of Representatives has agreed upon a bill, and I understand they have consulted with the Judiciary Committee of the Senate, and this bill has been submitted to them in its amended form and it is agreeable to the Senate. On the last page of the report you will find a complete endorsement by the Attorney General. So the Senate Judiciary Committee, the House Judiciary Committee, and the Attorney General all being in accord, I merely took the floor to express the hope that, notwithstanding some of us may have wanted some addition of details to this bill, we will all agree on this bill as it is written, and we will not place any amendments on the bill which may jeopardize its ultimate passage at this session of the Congress. It is a most important thing to do. I do hope the House will pass this bill as it is, so that we may finally make a fine start, as we are in this bill, upon legislation that has been so long needed and so long neglected.

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

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. SLAUGHTER].

Mr. SLAUGHTER. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

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

There was no objection.

Mr. SLAUGHTER. Mr. Speaker, I cannot go along with the violent attacks that have been made upon the administration this morning. In the first place, I think many of them are unjust. Second, and more important, the vitupera-

tive name-calling is not going to pull this country out of the industrial paralysis which grips it today. Whatever mistakes the administration may have made are water over the dam. The fact remains that action is needed and needed now, and I know of no place from which it can come but from the Congress of the United States.

Can something be done? I think it can. I have just introduced a bill which, in my judgment, will end the railroad strike within a matter of hours, if and when it becomes law. I can say this, for I have no pride of authorship. It largely follows the amendment presented by Senator SCOTT LUCAS, of Illinois, in the bill which is now pending in the Senate.

This bill reaffirms and restates a declaration of policy so self-evident that there can be no dispute as to its wording. It defines and states as a national policy that strikes in those industries which affect the health and safety of our people cannot be tolerated. It provides and reaffirms the power which the President already has to seize such industries—and this the President has already done. It seeks to curb and prohibit a strike against the Government of the United States, for the present railroad strike is not a strike against the carriers. It is a challenge to the authority of the President of the United States. It is a flouting of the Congress. It is a cruel and irresponsible gesture of contempt to the American people.

Briefly, this bill provides that once the President, acting as the Chief Executive of the Nation, has found that a work stoppage seriously affecting the health and safety of the people is imminent and has seized an industry, persons who continue to strike against the Government of the United States shall lose their status as "employees" within the meaning of the Labor Relations Act. This means that an employee striking against his Government loses his seniority.

Of all the railroad brotherhoods, the Organization of Railroad Engineers has been one of the best. Engineers are usually oldest in point of service on a railroad. They are responsible, sober, loyal, and patriotic citizens. They have worked up to the position of engineers, and they are well paid and should be. Under the award of the President's fact-finding board, which has already been accepted by the carriers and by all but two of the brotherhoods, the average pay of a railroad engineer will be $5,700. It is more than the Governor of many States receive. It is more than the judges in many parts of the country receive. It is greater compensation than is paid to the mayors of many large cities. I submit that it is a figure that meets with the approval of most of the men affected. If not, further negotiations can be had, but they must be had while rail traffic continues to move.

The bill does not in any way prohibit a strike against a private employer. It simply outlaws and prohibits a strike against the sovereign power of the United States which must be superior to the right and power of any other individual or group if we are to survive as a great nation. The bill interferes in no way with subsequent collective bargaining negotiations between employer and employee during the period of Government seizure. It would merely provide, in the instant case, the trains engaged in interstate commerce would continue to roll.

Never in the history of the country have we faced an industrial crisis such as confronts us today. Trains cannot run without engineers, and when those vital employees walk out, commerce ceases to move. Here in the Nation's Capital I am informed that only two trains out of many hundreds normally operated, will move from Washington to New York today. By Monday suffering and want will stalk this land, and if the strike continues many days, sickness and epidemics are inevitable. The House leadership has wisely and prudently decreed that the House will be in session tomorrow. We can be in session until midnight if necessary. We can act either on the bill just introduced or on the Senate version, if that body should pass legislation today. No longer can we wait for deliberative action. Passage of the bill just introduced will, in my opinion, terminate the present strike of engineers, and knowing engineers as I do, I say they will welcome this legislation. They are not striking against their Government through choice but because they are ordered to do so. They can and must return, and the passage of this legislation, which could receive the President's signature before the week end is out, will avert a national disaster of inconceivable magnitude.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. Speaker, I ask unanimous consent to proceed out of order, and to revise and extend my remarks.

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

There was no objection.

Mr. ERVIN. Mr. Speaker, our economic house is on fire. The Committee on Labor has appointed a subcommittee to investigate the causes of the fire. It seems to me it would be wiser to take some steps to pour a little water on the fire and try to extinguish it, rather than to investigate the causes of the fire while the house burns down.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 7) to improve the administration of justice by prescribing fair administrative procedure.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 7, with Mr. SMITH of Virginia in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WALTER].

I. THE PROBLEM

Mr. WALTER. Mr. Chairman, for a generation Americans have been brought face to face with new forms or methods of government, which we have come to call administrative law. It is administrative because it involves the exercise of legislative and judicial powers of government by officers who are neither legislators nor judges. It is law because what they do is binding upon the citizen exactly as statutes or judgments are binding.

The people of the country have been of different minds about this new phenomenon. Thirty years ago they were arguing about its validity under the constitutional system of the United States. Twenty-five years ago the argument had shifted to questions of how far the courts should be authorized to control administrative operations. Within the last 10 years the emphasis has swung to problems of administrative organization and administrative procedure.

The plain fact is that administrative government, or administrative justice, as it is sometimes called, has been with us a long time and is obviously here to stay. In the last 15 years it has grown by leaps and bounds. Thirty years ago a distinguished statesman, Elihu Root, put the problem in words which have not since been improved upon. He then said:

> There is one special field of law development which has manifestly become inevitable. We are entering upon the creation of a body of administrative law quite different in its machinery, its remedies, and its necessary safeguards from the old methods of regulation by specific statutes enforced by the courts. As a community passes from simple to complex conditions the only way in which government can deal with the increased burdens thrown upon it is by the delegation of power to be exercised in detail by subordinate agents, subject to the control of general directions prescribed by superior authority. The necessities of our situation have already led to an extensive employment of that method. The Interstate Commerce Commission, the State public service commissions, the powers of the Federal Reserve Board, the health departments of the States, and many other supervisory offices and agencies are familiar illustrations. Before these agencies the old doctrine prohibiting the delegation of legislative power has virtually retired from the field and given up the fight. There will be no withdrawal from these experiments. We shall go on and we shall expand them, whether we approve theoretically or not, because such agencies furnish protection to rights and obstacles to wrong doing which under our new social and industrial conditions cannot be practically accomplished by the old simple procedure of legislatures and courts as in the last generation. Yet the powers that are committed to these regulating agencies, and which they must have to do their work, carry with them great and dangerous opportunities of oppression and wrong. If we are to continue a government of limited powers these agencies of regulation must themselves be regulated. The limits of their power over the citizen must be fixed and determined. The rights of the citizen against them must be made plain. A system of administrative law must be developed, and that with us is still in its infancy, crude and imperfect.

Similarly, 20 years ago, Charles Evans Hughes had this to say:

> Legislators have little time to follow the trails of expert inquiry and so we turn the

whole business over to a few with broad authority to make the actual rules which control our conduct. The exigency is inescapable but the guardians of liberty will ever be watchful lest they are rushed from legislative incapacity into official caprice. If we escape bureaucracy it will not be because of dissertations on delegations of legislative authority. We are a practical people and necessary delegations will not fail to find reasons to support them. It will be only because we never lose sight of the ultimate purpose of government, because we would rather take some risks than give too much leeway to officialism, because we refuse to establish or maintain power for its own sake, and because we have the assertiveness of the unbroken will of freemen who will insist that every public officer must constantly feel that he is a servant and not a master, the servant of an intelligent community which is content with thorough investigation and impartial findings and scientific applications, but is not servile and is able and quick to detect favoritism or arbitrariness. It will be for the reason that we are not willing to exchange our birthright for a mess of administrative pottage, no better for being prepared by democratic cooks.

These are statements of great men, learned in the art of government and in the technique of the law. Their measured language, however, is merely the echo of history and common sense of English-speaking peoples. On the eve of the American Revolution the great Pitt warned that "unlimited power corrupts the possessor." Our Declaration of Independence, which followed a few years later, charged that the British King had "sent hither swarms of officers to harass our people," sponsored "arbitrary government," sought to introduce "absolute rule into these Colonies," and proposed to alter "fundamentally the forms of our governments." Those were the words of Thomas Jefferson, used to describe the administrative tyranny of the time.

Other people in other walks of life have recognized and expressed the same ideas here and abroad. In 1901 the great historian who was also Bishop of London uttered these historic words:

> Power tends to corrupt, and absolute power corrupts absolutely.

Even the poets have had their say, as in these words from the pen of Shelley:

> Power, like a desolating pestilence,
> Pollutes whate'er it touches.

Today, in the backwash of the greatest war of history, we need not be reminded of the abuses which inevitably follow unlimited power.

II. LEGISLATIVE HISTORY

The situation has not been ignored by the Congress of the United States. For 10 years it has been considering legislation. The difficulty has been the complexity of the subject, the disturbances of the times, and world-shaking events in the international sphere. In considering the legislative proposals presented since 1933, the Congress has held many hearings and its committees have issued many reports on the subject.

The executive branch also has been concerned. The late President Franklin D. Roosevelt initiated or approved two major investigations on the subject, both of which resulted in legislative recommendations of far-reaching consequence. Our great Attorney General, the Honorable Tom Clark, has participated in the drafting of the present bill, and he has repeatedly endorsed it.

The history of these activities is set forth at length at pages 7 to 16 of the report of the Committee on the Judiciary respecting the present bill. While various proposals have been made over the years, the continuous line of development leading to the present bill is there for all to read. In 1937, when transmitting to the Congress the report of his Committee on Administration Management, President Roosevelt stated that the practice of creating administrative agencies, which perform administrative work in addition to judicial work, threatens to develop a "fourth branch" of the Government, for which there is no sanction in the Constitution. In 1938 the Senate and House Committees on the Judiciary investigated very thoroughly the proposal for the creation of an administrative court. In 1939 and 1940, Congress passed an administrative-procedure bill which President Roosevelt vetoed because, as he stated in his message to this body, he desired to await the report of the Attorney General's Committee on Administrative Procedure, which had then been at work for over a year pursuant to instructions to make a thorough study and comprehensive recommendations.

In 1941 the Attorney General's Committee, after some 2 years of labor and issuance of numerous printed studies of the operations of important agencies of the Federal Government, issued its final report. Legislative hearings were held in April, May, June, and July of the same year on the legislative proposals growing out of the work of that Committee.

War intervened. It was not until 1944 that the Judiciary Committees of both Houses could again become active respecting this problem.

So much had been done in the prior years that it was perfectly obvious that the problem remaining was one of draftsmanship. In reaching the final form of the bill the executive branch and private interests of every kind were called into consultation over a period of a year or more as is set forth at pages 14 to 16 of the report of the Committee respecting the present bill.

With the details of this very extended legislative history I shall do no more than refer the Members of the House to the Committee report. It is a comprehensive document. It sets forth all the official history of this bill and its predecessors.

III. THE GENERAL STRUCTURE OF THE BILL

Many people who approach the subject of general administrative law legislation either conceive the problem as one which is very simple, or as one which is so complex as to be impossible. Neither impression is correct.

Granted that Federal powers are going to be exercised and that they are going to be exercised through administrative agencies, there is no simple panacea. To expand court review would not, for example, remedy the administrative situation at its source. To adopt some drastic system of independent hearing officers would not take care of the vast area of governmental activity where there are no hearings. To require hearings in all cases would add unnecessary burdens in the business of government and would at the same time deprive the citizen of the need for speed where quick action is desirable.

Nor on the other hand is administrative operation so complex in its fundamentals that it cannot be grasped by an intelligent mind and regulated by simple statute. It is true that the number of administrative agencies is great. The number of subjects with which they deal is even greater. The number of administrative powers almost passes beyond conception. But what administrative officers or agencies do falls into a few simple categories.

We are not here concerned so much with mere custodial or managerical tasks of administration. But we are concerned with administrative powers which are compulsory in their nature. We are mainly concerned with administrative processes, in other words, which are regulatory in their effect. Compulsory or regulatory administrative operations fall into three main groups:

First, there are the legislative functions of administrative agencies, where they issue general or particular regulations which in form or effect are like the statutes of the Congress. Among these are such regulations as those which state minimum wage requirements or agricultural marketing rules. Congress—if it had the time, the staff, and the organization—might itself prescribe these things. Because Congress does not do so itself and yet desires that these things be done, the legislative power to do them has been conferred upon administrative officers or agencies.

The second kind of administrative operation is found in those familiar situations in which an officer or agency determines the particular case just as, in other fields of law, the courts determine cases. Examples of this type of administrative operation are the injunctive orders issued by the Federal Trade Commission. Other agencies are authorized to award damages, which are usually called reparations in the administrative field. What the agencies do in these cases is to determine, just as a court might determine, the liability of a party or the redress to which a party is entitled in a specific case on a specific state of facts and under stated law.

The third type of administrative compulsory power may be incidental to either legislative or judicial powers of administrative agencies, or it may be entirely independent of either. I refer to the compulsory action of administrative agencies when they issue subpenas, require records or reports, or undertake mandatory inspections. These functions are investigative in nature. The investigation may be made in connection with their legislative or judicial functions, or it may be made for the purpose of submitting a report to Congress or to refer prosecutions to a grand jury. Whatever the purpose, the administrative arm is given power to require information to be submitted to it.

The present bill carefully distinguishes between these three basic types of administrative regulatory powers. Indeed

it goes further, and within these types of powers or operations it frequently makes differentiations and exceptions. For example, in connection with the legislative or rule-making function, the bill differentiates several kinds of rules such as rules of procedure as distinguished from rules of substance. Also, in connection with the judicial function of administrative agencies, the bill differentiates between adjudications made in connection with foreign or military affairs as distinguished from those in the domestic or civil field.

But this bill does more than merely analyze the administrative process and lay down the forms of procedure for each. It really deals with three separate subjects: First, public information; second, administrative operation; and third, judicial review.

The first operative section of the bill is basic and requires agencies to issue certain information which is essential to inform the public about the substance and the procedure of administrative law. It requires that agencies state their organizational set-ups, promulgate statements respecting their procedures, and make available as regulations the substantive and interpretative rules which they have framed for the guidance of the public.

Sections 4, 5, 6, 8, 9, and 11 deal with administrative operations. Section 4 relates to the legislative functions of administrative agencies and provides that where Congress has not required hearings, with some exceptions, the agency shall give notice of the making of proposed regulations and afford interested parties an opportunity for the informal submission and consideration of their views or requests. Section 5 deals with administrative adjudications of particular cases where Congress has required adjudications to be made upon a hearing. Sections 7, 8, and 11 spell out the details of hearing and decision procedures in all cases in which, by other legislation, Congress has required an agency hearing. Section 9 states certain limitations upon the penalties or relief which agencies may impose or confer in any case. Section 6 deals with the investigative powers and other incidental matters of importance.

In the all-important field of judicial review section 10 is a complete statement of the subject. It prescribes briefly when there may be judicial review and how far the courts may go in examining into a given case.

I shall discuss all these matters in greater detail next in taking up the bill section by section, subsection by subsection.

Before doing so, however, I should like to refer the Members of the House to the diagrammed synopsis of the bill which will be found at pages 28 and 29 of the committee report. There, as nearly as possible within the limitations of the printed page, is presented a diagram sketch of the provisions and operation of the bill. I should also like to refer the House to Appendix A of the committee report, at pages 49 to 56, which indicates the changes made by the committee amendment in the bill as it passed the Senate. There is shown not only the changes made in the text of the bill, but footnotes explain the reason for each change. I think I may say with confidence that these changes have been acceptable to all who have labored in the drafting of this measure. The bill as it passed the Senate was a good bill, but the subject is one of such great importance and of such far-reaching effect that the committee has felt it wise to make numerous changes for purposes of clarification and in order to leave no doubt as to what is intended by the legislation.

IV. DETAILED PROVISIONS

In taking up the specific provisions of the bill as reported to the House, I will not attempt to restate all of the detail which appears in the committee report at pages 18 to 48. I shall try, however, to emphasize those things which are of paramount importance and at the same time state how the provisions of the bill as a whole are intended to operate.

DEFINITIONS, SECTION 2

In a bill of this kind the definition section is of great importance. The definitions in section 2 simplify the remaining provisions of the bill. They also make more precise the kinds of operations which are included in the terms used in the bill.

AGENCY, SECTION 2 (A)

The definition of agency in section 2 (a) of the bill is perfectly simple and consists of two elements: First, there are excluded legislative, judicial, and territorial authorities. Secondly, there is included any other authority regardless of its form or organization. In short, whoever has the authority to act with respect to the matters later defined is an agency.

However, except for the public information requirements of section 3, there are expressly exempt from the term "agency" all those composed of representatives of parties to the disputes decided by them. The reason for this exception is that agencies of that kind, such as the National Railroad Retirement Board and Railroad Adjustment Board, are a special class. On the other hand, the National Mediation Board, another agency established under the Railway Labor Act, and not an agency composed of representatives of the parties or of representatives of organizations of the parties to disputes determined by them, is an agency within this definition.

For obvious reasons there are also excepted defined war authorities functioning under temporary or named statutes. Purely military and naval functions should obviously be exempt. It simply was not wise to attempt to adapt the bill to the functioning of civilian defense authorities because of their temporary nature and because the Congress has separately legislated respecting them.

PERSON AND PARTY, SECTION 2 (B)

I think nothing need be said about the definition of "person" and "party" in section 2 (b), since it is obvious on its face.

RULE AND RULE MAKING, SECTION 2 (C)

The definition of "rule" and "rule making" in section 2 (c) is very important. It defines the legislative function of administrative agencies. Here I might say there is great confusion in the terms used in the field of administrative law. The word "regulations" is sometimes improperly used to embrace the decisions of particular cases. Also, regulations are often called something other than rules or regulations. Thus we find that regulations specifying prices or rates are more often than not called orders. Similarly, Treasury regulations are customarily called decisions. To the person who is not expert in the field of administrative law, the confusion of terminology is baffling. From time to time new terms are invented, such as the word "directive."

In this bill the accepted analytical terminology has been adopted. Accordingly we speak of rule or rule making whenever agencies are exercising legislative powers. We speak of orders and adjudications when they are doing things which courts otherwise do.

The definition of "rule" and "rule making" in section 2 (c) is of paramount importance. Upon that definition depends the application or nonapplication of later sections of the bill. The rule making requirements are simpler than the adjudication requirements of the bill.

"Rule" is defined as any agency statement of general or particular applicability and future effect designed to state the law, policy, organization, procedures, or practice requirements of any administrative agency. The definition follows that of the Federal Register Act, with some additional language for purposes of clarification and certainty. In rule making an agency is not telling someone what his rights or liabilities are for past conduct or present status under existing law. Instead, in rule making the agency is prescribing what the future law shall be so far as it is authorized so to act. Advisory interpretative rulings in particular cases, however, are not "rules" within this definition.

ORDER AND ADJUDICATION, SECTION 2 (D)

"Order" and "adjudication" as defined in section 2 (d) cover the judicial function of administrative agencies. They embrace all of the decisions that agencies make in matters other than rule making. Two items in the definition should be noted. First, "licensing" is expressly included. Secondly, injunctive orders—such as those issued by the Federal Trade Commission—are also expressly included.

LICENSE AND LICENSING, SECTION 2 (E)

The definition of "license" in section 2 (e) is included in order to embrace every form of operation where a private party is required to take the initiative in securing the official permission of a governmental agency.

SANCTION AND RELIEF, SECTION 2 (F)

The definition of "sanction" or "relief" in section 2 (f) is included mainly for the purpose of simplifying the language of sections 9 and 10. As they show on their face, those terms are meant to be all embracing.

AGENCY PROCEEDINGS AND AGENCY ACTION, SECTION 2 (G)

The final definition of "agency proceeding" and "agency action" in section

2 (g) is included in order to simplify the language of later provisions of the bill.

The important definitions in section 2 are the definitions of "agency," "rule," and "order." Those are basic. The other definitions are included either for purposes of clarification or to simplify the remaining sections of the bill.

PUBLIC INFORMATION, SECTION 3

As heretofore indicated, the public information requirements of section 3 are among the most important and useful provisions of the bill. Excepted are matters requiring secrecy in the public interest—such as certain operations of the Secret Service or FBI—and matters relating solely to the internal management of an agency.

RULES REQUIRED TO BE PUBLISHED, SECTION 3 (A)

Apart from those exceptions, agencies are required by section 3 (a) to publish, first, their organization and delegations of final authority, second, a statement of their methods and rules of procedure regarding each of their functions; and, third, the substantive rules they are authorized to make and their interpretative rules or policies issued for the guidance of the public. Publication is not required as to rules addressed to and served upon named parties in accordance with law.

These requirements are enforced by the provision that no person shall in any manner be required to resort to organization or procedure not so published. This means, among other things, that the accepted rule respecting the exhaustion of administrative remedies would not apply where the agency has not published the required information respecting organization or procedures. However, the requirement that agencies must separately state these several kinds of rules does not mean that agencies would be required to revise and republish all their existing rules, but would simply have to issue organizational and procedural rules for future cases, and in the future such substantive rules as they may issue must be free of the freequent hodgepodge of organizational and procedural matter.

The effect of this subsection will be to require all agencies to issue at least two rules or sets of rules—one respecting their organization and the other respecting their procedures. In addition, where they are authorized to issue substantive rules—such as price regulations—or where they issue statements of policy—as in the Communications Commission—or interpretative rules—as in the Bureau of Internal Revenue—they would issue a third body of materials. The effect will be that parties will understand the country-wide organization of administrative agencies and their methods of procedure, as well as have access to the regulations and general interpretations in matters of substance which the agency has framed for the guidance of the public.

In this connection I would like to call the attention of the House to the fact that the Attorney General's Committee on Administrative Procedure, which was appointed at the direction of the President of the United States and which functioned from 1939 to 1941, was emphatic and unanimous on this subject. It stated the situation thus:

> Few Federal agences issue comprehensive or usable statements of their own internal organization—their principal offices, officers, and agents, their divisions and subdivisions; or their duties, functions, authority, and places of business. * * * Yet without such information, simply compiled and readily at hand, the individual is met at the threshold by the troublesome problem of discovering whom to see or where to go.

The Attorney General's Committee on Administrative Procedure unanimously agreed that "laymen and lawyers alike are baffled by a lack of published information to which they can turn when confronted with an administrative problem"—Final Report, page 25. The chairman of that Committee further explained this situation to a subcommittee of the Senate as follows:

> The agency is one great obscure organization with which the citizen has to deal. It is absolutely amorphous * * * No one seems to have specific authority * * * That is what is baffling. (Hearings, Senate Judiciary Subcommittee, on S. 674, 675, and 918, pt. II, 77th Cong., 1st sess., p. 807.)

But the present situation is even more serious than whe nthose statements were made. Every Member of Congress is well aware of the difficulty of finding one's way about in the maze of Federal agencies. That being so, the problem of the citizen west of the Potomac is a hundredfold more difficult.

OPINIONS AND ORDERS, SECTION 3 (B)

In the case of opinions and orders issued by agencies in the exercise of their judicial functions, section 3 (b) of the bill requires them either to be published or made available to public inspection except where held confidential for good cause. All rules must be either published or made available to public inspection but, as heretofore stated, interpretative rulings in particular cases are not rules.

PUBLIC RECORDS, SECTION 3 (C)

Section 3 (c) also requires agencies to make matters of official record available to inspection except as by rule it may require them to be held confidential for legal cause.

RULE MAKING, SECTION 4

Section 4 deals with the very important subject of rule making. From it, however, are exempted: First, military, naval, or foreign affairs functions; and second, matters relating to agency management or personnel or to public property, loans, grants, benefits, and contracts. The exemption of military and naval functions needs no explanation here. The exempted foreign affairs are those diplomatic functions of high importance which do not lend themselves to public procedures and with which the general public is ordinarily not directly concerned. The exemption of proprietary matters is included because in those cases the Government is in the position of an individual citizen and is concerned with its own property, funds, or contracts.

NOTICE OF RULE MAKING, SECTION 4 (A)

There are two particularly important aspects of section 4 (a), which deals with the notice of rule making. In the first place, where notice is required, it should be complete and specific as the subsection indicates on its face. In the second place, except where notice and hearing are required by some other statute, the agency by this provision is authorized to dispense with notice where it finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. This latter is not an escape clause but one which, as the committee report explains, may be made operative only where facts and interests are such that notice and proceedings are impossible or manifestly unnecessary.

PROCEDURES, SECTION 4 (B)

The second subsection of section 4 is designed to provide that, where other statutes do not require an agency hearing, the legislative functions in administrative agencies shall, so far as possible, be exercised only upon some form of public participation after notice. That is, an agency may permit parties to submit written statements, confer with industry advisory committees, hold open meetings, and the like. Whatever method is adopted, the agency must consider the data or argument so presented by interested people and incorporate a concise general statement of their basis and purpose in any rules it issues.

The effect of this provision will be to enable parties to express themselves in some informal manner prior to the issuance of rules and regulations, so that they will have been consulted before being faced with the accomplished fact of a regulation which they may not have anticipated or with reference to which they have not been consulted. This provision will make for good public relations on the part of administrative agencies. Wisely used and faithfully executed, as it must be, it should be of great aid to administrative agencies by affording them a simple statutory means of apprising the public of what they intend to do and affording the interested public a nonburdensome method of presenting its side of the case. Day by day Congress takes account of the interests and desires of the people in framing legislation; and there is no reason why administrative agencies should not do so when they exercise legislative functions which the Congress has delegated to them.

EFFECTIVE DATE OF RULES, SECTION 4 (C)

Under section 4 (c) agencies are required, in addition to the foregoing, to defer the effective date of any substantive rule for not less than 30 days except as they may specifically provide otherwise for good cause or in the case of rules recognizing exemptions or relieving restrictions, and so forth. This section places the burden upon administrative agencies to justify in law and fact the issuance of any rule effective in less than 30 days. Rules may be made effective in a legally reasonable time less than 30 days because of the shown urgency of conditions coupled with demonstrated and unavoidable limitations of time. The section requires agencies to proceed with the convenience or necessity of the people

affected as the primary consideration, so that an agency may not itself be dilatory and then issue a rule requiring compliance forthwith.

PETITIONS, SECTION 4 (D)

Section 4 (d) is of the greatest importance because it is designed to afford every properly interested person statutory authority to petition for the issuance, amendment, or repeal of a rule. No agency may receive such petitions in a merely pro forma manner. Every agency possessing rule-making authority will be required to set up procedures for the receipt, consideration, and disposition of these petitions. The right of petition is written into the Constitution itself. This subsection confirms that right where Congress has delegated legislative powers to administrative agencies. As in connection with the prior provisions of section 4, this subsection should be a most useful instrument for both improving the public relations of administrative agencies and protecting the public by affording interested persons a legal and regular means of securing the issuance, change, or rescission of a rule.

ADJUDICATION, SECTION 5

Section 5 relates to the judicial function of administrative agencies where they decide specific cases respecting compliance with existing law or redress under existing law. It applies, however, only where Congress by some other statute has prescribed that the agency shall act only upon a hearing and, even in that case, there are six exceptions. The requirements of section 5 are thus limited to cases in which statutes otherwise require a hearing because, where statutes do not require an agency hearing, the parties affected are entitled to try out the pertinent facts in court and hence there is no reason for prescribing informal administrative procedures beyond the requirements of section 6 which I will discuss presently. The right of trial de novo in judicial review in cases where agencies do not proceed upon a statutory hearing will also be discussed later in connection with section 10 (e).

As stated, even where statutes require an agency hearing, this section does not operate respecting, first, matters subject to trial de novo in court; second, the selection or tenure of public officers other than examiners; third, decisions resting solely on inspection, tests or elections; fourth, military, naval, or foreign affairs functions; fifth, cases in which an agency is acting for a court; sixth, the certification of employee representatives. I think that little need be said about these exceptions. Where, although the agency is required to hold a hearing, the facts are nevertheless subject to retrial in court, it has seemed fairly obvious that the parties are adequately protected at the judicial stage of the proceedings so that there is no great reason to require additional formalities in the administrative process itself. I am not aware of any clear statutory provision that the selection or tenure of public officers is subject to a statutory agency hearing, but the exception has been included because the situation is a special one for Congress to decide by separate legislation. Where decisions rest solely on inspections, tests, or elections it is clear that the hearing and decision requirements applicable in other cases have no place. The exemption of military, naval, or foreign affairs functions is again obvious; moreover, it does not appear that statutes require hearings in such matters. I have heretofore commented on the meaning of the term "foreign affairs." Where an agency is acting for a court, and thereby its factual and legal basis of action is subject to judicial control in toto, there is no reason for insisting upon any particular form of administrative formality. Certification of employee representatives is exempted because the determinations in those cases so largely rest either upon an election or its availability.

NOTICES, SECTION 5 (A)

Subsection (a) of section 5—respecting notices in the exercise of the judicial function of administrative agancies—is designed mainly to assure that such notices are adequate, particularly in the matter of stating the particular issues of law or fact which parties must meet. In that connection I wish to call the attention of the House to the unanimous conclusion of the Attorney General's Committee on Administrative Procedure. It reads as follows—report, pages 62–63:

The individual immediately concerned should be apprised not only of the contemplated action with sufficient precision to permit his preparation to resist, but, before final action, he should be apprised of the evidence and contentions brought forward against him so that he may meet them. * * *

A * * * prerequisite to fair formal proceedings is that when formal action is begun, the parties should be fully apprised of the subject-matter and issues involved. Notice, in short, must be given; and it must fairly indicate what the respondent is to meet. * * *

Room remains for considerable improvement in the notice practices of many agencies. * * * Too frequently, this notice is inadequate. * * * The applicant is put to his proof on such broad issues as public interest, convenience, and necessity. * * * Agencies not infrequently set out their allegations in general form, perhaps in statutory terms thus failing fully to apprise the respondents and to permit them adequately to prepare their defenses.

ADJUDICATION PROCEDURE, SECTION 5 (B)

Subsection (b) of section 5 simply provides that, apart from notice, parties must be afforded opportunity for the settlement of cases in whole or in part and, to the extent that issues are not so settled, by hearing and decision in compliance with the later provisions of the bill. There are of course cases where time, the nature of the proceeding, and the public interest do not permit settlements; but those situations have been taken care of on the face of the subsection. The settlement by consent provision is extremely important because agencies ought not engage in formal proceedings where the parties are perfectly willing to consent to judgments or adjust situations informally. Here again I should like to quote the statement from the unanimous report of the Attorney General's Committee on Administrative Procedure as follows—pages 35, 39, 40, 41:

It is of the utmost importance to understand the large part played by informal procedure in the administrative process. * * *

In cases of (claims and license applications) formal proceedings in the first instance are undesirable from the point of view of the individual and the Government. * * * Only after these applications have passed through the sieve of initial decision—which in most cases satisfactorily ends the matter—is it necessary or possible to have formal proceedings. * * *

In most cases in which a person applies for some official permission, the agency, if satisfied that the permission is proper, grants it without any formal proceedings. Sometimes the public interest in a full record of the grounds of decision is thought so important by Congress that formal proceedings and a formal record are required by law. * * * But there are other cases where formal proceedings are required either by the terms of the statute or by administrative interpretations in which, in the committee's opinion, something less would fully protect the public interest and make for more expeditious dispatch of business. * * *

It often occurs that after an agency has investigated a complaint filed with it, the person or persons complained of and the agency may agree as to the principal evidentiary facts and may also agree that the acts complained of should not be repeated. A frequent obstacle to settlement by consent is the reluctance of persons to make an admission that they acted with an illegal or unethical intent or purpose. It is in this area that consent dispositions are employed, are highly desirable, and can be extended by some improvement in procedures.

SEPARATION OF FUNCTIONS, SECTION 5 (C)

Subsection (c) of section 5 deals with the well-known problem of separating prosecuting and deciding functions. It provides that the officer who takes the evidence must decide the case or recommend a decision unless he should become unavailable to the agency. Those officers may not hold ex parte private conferences. They may not be subject to the supervision of prosecuting officers, and prosecuting officers may not participate in decisions except as witnesses or counsel in public proceedings. However, the subsection does not apply in determining applications for initial licenses, because it is felt that the determination of such matters is much like rule making and hence the parties will be better served if the proposed decision—later required by section 8—reflects the views of the responsible officers in the agencies whether or not they have actually taken the evidence. It does not apply in cases concerning the validity or application of rates, facilities, or practices of public utilities or carriers because these types of cases are customarily consolidated with rule-making proceedings where the separation of functions is not required so that, unless excepted from this provision, either rule making would be restricted beyond the intent of the bill or consolidated proceedings would be impossible. Also, the subsection does not apply to the top agency or members thereof because from the very nature of administrative agencies, in which ultimate authority is fixed in one place respecting both prosecution and decision, it is impossible to deprive heads of agencies of

authority over the prosecutors for whom they are ultimately responsible.

Despite these exceptions, which have seemed necessary at least until more is known about the operation of an Administrative Procedure Act, this section is of great importance because it is an attempt to deal with one of the critical sectors of administrative operation. It does not provide for a complete separation of functions in the sense that hearing officers are entirely and physically separated from the agencies in which they operate. This bill adopts the "internal" separation of functions and in addition, as I will point out when I come to section 11, provides salary and tenure independence for examiners even though they may be selected by and attached to a particular agency. The problem is discussed at pages 55 to 57 of the final report of the Attorney General's Committee on Administrative Procedure. This bill follows generally the recommendations of that committee, although by a somewhat different route.

DECLARATORY ADJUDICATIONS, SECTION 5 (D)

The last subsection of section 5 authorizes agencies, in their sound discretion, to issue declaratory orders with the same effect as other orders. Since agencies exercise judicial functions, it has been deemed wise, for the benefit of the public and people subject to administrative adjudications, to confer upon them authority by this subsection to do the same things that courts do under the Declaratory Judgment Act. In other words, administrative agencies should at least be as free to act irrespective of the technical rules of case or controversy as courts are. Indeed, without this provision, in cases involving administrative powers, there is a blind spot in our law—for parties can neither secure a declaratory judgment from the courts nor a declaratory order from the administrative agency. Parties faced with a situation in which they desire a declaratory adjudication would under this provision be authorized to ask an agency to rule upon the situation; and the ruling of the agency would be subject to judicial review and all other requirements as in other cases. Administrative authority so to act has been widely urged. This provision, however, narrows the authority to those cases in which agencies act upon a statutory hearing and subject to the safeguards of sections 5, 6, 7, 8, 9, and 11 of this bill.

OTHER MATTERS, SECTION 6

Section 6, entitled "Ancillary Matters," brings together a number of incidental rights, powers, and procedures, including limitations on compulsory investigative powers. These provisions are important, although they do not necessarily relate in all cases to either public information, rule making, or adjudication as dealt with in the previous sections.

APPEARANCES OR REPRESENTATION, SECTION 6 (A)

Section 6 (a) deals with the right of parties to have the advice or representation of counsel or, to the extent that agencies lawfully permit it, representation by nonlawyers. The representation of counsel contemplated by the bill means full representation as the term is understood in the courts of law. Counsel may thus receive notices, decisions, and awards. Agencies are not authorized in any manner to ignore or bypass legal representatives that parties have selected for themselves pursuant to this section. The section also confers a statutory right for any interested person to appear before any agency or its responsible officers at any time for the presentation or adjustment of any matter, and this is particularly important as—among other things—authorizing the settlement of cases in whole or part. It also requires agencies to proceed with reasonable dispatch.

INVESTIGATIONS, SECTION 6 (B)

The second subsection of section 6 limits any form of investigative process to authority conferred upon an agency by law. This limitation will require any agency to justify its process in case of a contest thereof by demonstrating that upon the law and the facts it is acting within its proper sphere of operations. The subsection also provides that those compelled to submit data or evidence shall either be entitled to copies thereof or, in cases in which the situation clearly demands that no copies be made, to inspect them in person or through counsel.

SUBPENAS, SECTION 6 (C)

Subsection (c) of section 6 provides that, where Congress has authorized agencies to issue subpenas, private parties may secure them upon an equality with Government representatives and without any more than a general showing of relevance and reasonable scope of the information sought. Where administrative subpenas are contested, the court is to inquire into the situation and issue an order of enforcement only so far as the subpena is found to be in accordance with law. This is a definite statutory right and is applicable to subpenas of every kind addressed to any person under authority of any law. The effect of the subsection is thus to do more than merely restate the existing constitutional safeguards which in some cases, such as those involving public contractors—see *Endicott Johnson Corp.* v. *Perkins* (317, U. S. 501, 507, 509, 510 (1943)), have been held inapplicable. Also, the term "in accordance with law" does not mean that a subpena is valid merely because issued with due formality. It means that the legal situation, including the necessary facts, demonstrates that the persons and subject matter to which the subpena is directed are within the jurisdiction of the agency which has issued the subpena.

DENIAL OF REQUESTS, SECTION 6 (D)

The final subsection of section 6 requires agencies to give prompt notice of the denial of any request made in any agency proceeding, and to accompany that notice with a simple statement of the procedural or other grounds for the action of the agency. Under this provision, if the ground is procedural, the agency would be required to state any available further or alternative remedies open to the party. If the ground is not procedural, the agency would be required to make a simple statement of the legal or factual basis of its action.

HEARINGS, SECTION 7

It will be recalled that section 4—relating to rule making—and section 5—relating to the determination of particular cases—refer to situations in which Congress has by some other statute required an agency to act upon a hearing. Accordingly sections 7 and 8, which I am about to discuss, state the requisites of statutory agency hearings and decisions.

PRESIDING OFFICERS, SECTION 7 (A)

The first subsection of section 7 requires an agency to hold hearings itself, or through a member or members of the board which comprises it, or by one or more examiners qualified as provided in section 11 of the bill, or through other officers specially provided for or designated pursuant to the authority contained in other statutes. Whoever presides must do so impartially. They may withdraw if they deem themselves disqualified or, if an affidavit of personal bias or disqualification is filed against them, the agency must determine the issue as a part of the record and decision in the case.

This provision authorizes agencies, if they do not wish to hear cases themselves, to delegate the hearing function to the named types of presiding officers. It does not mean, however, that agencies are authorized—whether pursuant to the express authority of other statutes or not—to avoid the examiner system—set up in this bill and hereafter discussed—by assigning general employees or attorneys to hear cases individually or as boards. In short, unless the agency or its members or some specially qualified statutory officer hears the case, an examiner qualified under section 11 of this bill must do so.

Of particular importance in this subsection is the requirement that any presiding officer must act impartially rather than as a prosecutor. These provisions mean that presiding officers will be required to conduct themselves in the manner in which people think they should—that is, as judges and not as the representatives of factions or special interests.

HEARING POWERS, SECTION 7 (B)

Subsection (b) of section 7 lists the commonly accepted kinds of powers which it is generally conceded that officers who preside at hearings ought to have. These include administering oaths, issuing authorized subpenas, receiving or excluding evidence, taking depositions, generally regulating the hearing, holding informal conferences with the parties for the settlement or simplification of issues, disposing of procedural requests such as those for adjournment, and the like. In exercising these powers, of course, presiding officers will be bound by relevant legal limitations.

EVIDENCE, SECTION 7 (C)

Subsection (c) of section 7 is one of the more important provisions of the bill. In its final report the Attorney General's Committee on Administrative Procedure stated that—pages 70–71:

> Although administrative agencies may be freed from observance of strict common-law rules of evidence for jury trials, it is erroneous to suppose that agencies do not, as a result, observe some rules of evidence. * * * Abuses in admitting remote hearsay and

irrelevant or unreliable evidence there surely have been. * * * That strict adherence to standards of relevance and probative value should be observed needs no underscoring. A diffuse record dissipates the energies of the parties and the deciding authorities and distracts attention from the issues. Careless admission of evidence for what it is worth—a practice not infrequent among trial examiners—swells the record beyond its necessary limits.

Section 7 (c) of this bill provides that the proponent of a rule or order has the burden of proof except as statutes otherwise provide. It authorizes agencies to receive any evidence, although as a matter of policy they are required to provide for the exclusion of irrelevant, immaterial, or unduly repetitious matter. Thus, the mere fact that such matter is in the record would not of itself be reversible error. The principal provision of the subsection provides that no sanction may be imposed or rule or order be issued except upon consideration of the whole record or such portions as any party may cite and as supported by and in accordance with reliable, probative, and substantial evidence. The parties are authorized to present documentary, oral, and rebuttal evidence and to conduct reasonable cross-examination. In rule making or determining applications for initial licenses agencies may adopt procedures for the submission of the evidence in written form, so far as the interest of any party will not be prejudiced thereby.

The requirement that agencies may act only upon relevant, probative, and substantial evidence means that the accepted standards of proof, as distinguished from the mere admissibility of evidence, are to govern in administrative proceedings as they do in courts of law and equity. The same provision contains two other limitations—first, that the agency must examine and consider the whole of the evidence relevant to any issue and, secondly, that it must decide in accordance with the evidence. Under these provisions the function of an administrative agency is clearly not to decide arbitrarily or to act contrary to the evidence or upon surmise or suspicion or untenable inference. Mere uncorroborated hearsay or rumor does not constitute substantial evidence—see *Edison Co. v. Labor Board* (305 U. S. 197, 230). Under this provision agencies are not authorized to decide in accordance with preconceived ideas or merely to sustain or vindicate prior administrative action, but they must enter upon a bona fide consideration of the record with a view to reaching a just decision upon the whole of it.

RECORD, SECTION 7 (D)

The final subsection of section 7 provides that the record of the evidence taken and the papers filed is exclusive for purposes of decision. It also provides that, where a decision rests in whole or part on official notice of a material fact not appearing in the record, any party must on timely request be given an adequate opportunity to show the true facts.

Both of these provisions are important. The exclusiveness of the record precludes deciding officers from basing their judgments as to the facts upon matters which are not in the record. The provision respecting official notice is essential in order to prevent miscarriages of justice through mistake or by unwarranted expansion of the idea of judicial notice.

DECISIONS, SECTION 8

Section 8 applies only in cases in which other statutes require a hearing and in which section 7 applies as to the conduct of the hearing. Next to the matter of evidence, which I have discussed in connection with section 7 (c), the manner and method in which agencies arrive at decisions have been one of the most criticized parts of the field of administrative law. With respect to this problem the final report of the Attorney General's Committee on Administrative Procedure had the following to say—pages 44–46:

In most of the agencies the person who presides is an adviser with no real power to decide. * * * He may simply be a monitor at the hearing with power to keep order and supervise the recording of testimony but little or none to make rulings or to play a real part in the final decision of the case. * * * There should be general improvement in administrative procedure at this stage. * * * The committee * * * has been impressed with the fact that as the conduct of the hearing becomes divorced from responsibility for decision two undesirable consequences ensue. The hearing itself degenerates, and the decision becomes anonymous. * * *

If the hearing officer is not to play an important part in the decision of the case, other persons must. The agency heads cannot read the voluminous records and winnow out the essence of them. Consequently this task must be delegated to subordinates. Competent as these anonymous reviewers or memorandum writers may be, their entrance makes for loss of confidence. Parties have a sound desire to make their arguments and present their evidence, not to a monitor, but to the officer who must in the first instance decide or recommend the decision. In many agencies attorneys rarely exercise the privilege of arguing to the hearing officer. They have no opportunity to argue to the record analysts and reviewers who have not heard the evidence but whose summaries may strongly affect the final result.

The provisions of section 8 are designed to make it certain that those who sign decisions or decision papers are actually the people responsible for them, that the evidence and the arguments of the private parties are fully and fairly considered, that the views of agency personnel are not unduly emphasized or secretly submitted, and that the official record alone is the basis of decision.

DECISIONS BY SUBORDINATES, SECTION 8 (A)

Section 8 (a) requires that, in adjudication cases subject to Section 5 (c), the officer or officers who presided at the taking of evidence must either decide the case or recommend a decision—the choice being left to the agency. Since section 5 (c) provides for the separation of functions only in certain cases of adjudications, this provision would not be operative in the excepted cases or in rule making. Its purpose is to make the hearing officer in the covered situations an important factor in the decision process. Where the officer or officers who presided at the hearing are not required to make or participate in the decision under this provision, some other officer or officers who are qualified to preside at hearings must do so. Where such officers make the decision, it becomes the final decision of the agency in the absence of an appeal to or review by the agency. If the agency itself makes the initial decision without having presided at the reception of the evidence, the officers who presided or who are qualified to preside must recommend a decision. Thus the recommended decision, which becomes a part of the record, bridges the gap between the hearing and deciding function in administrative cases. In rule making or determining applications for initial licenses, however, the subsection provides that the agency may issue a tentative decision, any of its responsible officers may recommend a decision, or such procedure may be wholly omitted where the execution of agency functions make it impossible.

SUBMITTALS AND DECISIONS, SECTION 8 (B)

The second subsection of section 8 is a statutory statement of the right of the parties to submit for the full consideration of the presiding officers, first, proposed findings and conclusions or, second, exceptions to recommended decisions or other decisions being appealed or reviewed administratively and third, supporting reasons for such findings, conclusions, or exceptions. The record must show the official rulings of the agency upon each such finding, conclusion, or exception presented. These provisions assure all parties an opportunity to present their views of the law and the facts and be heard thereon prior to the decision of any case. So that the parties and the reviewing courts may be fully apprised, all recommended or other decisions must include first, findings and conclusions, as well as the reasons or basis therefor, upon all the issues of fact, law, or discretion presented by the record and, second, the appropriate agency action or denial.

The purpose and effect of these provisions are clear upon the face of the section. One matter should be emphasized. Section 8 (b) requires findings and conclusions to be stated upon all the material issues of fact which the parties may present. This means that, within the legal framework of the type of case involved, the number and the subjects of the findings and conclusions will be determined by the record and by the legal, factual, or discretion issues raised by the parties. The mere parroting of findings or conclusions in the words of statutes, however sufficient that may be as an ultimate conclusion, definitely would not satisfy in any manner the requirements of this section unless both the statute and the issue were very narrow indeed. Almost any case of consequence involves numerous and detailed issues of law, fact, and discretion. These must all be determined as a part of the decision. Only in that manner are the parties protected and assured that the case has been fully and completely considered and determined.

SANCTIONS AND POWERS, SECTION 9

Section 9, relating to agency sanctions and powers, applies in all cases, whether or not a statutory hearing is required. It does not dispense with hearings otherwise required, nor does it supply them if not so required. It deals with the large

and troublesome problem of the remedies or redress which administrative agencies are entitled to undertake or grant.

GENERAL LIMITATIONS, SECTION 9 (A)

The first and principal provision of the section simply requires that no sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law. This provision is framed on the necessary assumption that the detailed specification of powers must be left to other legislation relating to specific agencies. Its effect is to confine agencies to the jurisdiction and powers so conferred. That means not only the legal but the factual jurisdiction of an agency, and the legal and factual appropriateness of any sanction or relief it may assume to impose or grant. The basic premise of the section, if I may repeat, is that agencies are not authorized to invent sanctions or relief or to attempt to apply or grant them beyond the limitations of authority within which they operate.

LICENSES, SECTION 9 (B)

Section 9 (b) deals with licensing. It requires agencies to determine promptly all applications for licenses, prohibits them from withdrawing a license without first giving the licensee notice and an opportunity to achieve compliance except in cases of obvious willfulness or emergency, and in businesses of a continuing nature precludes any license from expiring until timely applications for new licenses or renewals have been determined.

These special provisions are necessary because of the very severe consequences of the conferring of licensing authority upon administrative agencies. The burden is upon private parties to apply for licenses or renewals. If agencies are dilatory in either kind of application, parties are subjected to irreparable injuries unless safeguards are provided. The purpose of this section is to remove the threat of disastrous, arbitrary, and irremediable administrative action.

JUDICIAL REVIEW, SECTION 10

Section 10 is a comprehensive statement of the right, mechanics, and scope of judicial review. It requires an effective, just, and complete determination of every case and every relevant issue. It is a means of enforcing all forms of law and all types of legal limitations. Every form of statutory right or limitation would thus be subject to judicial review under the bill. It would not be limited to constitutional rights or limitations alone—see *Perkins* v. *Lukens Steel Co.* (310 U. S. 113).

Two general exceptions are made in the introductory clause of section 10. The first exempts all matters so far as statutes preclude judicial review. Congress has rarely done so. Legislative intent to forbid judicial review must be, if not specific and in terms, at least clear, convincing, and unmistakable under this bill. The mere fact that Congress has not expressly provided for judicial review would be completely immaterial—see *Stark* v. *Wickard* (321 U. S. 288 at p. 317).

The second general limitation on the section is that there are exempted matters to the extent that they are by law committed to the absolute discretion of administrative agencies. There have been much misunderstanding and confusion of terms respecting the discretion of agencies. They do not have authority in any case to act blindly or arbitrarily. They may not willfully act or refuse to act. Although like trial courts they may determine facts in the first instance and determine conflicting evidence, they cannot act in disregard of or contrary to the evidence or without evidence. They may not take affirmative or negative action without the factual basis required by the laws under which they are proceeding. Of course, they may not proceed in disregard of the Constitution, statutes, or other limitations recognized by law.

RIGHT OF REVIEW, SECTION 10 (A)

The first subsection of section 10 provides that any person suffering legal wrong because of any agency action, or adversely affected within the meaning of any statute, is entitled to judicial review. Legal wrong means action or inaction in violation of the law or the facts. The categories of questions of legal wrong are set forth later as subsection (e) of section 10.

FORMS OF REVIEW ACTIONS, SECTION 10 (B)

Under this bill the technical form of proceeding for judicial review is, first, any special proceeding which Congress has provided or, in the absence or inadequacy thereof, any relevant form of action such as those for declaratory judgments or injunctions in any court of competent jurisdiction. In addition, any agency action is also subject to judicial review in any civil or criminal enforcement proceeding except to the extent that prior, adequate, and exclusive opportunity for such review is otherwise provided by law.

These provisions summarize the situation as it is now generally understood. The section does not disturb special proceedings which Congress has provided, nor does it disturb the venue arrangements under existing law. It does, however, constitute a statutory adoption of traditional forms of action in cases where Congress has made no contrary provision for judicial review.

REVIEWABLE ACTS, SECTION 10 (C)

In any proceeding for judicial review, the parties who seek it must specify what it is they wish reviewed and what it is they claim to be reviewable. Accordingly, section 10 (c) provides that specific acts which are either expressly made reviewable by legislation or for which there is no other adequate judicial remedy are subject to review under section 10 of this bill. Preliminary or procedural matters not so reviewable may be reviewed in connection with final actions. An act is final whether or not there has been presented or determined an application for any form of reconsideration, unless statutes otherwise expressly require.

The provisions of this section are technical but involve no departure from the usual and well understood rules of procedure in this field.

TEMPORARY RELIEF, SECTION 10 (D)

Of importance in the field of judicial review is the authority of courts to grant temporary relief pending final decision of the merits of a judicial-review action. Accordingly section 10 (d) provides that any agency may itself postpone the effective date of its action pending judicial review or, upon conditions and as may be necessary to prevent irreparable injury, reviewing courts may postpone the effective date of contested action or preserve the status quo pending conclusion of judicial-review proceedings.

The section is a definite statutory statement and extension of rights pending judicial review. It thus, so far as necessary, amends statutes conferring exclusive authority upon administrative agencies to take or withhold action. Its operation will involve no radical departures from what has generally been regarded as an essential and inherent right of the courts; but, however that may be, this provision confers full authority to courts to protect the review process and purpose otherwise expressed in section 10.

SCOPE OF REVIEW, SECTION 10 (E)

The final subsection of section 10 states the extent or degree of review which courts are required to afford under this bill. I have already referred to the exemption of situations in which Congress has specifically withheld review or in which action has by law been committed to the absolute discretion of administrative agencies.

Subsection (e) of section 10 requires courts to determine independently all relevant questions of law, including the interpretation of constitutional or statutory provisions and the determination of the meaning or applicability of any agency action. They must compel action unlawfully withheld or unreasonably delayed. They must hold unlawful any action, findings, or conclusions which they find to be, first, arbitrary or in abuse of discretion; second, contrary to any provision of the Constitution; third, in violation of statutes or statutory rights; fourth, without observance of procedure required by law; fifth, unsupported by substantial evidence in any case reviewed upon the record of an agency hearing provided by statute; or, sixth, unwarranted by the facts so far as the latter are subject to trial de novo. In making these determinations the court is to consider the whole record or such parts as any party may cite and, where error has been fully cured prior to the effective date of agency action, the courts may apply the rule respecting nonprejudicial error.

The term "substantial evidence" as used in this bill means evidence which on the whole record as reviewed by the court and in the exercise of the independent judgment of the reviewing court is material to the issues, clearly substantial, and plainly sufficient to support a finding or conclusion affirmative or negative in form under the requirements of section 7 (c) heretofore discussed. Under this

section the function of the courts is not merely to search the record to see whether it is barren of any evidence, or lacking any vestige of reliable and probative evidence, or supports the agency action by a scintilla or by mere hearsay, rumor, suspicion, speculation, and inference—cf. *Edison Co.* v. *Labor Board* (305 U. S. 197, 229–230). Under this bill it will not be sufficient for the court to find, as the late Chief Justice Stone pointed out within the year, merely that there is some "tenuous support of evidence"—*Bridges* v. *Wixon* (326 U. S. at 178). Nor may the bill be construed as permitting courts to accept the judgments of agencies upon unbelievable or incredible evidence.

Where there is no statutory administrative hearing to which review is confined, the facts pertinent to any relevant question of law must, of course, be tried and determined de novo by the reviewing court.

Whether a court is proceeding upon an administrative or a judicial record, the requirement of review upon the whole record means that courts may not look only to the case presented by one of the parties but must decide upon all of the proofs submitted.

EXAMINERS, SECTION 11

One of the most controversial proposals in the field of administrative law relates to the status and independence of examiners who hear cases where agencies themselves or members of boards cannot do so. I have heretofore referred to this problem in my discussion of section 8 respecting decisions. Both sections 7 and 8 authorize the use of examiners. Section 11, which I am about to discuss, provides for their selection, tenure, and compensation.

It is often proposed that examiners should be entirely independent of agencies, even to the extent of being separately appointed, housed, and supervised. At the other extreme there is a demand that examiners be selected from agency employees and function merely as clerks. In framing this bill we have rejected the latter view, as the Attorney General's committee on administrative procedure throughout the greater part of its final report rejected it, and have made somewhat different provision for independence. Section 11 recognizes that agencies have a proper part to play in the selection of examiners in order to secure personnel of the requisite qualications. However, once selected, under this bill the examiners are made independent in tenure and compensation by utilizing and strengthening the existing machinery of the Civil Service Commission.

Accordingly, section 11 requires agencies to appoint the necessary examiners under the civil service and other laws not inconsistent with the bill. But they are removable only for good cause determined by the Civil Service Commission after a hearing, upon the record thereof, and subject to judicial review. Moreover, their compensation is to be prescribed and adjusted only by the Civil Service Commission acting upon its independent judgment. The Commission is given the necessary powers to operate under this section, and it may authorize agencies to borrow examiners from one another.

If there be any criticism of the operation of the civil-service system, it is that the tenure security of civil service personnel is exaggerated. However, it is precisely that full and complete tenure security which is widely sought for subordinate administrative hearing and deciding officers. Section 11 thus makes use of past experience and existing machinery for the purpose.

CONSTRUCTION AND EFFECT, SECTION 12

The final section of the bill provides that nothing in it is to diminish constitutional or other legal rights, that requirements of evidence and procedure are to apply equally to agencies and private persons, that the unconstitutionality of any portion or application of the bill shall be subject to the usual saving provision, and that subsequent legislation is not to be deemed to modify the bill except as it may do so expressly.

The final sentence provides that the bill shall become law 3 months after its approval, except that sections 7 and 8 respecting statutory hearings and decisions shall not take effect until 6 months after its approval, the requirements of section 11 respecting the selection of examiners are not to become effective for a year, and no requirement of the bill is mandatory as to any agency proceeding initiated prior to the effective date of such requirement.

The staggered effective date provision has been thought necessary in order to give administrative agencies every opportunity to prepare fully.

V. CONCLUSION

This measure is the culmination of long and earnest consideration. It responds to a widespread, deep-seated, and insistent public demand for some attention to the problem of administrative justice and administrative operations. It has been drafted with the greatest of care and upon fulsome consideration of views from every side. It is not, of course, the final word, but it is a good beginning.

Mr. HANCOCK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the two gentlemen who are best able to answer your questions and describe the bill are the gentleman from Pennsylvania [Mr. WALTER], chairman of the subcommittee which has studied this bill for years and brings it to us today, and the ranking minority member on that committee, the gentleman from Iowa [Mr. GWYNNE]. As far as I know, there is no opposition to the bill on this side of the aisle, although there are many of us who would like to have it stronger. Nevertheless, I think we are all prepared to go along with it because we feel it is the first important step in the direction of dividing investigatory, regulatory, administrative, and judicial functions in Government agencies.

I have long favored reform of administrative procedure, legislation which would protect individual citizens against the abuses of delegated power, legislation which would separate the functions of investigator, prosecutor, judge, jury, and executioner. This problem has received a considerable amount of study over the last 10 years. The members of the Judiciary Committees of the House and of the Senate have given it a great deal of time and attention and extensive hearings have been held. The bar associations of the country, the Department of Justice, and prominent lawyers everywhere have studied it and recommended remedial legislation since 1935. Many bills have been introduced to accomplish this purpose, and at least one was passed, the Walter-Logan bill, 6 or 7 years ago. It was vetoed by President Roosevelt on the ground that further study was required. This legislation has received further study and the bill before us is the result of it. No one claims it is a perfect bill. If weaknesses develop, as they may with experience, the Congress can pass legislation to correct those weaknesses. I hope the bill will be passed as presented by the Judiciary Committee. It has already been passed by the Senate and it has the endorsement of the Attorney General, which is assurance that it will be signed by the President.

Just let me say this, which has already been mentioned: I regard the report which accompanies this bill as the most complete and scholarly report that has ever accompanied any bill to come before us in my time. It is a valuable legal document, and I advise you to retain it in your files for future reference.

No one has been more active in seeking to correct injustices of administrative law and procedure than the able gentleman from Pennsylvania [Mr. WALTER]. It now appears that his efforts of many years will culminate in success today, and I congratulate him.

Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE of Iowa. Mr. Chairman, I have often thought that private monopoly and Government bureaucracy cannot exist long in a country and have the country remain free. The purpose of this bill is to make a start at least along the road that we must travel to regulate the many bureaus and tribunals that are now operating in the executive branch of the Government.

Some of you who have been very much interested in this subject over the years may read this bill with a certain amount of disappointment. You will regret that the bill does not go further. I am frank to say that I have those same feelings myself. Nevertheless, I should like to point out to the membership that this bill has been passed by the Senate. If it is passed in the House with the amendments the House committee has recommended it will undoubtedly become the law. It will become the much needed start along the road I am so anxious to have us travel. I hope, therefore, we will pass this bill unanimously and without amendment.

Furthermore, as has been pointed out by the gentleman from Texas [Mr. SUMNERS], the chairman of the committee,

we are legislating in a new field. I think it is the part of wisdom not to go as far perhaps as some of us would like, but to go carefully, note mistakes and profit by them.

All I intend to do, Mr. Chairman, is to make a rather brief statement of what is in the bill.

Mr. GRANGER. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield.

Mr. GRANGER. There are a number of us in Congress, of course, who are not lawyers. This bill I suppose is fully understood by those who are members of the legal profession. As I understood the purpose of the bill—I was somewhat confused by the gentleman's statement that it was to regulate bureaus—my impression was that it was simply a bill to make uniform rules promulgated by the bureaus and practice before the various boards and commissions of the country. Is not that generally what it is supposed to do?

Mr. GWYNNE of Iowa. No; I would not say that was all of it. It does not as a matter of fact make uniform practice before bureaus and tribunals. It requires these agencies of Government in their practice to maintain certain minimum standards. It is an attempt to bring into the practice of these bureaus and tribunals those principles of due process that we understand and that have been enforced in the courts. If I may proceed for a few minutes I believe I will make these things clear as I go along. I really wish to touch the bill a little. I will yield later if I have time.

After a law has been passed by the Congress, before it applies to the individual citizen there are about three steps that must be taken First, the bureau having charge of enforcement must write rules and regulations to amplify, interpret, or expand the statute that we passed; rule making, we call it. Second, there must be some procedure whereby the individual citizen who has some contact with the law can be brought before the bureau and his case adjudicated. You might refer to that as adjudication or hearing. Finally, there must be some procedure whereby the individual may appeal to the courts from the action taken by the bureau. This bill briefly touches all three.

In the matter of rule making the bill provides, for instance, this in substance: It requires the agency to give notice of its intention to make rules and regulations. It requires the agency to allow interested parties to appear and state their views and request that certain rules and regulations be adopted. That would be much like the hearings that we now have before our committees in the House. Incidentally, that practice is now being followed by certain agencies of the Government. Then it requires that these rules or regulations which have the effect of law must be published in the Federal Register and go into effect at some future date. That is stating it very briefly but that is the substance of what is required on the important subject of rule making.

Then we come to the question of adjudication. How is an individual who violates, or let us say who wishes some action under, these rules and regulations, how is his case to be disposed of? On that point I think there is some difference between the present bill and the Walter-Logan bill. This bill is not as definite in its requirements. It lays down certain minimum standards which must be observed by the bureau or tribunal.

The bill provides that the agency must give notice to the individual of the hearing, also of the time and place, much the same as notice is given now in civil suits. The person affected may appear by lawyer or by some one who is not a lawyer, if that practice is allowed in that particular agency. Hearings may be had before the agency sitting together or by any member or members of the agency or, finally, by hearing examiners, which is probably usually the case.

The trial proceeds much after the fashion of a hearing before industrial commissions or boards who have charge of the administration of the workmen's compensation in various States. The rules of evidence are not restricted to those matters of competency that we enforce in court; nevertheless an attempt is made in the bill to require the presiding judge, so to speak, to confine the case at issue to relevant and probative testimony.

An important feature of the bill in this connection has to do with the appointment of examiners and there is a provision to keep the deciding functions separate and distinct from the prosecution part of it. Great complaint has been made that agencies send out people to prosecute the individual and, from the same office and subject to the same direction, they send out the hearing examiner who is to hear the case. This provides for separation of these functions and prohibits one from meddling with the other.

It also provides that these hearing examiners shall be appointed by the agency in accordance with civil-service rules. The salaries of the examiners are fixed by the Civil Service Commission and promotions and increases in salaries are also fixed by that Commission.

It is hoped to at least make a start, although I think it does not go as far as it should, in arriving eventually at a complete separation between the deciding functions and the prosecuting functions.

The only other and remaining feature I would like to mention has to do with appeals, then I shall be glad to yield. The great difficulty with our present setup is that many of these agencies are not subject to court review and many of them even if we pass this bill will still not be subject to court review. This bill does not give a court review in any case where review is now precluded by statute. It simply clarifies and expands in some particulars the authority of the court in reviewing cases in which court review is not precluded by law. In general they can reverse or modify the judgment on these grounds:

First. If the finding is contrary to some provision of the Constitution;

Second. If the tribunal or agency has failed to follow the procedure provided by law;

Third. If the decision is arbitrary or capricious; and

Finally, and very important, if the finding of the agency is not supported by substantial evidence.

Mr. Chairman, a lot can be said about this bill, but I will not proceed any further because I want to yield.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HANCOCK. Mr. Chairman, I yield the gentleman three more minutes.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield to the gentleman from Arizona.

Mr. MURDOCK. I want to say to the gentleman that I have received numerous communications from bar associations and legal authorities in my State supporting this bill and calling on me to support it. Not being a lawyer, I am glad to have the gentleman's clear-cut statement. However, in addition to that, what I would like to know is this: Has the machinery set up been such as to cause delay in the working out of justice for the citizen in review procedure and that sort of thing?

Mr. GWYNNE of Iowa. Does the gentleman mean the present procedure?

Mr. MURDOCK. No; I am inquiring about the machinery set up in this bill.

Mr. GWYNNE of Iowa. Oh, I would say not. I would say it certainly should not cause delay. It should expedite proceedings, if anything.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield to the gentleman from California.

Mr. VOORHIS of California. On the matter of court review, I wanted to ask the gentleman whether the bill will or will not make a change in the situation which now pertains as to certain agencies where, if the position of that agency is supported by any degree of reasonable evidence, the court must not go beyond that decision? Does not the bill give the court somewhat broader powers from that point of view than it would have otherwise?

Mr. GWYNNE of Iowa. Right.

Mr. VOORHIS of California. Would the gentleman expand on that a little bit? I think it is very important.

Mr. GWYNNE of Iowa. I might say rather briefly that there are two conflicting theories that have often been expounded by the courts. One is that if the verdict of the jury or if the finding of the triers of fact is sustained by a scintilla of evidence, any evidence, no matter how lacking in probative force, the court must sustain it. The other is that the court need not sustain a finding unless it is supported by substantial evidence. The latter is the view adopted in this bill.

Mr. VOORHIS of California. That is a change from the practice that is now in effect in regard to some agencies, is it not?

Mr. GWYNNE of Iowa. That is correct.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE of Iowa. I yield to the gentleman from Indiana.

Mr. SPRINGER. On the question which has just been raised by the gentleman from California, there have followed, in the procedure under the present rules findings even where the evidence was not competent; where there was no evidence at all. The finding might be made without regard to whether or not that evidence was actually competent to get into the case; is that not correct?

Mr. GWYNNE of Iowa. That happens under the present set-up, yes, unfortunately.

Mr. VOORHIS of California. But it can happen under the bill?

Mr. GWYNNE of Iowa. This bill does not concern itself with competent evidence particularly, but it does give to the court the duty to set aside findings if not supported by substantial evidence.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HANCOCK. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, as has been stated during this debate, this measure which is now pending before the House is a very important measure as it appears to me. I might state that this bill, S. 7, was passed on March 12, 1946, by the Senate and it then came to the House and it has been given very careful consideration since that time.

May I say that the distinguished gentleman from Pennsylvania [Mr. WALTER], together with the ranking minority Member the gentleman from Iowa [Mr. GWYNNE], have given much attention and have spent much time on this particular legislation. I wish to compliment each of those gentlemen for the fine service they have rendered to the country and to the people in the presentation of this measure. The Attorney General is in favor of this bill.

I want to refer to the report, page 15, and quote from a letter of the Attorney General. In the closing portion of the letter this is what he has to say on that subject:

> The bill appears to offer a hopeful prospect of achieving reasonable uniformity and fairness in administrative procedures without at the same time interfering unduly with the efficient and economical operation of the Government. Insofar as possible, the bill recognizes the needs of individual agencies by appropriate exemption of certain of their functions.
>
> After reviewing the committee print, therefore, I have concluded that this Department should recommend its enactment.

That is the statement of Attorney General Clark on this particular subject.

The gentleman from Iowa [Mr. GWYNNE] has gone rather carefully over the provisions of the bill. I desire to call attention to only one, and that is the fourth provision, relating to the question of reviewable acts, the review of the proceedings by the judiciary, and the scope of the review. Under the present procedure, in many cases where there is any evidence, even a scintilla of evidence, decisions have been rendered and predicated on that character of evidence before the hearing tribunal.

Mr. HANCOCK. Even though contrary to the preponderance of the evidence.

Mr. SPRINGER. Yes, as the distinguished gentleman from New York says, that has been done in many cases even though it is contrary to the preponderance of the evidence introduced at the hearing.

May I say further on this particular point that in many instances the evidence upon which a decision has been predicated has not been competent evidence.

The bill pending before this committee, and which I hope will be passed without a dissenting vote, provides for judicial review in certain instances, and it takes up the scope of the review. It is to that particular feature that I desire to address the few comments I have to make upon this measure.

Page 39 of the bill provides that under this law the reviewing courts "shall compel agency action unlawfully withheld or unreasonably delayed."

In many of those cases there has been a withholding or a long delay, and that particular feature is intended to hasten action on the part of these agencies. I feel confident each Member will approve that provision in this bill.

The second provision, to which I now refer, provides "and hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

To my mind, that is a most potent statement and is a fair and equitable provision of the bill.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I am happy to yield to my friend from Kansas.

Mr. SCRIVNER. Does the gentleman feel that that would correct the evils that might exist where a regulation was contrary to the intent, spirit, or purpose of the act?

Mr. SPRINGER. I think, unquestionably, it would. The gentleman is precisely correct. That is the purpose and that is the intention of that provision which has been written into this bill. In those cases where these decisions are found to be arbitrary, where the decision is found to be capricious or an abuse of discretion or otherwise not in accordance with the law, the decision can be set aside. That is certainly fair, that is certainly equitable, and that is certainly based upon a sound philosophy.

The next provision under the scope of review to which I desire to call the attention of the Members is that any decision can be set aside which is contrary to constitutional right, power, privilege, or immunity. There is no one in the world who could object to a provision of that kind because that is based upon the sound philosophy of the law.

The following provision in the scope of review that I desire to call to the attention of the Members is that in cases "where the decision is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," such decision can be set aside. In other words, where the person who has been tried has had taken away from him the legal rights to which he is entitled; or the limitation to which he is entitled under the provisions of the law have been reduced, then that character of decision under the scope provided in this bill can be set aside.

Fourth. "Without observance of procedure required by law." That is a potent and powerful reason. Decisions thus can be set aside where there is no observance of the legal procedure on the part of the hearing administrator or agent. When that authority has been taken into his hands and he has failed to observe the legal requirements and procedures, then such a decision, predicated upon that theory, can be set aside.

Fifth. "A decision which is unsupported by substantial evidence" can be set aside. I mentioned just a little while ago that many cases in which decisions have been rendered upon a mere scintilla of evidence, and not on the weight of the evidence, have been discovered. In many instances the decisions have been based upon evidence which is not competent. But under the provisions of this bill it is required that all such decisions shall be based upon and predicated upon substantial evidence. That is the only fair basis upon which decisions of this character should be made by either a court or any agency assuming the authority to hear and determine cases.

The sixth provision applies to decisions unwarranted by the facts to the extent that the facts are subject to a trial de novo by the reviewing court. It is my judgment that under the scope of review set forth in the pending bill it will give every person the opportunity and right to have a fair, just, and impartial trial in the judicial proceeding, and a complete review of the case which has been conducted against him. I hope this bill is passed without any objection. This worth-while legislation has been too long delayed already, and it is my hope that it will be passed in the House, fully approved by the other body, and promptly signed by the President.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOYLE].

ADMINISTRATION OF JUSTICE IMPROVED AND PUBLIC RESULTINGLY BENEFITED BY DILIGENT CONTINUOUS WORK OF THE BUILDERS OF THE BILL S. 7

Mr. DOYLE. Mr. Chairman, first I wish very cordially and sincerely to compliment the Judiciary Committee, as well as the distinguished chairman of the subcommittee of the Judiciary on this very appropriate and significant bill. It is refreshing to come here to the national level from my native State of California and find that some of the worthy objectives for which I had the pleasure of working for several years there, as member of the Long Beach, Calif., and American Bar Associations, and as a member of the board of bar delegates of that great State, now about to be passed unanimously, I hope, by this great national legislative body.

Just several months ago, when the distinguished and able lawyer, Harry J. McClean, immediate past president of the Los Angeles Bar Association, was here in Washington in conference on the very objectives of this bill, I had the pleasure of sitting at dinner with him and listening to his discussion and learning from him. He and I and my wife were schoolmates at Long Beach, Calif. So, I naturally continue to have a great deal of confidence in his ability as well as his forthrightness in this matter of great importance. Besides, I know that for years he has searchingly labored to find a constructive plan such as this bill.

The report of the committee is so inclusive in its discussion of the subject matter and the diagram synopsis on pages 28 and 29 so clearly portray some of the most pertinent visions, and the debate here today is so conclusively in favor of the bill that I hope there will be a unanimous vote for it.

For more than 10 years this legislation has had careful consideration and we have just heard the distinguished Member from Michigan, on the minority side, state in substance that he has never known, in his long service in this House, of a measure having had more painstaking or careful study. Once again we find that the report in this case shows the farseeing and rich vision of former President Franklin Delano Roosevelt. For the report, on page 7, thereof, specifically sets forth that he sent legislative recommendations to Congress many years ago in this very field.

I will not at this time take longer of the time of the House because members of the Judiciary Committee have done a very fine job of explaining this and I do compliment them on the work they have done.

Manifestly the vision of the needs of the objectives of this bill and the hard, continuous work over a term of almost a dozen years of the American Bar Association, the various State bar associations and the committees of Congress, and the departments of Government, should have the sincere appreciation at this time, of all of us, gentlemen.

The CHAIRMAN. The time of the gentleman from California [Mr. DOYLE] has expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Chairman, during the period of time since the close of the First World War, there has been a tremendous expansion of the number of agencies, administrative bodies, and commissions of the United States Government. In fact, to those of us who were engaged in the practice of law during that period, it had come to the point where a great deal of our time was taken up in dealing with those various agencies of the Federal Government. They were spawned with great speed and without too much consideration, it seemed to the practicing lawyer, over this period of time, with a great variety of powers. Some of those powers directly affected the daily lives of every individual in the United States of America.

It necessarily followed, I suppose, since so many of them were created, that each of them would develop its own variety of procedure—that each of them would have its own method of doing business. Accordingly the problem that confronted the citizen who overstepped the bounds of the rules of some agency was to discover how to alleviate the situation. It was more complex because there were no uniform rules of procedure, and a person had to delve into the intricacies of each agency or each commission in order to find out what to do.

This bill is certainly a step in the right direction. It attempts to give some uniformity of procedure. It attempts to direct these agencies and commissions and departments to use forms that can be understood which shall be uniform through all of them.

Not only does it promote uniformity but it codifies the procedures in a court review. This part of the bill has just been explained by my colleague the gentleman from Indiana [Mr. SPRINGER]. Because of the necessity of passing the bill, how great have been the abuses in some of the agencies concerned.

Personally, I think perhaps this bill does not go far enough in that direction. I believe I should welcome the opportunity to vote for a bill that would curtail the exclusions with respect to judicial review that are here contained.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. DOLLIVER. I yield.

Mr. WALTER. I would like to call the gentleman's attention to the fact that there is no exclusion whatsoever. The decision of an agency created by statute that prohibits a review is the only one excluded. We are anticipating the possibility that some time or other such an agency will be erected.

Mr. DOLLIVER. I was referring to exactly the point that the gentleman has raised, that there are certain statutory exclusions now existing which are not covered by this bill. Perhaps there is just one such agency and I believe the gentleman and I understand which one that is. I still say I would welcome an opportunity to consider legislation which would include that excluded agency.

In connection with this bill I am very glad to present to the Congress a portion of a letter I have just received from Mr. Burt J. Thompson, of Forest City, Iowa, former president of the Iowa State Bar Association.

Mr. Thompson says in part:

> This bill has been before the board of governors of the Iowa State Bar Association, and has received its approval. I think it is a fair statement also to say that it meets with the approval of the lawyers generally throughout the State of Iowa.

Mr. Thompson is a member of the special committee of the American Bar Association which has been studying this problem of administrative procedure for many, many years. I am glad to see that he is so fully in favor of the passage of this bill. While it does not, as I have just suggested, go as far perhaps as he and others may desire, nevertheless, it is a step in the right direction. We have great confidence that the bill will be passed.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman——

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I shall be so delighted to yield to the distinguished gentleman from Wisconsin.

Mr. KEEFE. I merely wish to say to the distinguished gentleman who is about to address the House and to the other members of the committee that I regret that I am compelled to attend a very important meeting of a subcommittee of the Appropriations Committee and must be there this afternoon. I do want the RECORD to show at this point, however, that this matter contained in this bill is one in which I have been interested ever since I first came to Congress in 1939.

I congratulate the author and the Judiciary Committee in finally bringing this bill to the House. I trust it will go back to the other body and result in final action in a field that is so very much needed in this country.

Mr. HOBBS. We thank the gentleman for that contribution, although for us who know him so well and his outstanding ability in the field of law it was entirely unnecessary. We know he has been profoundly interested all the time, is now, and that but for conflicting engagements he would be with us as we work out this piece of legislation on the anvil of public discussion on the floor of the House.

I simply wish to adopt what he has said. There is no need of reiteration, and that is what may be now fast approaching in this debate. There is no need to discuss or argue the merits of this piece of legislation. So I wish in the few minutes allotted to me merely to make a few long-overdue observations as to some credit that is too apt to be overlooked.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question before he goes into that?

Mr. HOBBS. I am delighted to yield to the distinguished gentleman from Arizona, always.

Mr. MURDOCK. I am not a lawyer, as the gentleman knows. I am just asking the gentleman whether the bill enacted into law will bring about a government of law rather than of men? Is that the ideal toward which this bill looks?

Mr. HOBBS. The gentleman has phrased it very aptly. It is the ideal toward which this legislation looks and moves. Whether or not it will be realized depends upon the construction which may be placed upon it by the trial and appellate courts of this land. We hope and pray that they will so construe this act as to emphasize its plain mandate and achieve that ideal.

Not only do I wish to compliment the distinguished gentleman from Pennsylvania, Hon. FRANCIS WALTER, who is the author of the report and who has done so much in the drafting of this act through the years he has worked, but I also wish to echo the congratulations that have been showered on the gentleman from Iowa, Hon. JOHN GWYNNE, and

his associates on the subcommittee. Our late great President, Franklin D. Roosevelt, in 1939, acting in accordance with the recommendation of the Honorable Homer Cummings, Attorney General of the United States, recommended the appointment of a committee to study the problem this bill seeks to solve. I wish also to compliment each of the successors of Attorney General Cummings in that high office, and particularly speak with approval of the work of the present Attorney General, Hon. Tom C. Clark.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOBBS. Mr. Chairman, I would be unworthy of the occasion, however, if I did not pay tribute to the work of the American Bar Association in this connection, particularly the leadership of that body and its great special committee. We all know that Hon. Carl McFarland has been one of the outstanding leading spirits in the movement which is now resulting in the enactment of this bill. We should also gratefully praise the administration of the Honorable George Maurice Morris, who during the time he headed that organization, as his successors have done in emulation of his example since his day, made it possible for us to bring to you today the well-reasoned, carefully drawn bill which is so soon to become law.

Mr HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am always delighted to yield to the gentleman from New York.

Mr. HANCOCK. May I add the name of a former very active supporter of this measure, a former president of the American Bar Association, Arthur P. Vanderbilt.

Mr HOBBS. Not only that, sir, but in line with the gentleman's usual quick thinking, he simply beat me to the punch. I am delighted to make acknowledgment not only to Hon. Arthur Vanderbilt but to a long line of other men who have aided in their high office.

Mr. Chairman, this is all I really care to say today. It seems to me that the Constitution of the United States, has divided the powers of our Government into three coordinate branches, the legislative, executive, and judicial. These have been swallowed up by some administrators and their staffs who apparently believed that they were omnipotent. These have exercised all of the powers of government, arrogating to themselves more power than ever belonged to any man, or group. This has made necessary the enactment of some such legislation as is now in process of passage.

We hope and pray that the plain meaning of this law will be so correctly interpreted as to effectuate its high purpose. Therefore we thank every Member of the House in advance for the unanimous support that this bill deserves and will receive.

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

Mr. ROBSION of Kentucky. Mr. Chairman, I arise in support of Senate bill 7 which proposes "to improve the administration of justice by prescribing fair administrative procedure." This bill passed the Senate some time ago, came to the House and referred to the Committee on the Judiciary of the House which committee, after careful consideration, amended the Senate bill and which, in my opinion, improves the Senate bill in line with the purposes of the bill.

I am not a member of the subcommittee of the Judiciary Committee that held the hearings and considered this bill. I understand that the subcommittee approved it by unanimous vote. It then came to our full committee and as I recall there was no serious opposition to the bill in our full committee. Mr. WALTER of Pennsylvania is the chairman and Mr. GWYNNE of Iowa is the ranking Republican of that subcommittee. They have both made splendid speeches in explaining the provisions and purposes of this legislation. The time for general debate is more or less limited. I am sure that those who are not members of our Judiciary Committee will find the report on this bill most enlightening and I urge each one of you to read the report carefully.

This legislation is very necessary and it is long overdue. It is not as comprehensive as it should be. It certainly is a step in the right direction and as time goes on no doubt it will be perfected by appropriate amendments. Many of our leading jurists, statesmen, including former Chief Justice Hughes, many distinguished lawyers and judges, the American Bar Association, business people, and other citizens have strongly commended and urged legislation for the purposes set forth in this bill. Years ago we had only a small number of Federal bureaus, agencies, and commissions, and a comparatively small number of Federal offices but as the country has grown and as its activities have become more diversified and complex it has been necessary for the Congress to pass laws delegating to various agencies their administration. Congress could not spell out in precise words the administrtaive powers and duties of these agencies. It could only do so in general terms and it was up to these agencies to issue appropriate rules in carrying out their administrative duties within the purpose and intent of the Congress as expressed in the laws enacted by Congress. This type of legislation and the delegation of powers have increased from year to year so that it now involves many, many agencies and many, many officers. There is no doubt in my mind but what we have too many agencies and too many officers. The Federal officials now, outside of our armed forces, in this and foreign countries number approximately 3,000,000. In the last 10 or 15 years these Federal agencies and the number of officials have grown by leaps and bounds, and the naked fact is that we do have these agencies and officials administering hundreds of acts of Congress and in so doing they have issued orders, directives, and rules exceeding the powers granted to them by the Congress. In other words, they have assumed the function of making laws. The power to legislate and make laws rests alone in the Congress and not within the powers of any officer of any one of these agencies.

These same officers of these agencies issue these orders, directives, and rules, and then they proceed to hail the citizens and business concerns before them for investigation, trial, and judgment, and in that way not only become the law makers but they interpret their own self-made laws and execute them. They are the law makers, prosecutors, juries, and judges of their own laws.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to my friend from Indiana.

Mr. SPRINGER. Is it not a fact that every bar association throughout the country is deeply interested in this legislation because the lawyers do not know what procedure to follow and they do not know anything with respect to the law which is followed by these triers or administrators of the laws passed by Congress.

Mr. ROBSION of Kentucky. That is one of the things I was coming to. They change the rules of the game from day to day and without any notice to the American people who will be affected by the directives and rules. As I have stated, here is a group of men or individuals making and changing the laws and then executing them. Our Government is based upon the principle of three branches: Congress makes the laws and the courts interpret them, and the executive branches execute them, but in many of these agencies we find all of these functions of the Government lodged in one person or one board and then in many cases those who are aggrieved of the actions of the administrator or board are denied an appeal to the courts. In some cases where there is an appeal the courts uphold the administrator's or board's action if there is any evidence sustaining the action of the board. It may be against the overwhelming weight of the evidence and the rights of the parties may be ignored. This bill gives the aggrieved party the right to appeal to the courts and the court may set aside or modify the decision of the administrator or board if they ignore the law, the Constitution, or substantial evidence. They cannot sustain a finding or decision of the administrator or board unless there is substantial evidence supported. The administrator or board cannot base their finding on the scintilla rule.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to my friend the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Does this bill go far enough to include those who might seek their day in court under OPA regulations?

Mr. ROBSION of Kentucky. As I understand this bill, it does not give the right of appeal in cases where the Congress has expressly stated there can be no appeal; but unless the right of appeal is denied, I think an appeal could be taken as a matter of course where

there was a proper showing that the constitutional rights of the aggrieved party had been invaded; that the act itself did not sustain the award or judgment and an appeal can be taken where Congress provided in the act that an appeal could be taken and the way and manner in which it could be made.

As I recall, some of the provisions in the OPA Act provide for an appeal under certain conditions and circumstances, but those appeals are limited to the provisions of the acts themselves.

Mr. BENNET of New York. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Are not the war agencies excluded from this bill?

Mr. ROBSION of Kentucky. Some of the acts of Congress expressly exclude an appeal in some cases, and the bill before us excludes the Selective Service Act and a number of other acts.

Mr. HANCOCK of New York. I yield the gentleman an additional 2 minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for two additional minutes.

Mr. ROBSION of Kentucky. Some of the most commendable features of this bill are:

First. It defines "agency," "person," "party," "rule," "rule-making," "order" and "adjudication," "license" and "licensing," "sanction" and "relief."

Second. It provides that these orders, rules, and directives can only be adopted after reasonable notice, and, when once adopted, they must be published in the Federal Register. These records are open to the public, and they cannot be amended or changed without giving a hearing to interested parties.

Third. This bill recognizes the principles on which our three branches of government are based so that the prosecutor may not get up the evidence, prosecute the case, and, at the same time, decide the case.

Fourth. The interested parties must be given proper notice of the legal and factual issues, with due time to examine, consider, and prepare for them and the parties who are entitled to appear on their own behalf or by counsel either an attorney at law or other person who has been admitted to appear before such board or agency.

Fifth. The agency is required to afford the parties an opportunity for settlement or adjustment of the issues involved where the nature of the proceeding and the public interest permit.

Sixth. All presiding officers and deciding officers are to operate impartially. Such officer may disqualify himself and a party to the proceeding may file proper affidavit to show that the presiding officer has personal bias or is otherwise disqualified. These officers may exclude irrelevant, immaterial, or unduly repetitious evidence.

These are only a few of the many provisions of this bill that leads us to believe that it will improve the administration of justice in administrative procedure of the various agencies and further protect the constitutional rights and the interest of the American people.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, at the outset I must agree that this bill in its entirety will be a valuable asset to the people of America if it is passed. In the main, it seeks to give the courts a little more function with regard to administrative agencies' rulings, decrees, orders, and judgments. In that respect I am in full accord with the terms of the bill.

Being a member of the lawyers' profession, I have always looked upon the functions of our courts and the jurisprudence of our country in general with jealousy and zealousness. I have always been able to speak with pride of the jurisprudence of the American Government because of the fundamental principles underlying the rules by which the courts, both trial and appellate, are guided. Perhaps some of you do not know it, but as far as I know, without a single exception each general principle of the rules of evidence that have been adopted by the courts is based upon some Biblical quotation. Every rule is taken from the Bible, when you analyze it and run it back to its source. This fact alone should make the American people proud of American jurisprudence. There is one thing I am somewhat apprehensive about in regard to this bill. It is for that reason I take the floor for these few minutes. If you will turn with me to page 38 to subsection (c) of section 10, I want to read the first part of that paragraph to you. It is as follows:

> Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review.

That is fine. That is excellent. That is what the American people have been clamoring for for the last few years. The Congress has been clamoring for it too. The paragraph reads further:

> Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action.

Now, that is fine. But here is the clause or phrase that I am afraid of:

> Except as otherwise expressly required by statute—

I am afraid of that provision. I am not in a position, because I did not know the bill was up for consideration, and I happened into the Chamber and heard this discussion, to answer directly the way in which I think this would preserve the dictatorial powers of that agency or that authorization by law. The law, of course, is what the Congress makes. There are some laws which I am not able to point out to you right now which make it possible for an agency to pass upon a question presented to them on the basis of the slightest evidence, whether it be relevant or irrelevant, whether it be material or immaterial, and whether it be prejudicial or not prejudicial.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield three additional minutes to the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield one additional minute to the gentleman.

Mr. RUSSELL. When an agency has such an authorization, which under the authorization is the law, then this act is exempting that agency from a judicial review or a passing upon that evidence, regardless of the kind of evidence it may be.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RUSSELL. I am glad to yield to the gentleman.

Mr. WALTER. The gentleman is not seriously contending that an agency decision based upon a mere scintilla of evidence would hold up?

Mr. RUSSELL. If the law has made it such, it will hold up under this very phrase that I have just read. That is what I am afraid of.

Mr. WALTER. Well, the very measure now under consideration is designed to prevent that sort of thing, and will prevent it.

Mr. RUSSELL. But this is the thing I am afraid of, that is, giving life to that power which the measure is supposed to take away.

There is another bill pending in this House, a very controversial bill. Perhaps you heard of it this week on Calendar Wednesday, where a provision is embodied in that bill which I do not believe 25 Members—10 Members—not 5 Members—if they understood the legal effect of that provision, would vote for the bill with that in it, because they would be cutting off their own noses and denying themselves a right which they hold near and dear. That same provision is embodied in that bill. If it becomes law, the law making that scintilla of evidence binding upon the court, then this bill will not take care of it. That is my only objection to this bill. I do not want to tie the hands of the courts, but throughout the years of American history there has developed the most beautiful, the most equitable, the most American jurisprudence known throughout the world, a system of jurisprudence under which each man can go into court where justice, and justice alone, will prevail.

I ask you to look into this question because I am fearful that by this provision you are giving life to that which you think you are destroying.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I had not expected to speak on this subject today. I have been practicing law for 25 years. I am certainly in sympathy with the provisions of this bill. Nevertheless, I wonder if it is fully understood by the Members of the House.

I want to make the frank admission that I read the bill three or four times and I have also read the report and I do not fully understand it yet. I just asked the gentleman from Kentucky [Mr. ROBSION] a question, to which I did not get the proper answer, which indicates there may be some misunderstanding

even on the part of well-informed Members. My question was: "Does this bill affect the war agencies?" The gentleman indicated he thought it did. It does not. The war agencies are expressly exempted from the provisions of this bill. It is against the war agencies that you hear most of the complaints and criticism. It is against the OPA and the CPA that you hear most of the criticism.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. WALTER. Those agencies are erected under orders and statutes that provide a special method of review of their decisions.

Mr. BENNET of New York. I am well aware of all that, but what I said, that they are not covered by this act, still remains true. Also, that most of the criticisms are against those agencies. That remains true.

Mr. GWYNNE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. GWYNNE of Iowa. That matter was discussed at some length in the committee. Of course, we hope we are writing permanent legislation, to be improved as the years go by. We also hope that these war agencies will soon be terminated.

Mr. BENNET of New York. I certainly join in that hope that they will soon be eliminated. I think the great majority of the American citizens feel the same way.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. DONDERO. A moment ago I asked the gentleman from Kentucky Mr. ROBSION] whether or not this bill was broad enough to permit a person who got into difficulty with the OPA to have his day in court. I think the gentleman expressed doubt whether it did or not. What is the gentleman's opinion?

Mr. BENNET of New York. My opinion is that it has nothing to do with the OPA.

Mr. DONDERO. That is a war agency. It does not cover the OPA, as I understand it.

Mr. BENNET of New York. Under definitions, section 2, page 22, those agencies and functions which expire on the termination of present hostilities or within any fixed period thereafter, or before July 1, 1947, are not covered. That means war agencies.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. Gladly.

Mr. KEFAUVER. I think I should call the gentleman's attention to the fact that on page 22, line 3, it provides that it shall not apply to war agencies except as to the requirements of section 3. Of course, section 3 requires that their orders be made public. That is about as far as the committee thought it should go in making it applicable to the war agencies.

Mr. BENNET of New York. I am aware of that particular exception. I do not think it affects the general proposition that I am advancing.

I am not going to oppose this bill. I am trying to make it clear that I do not think it is fully understood by all the Members. Before they vote on it I thought perhaps they might like to have a little different approach to it. If I correctly understand this bill, and I shall be pleased to have the members of the committee tell me if I am wrong about it, it does not specifically provide where an appeal should be taken, for which reason I assume the appeal would have to be taken to the District Court of the United States. I am not an expert on these matters, but I think ordinarily bills of this nature have provided for appeals to the circuit court of appeals. If I am correct about that, that means it is going to be quite a long-drawn-out process of appeal in some of these cases.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BENNET of New York. I yield.

Mr. WALTER. The only instance where an appeal can be taken to the circuit court of appeals in the first instance is where there is a special statute providing that method of appeal. In all other instances the appeal must be direct to the United States district court.

Mr. BENNET of New York. That is what I said in substance in my statement. But statutes have been passed which permitted appeals directly to the circuit court of appeals in order to save time. There are any number of administrative agencies covered by this bill and anybody who believes himself injuriously affected by an order can appeal as I understand it to the district court. If he is not satisfied with the decision of the district court he can go on to the circuit court of appeals and then to the United States Supreme Court if they will grant him a writ of certiorari. I would like to have someone tell me whether I am correct or not in this statement that the Pure Food and Drug Administration could find that some article within its purview was deleterious to the public health and issue an order against its distribution. The manufacturer could then go to the district court appealing from that decision and obtain an injunction if the court saw fit to issue an injunction. Am I correct in that statement?

Mr. WALTER. The gentleman is entirely correct, but I cannot conceive of a court's granting an injunction to permit the further distribution of an article that was unfit for human consumption.

Mr. BENNET of New York. That may very well be; nevertheless as I read this bill it can be done. The same thing would be true with respect to the Securities and Exchange Commission issuing an order stating that a certain practice should not be indulged in. The aggrieved party could obtain an injunction and go ahead continuing the alleged improper practice.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, first I want to join with the many Members who have spoken here in congratulating the chairman of the committee, the gentleman from Texas, Judge SUMNERS, and the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. WALTER], the ranking minority Members, the gentleman from New York [Mr. HANCOCK], the gentleman from Iowa [Mr. GWYNNE], and others on the subcommittee who have worked so long and so intelligently on this problem. Our chairman, the gentleman from Texas, Judge SUMNERS, deserves special recognition for his good work. He has worked on the problems of administrative practices for many years. He filed H. R. 1203 and H. R. 4941, which are the companion measures to S. 7, which we have before us today. I suppose that in the files of the Judiciary Committee you will find more bills, more proposals, more complaints, and suggestions about administrative procedure than any other one subject. Certainly, during the 7 years I have been in Congress the matter of making provision to have a uniform system of procedure in the agencies of Government has been one of the vital ones before the Congress and the Nation. The committee is to be heartily congratulated on finally being able to get everybody together on at least a beginning of a settlement, a solution of this difficult problem.

In this complex day when Government is interested in so many things, it is, of course, necessary to have administrative agencies which must of necessity be able to make some rules and regulations and to act in quasi-judicial positions in certain instances. Congress cannot, by the very complexity of the situation, make all of the detailed rules and regulations. But in connection with the administration of the agencies, the lawyers of America, the businessmen, and interested people have for many years been perplexed in trying to find some way to get uniformity into the making and publication of regulations and in obtaining a review procedure. Some of the agencies for many years have resisted various administrative procedure bills that have been presented on the theory that the bills would unduly hamstring them in the operation of their departments.

On the other hand, some lawyers of America and many others wanted more drastic rules for the regulation of agencies than the Congress has been willing to impose. Finally the agencies have come to realize that some orderly administration must be worked out for them and they now join in the approval of this legislation.

Various bar associations and committees that have worked on this matter have likewise joined in recommending it.

I have noticed in the debate on the bill that various Members have felt that in some instances the bill went too far, in other instances it did not go far enough; some things should be done that are not done and some things should not be done that are done. This bill will not be entirely satisfactory to everyone but it marks an excellent begining. Only after years of practice, experience, and application can we come to see the places where it will need remedying and where it will need strengthening. I think it is going to be greatly in the public interest to have uniform administration in the various agencies of the Government.

There is one matter I feel should be commented on, and that is that lawyers of the United States have always been

met with various and different regulations for the practice before the various agencies. For the average lawyer representing his client in sections distant from Washington it is very difficult to know how to be admitted to practice before some of the agencies. Some admit anybody, some admit lawyers only, some admit laymen, and some require specific qualifications. I would like to see it worked out so that any member of the bar who is in good standing in the bar of his own State is at least prima facie eligible to practice law before these various agencies. This could be done while the bill is in conference. I have prepared an amendment which I have shown the chairman of the subcommittee and others which will make this needed improvement. I have had bills pending on the question for years. The gentleman from New York [Mr. HANCOCK] has a bill pending to this effect. The question is not complicated and I should like to see it settled satisfactorily in this measure. The chairman of the subcommittee [Mr. WALTER] indicated he thought well of the proposal.

Mr. Chairman, I take this time mainly to express my thanks for the job that has been done and to say that this is a great day for the judiciary of the country, for the Government and the people in that we have made an excellent beginning in working out these rules and regulations for the various agencies. The committee, the agencies, the bar associations and all who have participated deserve our deep appreciation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HANCOCK. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, in 1943 when Hon. Earl Warren, the present Governor of California, took office this matter of administrative agencies and their rules and set-up was so acute and confused that he advocated passage of a law laying down the new and uniform rules and procedures that these agencies should observe. That law is almost the same as the pending bill. Therefore, for the information of the Members I would like to make a statement concerning the scope of the operation of the California law. If that experience is any criterion of what we may expect with the bill before us, I am confident everybody, when this law is enacted, will entirely approve of it. It will do a great measure of justice to litigants who appear before these types of boards and administrative agencies.

As I said, the State of California in 1943 passed a similar measure and it has met with wholehearted approval, not only of the agencies coming within the scope of the measure, but with other agencies, who now desire to be brought within its scope. A brief history of the background of the California Administrative Act follows:

Some time prior to the war the chaotic condition of the rules in effect in various administrative agencies in the State became common knowledge. Some agencies had printed their rules; some had mimeographed them; some had them typewritten; and some agencies had not published them in any form whatsoever, stating that they were within the knowledge of the chairman or other executive officials of the agency. The legislature, taking cognizance of the situation, passed a bill requiring the agencies to file their rules with the Secretary of State, and appointed a codification board composed of the secretary of state, the head of the department of finance, and the legislative counsel. The magnitude of the problem was disclosed upon the filing of the rules. It required several filing drawers to contain the existing rules of some of the agencies. Many of the agencies requested assistance in determining which rules were actually in effect at the time, and similar unfortunate situations were disclosed. A subsequent legislature provided $70,000 to be used in editing, codifying, and printing the rules in effect in the various agencies, and order began to replace this chaotic condition.

Gov. Earl Warren realized that the situation was acute, and in an address to the members of the State bar of California called upon them to assist in the passage of an administrative procedure act, which would cure many of the defects in administrative agency procedure which were apparent In certain agencies they acted as investigator, prosecutor, and judge; in others, matters were decided without regard to evidence; and in others, the attorney for the agency, in effect, decided the questions. Certain agencies admitted that when their counsel objected, his objections were invariably sustained, and when the opposition counsel objected, his objections were also overruled.

These agencies had a great deal to do with the life and business of the people of the State, and their effectiveness was being impaired by these procedures.

Following the Governor's speech, the Judicial Council of California, headed by the chief justice of the supreme court, and the administrative agencies' committee of the State bar of California commenced a study, which resulted in the presentation in the 1943 legislature of an administrative procedure act, which was passed and thereafter became law upon its signature by the Governor. It was similar in scope to the present measure under consideration. It concerned itself with the rules and orders issued by the agencies, with the method of investigation, the conduct of hearings, the findings, with the type of evidence which might be introduced, and the scope of judicial review of the agencies decisions and orders.

Certain California agencies were not included within the jurisdiction of the act because they derived their existence and jurisdiction directly from the Constitution of California, and the legislature did not have authority to include their procedures under the Administrative Procedure Act. Among these agencies were the Industrial Accident Commission, and the Railroad Commission of the State of California. Since the act has been in effect it has received the acclaim and sincere approval, not only of the bar of California, but of the people of the State, and the officials of the agencies involved. In addition to this, the chief officials of the constitutional agencies above alluded to, have approached the Governor of California and the State bar of the State to ask amendments to the constitution of the State for the purpose of bringing these agencies under the procedure set up in the Administrative Procedure Act of California.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, this bill is a step in the right direction, but many more of the same tenor and effect need to be taken by Congress. This Government was primarily set up for three general purposes; first, to protect itself and its citizens against foreign aggression; second, to protect the law-abiding members of society against the fraud and violence of the lawless members of society; and, third, through the first 10 amendments, to protect its citizens against the encroachment on their liberties and the destruction of their lives and property rights by the Government itself.

It is one of the paradoxes, one of the tragedies of history, that men and women must sacrifice, fight, and die to establish a Government such as our fathers and mothers set up and then are compelled to fight their own Government to protect themselves against assaults on their liberty, lives, and property. This fact made necessary the adoption of the Bill of Right embodied in the first 10 amendments to the Federal Constitution. They cover the citizen all over with the armor of the law. And no bureaucrat should be permitted to strip the citizen of their protection.

The Federal Government now touches almost every activity that arises in the lives of millions of people who make up the population of this country. The chief indoor sport of the Federal bureaucrat is to evolve out of his own inner consciousness, like a spider spins his web, countless confusing rules and regulations which may deprive a man of his property, his liberty, and bedevil the very life out of him.

Recently Westbrook Pegler dissected an interesting speech by a young lady who is an official in one of the bureaus here in Washington. I was interested in his article because I heard her make a speech not so long ago at a meeting of the Federal Bar Association in which she said that this bill was pending before the two Houses of Congress, and that the Federal bureaucrats and lawyers who served these bureaus and bureaucrats should be on their toes and should do their best to prevent the passage of this bill or any similar bill because she said that it would put the Federal bureaucrats and the lawyers whom they had on their pay rolls in a strait-jacket.

Well, I was interested in that frank confession and I became interested in fitting a restraining legal strait-jacket on these people who have been harassing the citizens of this country. As I have said, one of their principal indoor sports is to promulgate these rules and regulations.

Now, this bill does three things generally, you might say. It puts a legal restraint upon the power of these bureaus to promulgate rules and regulations and

gives the citizen who may be affected by them the right to a hearing, to make suggestions, and to enter protest against the proposed rule, and then it gives the citizen the right to a hearing before these bureaus. It requires that the rules and regulations shall be made public, and as a last resort when the citizen has exhausted his remedy before some Federal bureau here in Washington, he has a right to go into court and undertake to protect himself.

I just want to read some of the things that this enterprising young woman had to say. Mr. Pegler said of her speech before a meeting of the Texas Bar Association:

> Though cynical, Miss Rawalt was thoroughly honest and practical. The citizen occupied no place in her remarks. Her message was an exhortation to her fellow lawyers to get aware of the existence of government by bureaucracy and to grab off their share of the loot from a Nation bedeviled by confusing and harassing rules, regulations and interpretations, many of them improvised by New Deal bureaus operating as courts.
>
> * * * the extent to which the citizen has been elbowed out of court and into New Deal bureaus for his justice, constantly in need of lawyers to keep him out of jail, is thoroughly convincing. Miss Rawalt certainly would not exaggerate.
>
> "Speaking of opportunity," the lady said, "are the lawyers of this country, men and women, going to take full advantage of their opportunities in administrative law? It is the most rapidly expanding area of law practice today. There are some 217 special courts, bureaus and commissions which today decide upon and administer various Federal laws directly affecting citizens and business firms in this country. This does not take into account similar State quasi-judicial bodies.
>
> Administrative law, through the Federal Communications Commission, regulates the programs you hear on your radio and determines the use of the telephone and telegraph in our country today. Administrative law, through the Federal Trade Commission, determines various trade practices within the industries of this Nation. Administrative law, through the OPA and other departments, regulates what food you may buy and what you may pay for it. Concurrent with the phenomenal growth in this field of law, there has been a sudden decrease in the number of lawyers.

Then this young woman told the Texas lawyers that they should "stake their claim in this promising professional gold mine now and avoid the costly process of ejectment of others who have laid claims thereto." She urged them to familiarize themselves with the bureau where this administrative law is administered. She also called their attention to the fact that a certain provision which was expressed in 500 words in the original income-tax law now runs to 2,300 words.

Then she stressed the statement of Mr. Justice Frankfurter, who recently said in one of his opinions:

> The notion that because the words of a statute are plain, its meaning also is plain, is merely pernicious oversimplification.

In other words, words do not mean what they say and things are not as they appear to the naked eye and to ordinary human intelligence.

Mr. Chairman, for the reason I have stated and for many other reasons that might be stated, I hope this bill is enacted by this House as passed by the Senate. It will give a long-suffering public much-needed relief.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Nebraska.

Mr. CURTIS. I will say to the gentleman from Tennessee that I shall support this measure. I think the gentleman made one point that should be well remembered, that this is only a step in establishing a government of law in these days of bureaus. I hope the time will soon come when we can standardize the procedure before all these bureaus so that the lawyer who lives near the citizen can find out what the procedure is before these various bureaus.

Mr. JENNINGS. And may represent him in a court among his own people and in his own State. It was never contemplated or intended by the founders of this Republic that the power to legislate vested in Congress should be usurped by a bunch of appointive officers here in Washington who were never elected by any constituency and never could be.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, this is one of the most important items of legislation that has been reported by the Committee on the Judiciary since I have been a member of that committee, and one of the most important that has been considered by this House in a long time. I do not believe any item of legislation that I know of has received broader and more earnest, patriotic consideration by so many groups of our citizenship, as well as Government agencies themselves and individuals in different branches of the Government service.

The subcommittee of the Committee on the Judiciary which had first responsibility is Subcommittee No. 3, of which the gentleman from Pennsylvania [Mr. WALTER] is the able chairman, and the gentleman from Tennessee [Mr. KEFAUVER], the gentleman from South Carolina [Mr. BRYSON], the gentleman from Massachusetts [Mr. LANE], the gentleman from Iowa [Mr. GWYNNE], the gentleman from Connecticut [Mr. TALBOT], and the gentleman from Ohio [Mr. LEWIS] members of that subcommittee, have done a fine job, as has the entire membership of the Judiciary Committee. There have been differences of opinion, but in the main they have been composed during the long consideration of the legislation.

An interesting historical fact about this bill is that the American Bar Association began to manifest interest in this type of legislation as far back as 1935. William L. Ransom was then its president. Through the intervening administration of Presidents Frederick H. Stinchfield, Arthur T. Vanderbilt, Frank J. Hogan, Charles A. Beardsley, Jacob M. Lashly, Walter A. Armstrong, George Maurice Morris, Joseph W. Henderson, David A. Simmons, and Willis Smith that interest has continued reaching out into all parts of the country, resulting in invaluable contributions toward this final result. In this connection I want to mention with especial appreciation the service of Mr. Carl McFarland, chairman of the special administrative law committee of the American Bar Association, and his associates on that committee, Messrs. Albert Ewing, Jr., Aaron Ford, Reuben Hall, Ralph M. Hoyt, Charles E. Lane, Harry J. McClean, W. James Macintosh, Clarence A. Miller, Roland F. O'Bryen, George Rossman, Mayo A. Shattuck, Julius C. Smith, Sylvester C. Smith, Jr., and Burt J. Thompson. And to this list I want to add Mr. Ashley Sellers, who represented the Attorney General. This legislation has been examined by more different groups of people than any other I know of, and a remarkable unanimity of attitude has been worked out.

As far as I am concerned, I hope that much of this power that is being administered by the Federal Government through these agencies can be got rid of entirely and that some of the rest be sent back into the States. But after that is done there will remain, of course, necessary Federal powers in Federal agencies. This bill seeks to bring the exercise of these powers into the general pattern of democratic government. In framing this bill there has been caution not to incorporate provisions which would reduce the efficiency of these agencies which must be depended upon to render important public service. It is believed that has been done. In fact, this bill, it seems generally agreed, goes far in the right direction—as far as we can safely go, at least until we shall have got the guidance of experience. The gentleman from Pennsylvania [Mr. WALTER] and the members of his subcommittee have rendered a great public service. I hope the bill will be unanimously passed, and without amendment.

I very much hope and expect that this bill will be accepted by the House as it has been reported by the committee. There is every reason to believe that the modifications of the Senate bill which are incorporated in this bill will be satisfactory to the Senate; that there will be early action by that body; that the President will promptly approve; and this important, long-needed legislation will soon be on the statute books.

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. RANKIN].

ICKES THE "OPTOMIST"

Mr. RANKIN. Mr. Chairman, our old friend Harold L. Ickes, seems to be going "hay wire."

He seems to think he is Secretary of the Ex-terior, and is constantly shadowboxing with himself.

The other night he attended a Negro banquet downtown and made a speech in which he attacked the white people of the South, especially of Mississippi, and more especially of my congressional district.

He is quoted as having said that I was elected by only 3 percent of the voters of the district.

Of course, every intelligent man knows that in those States where we have no opposition in the general election the vote is always light.

The next day, after his speech, two Negroes were discussing it out here on

the streets. One of them said: "You know what's the matter wid Mr. Ikus?"

The other one asked, "What you think is wrong wid 'im?"

"Well," he said, "he seems to be puffed up wid his own consequences."

The other one said, "You's wrong; Mr. Ikus is just an optomist."

The first one asked: "What is a optomist?"

The other one said: "An optomist is a fella 't just don't give a damn what happens, so it don't happen to him."

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

Be it enacted, etc., That this act may be cited as the "Administrative Procedure Act."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"TITLE

"SECTION 1. This act may be cited as the 'Administrative Procedure Act.'

"DEFINITIONS

"SEC. 2. As used in this act—

"(a) Agency: 'Agency' means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this act shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 3, there shall be excluded from the operation of this act (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by the following statutes: Selective Training and Service Act of 1940; Contract Settlement Act of 1944; Surplus Property Act of 1944.

"(b) Person and party: 'Person' includes individuals, partnerships, corporations, association, or public or private organizations of any character other than agencies. 'Party' includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding; but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

"(c) Rule and rule making: 'Rule' means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing. 'Rule making' means agency process for the formulation, amendment, or repeal of a rule.

"(d) Order and adjudication: 'Order' means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. 'Adjudication' means agency process for the formulation of an order.

"(e) License and licensing: 'License' includes the whole or part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. 'Licensing' includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation amendment, modification, or conditioning of a license.

"(f) Sanction and relief: 'Sanction' includes the whole or part of any agency (1) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (2) withholding of relief; (3) imposition of any form of penalty or fine; (4) destruction, taking, seizure, or withholding of property; (5) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (6) requirement, revocation, or suspension of a license; or (7) taking of other compulsory or restrictive action. 'Relief' includes the whole or part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (2) recognition of any claim, right, immunity, privilege, exemption, or exception; or (3) taking of any other action upon the application or petition of, and beneficial to, any person.

"(g) Agency proceeding and action: 'Agency proceeding' means any agency process as defined in subsections (c), (d), and (e) of this section. 'Agency action' includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

"PUBLIC INFORMATION

"SEC. 3. Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency—

"(a) Rules: Every agency shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public, but not rules addressed to and served upon named persons in accordance with law. No person shall in any manner be required to resort to organization or procedure not so published.

"(b) Opinions and orders: Every agency shall publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

"(c) Public records: Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.

"RULE MAKING

"SEC. 4. Except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts—

"(a) Notice: General notice of proposed rule making shall be published in the Federal Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and shall include (1) a statement of the time, place, and nature of public rule-making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, this subsection shall not apply to interpretative rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

"(b) Procedures: After notice required by this section, the agency shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner, and, after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 7 and 8 shall apply in place of the provisions of this subsection.

"(c) Effective dates: The required publication or service of any substantive rule (other than one granting or recognizing exemption or relieving restriction or interpretative rules and statements of policy) shall be made not less than 30 days prior to the effective date thereof except as otherwise provided by the agency upon good cause found and published with the rule.

"(d) Petitions: Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule.

"ADJUDICATION

"SEC. 5. In every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved (1) any matter subject to a subsequent trial of the law and the facts de novo in any court; (2) the selfection or tenure of an officer or employee of the United States other than examiners appointed pursuant to section 11; (3) proceeding in which decisions rest solely on inspections, tests, or elections; (4) the conduct of military, naval, or foreign-affairs functions; (5) cases in which an agency is acting as an agent for a court; and (6) the certification of employee representatives—

"(a) Notice: Persons entitled to notice of an agency hearing shall be timely informed of (1) the time, place, and nature thereof; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted. In instances in which private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the times and places for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives.

"(b) Procedure: The agency shall afford all interested parties opportunity for (1) the submission and consideration of facts, argument, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and (2) to the extent that the parties are unable so to determine any controversy by consent, hearing, and decision upon notice and in conformity with sections 7 and 8.

"(c) Separation of functions: The same officers who preside at the reception of evidence pursuant to section 7 shall make the recommended decision or initial decision

required by section 8 except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 8 except as witness or counsel in public proceedings. This subsection shall not apply in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; nor shall it be applicable in any manner to the agency or any member or members of the body comprising the agency.

"(d) Declaratory orders: The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty.

"ANCILLARY MATTERS

"SEC. 6. Except as otherwise provided in this act—

"(a) Appearance: Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified representative. Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding. So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. Every agency shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others before any agency or in any agency proceeding.

"(b) Investigations: No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

"(c) Subpenas: Agency subpenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. Upon contest the court shall sustain any such subpena or similar process or demand to the extent that it is found to be in accordance with law and, in any proceeding for enforcement, shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

"(d) Denials: Prompt notice shall be given of the denial in whole or in part of any written application, petition, or other request of any interested person made in connection with any agency proceeding. Except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds.

"HEARINGS

"SEC. 7. In hearings which section 4 or 5 requires to be conducted pursuant to this section—

"(a) Presiding officers: There shall preside at the taking of evidence (1) the agency, (2) one or more members of the body which comprises the agency, or (3) one or more examiners appointed as provided in this act; but nothing in this act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute. The functions of all presiding officers and of officers participating in decisions in conformity with section 8 shall be conducted in an impartial manner. Any such officer may at any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of any such officer, the agency shall determine the matter as a part of the record and decision in the case.

"(b) Hearing powers: Officers presiding at hearings shall have authority, subject to the published rules of the agency and within its powers, to (1) administer oaths and affirmations, (2) issue subpenas authorized by law, (3) rule upon offers of proof and receive relevant evidence, (4) take or cause depositions to be taken whenever the ends of justice would be served thereby, (5) regulate the course of the hearing, (6) hold conferences for the settlement or simplification of the issues by consent of the parties, (7) dispose of procedural requests or similar matters, (8) make decisions or recommend decisions in conformity with section 8, and (9) take any other action authorized by agency rule consistent with this act.

"(c) Evidence: Except as statutes otherwise provide, the proponent of a rule or order shall have the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses any agency may, where the interest of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

"(b) Record: The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision in accordance with section 8 and, upon payment of lawfully prescribed costs, shall be made available to the parties. Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

"DECISIONS

"SEC. 8. In cases in which a hearing is required to be conducted in conformity with section 7—

"(a) Action by subordinates: In cases in which the agency has not presided at the reception of the evidence, the officer who presided (or, in cases not subject to subsection (c) of section 5, any other officer or officers qualified to preside at hearings pursuant to section 7) shall initially decide the case or the agency shall require (in specific cases or by general rule) the entire record to be certified to it for initial decision. Whenever such officers make the initial decision and in the absence of either an appeal to the agency or review upon motion of the agency within time provided by rule, such decision shall without further proceedings then become the decision of the agency. On appeal from or review of the initial decisions of such officers the agency shall, except as it may limit the issues upon notice or by rule, have all the powers which it would have in making the initial decision. Whenever the agency makes the initial decision without having presided at the reception of the evidence, such officers shall first recommend a decision except that in rule making or determining applications for initial licenses (1) in lieu thereof the agency may issue a tentative decision or any of its responsible officers may recommend a decision or (2) any such procedure may be omitted in any case in which the agency finds upon the record that due and timely execution of its function imperatively and unavoidably so requires.

"(b) Submittals and decisions: Prior to each recommended, initial, or tentative decision, or decision upon agency review of the decision of subordinate officers the parties shall be afforded a reasonable opportunity to submit for the consideration of the officers participating in such decisions (1) proposed findings and conclusions, or (2) exceptions to the decisions or recommended decisions of subordinate officers or to tentative agency decisions, and (3) supporting reasons for such exceptions or proposed findings or conclusions. The record shall show the ruling upon each such finding, conclusion, or exception presented. All decisions (including initial, recommended, or tentative decisions) shall become a part of the record and include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) the appropriate rule, order, sanction, relief, or denial thereof.

"SANCTIONS AND POWERS

"SEC. 9. In the exercise of any power or authority—

"(a) In general: No sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law.

"(b) Licenses: In any case in which application is made for a license required by law the agency, with due regard to the rights or privileges of all the interested parties or adversely affected persons and with reasonable dispatch, shall set and complete any proceedings required to be conducted pursuant to sections 7 and 8 of this act or other proceedings required by law and shall make its decision. Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, no withdrawal, suspension, revocation, or annulment of any license shall be lawful unless, prior to the institution of agency proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee by the agency in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements. In any case

in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency.

"JUDICIAL REVIEW

"SEC. 10. Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion—

"(a) Right of review: Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

"(b) Form and venue of action: The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

"(c) Reviewable acts: Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

"(d) Interim relief: Pending judicial review any agency is authorized, where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings.

"(e) Scope of review: So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 7 and 8 or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error.

"EXAMINERS

"SEC. 11. Subject to the civil-service and other laws to the extent not inconsistent with this act, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 7 and 8, who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with the Classification Act of 1923, as amended, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 7 of said act, as amended, and the provisions of section 9 of said act, as amended, shall not be applicable. Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies. For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports, including an annual report to the Congress, promulgate rules, appoint such advisory committees as may be deemed necessary, recommend legislation, subpena witnesses or records, and pay witness fees as established for the United States courts.

"CONSTRUCTION AND EFFECT

"SEC. 12. Nothing in this act shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. If any provision of this act or the application thereof is held invalid, the remainder of this act or other applications of such provision shall not be affected. Every agency is granted all authority necessary to comply with the requirements of this act through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of this act except to the extent that such legislation shall do so expressly. This act shall take effect 3 months after its approval except that sections 7 and 8 shall take effect 6 months after such approval, the requirement of the selection of examiners pursuant to section 11 shall not become effective until 1 year after such approval, and no procedural requirement shall be mandatory as to any agency proceeding initiated prior to the effective date of such requirement."

Mr. SUMNERS of Texas (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment may be dispensed with; that it be printed in the RECORD; and that any section of it may be subject to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KEFAUVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEFAUVER: On page 30, line 15, after the period, insert "any member of the bar who is in good standing and who has been admitted to the bar of the Supreme Court of the United States or of the highest court of the State of his or her residence shall be eligible to practice before any agency: *Provided, however*, That an agency shall for good cause be authorized by order to suspend or deny the right to practice before such agency."

Mr. KEFAUVER. Mr. Chairman, I discussed this amendment a few minutes ago. I think this is an important question which we ought to settle now. This bill has to go to conference and some changes will have to be made. I do not see how there can be very much objection to the inclusion of some provision relative to the establishment of a uniform system of practicing before the agencies. As the situation now exists, some agencies permit laymen to practice; some permit lawyers; some few agencies require a person to register and be introduced. I think in one or two agencies they require a person to take some kind of an examination before being admitted. In this country there is no reason in the practice before the agencies of the United States Government why a member of the bar who is in good standing and who has been admitted to the Supreme Court of the United States or to the highest court in his or her State of residence should not prima facie be eligible to practice before any agency of the Government.

Mr. GWYNNE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. GWYNNE of Iowa. Is that not provided for in section 6? The appearance is there provided for. Someone who is a lawyer and also someone who is not a lawyer.

Mr. KEFAUVER. I will say to the gentleman I have studied section 6 with that in mind. I think in the committee that we really intended to let the person choose his own lawyer to go with him before the agency and that every lawyer in good standing should be accepted. But we still do not say that that agency shall be required to accept him, if he is in good standing in the State of his residence or that he is entitled to practice. The agencies still might have artificial barriers or rules which would keep him from practicing. I think this should be included so that when the matter goes to conference it can be ironed out if my proposal is not entirely acceptable.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. MAY. I believe that any man who holds a license to practice law in any State ought to be eligible to practice before these agencies. I am afraid the gentleman's amendment would limit it to those who are authorized to practice before the supreme court, or the court of final resort in the State in which he lives. There are many members of the bar who are admitted to practice in the State who have not been admitted to practice before the supreme court in their own State.

Mr. KEFAUVER. Of course, if they are entitled to practice before the Supreme Court of Kentucky, they would not have to be admitted to practice before

the Supreme Court of the United States before they could practice before the agency. I do not think this is too much of a requirement to ask of these people, to say that they be admitted to practice in the highest court in their State. Of course, if the agency now admits laymen or licensed lawyers who have not been admitted to the Supreme Court of the United States or to their State supreme court to practice before the agency they would continue to do so. This amendment does not say that only certain lawyers shall be so entitled. It only provides for a class who shall have an absolute right to practice. If the agency allows others, they would not be excluded by this amendment.

Notice, also, the amendment gives the agency a right to suspend or deny the right if it has good reason for so doing such as misconduct or unethical methods.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York, who has introduced legislation heretofore to cover this point.

Mr. HANCOCK. I did, in the Seventy-eighth and again in the Seventy-ninth Congress. I know it is controversial. I dislike to jeopardize this bill by putting on an amendment which I regard as controversial, which may possibly cause delay, and may defeat the bill. I have heard from a number of these agencies and departments downtown strongly opposed to my bill. Let us bring that out as a separate proposition. Let us have hearings on it and let us come to the House with that definition. Let us not muddy up the waters on this bill. We have got this bill in shape to be passed and approved by the President and to become law. I am very much opposed to the gentleman's amendment, although I proposed it myself as a separate bill.

Mr. KEFAUVER. I do not think there is anything so complicated about it that it cannot be worked out in conference. Perhaps this is not exactly the right language but there should not be difficulty in working out a satisfactory provision.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield.

Mr. DONDERO. I was impressed with the gentleman's amendment, but I rose to ask this question: What happens in the case of an attorney admitted to the bar within the District of Columbia but who has no certificate either before the highest court of the State of his residence or of the United States Supreme Court?

Mr. KEFAUVER. Of course, members of the bar of the District of Columbia are usually members of the United States Supreme Court. If they are not they could still practice before the agencies if they can now.

Mr. DONDERO. They must be admitted here?

Mr. KEFAUVER. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FORAND. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

Mr. WALTER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WALTER. Mr. Chairman, I rise in opposition to the amendment.

It is indeed unfortunate that the gentleman from Tennessee [Mr. KEFAUVER] brings up this very important and complicated question at this late moment. After all, the committee having this measure under consideration for many months, considered all phases of this problem. As the distinguished gentleman from New York [Mr. HANCOCK], has said, what the gentleman from Tennessee [Mr. KEFAUVER], proposes is something that should be the subject matter of separate legislation.

I would like to call the attention of the House to the language with respect to eligibility:

> Every member shall be accorded the right to appear in person or by or with counsel—

Now that is mandatory—

> or other duly qualified representative in any agency proceeding.

It certainly seems to me that anyone duly qualified may under this language appear to practice before any agency; and I am afraid that if we set up the standards suggested by the gentleman from Tennessee that instead of making it necessary for an agency to permit anyone duly qualified to appear, we might exclude people who have for the purpose of particular litigation been retained.

Mr. MATHEWS. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. MATHEWS. I am interested to know the gentleman's own definition of the word "counsel." It seems to me it might not be limited to legal counsel, or it might include legal counsel and something else.

Mr. WALTER. The gentleman has suggested one of the fields into which we might well stray. What the committee meant by that was a member of the bar.

Mr. MATHEWS. The bill does not say so.

Mr. FORAND. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. FORAND. Is it the intent of the committee that because a person is not a member of the bar he would not be permitted to appear before an agency?

Mr. WALTER. Of course not, and we say so in the bill. We have taken care of certified public accountants and other experts who have been practicing for years before particular agencies.

Mr. FORAND. In other words, they need not be lawyers.

Mr. WALTER. That is right.

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I very much hope we will not adopt this proposed amendment. It is now demonstrated that it is highly controversial.

This bill has been worked on for a very long time. Many many groups of people have contributed and are tremendously interested in it, the whole country is and I know most of us on the committee hope we can vote this bill out without amendment and let it go back to the Senate where there is every reason to expect the final act of its congressional progress will be completed the President will sign it and it will be a part of the law of the land.

Mr. JENNINGS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, with all due deference to my distinguished and learned friend from Tennessee, I am inclined to believe that his amendment is tantamount to throwing a monkey wrench into the machinery, putting sand in the bearings and water in the gasoline. As I recall, when this measure was before the committee the gentleman did not suggest this amendment.

It reminds me of the old fellow with whom I was boarding once when I was teaching school who had been in the legislature, and he was so entranced with his experience in that body that I really believe that if he had been standing on the threshold of the new Jerusalem and were about to be ushered in and somebody had offered him another seat in the Tennessee Legislature he would have turned his back on Paradise and gone back to the legislature.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. No; not now; I am not in a yielding mood.

He once asked me this question, "If you were a member of the legislature and wanted to kill a bill, what would you do to kill it?"

"Well," I said, "I would make a speech against it; I would talk to my colleagues and suggest the reasons why it should be rejected and try to get them to help me kill it."

"Oh," he said, "you don't know how to kill a bill."

I asked, "Uncle John, what would you do?" He said, "Introduce an amendment to kill the constitutionality of the bill."

My friend here has used this method to stop the passage of this long-needed legislation by offering an amendment that will make it obnoxious and perhaps lead to its veto by the President.

Let us vote down the amendment offered by my good friend from Tennessee.

Mr. SABATH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman who just preceded me criticized the gentleman from Tennessee because he did not appear before the Judiciary Committee and offer his amendment.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield.

Mr. KEFAUVER. I tried to get my friend from Tennessee to yield to say that for many years along with the gentleman from New York, [Mr. HANCOCK], I have had bills pending on this very matter. I happen to be a member of the subcommitte and talked about this proposal with

the chairman of the subcommittee. The gentleman from Tennessee not being a member of the committee, of course, would not know that, and I am sorry that he opposes the amendment.

Mr. SABATH. Mr. Chairman, I am not a member of the committee that reported this splendid bill which I believe should pass by unanimous vote. However, I have great respect for and confidence in the gentleman from Tennessee. If he has not been before the Judiciary Committee and did not offer this amendment to that committee, it must be the only committee he did not appear before asking for legislation which he believes is in the interest of the people. He is a most active member, he possesses great intelligence and ability and deserves the appreciation of the Members of this House. I therefore regret that the gentleman who preceded me should criticize and make point of the fact that the gentleman from Tennessee was not present and did not offer the amendment. He appears before the Rules Committee very often, perhaps more often than any other member, and every time he comes before that committee he appears in the interest of legislation that is for the benefit of the masses, in the interest of good government and in the interest of good administration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. KEFAUVER] to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. WALTER. Mr. Chairman, on page 28 there is a typographical error. In line 3, after the word "the" the word "selfection" should be changed to "selection," I ask unanimous consent that the correction be made.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Chairman, on page 34, line 5, the section should be (d), not (b). I ask unanimous consent that that correction be made.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 7) to improve the administraton of justice by prescribing fair administrative procedure, pursuant to House Resolution 615, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FORAND asked and was given permission to extend his remarks in the RECORD.

Mr. TABER asked and was given permission to extend his remarks in the RECORD and include a letter he wrote to the President of the United States and to the Attorney General.

SPECIAL ORDER GRANTED

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

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

There was no objection.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my remarks at the point in the RECORD where I got permission from the committee and to include therein a letter and different indexes from the Attorney General of the United States.

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

There was no objection.

Mr. D'ALESANDRO asked and was given permission to extend his remarks in the RECORD and include a letter he wrote to Gen. Omar Bradley, also letter he wrote to a legislative committee of the House and its reply thereto.

Mr. SASSCER asked and was given permission to extend his remarks in the RECORD and include an essay which was submitted in the Nation-wide "Food plank for peace."

PROGRAM FOR NEXT WEEK

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

Mr. MICHENER. I do this for the purpose of asking the majority leader what the program for tomorrow and next week will be?

Mr. McCORMACK. There will be no legislation tomorrow. I feel, however, that we ought to meet tomorrow.

Monday is District Day. One bill, H. R. 6265, is on the calendar. That is the bill that came up 2 weeks ago, and I understand that there will be no objection to it. If the stock-pile bill is disposed of today there will be no further legislation on Monday.

Tuesday we will hold memorial exercises for the deceased Members, and there will be no legislation that day.

Wednesday we will take up the third urgency deficiency bill, then House Concurrent Resolution 148, and then H. R. 2871, the Alaskan International Highway Commission.

Thursday is Memorial Day, and there will be no legislation on that day.

Friday we will take up H. R. 5674, a bill relating to protection work in connection with Yuma and Boulder Dam.

That is the program for next week.

Mr. MICHENER. With reference to tomorrow, as I understand, we will be in session for the purpose of being available if the President desires to send any request to the Congress, for legislation dealing with the terrible strike situation prevailing in the country.

Mr. McCORMACK. We will be in session tomorrow. I cannot state that it is for that reason. We will be in session tomorrow because I think it is well for us to be in session.

Mr. MICHENER. It is not usual to sit on Saturday, and in case the President does not take judicial notice of the session, I hope that the distinguished majority leader will advise the President that the House will be in session tomorrow and will be glad to receive any message dealing with this terrible strike situation.

Mr. McCORMACK. The suggestions of the gentleman from Michigan are always welcomed, but in this case I think the President will take legislative notice of the fact that we are in session, and we will be in session not because of the reason stated by the gentleman, but because the leadership feels that we should be in session tomorrow in view, I will agree, of the disturbing and alarming situation that exists, which we all hope that forward-looking, constructive, sane, common sense leadership in the best interest of the country will settle immediately.

Mr. MICHENER. I quite agree with the gentleman, and we are in exact harmony. We, on this side, will be glad to be here, and render any service we can to the administration in dealing with this critical condition.

STRATEGIC AND CRITICAL MATERIALS—NATIONAL DEFENSE

Mr. SABATH. Mr. Speaker, I call up House Resolution 626 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 752) to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amend-

ments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. Mr. Speaker, this rule makes in order the consideration of the bill S. 752 as amended by the House Committee on Military Affairs. It is a unanimous report, and I think the bill will receive the unanimous approval of the House, as did the bill we just passed.

The bill provides for the acquisition of strategic and critical material for defense purposes. It authorizes the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior to act in conjunction with the Army and Navy Munitions Board to acquire the needed critical materials from time to time, and to dispose of some of it which might not be needed and the disposition of which might be justified by the passage of time.

The bill authorizes for 5 years annual appropriations of $360,000,000, so that in 5 years it would provide over $1,800,000,000 with which to acquire these very strategic and critical materials.

I believe every Member is in favor of this legislation.

Mr. Speaker, I now yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, this resolution makes in order the consideration of S. 752 to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes. That after general debate, which shall be confined to the bill for 1 hour the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

This bill was unanimously reported by the Committee on Military Affairs after full and lengthy hearings. The Rules Committee likewise reported it unanimously. After a most thorough study of its purposes and values I am convinced that this body should pass it unanimously.

Mr. Speaker, I am certain that this measure for national defense purposes has the endorsement and support of the great majority of our people. I emphasize for national defense purposes because we all realize that large battleships and the most modern military equipment cannot function, cannot be replaced without a large supply of strategic and critical material. Perhaps some unthoughtful person would mention that in the event of attack from some unseen enemy that the mining industry would commence work immediately and prove equal to the task. That is not true because it takes years for that industry to properly function in the event they are forced to close. Coming from a mining district I am convinced that they will be forced to close unless this legislation is passed. I know this will not happen because I know well that you realize that if our Nation is to be secured that we must see to it that we have a sound and healthy mining industry functioning at all times.

Mr. Speaker, I have stated that it would take years for the proper efficiency and full production in the event that we allowed our mines to close. Shut-down mines, filled with water, caved and rotted and old equipment would indeed require considerable time to bring to being. Ore reserves under such a condition would not give us good preparation in the event of war. We need stock piles that could be shipped immediately.

We must never forget that stock piles of minerals do not become obsolete. Neither do they become outmoded. There is little waste.

In the event of war, of course, manpower and machinery are of extreme importance. Stock piles and functioning mines with modern machinery would permit the assignment of tens of thousands of men to other important work.

Another thing is of grave importance. Congress must retain control over these stock piles. Congress has always done this in the past and we should follow this precedence. We have permitted the use of stock-pile materials only in war emergency. Congressional approval should be obtained before any agency should be permitted to use or release stock piles. These stock piles should be zealously guarded for the Nation's safety.

Mr. Speaker, this rule should be adopted and the bill pass without delay.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. MURRAY] and ask unanimous consent that he may speak out of order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, once more I want to call to the attention of the House exactly what is taking place in this country. Yesterday I offered to yield to any Member on either side of the aisle for them to tell me if in their mind it makes sense to have one agency of our Government telling the cattle owners of this country that they could not have any feed; and to have another agency telling them they could not kill the cattle; and the propaganda agencies telling them they should not eat the meat even after the cattle are killed. One fact is obvious. If we have a drought the big packers will make a "killing" that will really be a "killing." The small slaughterer will still be under the heel of the OPA, no doubt. I would just like to know why it is that the big slaughterers who have dominated this meat picture ever since the beginning of this war, if not for many years before, were able to come down here and sort of write the rules themselves now find themselves under the Agriculture Department and the little slaughterers find themselves in the clutches of the OPA? There were only about 1,500 slaughterers in the United States before the war, and now there are 26,000 of them. Small operators have sprung up in many places in this country. Are the big slaughterers to be provided protective legislation? I repeat that at the present time the big slaughterers are under the guiding hand of the Department of Agriculture, and all the small slaughterers are in the clutches of the OPA. Why this discrimination? Will someone give a worthwhile answer? The meat from a big slaughterer can find its way into a black market as well as the meat from a small slaughterer. These little slaughterers are not allowed even to kill enough cattle in the communities in which they are located to furnish meat for the people in those localities. Now, that is not equity; that is not justice; that is not even common sense. It is not fair and, for that reason, I am today introducing a resolution asking that we do not have any quota on any cattle by anybody at any time that prohibits the killing of less than 500 cattle a month and 1,000 hogs a month. This will give those sections that do have the cattle at least a chance to supply their own needs and they will not be put under the economic necessity of having to have their cattle go to some big packing company some two or three hundred miles away with all the expenses incident thereto and have the meat come back to them for distribution in those communities.

In my own particular part of the country we have been able to kill local cattle and eat the meat for 100 years. Some of us have been able to survive. Now that the war is over, I do not know any reason why these local people cannot kill these cattle in their communities and eat the meat. Remember one branch of the administration does want them to feed them and yet we have another branch that does not want them to kill them. For that reason, I think that somebody, sometime, somewhere, must do something to straighten this meat situation out.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a resolution which I am introducing today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution is as follows:

Resolution relating to quotas with respect to the slaughtering of cattle and hogs

Resolved, etc., That no quota or other slaughtering limitation shall be imposed or continued in effect, with respect to any slaughterer of animals, by the Price Administrator or by any other officer or agency of the Government under authority of any provision of law, which—

(1) in the case of a slaughterer of cattle, does not permit such slaughterer to slaughter at least 500 head of cattle per month; or

(2) in the case of a slaughterer of hogs, does not permit such slaughterer to slaughter at least 1,000 head of hogs per month; or

(3) in the case of a slaughterer of both cattle and hogs, does not permit such slaughterer to slaughter at least 500 head of cattle and 1,000 head of hogs per month.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. I yield.

Mr. CRAWFORD. The gentleman knows, of course, that a lot of these cattle which are now being shipped by the farmers to the stockyards have to be returned to the farmers because when the cattle reach the stockyards they find the quota has been exhausted. They cannot

even sell the beef in many cases. Therefore, it is not only a case of the meat going to the packer and then coming back instead of being slaughtered locally, but the situation is that there are many cases now where the livestock on the hoof has to be shipped back. This is one of the most disastrous interferences with private enterprise that I have ever heard of. I am just watching with interest to see how long the people of this country will put up with such an interference.

Mr. MURRAY of Wisconsin. May I say to my distinguished colleague from Michigan that he has brought out another important fact. Such activities by Governmental agencies add confusion to frustration. The people of this country are just getting tired of having rules, directives, and what not put out on the basis of helping a few people at the expense of the many. Their idea of America is legislation that gives everybody a chance, right straight across the board. That is their idea of the kind of Government they want to live under. That is why they want an equal opportunity with the big boys of this country. The resolution is introduced and now it is up to the administration leaders as to what they wish to do about it. If these administration leaders do not do something to correct the situation it will indicate that they are not in sympathy with the small slaughterers. As a minority Member, I have given them a constructive approach to a serious situation.

The SPEAKER. The time of the gentleman from Wisconsin [Mr. MURRAY] has expired.

EXTENSION OF REMARKS

Mr. DOLLIVER asked and was given permission to extend his remarks in the RECORD and include an editorial.

CRITICAL AND STRATEGIC MATERIALS STOCK-PILING ACT

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I am very much interested in this bill that is referred to as the stock-piling bill, S. 752. It is certainly in the interest of sound economy of this country and in the interest of our national defense that we have on hand the necessary stock piles of critical and strategic materials.

I am particularly interested in the program with reference to rubber. I am pleased that the committee has inserted the language found in (b) of section 7. I hope that is administered so that it will keep alive the synthetic-rubber industry in this country and cause it to expand and grow.

During the last war and in previous wars this Nation was in an embarrassing and dangerous position because of the lack of rubber. We certainly should keep alive and keep going on a profitable basis those industries that are manufacturing synthetic rubber in this country. A great industry was built up under the leadership of a well-known Nebraskan, Bill Jeffers, the Rubber Administrator. He proved to the world that we can be self-sustaining with reference to our needs for rubber. We should continue to be self-sustaining so that in another time of national emergency we will not be dependent upon foreign shores thousands of miles away for rubber which is so essential to our transportation industry, to our national defense, and to our every-day economy.

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

Mr. SABATH. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to speak out of order, and to revise and extend my remarks.

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

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, the President, under authority of the War Labor Disputes Act has taken over the coal mines of the country and has ordered the Secretary of the Interior, Mr. Krug, to operate those mines and make a contract with the mine unions.

Mr. Speaker, if Mr. Krug acts with courage, determination, and fairness in this matter, he will incite the admiration and respect and gratitude of the American people. If he cravenly surrenders to the demands of the labor unions holding a gun over the people of the United States and over the Government of the United States, I think his name will not go down in history as a great man.

Mr. Speaker, I do not know when we have ever had an issue that is so vital to the American people as the question of whether this Government today or tomorrow shall surrender its sovereignty to one man. That is all there is to it.

For historical purposes I think there ought to be stated on the record just what is the law, and whether Mr. Krug or the President or anyone else has the right to yield to the demands of the mine workers without violating their oath of office. For that purpose I have taken this time to cite to you the law on the subject. I am talking about the so-called much-abused Connally-Smith law. I have seen Members get up on the floor and heard them say what a terrible thing it was, and yet today when the Nation is in a crisis it is the only weapon the President has to deal with this situation. It reminds me of an old rusty Civil War gun that might be sitting in a corner behind the door. Everybody said: "Oh, that won't do any good." But when the burglar comes in you grab for it; and that is what has happened in this case.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I have very little time; I am sorry I cannot yield at this point.

Mr. Speaker, the War Labor Disputes Act is very specific on this subject. When it gives the President the power to take over it puts certain limitations upon him. I want to read section 4 into the RECORD:

SEC. 4. Except as provided in section 5 hereof, in any case in which possession of any plant, mine, or facility has been or shall be hereafter taken under the authority granted by section 9 of the Selective Training and Service Act of 1940, as amended, such plant, mine, or facility, while so possessed, shall be operated under the terms and conditions of employment which were in effect at the time possession of such plant, mine, or facility was so taken.

Now, let us go one step further:

SEC. 5. When possession of any plant, mine, or facility has been or shall be hereafter taken under authority of section 9 of the Selective Training and Service Act of 1940, as amended, the Government agency operating such plant, mine, or facility, or a majority of the employees of such plant, mine, or facility or their representatives, may apply to the National War Labor Board for a change in wages or other terms or conditions of employment in such plant, mine, or facility. Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any act of Congress or any Executive order issued thereunder.

Now, it is very clear that Mr. Krug under his power given him in the law has no more right to make a contract with John Lewis that is different from the contract that existed when the workers ceased working than any Member of this House has to make that contract; and if he does make that contract he makes it in violation of the law and in violation of his oath of office and in violation of the wishes and prayers of the American people.

There is something that Mr. Krug and the President can do about it under the Smith-Connally Act. Let us go to the next section. Section 6 provides:

SEC. 6. (a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere, by lockout, strike, slowdown, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lockout, strike, slowdown, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

Here is the crux of it:

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than 1 year, or both.

In other words, under that act anybody who bats an eye at Mr. Krug after he takes over these plants and proceeds to operate them, and gives the least assistance, advice, financial or other kind of assistance to such a strike against the Government, this administration today has the power to put that man in jail and the American people want to see him put in jail. The American people want to see the law carried out now in this great moment of crisis, and I hope that nothing will so affect the nerve of Mr. Krug, the President, or anybody else that, having taken these plants over under this law, they will now yield the sovereignty of this Nation to John Lewis or anybody else.

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

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. MAY] chairman of the Committee on Military Affairs.

Mr. MAY. Mr. Speaker, in speaking on this rule which makes in order the bill, S. 752, I should like to make a few observations with respect to the work that has been done in the preparation of this legislation.

The legislation was originally considered by the Military Affairs Committee of the House in 1939 and after long hearings at that time became law. It was known as the act of June 7, 1939. The legislation was considered and passed by the Senate. In the present Congress the Senate took up the act of June 7, 1939, and has amended it.

What this bill does is to strike out everything after the enacting clause in the Senate bill, so written and passed by the Senate, and substitutes certain other provisions. I would like to say that one man perhaps more than any other member of the Military Affairs Committee of the House, and certainly more than I, is entitled to outstanding recognition and credit for this fine piece of legislation. The gentleman from North Carolina [Mr. DURHAM] was appointed by me as chairman of a subcommittee, which committee under his leadership, and I might say it was wise and unfaltering leadership, went to work, drafted and presented the legislation that is before us today, which was unanimously approved by the whole committee. No man has ever done a better job, no legislator has ever been more faithful, more industrious and diligent in an effort to present to the Congress a fine piece of legislation than the gentleman from North Carolina [Mr. DURHAM], and I pay tribute to him.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from California.

Mr. JOHNSON of California. I think the chairman of the Military Affairs Committee ought to add the name of the gentleman from Iowa [Mr. MARTIN], because he and the gentleman from North Carolina [Mr. DURHAM] were the experts on this legislation. They really framed it together.

Mr. MAY. I pay tribute to both of them. The gentleman from Iowa [Mr. MARTIN] was particularly helpful and gave much valuable service in the preparation of this legislation. Of course, the gentleman from North Carolina [Mr. DURHAM] was chairman of the subcommittee.

This legislation provides for the acquisition of strategic and essential war materials that are not always available to this country in time of war. Everyone understands that the modern method warfare made necessary vast quantities of equipment of various kinds. As a result, war is built almost entirely upon minerals. We foresaw the approach of war and the act of 1939, amended by this bill, was vital and important in our preparation for the war we felt sure could not be avoided.

The strategic minerals concerned in this legislation are scarce in this country. There is one provision in the bill I am sure everyone is interested in and that is the one which provides for the purchase of these strategic materials out of production in this country where it can be obtained. When it cannot be obtained in this country, then they are authorized to acquire it elsewhere. It is commonly known as the law called Buy American.

When we went to work to get ready in 1939 for what we thought was an approaching war and what since has been demonstrated to be a real war, we were wholly unprepared so far as stock piling of material was concerned. We had to find these materials all over the world. At one time our supply of strategic materials was cut entirely off, shortly after the attack on Pearl Harbor when the transportation lines to the Far East had been broken, when Japan had acquired jurisdiction and control of over 2,900,000 square miles of the Pacific, including all of the strategic raw materials in that area.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Arizona.

Mr. MURDOCK. I observed what the gentleman said in complimenting the chairman of our subcommittee, the gentleman from North Carolina [Mr. DURHAM], and the gentleman from Iowa [Mr. MARTIN]. That is good, and I concur in it. I know the gentleman is too modest to recall for his own benefit and credit as much history as he might in regard to this legislation. I want to recall it for him. He has had a notable part. On May 18, 1937, the gentleman now addressing us [Mr. MAY] presented a bill of this nature before the House Committee on Military Affairs, so that the gentleman himself really began on this matter prior to 1939. He was working earnestly at it in 1937 and considering the "buy American" clause at that time in the cause of national defense and the welfare of our country.

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

Mr. SABATH. Mr. Speaker, I yield the gentleman one additional minute.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Utah.

Mr. GRANGER. I want to say that there is no one who did more or who has a greater knowledge of what should be done in the stock piling of strategic materials than the gentleman from Kentucky now addressing us. I know the great job that he did and the anxiety he had as to whether or not we would be able to get the strategic materials we needed and the great expense that was necessary in order to secure it.

Mr. MAY. Mr. Speaker, I thank these gentlemen very much for their highly extravagant and undeserved compliments to me personally. I feel that the vast amount of the work was done by the subcommittee, for which I am in no wise entitled to credit. However, Mr. Speaker, the pending legislation is of great importance at this time, and I am sure it will receive the unanimous approval of the House of Representatives.

Mr. SABATH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr Speaker, while passing around all these deserved compliments to the chairman of our committee, and especially the subcommitee that wrote this particular bill, I would like to join the chairman in expressing regret at the enforced absence today of the chairman of the subcommittee, the gentleman from North Carolina [Mr. DURHAM]. I also join in the compliments paid to the gentleman from Iowa [Mr. MARTIN]. At the same time I would not want the House to forget the fine work done by all of the members of the subcommittee, including the gentleman from Pennsylvania [Mr. FENTON] and the gentleman from California [Mr. JOHNSON]. I would also like to add that among the very first and most ardent advocates of legislation to build up stock piles was the gentleman from Arizona [Mr. MURDOCK] and the gentleman from Utah [Mr. GRANGER]. All the gentlemen I have mentioned worked long and hard on this very necessary and constructive legislation.

I anticipate no opposition to this bill because it has been carefully worked out. I am sure that every Member joins in a feeling of gratitude that such legislation was enacted as far back as 1939, because, in view of the terrible war through which this country has only recently passed, followed by a great victory, I do not know where our armed forces would have been but for a fairly adequate supply of strategic materials and supplies that was obtained in this country as far as possible and those that could not be obtained were imported.

The chairman has already made reference to some of the provisions of the bill and contrasted the pending bill with the one that passed the Senate. I would like, in order to get right down to the point of this legislation, to quote just a few lines from the report which expresses the situation far better than I can. The report on page 5 states as follows:

(1) Instead of establishing a new agency to administer the stock-piling program, we have provided for administration by the Secretary of War and the Secretary of the Navy, as in the original 1939 act.

(2) Instead of authorizing appropriations without limit, we have limited the authorization to $1,800,000,000, with a specific limitation to $360,000,000 in each of the next five fiscal years.

(3) Instead of requiring that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts, we have provided that any such funds shall remain available for expenditure under the stock-pile program.

(4) We have deleted a section in the Senate bill which would have permitted duty-free importation of materials purchased from foreign sources for stock piling.

That just about sizes up the material features of this bill, that will keep this great program in effect.

The bill sets up no new board. It leaves the stock-piling authority exactly where it is now. It places in the Army-Navy Munitions Board, which has done such a fine piece of work, the authority and the discretion to acquire such stock piles as it deems necessary to our adequate national

defense. It also makes fair provision for the great mining industry of America, which is entitled to protection. The mining resources of this great country have hardly been touched. They are entitled not only to fair and just treatment but should also be given support and encouragement.

In that connection, I may say that this bill not only comes to the floor of the House with a unanimous report of the committee, but I think it meets with the approval of the mining industry of this country, so I anticipate no opposition to it.

It is sad but true that we are still living in a very sick world. We all hope and pray that there will never be another war, but in view of the present world conditions it is not only the unanimous opinion of the committee but likewise of the heads of our Army and Navy that we must never again be caught short as we were back in 1937, 1938, 1939, and 1940, and down until the time of Pearl Harbor. We must not again gamble with our security. We must at all times be prepared and that means we must have on hand at all times an adequate stock pile of strategic minerals and supplies. I hope and I feel confident that this bill will pass the House exactly as reported by the committee.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may desire to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain excerpts.

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

There was no objection.

Mr. ANGELL. Mr. Speaker, I am deeply interested in S. 752, now under discussion. I believe there is no one subject that merits greater consideration in the discussion of our national defense and keeping prepared for any emergencies that may arise. Sections 8, 9, and 10 of the bill provide as follows:

SEC. 8. For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000,000: *Provided*, That not more than the sum set out opposite each of the following fiscal years shall be appropriated for such purposes during such fiscal year:

Fiscal year 1946–47 $360,000,000.
Fiscal year 1947–48, $360,000,000.
Fiscal year 1948–49, $360,000,000.
Fiscal year 1949–50, $360,000,000.
Fiscal year 1950–51, $360,000,000.

The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy.

SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act shall be deposited to the credit, and be available for expenditure for the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 1 to 6, inclusive, of this act.

SEC. 10. This act may be cited as the "Strategic and Critical Materials Stock Piling Act."

I quote from the report of the committee on this bill as follows:

(1) Instead of establishing a new agency to administer the stock-piling program, we have provided for administration by the Secretary of War and the Secretary of the Navy, as in the original 1939 act.

(2) Instead of authorizing appropriations without limit, we have limited the authorization to $1,800,000,000, with a specific limitation to $360,000,000 in each of the next five fiscal years.

(3) Instead of requiring that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts, we have provided that any such funds shall remain available for expenditure under the stock-pile program.

(4) We have deleted a section in the Senate bill which would have permitted duty-free importation of materials purchased from foreign sources for stock piling.

We have used the term "strategic and critical materials" instead of "strategic materials." The former term is used in the title and in the first section of the Senate bill, as well as in the original 1939 act. It is defined in the report of the Army and Navy Munitions Board submitted to the Congress under date of January 2, 1945 (S. Doc. No. 5, 79th Cong., 1st sess.) and has an accepted significance.

Mr. Speaker, as far back as May 8, 1940—volume 86, part 5, CONGRESSIONAL RECORD, page 5786—I addressed the House at some length on this important subject, calling attention to the critical situation that faced us with reference to the dearth of certain critical and strategic materials. I am including the remarks I made at that time in the discussion today as much of the material I gathered bears directly on the bill now under consideration and shows the necessity of enacting legislation of this character. The remarks I made at that time are as follows:

A COMMERCIAL, ECONOMIC, SOCIAL, AND DEFENSE ANALYSIS OF STRATEGIC AND CRITICAL MINERAL PROBLEM

Mr. Speaker, the importation of strategic and critical minerals is a national problem of sizable proportions. Aside from the interest in, and the necessity for providing for the common defense, this mineral situation has pretentious economic, commercial, and social aspects. This mineral importation represents an average annual value of about 86 percent of the total metal production in the United States. It also represents an employment displacement equal in number to our total direct metal-mining wage earners.

Raw mineral ores—metallic and nonmetallic—and synthetic agricultural products, constitute the base on which modern industrial activity rests. What we now see in Scandanavia is a struggle for the control of iron ore, which is perhaps the principal industrial metallic material.

Congress is appropriating large sums for military and naval expansion. How effective will these appropriations be unless we remove the bottlenecks created by a deficiency of strategic and critical materials? To make these defense appropriations more effective, we must definitely solve this material problem. Aside from being our principal defense problem, it is one of our outstanding commercial, economic, and social questions. Nationally we need to know where we stand.

I have long thought of coupling Bonneville with the latent resources of the Northwest. This is the motivating reason for my research in this field. My study confirms this early judgment, but at the same time impresses me with the seriousness of the national problem.

HISTORY OF THE PROBLEM

Mr. Speaker, this is no new problem. We first knew of it from our unfortunate and demoralized industrial experience in World War I. We then became suddenly aware of our lack of essential materials. In a quick attempt to cure the situation we hastily conceived and executed a wasteful and extravagant program. Submarines and military appropriation of transports cut off the essential material sources at a time when our War and Navy Departments were speeding up the industrial machine. In 1917 we had no advance plan when the emergency struck our essential industries. Only the shortness of our active war participation saved us from industrial chaos.

In the Defense Act of 1920, Congress placed upon the Assistant Secretary of War the responsibility of providing a plan for industrial mobilization and the procurement of necessary materials. As a result of this charge, progress has been made but this planning has brought to the front our supply-base weakness.

About 1922 the War Department sought the suggestions of a joint committee from the two national mining societies. In 1924 this joint committee recommended:

First. The purchase, importation, and storage of stock piles of these strategic and critical materials.

Second. The discouragement of artificial domestic stimuli such as tariffs and subsidies.

These two suggestions were not made the base for any legislation nor was the manganese stock-pile suggestion, incorporated in the 1927 annual report of the Secretary of War, formally presented to Congress. Wartime strategic mines, with the collapse of high prices, were forced to shut down. A demand for tariff protection followed, which resulted in a mild inclusion in the Tariff Act of 1922. These duties were increased in the act of 1930. Duty on two of these materials has been reduced by reciprocal-trade agreements, namely, manganese and a special grade of mica.

In 1931 the War Department again requested a mineral report from a group of outstanding mining engineers. This group reported the same conclusions as the 1924 group, with the addition of a recommendation for concrete research by the proper Government agencies, to the end that fully demonstrated methods—for exploiting submarginal domestic deposits—may be in hand on the eve of a war emergency. In 1934 the President's Mineral Planning Committee made the same recommendations.

In 1938 the Director of the United States Bureau of Mines urged the mining industry to support the recommendations of these committees, with the additional suggestion that $500,000 be appropriated annually for investigation and study of means to use our domestic reserves as a permanent solution of the problem.

In June 1939 Congress passed the Thomas Act, authorizing $100,000,000 a year for a 4-year purchasing program of strategic minerals for stock piles. In addition, this bill authorized $500,000 annually for 4 years for investigation of domestic resources of these minerals, with the view of stimulating domestic production.

This legislation is a step in the right direction. However, it would seem that we need to go still further. Safeguarding stock piles for a long period is not practical. Nationally we need to be independent. This requires that we know what we really have, how to use submarginal deposits, and how

to develop substitute processes and materials. In short, there is a large field for research based on a real inventory of assets.

PRINCIPAL INDUSTRIAL MATERIALS

Finch and Farness, in their Analysis of the Strategic Mineral Problem, list the following principal industrial materials:

Metals: Aluminum, antimony, chromite, copper, iron, lead, manganese, mercury, nickel, tin, tungsten, zinc.

Nonmetals: Asbestos, barite, China clay, coal, fluorspar, graphite, gypsum, magnesite, mica, nitrates, petroleum, phosphates, potash, pyrites, sulfur, talc.

PRODUCTION ABILITY

As an index covering the production ability of the principal nations of the world, I am presenting table 1:

TABLE 1.—*Production ability of principal countries to supply primary industrial metals*

[Number of metallic and nonmetallic ores available and controlled, or not available for domestic consumption out of 12 primary metals and 16 primary nonmetallic ores. This table indicates number of ores but is not an index of quantity or quality]

Country	Number of metallic ores		Number of nonmetallic ores	
	Available	Not available	Available	Not available
United States	5	7	7	9
United Kingdom	10	2	13	3
France	4	8	6	10
Germany	0	12	6	10
Italy	5	7	8	8
Japan	2	10	7	9
Belgium	1	9	0	16

(Data derived from chart, p. 2, of Analysis of Strategic Mineral Problem of United States, by Finch and Furness, U. S. Bureau of Mines.)

This table only covers supply self-sufficiency of materials. It is a material number index only, and furnishes no measure of quantity or quality available in each country. However, it does show that we do not have the material independence of the United Kingdom. In number of available materials we rank next to Britain. This table also points out, impressively, the plight of Germany, Japan, and Belgium. A full understanding of this table will explain existing world-wide conditions.

STRATEGIC MATERIALS

Mr. Speaker, strategic materials are defined as those essential materials on which supply reliance must be placed on foreign resources. Critical materials can also be defined as those defense materials presenting some difficult procurement problems but of a less serious nature than the case of strategic materials. The critical-materials problem requires research and legislation to control conservation and distribution. The Munitions Board's listing of strategic and critical minerals is as follows:

Strategic minerals in order of priority: Manganese, chromium, tin, tungsten, nickel, quartz crystals, aluminum, antimony, iodine, mica, mercury.

Alphabetic list critical minerals: Abrasive, arsenic, asbestos, cadmium, copper, cryolite, fluorspar, graphite, helium, iron and steel, lead, magnesium, molybdenum, petroleum, phosphate, platinum, potash, refractories, sulfur and pyrites, titanium uranium, vanadium, zinc, zirconium.

IMPORTATIONS

Mr. Speaker, in tables 2 and 3 is presented data on the importation of strategic and critical metals. This data was independently worked out from material in Roush's Strategic Mineral Supplies, and the Mineral Year Books of the United States Bureau of Mines. Importations fluctuate from year to year because of the business cycle, and also because of importations for industrial stocks. I have, therefore, tabulated the fluctuations both in the good and lean years, and have struck off a mean value, which is the basis of these tables. I have added magnesium to the list prepared by the experts in this field. Magnesium is the metal of the future. It is lighter than aluminum and much stronger, and, in addition will furnish a limited substitute for tin products. There are extensive deposits of this basic ore in the Northwest. This metal can help solve our deficiency problem. Germany is developing magnesium for airplane construction from much lower grades of ore than are found in the Northwest.

TABLE 2.—*Strategic metals*

Metal	Unit of measurement	Long-time average apparent consumption	Long-time average apparent domestic production	Equivalent imported consumption	Average price per unit	Value of average imports
Bauxite ore (aluminum)	Metric ton	540,000	320,000	220,000	$6.50	[1] $1,430,000
Antimony	do	12,360	2,050	10,310	[2] .11	2,500,000
Chromium	do	188,300	7,800	181,500	24.00	[3] 7,200,000
Iodine	Pound	1,349,000	274,000	1,075,000	1.00	[4] 1,075,000
Manganese	Metric ton	561,400	41,400	520,000	16.70	[5] 8,700,000
Magnesium	Short ton			14,000	300.00	[6] 4,200,000
Mercury	Pound	2,038,000	1,071,000	960,000	[7] 91.00	[7] 1,150,000
Mica	Short ton			5,260		[9] 921,000
Nickel	do	22,500	300	22,200	700.00	15,540,000
Tin	Long ton	63,500	([10])	63,500	[2] .45	63,800,000
Platinum	Troy ounce	229,000	46,000	183,000	28.50	5,220,000
Tungsten	Short ton	3,225	1,225	2,000	1,075.00	2,150,000
Total						113,886,000

[1] 14-year average, since time that domestic ore production was curtailed.
[2] Per pound.
[3] Chromium consumption has materially increased in last few years. The figures presented represent modern use, since advent of stainless steel.
[4] Last 6-year average, since the start of American production.
[5] Taken from value of imports, rather than unit price as manganese content of ore varies widely.
[6] Estimated on basis of modern development.
[7] Per flask.
[8] Based on commercial flasks of 76 pounds.
[9] Based on total difference of imports and exports. There are so many different grades of mica imported that a single price will not be representative of all mica importations.
[10] Practically none.

NOTE.—Consumption, imports, and prices fluctuate from year to year. These tabular quantities do not represent any specific year, but are a composite average of boom and depression years derived from graphs platted from data given in the mineral yearbooks and Rusch's Strategic Minerals in order to set a composite average-apparent long-time average, and to eliminate fluctuations resulting from stocking imports.

TABLE 3.—*Critical minerals—Value of imports*

Minerals:	
Abrasives	$5,768,500
Arsenic	723,400
Asbestos	8,315,400
Cadmium	1,080,000
Copper	[1] 24,000,000
Cryolite	1,134,000
Fluorspar	390,000
Graphite	560,000
Lead	656,000
Molybdenum	59,000
Phosphate	2,585,000
Potash	16,850,000
Titanium, uranium, vanadium	811,000
Zinc and zirconium	800,000
Total	63,723,300

[1] Estimated on basis of 480,000,000 pounds, at 5 cents per pound.

It will be noted that the annual mean importations of strategic and critical minerals total $177,600,000. When this total is compared with the total annual value of the products of metal mines in the United States the significance of this problem is apparent. The 1935 value of products of all metal-mining industries in the United States is given by the United States Department of Commerce as $206,000,864.

MINING EMPLOYMENT

Mr. Speaker, there is a direct relationship between the value of mining products and the number of employed wage earners. To show this relationship I have compiled table 4 from data in the Department of Commerce's 1939 edition of Industrial Market Data Handbook of the United States.

TABLE 4.—*Relationship, value of products, and number of wage earners; metal mining*

State	Value of product	Expenditures for materials and supplies	Number of wage earners
California	$30,550,658	$7,422,051	12,021
Colorado	12,988,490	5,113,780	5,574
Idaho	14,137,081	2,934,283	3,754
Montana	25,481,248	9,067,192	6,950
Nevada	12,120,855	3,492,498	3,663
Oregon	1,776,157	660,543	1,321
Utah	20,728,634	4,584,636	4,528
	117,783,123	33,274,983	37,811

Composite averages:

Number mine wage earners per million value of products	321
Expenditures materials and supplies per million of product	$283,000
Employment of materials and supplies per million of products	46
Total wage earners in mining and fabrication of mining supplies per million-dollar value of mining product	367

Calculated from statistical data in U. S. Department of Commerce's Industrial Market Data Handbook, 1939 edition.

Based on the given relationship between value of products and employment, the direct wage earners displaced by the importation of strategic and critical minerals is as follows:

Direct wage earners in mines	57,200
Wage earners represented by materials used in mines	8,200
Total displaced direct wage earners	65,400

This direct displacement is 25 percent higher than the total industrial employment in the

State of Oregon. The industries of Oregon, on the average, give employment to 52,200 wage earners and produce an annual pay roll of $53,070,000 and products valued at $265,437,000. This comparison points out the large possibilities inherent in the development of the latent resources of the Northwest.

INDIRECT PAY ROLL

For every person gainfully employed in mining or industry, there is, conservatively, at least 2 to 3 persons gainfully employed in agriculture, construction, finance, trade transportation, and some seven other lines of major employment activities. Direct employment in mine or factory induces employment in other lines. To show this relationship, I am presenting table 5.

TABLE 5.—*Distribution of United States employment*

	Equivalent full-time employment	Percent of total
Agriculture	9,925,000	24.0
Construction	719,000	1.7
Finance and government	3,128,000	7.5
Manufacturing	[1] 8,512,000	20.6
Mining (all mining)	[2] 745,000	1.8
Railroads	[3] 1,014,000	2.4
Trade	6,572,000	15.9
Services	6,562,000	15.9
Utilities:		
Electric	[4] 245,000	.6
Electric railway, telephone and telegraph	[4] 580,000	1.4
Other	1,379,000	3.3
Miscellaneous	2,030,000	4.9
Total	41,411,000	100.0

[1] This figure is slightly higher than that reported by the U. S. Department of Commerce in Industrial Market Data Handbook for 1935. This difference is due to including in the figure presented herewith average part-time employment.

[2] This figure checks substantially with U. S. Department of Commerce figures for 1935.

[3] From 1935 report Interstate Commerce Commission.

[4] Estimated from data presented in Moody's Manual of Public Utilities.

This table presents the best guide as to the part played by each section of the over-all employment sources in the national economy.

Based on chart IV, Structure American Economy, June 1939, National Resources Committee, p. 63.

Ratio of employment in different sections per industrial employee:

Agriculture	1.16
Railroad	.12
Trade	.77
Services, personal	.77
Sum of principal other employment sources	2.82
Ratio of industrial employment to all other employment sources	4.86

The modern key which can unlock the door leading to the storehouse of latent resources is electrometallurgical, electrochemical, and electrothermal processes. Cheap hydroelectric power is the Northwest's greatest resource. If wisely used, it will become a national, as well as a great local asset. Electric processes can make the opening of mines possible. Opening mines will furnish materials for basic industrial development. Basic industries which use large amounts of power induce secondary industries which are large users of manpower but smaller users of mechanical power. In addition to latent minerals the Northwest has vast forestry and agricultural resources. The same energy methods can be applied to forestry and agricultural wastes and products.

The lack of metallurgical coke has kept iron and steel industries from locating in the Northwest. Recently developed processes point out the way to manufacture synthetic coke from wood wastes. Any mining and industrial development requires collateral transportation, finance, construction, trade, and utility services, with attendant indirect employment. The starting point in this development lies in tying together the energy sources and the latent products of the ground. We need to open mines and establish basic industries, and use waste forest and agricultural products.

NITROGEN

Mr. Speaker, during the last World War nitrogen and its compounds was No. 1 on the list of strategic materials. Four years ago this element was transferred from the strategic list to the critical list. Last year it was removed from the critical list because of progress made in synthetic production from the air.

The nitrogen situation furnished an illuminating example in what can be accomplished by research and investigation, and points out a definite avenue of approach in our present situation. The largest uses of nitrogen are for explosives and fertilizer. Practically the entire supply of the world's mineral nitrogen was concentrated in Chili, under monopolistic control. Foreign ownership early realized the importance of control both of production and trade routes. German capital then owned one-third of these nitrogen ores.

Space does not permit repeating the history of the political and commercial struggle over this Chilean ore. The 1914 British-German naval battle off the Falkland Islands resulted from the tussle to control the nitrate trade routes. The removal of German shipping from the high seas and the German blockade was of important military advantage to the Allies, but led to the development of synthetic processes and the overthrow of Chilean supremacy in the nitrogen industry. These facts together with the long-distance transportation and requirements of large tonnage space for the world's requirements, placed the synthetic nitrogen industry on its feet. The large concentration of this natural mineral ore is a place far removed from the consumption centers, and the world's dependence on a single remote source, induced the chemical industry to get to work on processes and substitutes.

There is very little new under the sun. All we have to do to progress is to observe, work, and experiment. From the beginning of time nature has taken nitrogen from the air. Thunderstorms and lightning have fixed nitrogen in the form of nitrogen oxide, which reaches the soil dissolved in rain. It has been estimated that each year lightning fixes 100,000,000 tons of atmospheric nitrogen, which Roush stated is 50 times the amount annually produced by man. Eighty percent of nature's fixation is lost at sea, and a large part of the remaining 20 percent falls on unproductive land. Only 2 to 9 pounds per acre annually reach tilled land, depending on the frequency of thunderstorms. When man's ingenuity went to work and imitated nature, or developed byproduct processes, or produced artificial lightning under a control system of occurrence, the air and coal mines were opened for nitrogen production. This development has been rapid and has progressed to such a point that 75 percent of the world's nitrogen requirements are now supplied from synthetic sources. The air's supply of nitrogen is unlimited.

Besides production from natural sources, there have been developed two principal synthetic sources, namely, byproducts from coke and atmospheric nitrogen. The development of byproduct coke ovens started in the depression of 1893, and by 1914 domestic byproduct nitrogen supplied one-quarter of our domestic requirements. Since the World War byproduct nitrogen production has increased rapidly. The amount of such byproduct production depends on our coke and steel requirements. The difference between our consumption and byproduct production can be supplied from atmospheric sources.

Three processes have been worked out for fixing atmospheric nitrogen. This conversion can be effected by the cyanamide process, the high-tension electric spark, or catalytic action at high temperatures and pressures in the formation of ammonia. As a war measure, Congress authorized the construction of a 40,000-short ton cyanamide plant at Muscle Shoals. This plant was completed after the armistice but has not been in operation except for test purposes. The largest cyanamide plant in existence is the 80,000-ton plant at Niagara Falls, Canada, just over our border. The first synthetic-ammonia plant was built in 1921. Nearly 90 percent of our synthetic-ammonia capacity is found in two plants at Charleston, W. Va., and Hopewell, Va. Chemical research has solved the nitrogen problem and assured our self-sufficiency in this material. This case is cited as an example we should follow.

THE REMOVAL OF OTHER MATERIAL DEFICIENCIES

Another of our World War shortages was potash, one of the three essential plant foods and a requisite in the manufacture of a number of products, including medical compounds and black gunpowder. Extensive exploration has located an inexhaustible supply in New Mexico and California. In spite of our developed potash independence, we import 350,000 tons annually to supply a consumption of 620,000 tons.

The Bureau of Mines has recently developed a new process for the production of pure electrolytic manganese, which is No. 1 on the current list of strategic metals. This process has been patented, and a use license was issued in 1938. A small manganese pilot plant is under construction in Knoxville, Tenn.

The Bureau of Mines and Washington State College have also recently developed a combined flotation and electric method for extracting magnesium metal from the lower-grade magnesite ores of the Pacific Northwest. In 1938 a method was found to protect lower-quality magnesium from corrosion. Another protective treatment has been developed through electrolysis. High-strength magnesium alloys have been produced experimentally. The Northwest Magnesite Co. has completed the construction of a 5-ton experimental plant for the beneficiation of magnesite ores. This work opens an avenue for the utilization of cheap Bonneville power for the production of magnesium from magnesite. This is a field of major proportions, and one in which great advances will be made. Magnesium can be substituted for some of the deficient metals.

The United States chemical industry was greatly stimulated by the World War. As a result of the present war, chemical industrial activity is now expanding on a world-wide basis. Synthetics in many fields are replacing natural materials, as better results have been obtained from controlled and stable processes. The most spectacular of recent developments has come in the field of plastics. For years we have imported millions of dollars' worth of natural gums, but this importation has dropped to small quantities. We are now able to manufacture high-grade synthetic gums for fibers and lacquers from agricultural products. Rayon is replacing imported silk.

What we must now consider is the commercial effect of the German ersatz progress. The soybean and castor bean will become the raw-material base for a developing plastic industry. Many natural articles now in consumer trade will be produced synthetically. We need to watch the growth of world markets for new kinds of merchandise, and the effect dispersion of political exiles from Europe, with their inventive aptitude and their skill in trading, will make on our industry and commerce. If we are to hold our place as a nation, we must go into and solve this problem in an effective way. World conditions will not permit halfway measures.

Minerals amount to about one-sixth of our total imports. Of this amount 38 percent are strategic minerals and 21 percent are critical minerals. In addition, we import about $119,000,000 in rubber. It is, therefore, apparent that a few materials occupy an important, and seemingly an indispensable, place in our world-wide over-all strategy.

In citing the advances made in synthetic production I do not want to create the impression that we are making exceptional progress. Modern industrial development has created new requirements, especially in the field of alloy steels. With the advance in technology, new requirements have come up about as fast as we have solved our older problems. Most of our rubber and tin—totaling in annual imports $188,900,000—come from the Dutch East Indies and the Malay States. The present implications are that we may have to secure rubber and tin from other sources. To protect this source of supply would require us to expend a billion dollars per year for an augmented navy. Could we not declare our indpendence in tin and rubber through technological synthetic developments? It could be done at a much lower price and keep us free from involvement in Old World affairs.

THE HANDICAP OF IMPORT RESTRICTION

Mr. Speaker, how restrictions can be placed upon us, by dependence on imports, is exemplified by the case of aluminum ore—bauxite. In the early days of the aluminum industry, domestic metal requirements were derived from domestic ores. In the interim, use of aluminum expanded sevenfold, and this industry had to seek foreign ore sources. Today one-half of our ore requirements are imported—almost entirely from British Guiana. After American exploitation in this country, a British ruling was issued limiting the use of ore on crown lands in any British territory to British capital. However, a concession was granted in the case of Guiana, provided the ore was reduced in British territory. This ruling resulted in the establishment of the large American-owned plants at Arvida and Shawinigan Falls, Quebec. We must realize that importations can impose political and commercial control by outsiders, adversely affecting our defense, employment, and commercial situation.

Bauxite deposits in the United States are small but large reserves of the submarginal ores, leucite and alunite, exist in Utah, Colorado, Wyoming. Oregon, and Washington. Further development in technology is needed for the commercial development of these submarginal ores, Occurrences of bauxite in Oregon have been reported, but further detailed surveys are needed to determine the quality and extent of these Oregon deposits.

The same situation existed as to nickel. After the *Deutschland* incident in 1915, Canada required smelting within her borders, resulting in the closing of our New Jersey nickel smelters.

MINERAL RESOURCES OF NORTHWEST

Forty-one mineral occurrences have been charted in the Pacific Northwest. This number includes 31 industrial metals, 9 of the 11 strategic metals, and 14 of the 24 critical metals. The extent and quality of all these occurrences has not been fully determined. Low-priced power for modern processes is available, and all that is needed to utilize these resources is an accurate inventory of quantity and quality of minerals and practical processes for beneficiation of the determined quality of the ores.

Under the Thomas act the United States Geological Survey and the Bureau of Mines are authorized to make the necessary surveys and investigations. With the cooperation of the State Mining Bureaus, these two Federal agencies can make a wider coverage with the given appropriations. We have heard a great deal about these occurrences. Our first step is to determine really what we have of commercial value and then concentrate on the utilization of these determined values.

The region is short of fuels and metallurgical coal. This fact has hampered past industrial development. Low-priced hydro power is more than a substitute for these fuels. Such power is the most modern tool in the industrial kit.

Over all, we have sufficient information to conclude that a substantial part of these minerals are of low grade and occur in complex ores. The treatment of such ores cannot be accomplished by established standard processes, successfully used in the East under different conditions. We need to follow up such an inventory with investigation and experiment. We need also to develop new processes in pilot plants, and to fairly protect utilization against the "sidetracking" control of monopolies. Briefly, this is the formula which will tie together the power and mineral resources of the region into a great national asset. Again I must state that there is nothing new in this formula. It is the one used in Scandinavia, where natural endowments are similar to those of the Pacific Northwest. It was the cheap and abundant hydro power of Niagara, through electric processes, that made the automotive industry of Detroit possible.

THE SOLUTION

Mr. Speaker, in an emergency the lack of strategic and critical material sources will become a great national handicap. To solve this problem we cannot afford to wait until the arrival of such an emergency. Our industrial system cannot change its operations overnight. Any adjustments must be gradual and developed under normal conditions.

Aside from being a defense question, it is one of great commercial, economic, and social proportions. A partial solution of the unemployment problem is wrapped up in this matter, and it has a sufficient pressing demand to warrant further consideration by Congress. This problem is susceptible of a number of solutions, which I am collecting and restating. The solution to adopt will depend on the material. Most likely we will find that the most advantageous program will be a combination of several or more solutions. These are:

(1) Make it possible for the Geological Survey and the Bureau of Mines, with the cooperation of the State agencies, to accumulate all available information on metal deposits.

(2) Expand surveys and samplings of reported occurrences to accurately determine extent and commercial quality of deposits.

(3) Advance processes or develop new methods for processing medium and lower grade ores, through research, experiment, and the construction of pilot plants.

(4) Increase domestic peacetime production.

(5) Adopt conservation measures for those materials where domestic reserves are definitely known to be limited.

(6) Expand recovery of secondary metals—scrap.

(7) Develop both general and limited substitutes.

(8) Build up reserve stocks, by use in other commercial channels, which can be converted to basic metals if necessary.

(9) Establish stock piles. Stocking is needed to protect immediately against the consequences of a long-delayed plan or adjustment of industry to new processes. At best, stock piles are a short-time expedient. On a long-time basis, it should not be attempted until possibilities of other solutions have been exhausted.

(10) Establish research in the collateral fields of prices, markets, cost of development, cost of operation of commercially feasible or undeveloped sources, and the accessibility and cost of transportation. [Applause.]

Mr. SABATH. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, by direction of the committee having jurisdiction, I desire to give notice that on Wednesday I will report out the third urgency deficiency bill and call it up on the same day.

Unanimous consent is not required. The bill is privileged under the rules. As the Members of the House will recall, it was formerly the custom to consider general appropriation bills on the day on which reported, but I have always delayed consideration at least 1 day in order to give the House opportunity for a more leisurely study of the report.

However, next Tuesday is set aside for memorial services in the House, so it will be impossible to submit the report on that day. Therefore, unless there is objection at this time, I will report the bill and will call it up for consideration on the same day on which it is reported.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Michigan.

Mr. MICHENER. Is that agreeable to the gentleman from New York [Mr. TABER], the ranking Republican on the committee?

Mr. CANNON of Missouri. Yes. I have taken the matter up with him and notified him that I would make this request, and it has his approval.

Mr. MICHENER. My understanding was that there were not to be any controversial matters considered on Wednesday.

Mr. CANNON of Missouri. I do not believe the gentleman will find anything controversial in this bill. It carries urgent deficiencies which must be provided for before the end of the fiscal year.

Mr. MICHENER. If the gentleman from New York [Mr. TABER], the ranking minority member of the committee, has agreed, that is all there is to it.

Mr. CANNON of Missouri. The gentleman from New York has been consulted.

Mr. MICHENER. However, I thought there was an understanding on the part of the leadership on both sides that no controversial matter would be considered on Wednesday, and I felt sure that if this was controversial that agreement would be respected.

Mr. CANNON of Missouri. This is a matter of providing for urgent deficiencies, and Wednesday is the last day on which we can report the bill. I desire to give notice that I will call the bill up on the same day on which it is reported. It is not necessary to have consent, but I wanted to apprise the House of this departure from the usual practice.

Mr. SABATH. Mr. Speaker, I yield such time as he may require to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I know of no legislation passed during the war period that has been so significant to our national defense as the stock piling of strategic materials and the measures taken to provide the critical and strategic materials, especially minerals, and

metals, for war purposes and for national defense. I am heartily supporting the bill. I trust the rule will be adopted and the bill passed without a dissenting vote.

This is timely legislation. It is needed at once because of postwar conditions. I have always thought Congress was a bit slow in passing this type of legislation just before the war. It should have been passed several years before it was enacted. Let us not delay such steps in the postwar period.

PRESIDENT HAS DONE EVERYTHING IN HIS POWER

Mr. SABATH. Mr. Speaker, I yield myself such time as I may require.

I cannot, Mr. Speaker, afford to permit to remain unanswered what I consider unfair and unjust attacks against the President of the United States.

I have been in Congress for many years. I have served under nine Presidents, and I have known them all well, having had the highest regard, of course, for the late President Roosevelt; but not even that great and extraordinarily able man could in this juncture, have tried harder or more skillfully to reach a settlement satisfactory to all than has President Truman, who I know is sincere, honest, and just, and has done his utmost to bring about harmony between capital and labor, and to prevent the occurrence of these strikes.

Neither you, nor I, nor he, under the Constitution, can force men to work. The law of the land gives to labor the right to organize. The President, realizing that, has striven to bring about an adjustment of differences by peaceful means, by conferences and by mediation and conciliation.

PRESIDENT IS NOT A DICTATOR

During the first 6 months of his administration you gentlemen, and the gentlemen of the press, gave to President Truman great acclaim. I said then, and I repeat, much of the praise, the unsought advice, the prognostications laid before him, were designed to win him over to the camp of reaction, in the hope of controlling him. Having followed the just course to which he pledged himself and this Nation, the President now is being unfairly attacked, and unjustly.

Well, you have done that to other Presidents. The vested interests of greed and avarice thus assailed the late Franklin D. Roosevelt, Wilson, Theodore Roosevelt, Lincoln, Jackson, and even George Washington, the Father of our Country.

It is easy to criticize and find fault—far easier than to do the task before us.

Had President Truman exercised his full wartime powers, had he arbitrarily broken this strike by sheer might, the same voices which criticize him here today would have been calling him dictator.

President Truman is not a dictator. He reveres and believes in and adheres to that Constitution to which each of us has taken the oath of fealty. He is loyal to our democratic methods. He has done everything in his power to bring the strikers and the owners together. While in Congress we have heard nothing but labor, labor, labor. The President has realized there are two sides to every question and two parties to every dispute.

I am hopeful that in the next 24 or 48 hours both these great and desperate strikes will have been settled agreeably to both sides, and that labor will not be punished by having many of those rights for which I have so long labored stripped away.

LABOR MUST END INTERNAL DISPUTES

These unfortunate strikes have given to the enemies of organized labor and to the professional labor baiters an excuse to excoriate labor and its freely chosen leaders.

Personally, I deplore these strikes more than I possibly can say because I feel they are bound to have an unfortunate effect upon the American people and may react unfavorably upon the cause of organized labor.

I, as a friend of organized labor, and as one who for 40 years has urged living wages and decent living conditions, dislike very much that the advances made by labor, especially in the last 12 years, should be risked or lost.

For that reason I once more urge organized labor—in the railroads, in the coal mines, in the CIO, in the AFL, in the independent unions—to cease their internal discord and strife, and to come to an understanding, and join hands and work in harmony before it is too late.

ENEMIES OF LABOR ARE UNITED

All labor leaders, and all members of unions, and unorganized workers, must recognize that the enemies of labor, the industrialists, big business, and the financial powers of the world, are strong and powerful and united, and will exert their great power and influence to weaken the cause of labor in every way, though in the long run they will hurt themselves thereby.

Not the most bitter antagonists of the CIO and of militant labor politics can find in the strike of the United Mine Workers of John L. Lewis, nor in the strike of the trainmen and engineers the bugbear of the CIO or of the Communist front, so-called, nor can they, as is their custom, claim these strikes were ordered from Moscow by Joe Stalin. The mine workers now are part of the American Federation of Labor; the striking brotherhoods are the oldest and most conservative of all labor organizations, and their members are mainly from the oldest American stock, and no one has dared, or will dare, to question their patriotism.

GOOD WAGES ARE GOOD BUSINESS

For the information of those who love to label anyone who believes in the cause of labor as "pink" or opposed to all industry, let me say to them: I am not against business or industry or private enterprise. I am, in fact, financially interested in many private enterprises, and have been for years. I have made money in business and the law. I have at all times cooperated with all legitimate businesses. I am not going to cut off my nose to spite my face by fighting business.

But good wages are good business. I believe in fair play. I am a Jeffersonian Democrat; I believe in equal rights to all and special privileges to none. Unfortunately, greed never changes, and industrial and financial leaders allow their avarice and their selfishness to make them unfair to labor, and ultimately to themselves and to the country.

I always favored high wages and better living conditions. Well-paid workers are better consumers, and that makes for better business and prosperity to all.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the bill (S. 752) to amend the act of June 7, 1939 (58 Stat. 811), as amended, relating to the acquisition of stocks of strategic and critical materials for national defense purposes, may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

Mr. MAY. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with and be printed in the RECORD at this point.

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

There was no objection.

The bill reads as follows:

Be it enacted, etc., That the act of June 7, 1939 (53 Stat. 811), as amended, is hereby amended to read as follows:

"That the natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of this act to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.

"SEC. 2. (a) The President shall establish, within such agency of the Government as he shall designate, a Strategic Materials Stock Piling Board (hereinafter referred to as the Board). The Board shall consist of a chairman (hereinafter referred to as the chairman), to be appointed by the President, by and with the advice and consent of the Senate, and the following members with whom the chairman shall advise and consult: The Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. Each member of the Board may designate an officer of his department to serve as his representative on the Board. The chairman shall receive a salary of $10,000 per annum and is authorized, within the limits of funds which may be made available, to appoint and fix the compensation of such officers and employees, and to make such expenditures for supplies, facilities and services, as may be necessary to carry out the functions of the chairman and the Board under this act. Without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, the chairman may appoint such engineers and other experts as may be necessary to carry out his functions. Upon the request of the chair-

man, the head of any agency may detail personnel in his agency, including commissioned officers and enlisted personnel in the armed forces, for service under this act subject to the direction of the chairman.

"(b) The chairman may perform the duties and functions imposed upon him under this act through such agencies, acting under his direction, as he may designate, and the chairman shall reimburse such agencies for any expenditures so incurred and for any services so performed out of the funds available to him under this act.

"(c) To the fullest extent practicable, the chairman shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the chairman and the Board with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the chairman, plus necessary traveling and other expenses while so engaged.

"SEC. 3. To effectuate the policy set forth in section 1 of this act, the President with the advice of the Board, shall determine from time to time (1) which materials are strategic, (2) the quality and quantities of such materials needed to effectuate the purposes of this act, and (3) the dates by which such quantities should be acquired. The authority conferred upon the President by this section may, in his discretion, be exercised through such officers and agencies as he shall designate.

"SEC. 4. The chairman, with the advice of the members of the Board shall—

"(a) direct the purchase of strategic materials pursuant to the determinations as provided in section 3 hereof, which shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and at a price not in excess of the current open market price;

"Such purchases shall be made with due regard to the objectives set forth in section 1 of this act, and except where the chairman with the advice of the members of the Board, shall determine that the objectives cannot thereby be achieved, purchases under this act shall be made in accordance with title III of the act of March 3, 1933 (47 Stat. 1520), but may be made without regard to section 3709 of the Revised Statutes. Where the chairman finds that the domestic production of any materials is economically feasible he may direct the purchase of such material without requiring the vendor to give bond.

"(b) provide for the storage, security, and maintenance of strategic materials for stock-piling purposes on military and naval reservations or other locations, approved by the chairman;

"(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under this act when he deems such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

"(d) provide for the rotation of any strategic materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material;

"(e) dispose of any materials held pursuant to this act which are no longer needed because of any revision of a determination made pursuant to section 3 of this act, as hereinafter provided;

"No such disposition shall be made until 6 months after publication in the Federal Register and transmission to Congress of a notice of the proposed disposition. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war;

"(f) submit to the Congress, not later than 6 months after the approval of this act, and every 6 months thereafter a written report detailing the activities with respect to stock-piling under this act, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of the act as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

"SEC. 5. The stock piles shall consist of all such materials heretofore purchased or transferred to be held pursuant to this act, or hereafter transferred pursuant to section 6 hereof, or hereafter purchased pursuant to section 4 hereof, and not disposed of pursuant to this act. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 4 of this act, materials acquired under this act shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President.

"SEC. 6. (a) Pursuant to regulations issued by the chairman, every material determined by the President to be strategic pursuant to section 3 hereof, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the act of March 11, 1941 (55 Stat. 31), as amended, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to this act, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 3 hereof. The chairman shall exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory; (2) such amount of any material as the chairman, with the advice of the members of the Board, determines (i) to be necessary to make up any deficiency of the supply of such material for the current requirements of industry; (ii) are held in lots so small as to make the transfer thereof economically impractical; or (iii) do not meet, or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 3 of this act. The total material transferred to the jurisdiction of the chairman in accordance with this section during any fiscal year beginning more than 12 months after this act becomes law shall not exceed in value (as determined by the chairman on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation act or acts relating to the acquisition of materials under this act.

"(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available to the Chairman, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in the act of January 22, 1932 (47 Stat. 5), the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the chairman of the material so transferred.

"(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled.

"(d) Subsection (b) of section 14 of the act of October 3, 1944 (58 Stat. 765), is hereby amended to read as follows:

"'(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

"'(1) any property which is damaged or worn beyond economical repair;

"'(2) any waste, salvage, scrap, or other similar items;

"'(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency;

which does not consist of materials which are to be transferred in accordance with the Strategic Materials Stock Piling Act, to the stock piles established pursuant to that act.'

"(c) Section 22 of the act of October 3, 1944 (58 Stat. 765), is hereby repealed.

"*Provided*, That any owning agency as defined in that act having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof, shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities.

"SEC. 7. (a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is hereby authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

"(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined by the President pursuant to section 3 of this act to be strategic, or substitutes therefor.

"SEC. 8. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of this act. The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the provisions of this act until expended and (exclusive of sums allocated for the purposes of section 7) shall be expended under the direction of the chairman.

"SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act, except funds received on account of the rotation of stocks, shall be covered into the Treasury as miscellaneous receipts.

"SEC. 10. Strategic materials purchased from foreign sources for stock piling pursuant to the provisions of this act shall be admitted into the United States free of any tariff duty, import tax, or other impost applicable to importations. If any such imported strategic material is disposed of pursuant to section 4 of this act, and if such disposition is made at a price based on the cost to the Government of such strategic material rather than the market price current at the time of sale, there shall be added to such price the amount of any tariff, duty, import, tax, or other impost which would be due were such strategic material imported at the time the sale is made.

"SEC. 11. For the purposes of this act the term 'strategic materials' shall not include petroleum or petroleum products.

"SEC. 12. This act may be cited as the 'Strategic Materials Stock Piling Act.' "

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the act of June 7, 1939 (53 Stat. 811), as amended, is hereby amended to read as follows:

" 'That the natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of this act to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency.

" 'SEC. 2. (a) To effectuate the policy set forth in section 1 hereof the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Army and Navy Munitions Board, are hereby authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of this act and to determine, from time to time, the quality and quantities of such materials which shall be stock piled under the provisions of this act. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired, the Secretaries of State, Treasury, and Commerce shall each designate representatives to cooperate with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of this act.

" '(b) To the fullest extent practicable the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under this act with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed $10 for each day spent at conferences held upon the call of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged.

" 'SEC. 3. The Secretary of War and the Secretary of the Navy shall direct the Secretary of the Treasury, through the medium of the Procurement Division of his Department, to—

" '(a) make purchases of strategic and critical materials pursuant to the determinations as provided in section 2 hereof which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with title III of the act of March 3, 1933 (47 Stat. 1520), but a reasonable time (not to exceed 1 year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of War and the Secretary of the Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

" '(b) provide for the storage, security, and maintenance of strategic and critical materials for stock-piling purposes on military and naval reservation or other locations, approved by the Secretary of War and the Secretary of the Navy;

" '(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under this act when the Secretary of War and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

" '(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of War and the Secretary of the Navy;

" '(e) dispose of any materials held pursuant to this act which are no longer needed because of any revised determination made pursuant to section 2 of this act, as hereinafter provided;

" 'No such disposition shall be made until 6 months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Military Affairs Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

" 'SEC. 4. The Secretary of War and the Secretary of the Navy shall submit to the Congress, not later than 6 months after the approval of this act, and every 6 months thereafter a written report detailing the activities with respect to stock-piling under this act, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of the act as will enable the Congress to evaluate its administration and the need for amendments and related legislation.

" 'SEC. 5. The stock piles shall consist of all such materials heretofore purchased or transferred to be held pursuant to this act, or hereafter transferred pursuant to section 6 hereof, or hereafter purchased pursuant to section 3 hereof, and not disposed of pursuant to this act. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 3 of this act, materials acquired under this act shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President.

" 'SEC. 6. (a) Pursuant to regulations issued by the War Assets Administration or its successor, every material determined to be strategic and critical pursuant to section 2 hereof, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to the act of March 11, 1941 (55 Stat. 31), as amended, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to this act, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 2 hereof. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administration or its successor. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory, (2) such amount of any material as the Army and Navy Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock-pile requirements determined in accordance with section 2 of this act. The total material transferred to the stock piles established by this act in accordance with this section during any fiscal year beginning more than 12 months after this act becomes law shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation act or acts relating to the acquisition of materials under this act.

" '(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under this act, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in the act of January 22, 1932 (47 Stat. 5), the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection

with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

"'(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled.

"'(d) Subsection (b) of section 14 of the Act of October 3, 1944 (58 Stat. 765), is hereby amended to read as follows:

"'"(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

"'"(1) any property which is damaged or worn beyond economical repair;

"'"(2) any waste, salvage, scrap, or other similar items;

"'"(3) any product of industrial, research, agricultural, or livestock operations, or of any public works construction or maintenance project, carried on by such agency; which does not consist of materials which are to be transferred in accordance with the Strategic and Critical Materials Stock Piling Act, to the stock piles established pursuant to that act."

"'(e) Section 22 of the act of October 3, 1944 (58 Stat. 765), is hereby repealed.

"'*Provided*, That any owning agency as defined in that act having control of materials that, when determined to be surplus, are required to be transferred to the stock piles pursuant to subsection (a) hereof, shall make such determination as soon as such materials in fact become surplus to its needs and responsibilities.

"'SEC. 7. (a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is hereby authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral products; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

"'(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 2 of this act to be strategic and critical or substitutes therefor.

"'SEC. 8. For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800,000,000: *Provided*, That not more than the sum set out opposite each of the following fiscal years shall be appropriated for such purposes during such fiscal year:

"'Fiscal year 1946–47, $360,000,000.

"'Fiscal year 1947–48, $360,000,000.

"'Fiscal year 1948–49, $360,000,000.

"'Fiscal year 1949–50, $360,000,000.

"'Fiscal year 1950–51, $360,000,000.

"'The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of War and the Secretary of the Navy.

"'SEC. 9. Any funds heretofore or hereafter received on account of sales or other dispositions of materials under the provisions of this act shall be deposited to the credit, and be available for expenditure of the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 1 to 6, inclusive, of this act.

"'SEC. 10. This act may be cited as the "Strategic and Critical Materials Stock Piling Act."'"

Mr. MARTIN of Iowa. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, at the outset I want to call attention to the fact that his particular bill is the result of about 10 years of study and consideration by Congress and especially by the Military Affairs Committee.

The first stock-piling appropriation of any kind came in 1937 when an item of about $3,500,000 was included in the naval appropriation bill. But as the chairman of the Military Affairs Committee has stated, the first legislative authorization for stock piling came in 1939. It was a very modest beginning, to the extent of $100,000,000. However, it was a lifesaver for our Nation just in time to help us at the outset of World War II.

The present authorization is somewhat larger in extent, being in the amount of $1,800,000,000, spread over a period of 5 years. This amount is the result of study by War and Navy officials, and is not an excessive amount for our national needs.

We have provided in the bill for the acquisition of materials that are now owned by Government agencies, and have spread over 5 years of time the acquisition of additional materials which it is thought by the War and Navy experts are needed to meet any future emergency so that we shall never again, as a nation, come up to an emergency without some provision for our own national protection.

I ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, the bill before us for consideration today, S. 752, relates to the acquisition of stocks of strategic and critical materials for national-defense purposes. This is one of the most important measures to come before the Seventy-ninth Congress for consideration. In all of my discussions of national defense during the past 8 years I have listed stock piling of strategic and critical materials as one of the most fundamental factors of an adequate national defense program for our Nation.

The first statutory authority for stock piling was granted in 1937 when the sum of $3,500,000 was included for the purchase of strategic and critical materials in the 1938 Naval Appropriation Act and $500,000 was carried in Naval Appropriations in 1939 and 1940.

Early in 1939 a bill, S. 572, of the Seventy-sixth Congress was referred to the Military Affairs Committee of the House, and from that bill we developed and enacted into law Public Law 117 of the Seventy-sixth Congress, which was approved by the President on June 7, 1939. That law authorized the appropriation of $100,000,000 to be spread over the period June 30, 1939, to June 30, 1943. That was, indeed, a very small beginning and a very tardy beginning for our Nation to overcome a dangerous and costly dependence of the United States upon foreign nations for supplies of strategic and critical materials in times of national emergency. On April 21, 1941, the House adopted a resolution introduced by the gentleman from Georgia [Mr. VINSON], House Resolution 162, Seventy-seventh Congress, authorizing the Committee on Military Affairs and the Committee on Naval Affairs to conduct studies and investigations of the progress of our national defense program. The chairman of the Committee on Military Affairs, the gentleman from Kentucky, Mr. ANDREW J. MAY, appointed three special committees pursuant to that authorization, and Special Committee No. 3 was authorized to deal with materials, procurement, and personnel. Mr. Faddis, of Pennsylvania, was named chairman of Special Committee No. 3, and it was my privilege to serve on that committee. The report we made to Congress on July 21, 1941, deals primarily with the administration of Public Law 117 of the Seventy-sixth Congress, with special reference to the record of purchase, production, and conservation of strategic and critical materials in our national defense program. I will not attempt to analyze or discuss the steps leading to the enactment of Public Law 117 of the Seventy-sixth Congress and the work of the Faddis committee as set out in their report of July 21, 1941, except to tell you that one of the greatest shocks of my life came during the first months of my service in Congress in 1939 when I learned that our Nation had no program for building stock piles of strategic and critical materials to protect our Nation and enable it to carry on its defense operations in event of emergency. The long and slow development of activity in this field following the enactment of Public Law 117 was again very shocking to the members of the Faddis committee during the spring of 1941, when war was flaming throughout the world and our Nation's safety was seriously threatened. This situation so impressed the Faddis committee that we made this statement in our report of July 21, 1941:

> Emphasis over the past few years has been made on social reform rather than national security. As a Nation, we seem to have forgotten that without national security social reform might well prove meaningless.

I will not attempt to set cut here the analysis and description of strategic and

critical materials covered by the bill now before us for consideration, but I will refer you to a public document that will enable those who are desirous of studying this matter fully. It is Senate Document No. 5 of the Seventy-ninth Congress, and it sets out a letter from the Army and Navy Munitions Board which was submitted to Congress pursuant to section 22, subsection D, of the Surplus Property Act of 1944. I believe that this document, together with the special report of the Faddis committee, House Report No. 982 of the Seventy-seventh Congress, and the committee reports submitted during the consideration of Public Law 117, in 1939—Senate Report No. 119, Seventy-sixth Congress, and House Report No. 283, Seventy-sixth Congress—and the committee report before you today—House Report No. 1869, Seventy-ninth Congress—will give you a very complete summary of the problem confronting us today in regard to strategic and critical materials.

Section 8 of the bill before us today authorizes the appropriation of $1,800,000,000, to be evenly divided over the next five fiscal years. The bill is an amendment to the original Stock Piling Act of June 7, 1939, and all stock piles that have been acquired under that act will be maintained intact. We have amended the Senate bill in a few important particulars which are set out on page 5 of the committee report as follows:

(1) Instead of establishing a new agency to administer the stock-piling program, we have provided for administration by the Secretary of War and the Secretary of the Navy, as in the original 1939 act.

(2) Instead of authorizing appropriations without limit, we have limited the authorization to $1,800,000,000, with a specific limitation to $360,000,000 in each of the next five fiscal years.

(3) Instead of requiring that funds received on account of sales of materials be covered into the Treasury as miscellaneous receipts, we have provided that any such funds shall remain available for expenditure under the stock-pile program.

(4) We have deleted a section in the Senate bill which would have permitted duty-free importation of materials purchased from foreign sources for stock piling.

The bill, S. 752, in the form it is now presented to you for consideration represents the unanimous thought and judgment of the Committee on Military Affairs after long and careful study of the extent of our needs for such stock piles both as to materials involved and their acquisition and their storage, security, and maintenance.

In closing, I wish to commend the chairman of the Committee on Military Affairs, the gentleman from Kentucky, Hon. ANDREW J. MAY, and the chairman of the subcommittee that had jurisdiction over this bill, the gentleman from North Carolina, Hon. CARL T. DURHAM, and the members of the special committee who have devoted so much time to this legislation. These gentlemen have worked long and hard to build sound and adequate legislation to safeguard our Nation in the matter of strategic and critical materials for any future emergency.

It was my privilege to serve with the gentleman from North Carolina [Mr. DURHAM] also as a member of the Faddis committee in 1941 and it was my privilege also to serve with the gentleman from Kentucky [Mr. MAY] as one of the committee of conference between the House and Senate in the development of Public Law No. 117 in 1939. Throughout the past 8 years I have had occasion to observe their patriotic interest and devotion to the cause of building an adequate stock-pile program to meet our Nation's needs in any emergency that may befall us. They are entitled to great credit for the development of the bill presented to you today for your consideration and I am glad, indeed, to have had the opportunity to work with them during the past 8 years and to support this legislation to the utmost of my ability.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. RICH. Shortly after the last World War the Government had on hand a great stock pile of certain material, and industry is very much in need of it. Is there any possibility that some of these materials might be temporarily loaned or sold or handled in some way that industry could receive it in order that we may be able to keep the wheels turning and have production of necessary commodities today, so that we can furnish equipment and things which the people of this country need? If you did that, then shortly we would be able to gather up and complete the stock pile without hurting our national defense, and still aid industry.

Mr. MARTIN of Iowa. In section 3 of the bill there are provisions for the acquisition and the rotation and keeping alive of Government stock piles. We have placed in that section certain provisions to prevent deflation of the stock piles necessary for national defense once they are acquired. We had to put some safeguard in the bill against putting these materials into the commercial market at the expense of national defense. This total authorization does not intend that the Government shall pile up or accumulate excessive amounts of these particular materials and the stock piles authorized by this bill will not absorb or take over all the existing stock piles of materials now owned by various Government agencies.

Section 6 (a) authorizes the transfer of Government-owned stock piles to the stock piles established pursuant to this bill but the section limits the amount of any material so transferred that the total stock pile of that material will not exceed the quantity determined under section 2 of the bill. It also exempts from this transfer such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Civilian Production Administration or its successor.

Section 3 also makes provision for the purchase of strategic and critical materials in addition to those owned by the Government, and the limitation is included in the section that such purchases shall be made, so far as practicable, from supplies of materials in excess of the current industrial demand.

The SPEAKER pro tempore (Mr. MONRONEY). The time of the gentleman from Iowa has expired.

Mr. BATES of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa may proceed for an additional 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RICH. Just one further question, if the gentleman will yield.

Mr. MARTIN of Iowa. I yield.

Mr. RICH. There may be some deterioration of these stock-piled strategic materials due to age. I presume you have given every consideration to seeing that these stock piles are rotated and to prevent deterioration so that we do not stand to suffer a great loss.

Mr. MARTIN of Iowa. Yes; we gave considerable time to the development of that point to insure the rotation and preservation of materials on hand. This provision is set out in section 3 (d) of the bill.

Our whole objective is that of keeping the stock piles available and usable for any national emergency.

Mr. RICH. As I understand, it is the purpose to aid and assist industry in this country and through industry, labor, by making these strategic materials available to keep the wheels of industry turning in an emergency.

Mr. MARTIN of Iowa. We worked on that. It is our hope that the National Defense Agency will cooperate with industry.

Mr. RICH. Hope is not enough. I hope that is in the bill and that we are going to request them to do so.

Mr. MARTIN of Iowa. As set out in the first section of the bill, the very purpose of the bill is to enable industry to produce needed items in a national emergency.

Mr. BATES of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. BATES of Massachusetts. Does the bill contain any provision to prohibit exportation for sale abroad by any of our industries and holders of these critical materials during this time when we are attempting to build up our own stock piles?

Mr. MARTIN of Iowa. This provides only for the Government stock piles. It is not the purpose of this undertaking to control private industry stock piles.

Mr. BATES of Massachusetts. If, however, we are going to build up Government stock piles, we must buy the materials from private industry. At a time when we are attempting to build up these critical material stock piles are we going to permit our industries or the holders of these critical materials to export them for sale as we did prior to the war, when Japan was getting oil, gas, iron, and steel at a time when we needed those things in our own country?

Is there anything in this bill prohibiting that?

Mr. MARTIN of Iowa. That is not in this bill.

Mr. BATES of Massachusetts. It ought to be in the bill.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. CURTIS. The gentleman has rendered a distinct service to the country in his work on this bill. I want to call attention to subparagraph (b) of section 8 which states:

(b) The Secretary of Agriculture is hereby authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 2 of this act to be strategic and critical or substitutes therefor.

Is it the intent of the committee that the synthetic rubber industry may be developed under this language?

Mr. MARTIN of Iowa. That section is in there primarily as the outgrowth of our experience with synthetic rubber and we did not attempt to confine it to synthetic rubber. It is the intent of the committee that synthetic rubber and also any other similar development of agricultural products in the interest of national defense shall be included.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Iowa. I yield.

Mr. HILL. The gentleman knows that in the territory I have the honor to represent, the State of Colorado, we have considerable mining activity in the Rocky Mountain region. We are far from the Atlantic Ocean and many miles from the Pacific. Will it be the policy under this measure to establish stock piles and buying depots at points near the producing areas in this section of the United States rather than at some distant point to which the producer would find it impossible to ship his minerals?

Mr. MARTIN of Iowa. As a practical matter the committee was of the opinion that stock piling should be carried out as close to the source of the materials as possible and that the material should be rotated and kept as fresh as possible; that the officials charged with responsibility under this bill should do everything to make administration of this act economical, effective, and efficient.

Mr. HILL. The gentleman knows that in the interior of the Rocky Mountains there are some of the materials out of which the atomic bomb has been made, or that are a real part of the manufacture of that bomb. Will it be the purpose and intent of the persons handling these storehouses to establish them at points close enough to producing areas so that the men who are working those mines will not have to be up against the job of shipping it clear across the Nation when they wish to stock pile some of this material?

Mr. MARTIN of Iowa. It is my understanding that that is the intent of the committee.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. RAYBURN. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, I simply have an announcement to make. The President has just telephoned to notify me that he would like to have Congress in session at 4 o'clock tomorrow afternoon.

Mr. MANSFIELD of Montana. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, the debate on this stockpile measure has indicated to the House the real contribution which the Committee on Military Affairs is making at this time in pushing consideration of this particular bill. It indicates to me also that the Committee on Military Affairs has in mind the defense of this country at all times, and this measure, of course, is very necessary in furtherance of that objective. I urge the House to pass this very necessary measure because it is both timely and essential. We know now that we must be prepared in the accumulation of strategic minerals and the passage of this measure gives us that assurance.

Mr. MURDOCK. Mr. Speaker, I move to strike out the last four words.

Mr. Speaker, when the gentleman from Kentucky was passing out compliments a bit ago during discussion of the rule, I took occasion at that time to say that I remember that for 10 years this type of legislation in various forms has been before the House, as the gentleman from Iowa later indicated. I did not have enough time then to expand on that idea and to give Chairman MAY and others more credit. I would like to go into it a little further. We had the legislation up in 1937, as I well remember, and we discussed at that time the "buy American" clause.

I feel that not enough has been said about that, for subsequent enactments helped win the war. I want to add my word on that score for the fine work that others besides members of the Military Affairs Committee have done in preparing the Nation for defense during the recent war.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. I yield to the gentleman from California.

Mr. JOHNSON of California. I would like to concur in the compliment paid our chairman, and I also want to add for the benefit of westerners especially that we had a statement from Mr. Julian D. Conover, secretary of the American Mining Congress, concurring in the provisions of this bill.

Mr. MURDOCK. I am glad to have that statement of the gentleman. I do know that the American Mining Congress is back of this bill and approves it. I have taken note of Secretary Conover's statement in the hearings. Other mining men from the West have given me advice and help in connection with this and earlier bills.

Mr. MURDOCK. But let me return to the earlier forms of this bill. This legislation has been under study and under enactment through a period of at least 10 years to my personal knowledge. It is true that, although I am not a member of the House Military Affairs Committee, I first appeared before that committee on the Faddis bill on May 18, 1937, and I recall distinctly that I suggested an amendment to the bill before the committee at that time requesting that the buy American clause be inserted. The original Faddis bill had provided for stock piling of strategic metals and minerals, but had provided for obtaining them from other countries in payment on war debts, which meant of course debts at that time from the First World War. The committee amended that bill, however, in such a way as to give encouragement to domestic production. Perhaps that was not because of my suggestion, but I did suggest it.

Thi scomes to my mind with all the more force because at that time we were getting manganese from Brazil, from China, and especially from Russia, and in my statement before the committee in May 1937 I pointed out that Brazil owed us no war debt, China owed us no war debt, and although Imperial Russia did owe us a war debt the succeeding regime in Russia had repudiated such, and of course would never pay it. Accordingly, I pointed out the fallacy of expecting to get any manganese from those countries in payment on any war debt in effect at that time. Instead of depending upon foreign supply entirely, I advocated building a stock pile for national defense quickly by getting what was necessary abroad immediately for safety's sake, and then concurrently developing our domestic production with all possible haste.

I remember distinctly that I stated to the committee that day that one of the largest manganese deposits in the Western Hemisphere was at Artillery Peak, in Mohave County, Ariz., and I even estimated that there might be a hundred million tons of manganese of fair quality at that point, only a few miles from the Colorado River, and within not more than 30 miles of a high-tension power line running south from Boulder Dam, where a great supply of cheap electric power might be had. At the same time I pointed out the fact that a new process, an electrolytic process, of beneficiating low-grade manganese ore had recently been developed which would make possible the treating of this ore at Artillery Peak in Arizona.

I personally deserve little credit for all of this, but I was following the suggestion of my colleague, Congressman Jim Scrugham, sole Congressman at that time from the State of Nevada, a mining man of wide experience and knowledge and influential on the Appropriations Committee. Confirming what the gentleman from Iowa said with regard to the first bill of this nature in 1937, I recall that Chairman Scrugham, in the naval appropriation bill, got the first appropriation that year for a beginning stock pile, and I wish to testify further that our deceased colleague continued all the while he was in the House and also after he became a Member of the Senate to strive for bigger and better stock-piling bills. In fact, I attribute much of the success of the stock-piling program, so useful during the war and so significant now, to the efforts of our colleague from Nevada, Jim Scrugham.

In saying this I do not wish to detract from the credit of Chairman MAY, but if my memory serves me correctly Chairman MAY voluntarily passed up an opportunity to push a May bill and presented, not his own bill in 1939, but the Scrugham bill which was to the same purpose. The gentleman from Texas

[Mr. THOMASON] gave distinct aid. Not to take further time with this, I have a feeling that this measure which we are about to pass today will prove as beneficial and effective toward national defense and security in a period of peace as these various other measures proved during the war. In this age of metals the mining industry is as basic as agriculture, whether in peace or war.

Mr. CAMPBELL. Mr. Speaker, I move to strike out the last five words, and I ask unanimous consent to speak out of order.

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

There was no objection.

Mr. CAMPBELL. Mr. Speaker, on May 17, I introduced H. R. 6478, a bill which provides that if two or more persons conspire for the purpose of delaying, obstructing, or interfering with the movement of the mails, the transmission of intelligence, passengers, or property in interstate commerce, they shall, upon conviction in a court of competent jurisdiction, be guilty of a felony.

I understand this is, in substance, the same provision which was proposed in 1916 by Chairman Adamson, of the Committee on Interstate and Foreign Commerce, but was withdrawn at that time due to opposition by the then President, Woodrow Wilson.

There are some laws which now forbid interference with the mails, but there is no law against conspiracy to interfere with the movement of mails, the transmission of intelligence, passengers, or property in interstate commerce.

I am seeking to have this bill brought before the House at the earliest possible moment and sincerely hope that the Members of the House will pass it without delay.

In my opinion it is most urgent.

If there had been such a law enacted and on the statute books, we would not be confronted with the serious situation we have today.

Mr. HARLESS of Arizona. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I wish to add my words of compliment to the chairman of the Committee on Military Affairs, as well as the entire membership of that committee, for bringing this bill out at this time. I come from a mining State. I have seen the copper, lead, and zinc mines in the West closed down at a time when they should have been operating to build up supplies for a time of emergency. They were closed because the industrial consumption of this Nation could not absorb the production of those mines during peacetimes.

I think this legislation is not only important as a defense measure but is important as an economic measure which guarantees that a segment of the economy of this country runs smoothly. I trust that the bill will pass this House without a dissenting vote.

Mr. PITTENGER. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, I join my colleagues in saying that I think the committee has done a fine piece of work. I just want to point out that 80 percent of the iron ore that was used in the prosecution of World War II, and probably the same amount in World War I, came from the congressional district which I have the honor to represent in the House of Representatives. Iron ore, like some of these other metals that you have been talking about, is strategic war material. This country could not have prosecuted the war for a single minute without the resources that were furnished by the district I represent.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. PITTENGER. I yield to the gentleman from Kentucky.

Mr. MAY. Does not the gentleman think that in the future, in order to be adequately prepared for any war that may occur, that the iron ore of the great Middle West and Northwest requires some high-quality metallurgical coal to make steel with, and things of that kind?

Mr. PITTENGER. I agree with the gentleman from the Big Sandy district that coal is also essential in the prosecution of any war. I want to say, Mr. Speaker, that we are interested in this bill because suggestions have been made that some of the high-grade iron ore that we have should be stock-piled, and should be kept available for a war emergency if that should come to pass.

I trust that this bill receives favorable action. I hope that it may be properly administered and that the iron-ore features in any preparation for national defense will not be overlooked. I remember when this subject was first brought up. I remember when we were short on rubber, when we were short on quinine. These may not be minerals, but they were strategic materials. I remember how these folks that knew more than anybody else—and it turned out that they knew nothing at all—missed the boat when we did not accumulate stocks of these materials when the clouds of war were hovering over this country. I hope that we will have more statesmanship and foresight such as the committee has demonstrated here, and not allow the things that happened in the past, which make this bill necessary to occur again.

Mr. GRANGER. Mr. Speaker, I move to strike out the last four words in order to ask a question of the gentleman from Iowa. As strategic material is defined, I suppose the gentleman has accepted the definition of the act of 1939. Has there been anything added or taken from those strategic materials as formerly defined?

Mr. MARTIN of Iowa. We have merely added in the definitions used in this bill the terminology of Senate Document No. 5, which includes not only strategic materials but critical materials.

Mr. GRANGER. I thank the gentleman.

May I say that I come from a district that has next to the largest deposit of iron ore in the whole world, also plenty of coal, a situation that exists at only two other places in the world as far as I know.

I am glad to announce that the War Assets Corporation has now sold the Geneva Steel Plant to the United States Steel Corp., which will utilize many of these strategic and critical materials that will be necessary in the prosecution of any war we might have in the future, and will also develop the West as it has never been developed before.

I also want to join with my colleagues in congratulating the Military Affairs Committee, and especially the subcommittee, who have reported this bill, not only because some of us are vitally interested, in an economic way, in strategic and critical materials, but because I think the committee has recognized and lived up to its responsibility in taking this action that will go a long way, in my opinion, in maintaining the security of our country.

Mr. CASE of South Dakota. Mr. Speaker, I move to strike out the last word.

If I may have the attention of the chairman of the committee for a moment, the gentleman from Kentucky will recall that following the time this bill was referred to his committee I asked him if consideration was being given to the protection of this stock pile when it was once acquired. Some fears had been expressed to me on the ground that this stock pile might be used as a threat to hold over the market for release for commercial advantage. I think the gentleman at that time assured me that the committee planned to take care of that by providing that the stock pile could be disposed of only with the consent of the Congress. Would the chairman care to make a statement on that point?

Mr. MAY. We gave special attention to the particular problem of whether or not these stock piles should be carried to such an extent that they would constitute a threat to private industry in the country on the question of the cost of procuring their own supplies. That is adequately dealt with in certain provisions of the bill.

Mr. MARTIN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Iowa.

Mr. MARTIN of Iowa. I call the gentleman's attention to section 3, subsection (e). The gentleman will find the protection he has in mind outlined very carefully there, primarily through our definition of the word "obsolescence":

> For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of deterioration, development, or discovery of a new or better material or materials, or no further usefulness for use in time of war.

Mr. CASE of South Dakota. I am glad to have the assurance of both the gentleman from Kentucky and the gentleman from Iowa on the matter. Surely the Congress does not want these stock piles to be acquired in the name of national defense and then to be dumped on the market at the expense of our national economy and national development.

Personally, Mr. Speaker, I believe legislation to create stock piles of strategic minerals is badly needed, and I compliment the committee on pursuing the matter and bringing this legislation to us at this time. Certainly during the war we shot away a lot of our minerals, and it is high time that we give consideration to legislation which will insure an adequate supply of strategic and critical

materials to protect the Nation and its interests in time of need.

Mr. JENNINGS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I join with those who have commended the committee on this far-sighted and very necessary piece of legislation. I do not anticipate any objection to this measure on the part of those who produce strategic materials for the reason that it affords them a market for their material and has been of very material assistance in keeping large numbers of men at work who otherwise might have been out of employment. These materials, unless, as suggested here, they should become obsolescent, are materials that do not deteriorate by stock piling. I think it is the part of wisdom and the very finest exercise of that foresight that should characterize our defense program that this measure has been worked out by this committee and reported to this House. I shall support it.

Mr. CARNAHAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am very much interested in this legislation creating stock piles. I come from the district in the United States which has the greatest deposits of lead. We are quite proud of our mining industry in the Eighth Congressional District of Missouri. I find that during the war the known deposits of ore have been depleted, and our mining industries are faced with the problem of exploring and finding other bodies of ore. I notice a section in the bill, section 7, which says that the Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Surveys, is hereby authorized and directed to make scientific, geological, and economic investigations concerning the extent and the mode of occurrence, the development and the preparation, treatment, and utilization of ores and other mineral substances found in the United States or in its territories or possessions. I am certainly glad that that clause is in the bill. I feel that to build up a stock pile we should keep ahead of the game and ahead of the miners with the deposits of ore. This clause in the bill will mean a great deal to the stock pile and to the district which I have the honor to represent.

I also feel that the stock pile of strategic materials should be used to keep marginal operations going. If these marginal operators are kept as going concerns by making sales of their production to the stock piles, then in case of an emergency it would not be necessary to start from scratch with these industries. Of course, during any prolonged emergency we would perhaps find it necessary to depend on domestic production of strategic materials.

Mr. MAY. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONRONEY). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

JOINT SESSION OF THE HOUSE AND SENATE

Mr. McCORMACK. Mr. Speaker, I offer a resolution, House Concurrent Resolution 153, and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 25th day of May, 1946, at 4 o'clock p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DECLARATION OF RECESS TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare a recess at any time tomorrow afternoon.

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

There was no objection.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. MAY. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SCHWABE of Oklahoma asked and was given permission to extend his remarks in the RECORD and include an editorial from the Tulsa Tribune

Mr. IZAC (at the request of Mr. DOYLE) was given permission to extend his remarks in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WOLFENDEN of Pennsylvania (at the request of Mr. KINZER), for an indefinite period, on account of illness.

EXTENSION OF REMARKS

Mr. HESELTON (at the request of Mr. MICHENER) was given permission to extend his remarks in the RECORD.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROGERS of New York, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 4763. An act for the relief of R. L. Benton;

H. R. 5504. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

H. J. Res. 273. Joint resolution to provide for the proper observance of the one hundred and fifty-fifth anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.) the House adjourned until tomorrow, Saturday, May 25, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

On Monday, May 27, 1946, Subcommittee No. 4 of the Committee on the Judiciary will start public hearings on the following pending measures with respect to the cessation of hostilities and termination of the war and emergencies: House Concurrent Resolution 85, House Concurrent Resolution 86, House Concurrent Resolution 91, House Concurrent Resolution 98, House Concurrent Resolution 132, House Concurrent Resolution 133, House Joint Resolution 245, House Joint Resolution 272, House Joint Resolution 287.

The hearings will be held in the Judiciary Committee room, 346 House Office Building, beginning at 10 a. m.

On Thursday, June 6, 1946, Subcommittee No. 2 of the Committee on the Judiciary will continue hearings on the bill (H. R. 6301) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. The hearings will begin at 10 a. m. and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Public Health Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, May 28, 1946.

Business to be considered: Commence public hearings on the bill (H. R. 6448) National Science Foundation Act of 1946, and related pending bills.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3964 (HARTLEY): A bill to declare the national policy regarding the test for determining invention.

H. R. 5841 (BOYKIN): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (LANHAM): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

EXECUTIVE COMMUNICATIONS, ETC.

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

1329. A letter from the Acting Administrator, War Shipping Administration, transmitting report No. 13 of action taken under section 217 of the Merchant Marine Act, 1936, as amended; to the Committee on the Merchant Marine and Fisheries.

1330. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill for the relief of Milton A. Johnson, and for other purposes; to the Committee on Claims.

1331. A communication from the President of the United States, transmitting a proposed provision pertaining to an existing appropriation of the Veterans' Administration for the fiscal year 1947 (H. Doc. No. 611); to the Committee on Appropriations and ordered to be printed.

1332. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the legislative branch, Government Printing Office (H. Doc. No. 612); to the Committee on Appropriations and ordered to be printed.

1333. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1947 in the amount of $16,800 for the legislative branch, House of Representatives (H. Doc. No. 609); to the Committee on Appropriations and ordered to be printed.

1334. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $79,661,100 for the Post Office Department (H. Doc. No. 610); to the Committee on Appropriations and ordered to be printed.

1335. A letter from the Secretary of State, transmitting a draft of a proposed bill to provide military assistance to the Republic of the Philippines in establishing and maintaining national security and to form a basis for participation by that Government in such defensive military operations as the future may require; to the Committee on Foreign 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. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2128. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. SABATH: Committee on Rules. House Resolution 639. Resolution providing for the consideration of S. 524, an act to provide one national cemetery in every State and Territory and such other national cemeteries in the States, Territories, and possessions as may be needed for the burial of war veterans; without amendment (Rept. No. 2129). Referred to the House Calendar.

Mr. BATES of Massachusetts: Committee on Naval Affairs. S. 1802. An act to provide for the delivery of custody of certain articles of historic interest from the U. S. S. *Nevada* and the U. S. S. *Wyoming* to the State of Nevada and the State of Wyoming, respectively; without amendment (Rept. No. 2131). Referred to the Committee of the Whole House on the State of the Union.

Mr. HESS: Committee on Naval Affairs. S. 1805. An act to authorize the promotion of personnel of the Navy, Marine Corps, and Coast Guard who were prisoners of war; without amendment (Rept. No. 2132). Referred to the Committee of the Whole House on the State of the Union.

Mr. IZAC: Committee on Naval Affairs. S. 1854. An act to establish the civilian position of academic dean of the Postgraduate School of the Naval Academy and compensation therefor; without amendment (Rept. No. 2133). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SMITH of Maine: Committee on Naval Affairs. S. 1862. An act to repeal section 1548, Revised Statutes (34 U. S. C. 592); without amendment (Rept. No. 2134). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of New York: Committee on Naval Affairs. S. 1872. An act to provide for the rank of original appointments in the Corps of Civil Engineers of the United States Navy, and for other purposes; without amendment (Rept. No. 2136). Referred to the Committee of the Wohle House on the State of the Union.

Mr. MADDEN: Committee on Naval Affairs. S. 1959. An act to authorize the payment of additional uniform gratuity to Reserve officers commissioned from the status of aviation cadets; without amendment (Rept. No. 2137). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Florida: Committee on Naval Affairs. H. R. 4433. A bill to provide for the conveyance to the State of Alabama for use as a public park of the military reservation known as Fort Morgan; with amendment (Rept. No. 2139). Referred to the Committee of the Whole House on the State of the Union.

Mr. SASSCER: Committee on Naval Affairs. H. R. 5640. A bill to reestablish the status of funds of the midshipmen's store, barber shop, cobbler shop, and tailor shop at the United States Naval Academy, and for other purposes; without amendment (Rept. No. 2140). Referred to the Committee of the Whole House on the State of the Union.

Mr. BIEMILLER: Committee on Naval Affairs. House Joint Resolution 347. Joint resolution to correct a technical error in the act approved April 18, 1946 (Public Law 347, 79th Cong., 2d sess.); without amendment (Rept. No. 2141). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Georgia: Committee on the Territories. H. R. 6486. A bill to authorize an appropriation for the establishment of a geophysical institute at the University of Alaska; without amendment (Rept. No. 2142). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANASCO: Committee on Expenditures in the Executive Departments. H. R. 5552. A bill relating to the sale by the United States of surplus vessels suitable for tuna fishing; with amendment (Rept. No. 2143). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mrs. MANKIN: Committee on Claims. S. 1286. An act for the relief of Sam Bechtold; without amendment (Rept. No. 2110). Referred to the Committee of the Whole House.

Mr. CASE of New Jersey: Committee on Claims. H. R. 1331. A bill for the relief of the Hatheway Patterson Corp.; with amendment (Rept. No. 2111). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 1614. A bill for the relief of Jennie Olsen Andersen, widow, and Arthur Andrew Andersen, infant son, of Carl Edward Andersen; with amendment (Rept. No. 2112). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 2287. A bill for the relief of Susan S. Wiseman; with amendment (Rept. No. 2113). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. H. R. 2772. A bill for the relief of Juan Calcaño; without amendment (Rept. No. 2114). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 3484. A bill for the relief of the Poultry Producers of Central California; without amendment (Rept. No. 2115). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. H. R. 3672. A bill for the relief of Dimple Benoit; with amendment (Rept. No. 2116). Referred to the Committee of the Whole House.

Mr. DOYLE: Committee on Claims. H. R. 3827. A bill for the relief of Fred W. Grant; with amendment (Rept. No. 2117). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4247. A bill for the relief of Jesús Lassalle; with amendment (Rept. No. 2118). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4357. A bill for the relief of the estate of the late Alberto López Ramos; with amendment (Rept. No. 2119). Referred to the Committee of the Whole House.

Mr. SCRIVNER: Committee on Claims. H. R. 4458. A bill for the relief of Rosella J. Masters; without amendment (Rept. No. 2120). Referred to the Committee of the Whole House.

Mr. COLE of Kansas: Committee on Claims. H. R. 4466. A bill for the relief of Francis T. Lillie and Lois E. Lillie; with amendment (Rept. No. 2121). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 4576. A bill for the relief of Ben W. Schubert; with amendment (Rept. No. 2122). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4943. A bill for the relief of Fred A. Gottlieb; with amendment (Rept. No. 2123). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5228. A bill for the relief of Stephen Lisay; with amendment (Rept. No. 2124). Referred to the Committee of the Whole House.

Mrs. MANKIN: Committee on Claims. H. R. 5324. A bill for the relief of Mrs. Mary Francoline and Mrs. Rose Wallace; with amendment (Rept. No. 2125). Referred to the Committee of the Whole House.

Mrs. MANKIN: Committee on Claims. H. R. 5510. A bill for the relief of Newton William Lowery; without amendment (Rept. No. 2126). Referred to the Committee of the Whole House.

Mr. BYRNES of Wisconsin: Committee on Claims. H. R. 5541. A bill for the relief of F. B. Sweat; without amendment (Rept. No.

2127). Referred to the Committee on Naval Affairs.

Mr. MADDEN: Committee on Naval Affairs. S. 1871. An act to authorize the conveyance of a parcel of land at the naval supply depot, Bayonne, N. J., to the American Radiator & Standard Sanitary Corp.; without amendment (Rept. No. 2135). Referred to the Committee of the Whole House.

Mr. MADDEN: Committee on Naval Affairs. S. 1106. An act for the relief of Malcolm K. Burke; without amendment (Rept. No. 2130). Referred to the Committee of the Whole House.

Mr. IZAC: Committee on Naval Affairs. S. 1978. An act to authorize the restoration of Philip Niekum, Jr., to the active list of the United States Navy with appropriate rank and restoration of pay and allowances; without amendment (Rept. No. 2138). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MANSFIELD of Montana:

H. R. 6541. A bill to grant certain servicemen and veterans the benefits of section 251 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. CASE of South Dakota:

H. R. 6542. A bill to make eligible for the acquisition of surplus property certain hospitalized members of the armed forces; to the Committee on Expenditures in the Executive Departments.

By Mr. LYLE:

H. R. 6543. A bill relating to the grades of city delivery carriers converted from the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. MAY (by request):

H. R. 6544. A bill to provide for the national security of the Nation by requiring that all qualified young men undergo a period of training for the common defense; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. R. 6545. A bill to permit the continuation of certain subsidy payments; to the Committee on Banking and Currency.

By Mr. VINSON:

H R. 6546. A bill to authorize the Secretary of the Navy to construct a postgraduate school at Monterey, Calif.; to the Committee on Naval Affairs.

H R. 6547. A bill to authorize the Secretary of the Navy to acquire in fee or otherwise certain lands and rights in land on the island of Guam, and for other purposes; to the Committee on Naval Affairs.

By Mr. FLANNAGAN:

H. R. 6548. A bill to provide for further research into basic law and principles relating to agriculture; to the Committee on Agriculture.

By Mr. McMILLAN of South Carolina:

H. R. 6549. A bill to provide for investments of surplus funds deposited in cash depositories of South Carolina, or in the United States; to the Committee on Banking and Currency.

H. R. 6550. A bill authorizing the rezoning of certain property in the District of Columbia as a residential area; to the Committee on the District of Columbia.

By Mr. RANKIN (by request):

H. R. 6551. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mrs. ROGERS of Massachusetts:

H. R. 6552. A bill to provide increased compensations for the widows and children of deceased veterans; to the Committee on World War Veterans' Legislation.

By Mr. SLAUGHTER:

H. R. 6553. A bill to provide additional means for the settlement of labor disputes, and for other purposes; to the Committee on Labor.

By Mr. WORLEY:

H. R. 6554. A bill to provide that part of the interest on loans guaranteed or insured under the Servicemen's Readjustment Act of 1944, as amended, be paid by the Administrator of Veterans' Affairs, so that eligible borrowers will pay interest at the rate of 1.8 percent per annum; to the Committee on World War Veterans' Legislation.

By Mr. JENNINGS:

H. R. 6555. A bill to authorize a preliminary examination and survey of the Big South Fork River and its tributaries, Tennessee, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. MURRAY of Wisconsin:

H. R. 6556. A bill relating to quotas with respect to the slaughtering of cattle and hogs; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADAMS:

H. R. 6557. A bill for the relief of Paul G. Hamel; to the Committee on Military Affairs.

By Mr. ANDERSON of California:

H. R. 6558. A bill for the relief of George Lutley Sclater-Booth; to the Committee on Immigration and Naturalization.

By Mr. BROOKS:

H. R. 6559. A bill for the relief of Gladys Geraldine Skeels; to the Committee on Claims.

By Mr. CASE of South Dakota:

H. R. 6560. A bill for the relief of Louis H. Deaver; to the Committee on Claims.

By Mr. COLE of Kansas:

H. R. 6561. A bill for the relief of the estate of Norman C. Cobb, Naomi R. Cobb, and Garland L. Cobb; to the Committee on Claims.

By Mr. COURTNEY:

H. R. 6562. A bill granting an increase of pension to Mrs. Lula Insley; to the Committee on Pensions.

By Mr. CROSSER:

H. R. 6563. A bill to enroll a certain person on the citizenship rolls of the Apache Tribe; to the Committee on Indian Affairs.

By Mr. ELLIOTT:

H. R. 6564. A bill for the relief of Chiyoichi Y. Koga; to the Committee on Claims.

By Mr. KEARNEY:

H. R. 6565. A bill for the relief of Dominick Angelone; to the Committee on Immigration and Naturalization.

By Mr. KILDAY:

H. R. 6566. A bill for the relief of Mrs. Pearl Ruck; to the Committee on Claims.

By Mr. LEFEVRE:

H. R. 6567. A bill for the relief of Nicholas Garadiasz; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 6568. A bill for the relief of William Edward Samek; to the Committee on Immigration and Naturalization.

By Mr. RANKIN (by request):

H. R. 6569. A bill for the relief of William R. Irvin, to the Committee on Invalid Pensions.

By Mr. RUSSELL:

H. R. 6570. A bill for the relief of Peter Bednar; to the Committee on Immigration and Naturalization.

By Mr. WORLEY:

H. R. 6571. A bill for the relief of Mrs. Ila Sue Messenger; 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:

1909. By Mr. SMITH of Wisconsin: Petition of Wisconsin Cheese Makers Association of Plymouth, Wis., setting forth this organization's views on OPA policies; to the Committee on Banking and Currency.

1910. By the SPEAKER: Petition of the Philadelphia Annual Conference of the Methodist Church, petitioning consideration of their resolution with reference to correction of the coal and railroad strikes; to the Committee on Labor.

1911. Also, petition of the department of Maryland, Disabled American Veterans, petitioning consideration of their resolution with reference to compulsory military training; to the Committee on Military Affairs.

SENATE

SATURDAY, MAY 25, 1946

(Legislative day of Tuesday, March 5, 1946)

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:

O God who art the hope of all the ends of the earth, as in former times Thy spirit didst breathe over the chaos, confusions, and divisions of struggling States and weld them into one Nation and didst lead forth our fathers unto a wealthy place, so in these latter days, having girded us to conquer tyranny without, wilt Thou heal the tensions within which threaten to tear the fair robe of democracy. Save us from violence, discord, confusion, and from all pride and arrogance. Endue with the spirit of wisdom those who in Thy name are trusted with the authority of governance, to the end that there may be peace within our borders. Forbid that the precious oil of our unity be spilled upon the ground to ignite selfish fires; may it still feed the flame of liberty's torch as it enlightens the whole darkened earth. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, May 24, 1946, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

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

S. 7. An act to improve the administration of justice by prescribing fair administrative procedure; and

S. 752. An act to amend the act of June 7, 1939 (53 Stat. 811), as amended, relating to the acquisition of stocks of strategic and