196. By Mr. LECOMPTE: Petition of Fred D. Humphrey and other World War II veterans of Oskaloosa, Iowa, urging the adoption of legislation to permit postal employees who served in the armed services to benefit under Public Law 134; to the Committee on Post Office and Civil Service.

197. By the SPEAKER: Petition of William J. Pachler, secretary-treasurer, Utility Workers Union of America, CIO, Washington, D. C., petitioning consideration of their resolution with reference to distribution of public power, and correction of an erroneous impression that has been created regarding that union having been on record against the New Johnsonville plant of the TVA system; to the Committee on Public Works.

198. Also, petition of W. E. Wycoff, recording secretary, Stark County Industrial Union Council, Canton, Ohio, petitioning consideration of their resolution with reference to opposing and condemning any extraordinary debate or filibuster; to the Committee on Rules.

199. Also, petition of Louis de Bourbon, Athens, Greece, asking an investigation of his case involving loss of American citizenship; to the Committee on the Judiciary.

SENATE

FRIDAY, MARCH 11, 1949

(Legislative day of Monday, February 21, 1949)

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 Lord our God, who hast cast our lot in pleasant places: We praise Thee for our goodly heritage in this land. We remember with gratitude those whose gifts of head and heart and hand established the foundations of this Nation. We bless Thee for the ideals of faith and freedom which they cherished. Help us to hold them dear and to prize them above luxury or ease.

Deliver us from pride and self-sufficiency. So change our hearts and renew our wills that we shall love what Thou dost love and do what Thou dost command, and with singleness of mind and purpose seek first Thy kingdom and Thy righteousness. Grant to these leaders of the Nation purity of motive and soundness of judgment. Raise up in every land men of vision and courage who for the sake of the common good will think wisely and do justly and love mercy. Amen.

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 a joint resolution (H. J. Res. 89) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 18. Concurrent resolution authorizing a reprint of Supplement III (Country Studies A, B, and C) of the report of the Subcommittee on National and International Movements of the Committee on Foreign Affairs, entitled "The Strategy and Tactics of World Communism," for the use of the Committee on Foreign Affairs; and

H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of House Document No. 401, Eightieth Congress, entitled "Fascism in Action."

EXECUTIVE COMMUNICATIONS, ETC.

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

VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR FARM-TYPE STORAGE BINS

A letter from the Attorney General, transmitting, pursuant to law, the Voluntary Plan for the Allocation of Steel Products for Farm-Type Storage Bins and letters of compliance therewith (with accompanying papers); to the Committee on Banking and Currency.

SUSPENSION OF DEPORTATION OF ALIENS

Two letters from the Attorney General, transmitting, pursuant to law, copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation as well as a list of the persons involved (with accompanying papers); to the Committee on the Judiciary.

REHABILITATION OF NAVAJO AND HOPI TRIBES OF INDIANS

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and the better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPEAL OF CERTAIN LAWS RELATING TO SALE OF PUBLIC LANDS

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to repeal certain obsolete laws and parts of laws relating to the sale of public lands (with an accompanying paper); to the Committee on Interior and Insular Affairs.

CONSTRUCTION OF CERTAIN BUILDINGS AT SUITLAND, MD.

A letter from the Administrator of the Federal Works Agency, transmitting a draft of proposed legislation to authorize the construction at Suitland, Md., of a building or group of buildings for the servicing and storage of film records (with an accompanying paper); to the Committee on Public Works.

AMENDMENT OF CLOTURE RULE

The Senate resumed the consideration of the motion of Mr. LUCAS to proceed to the consideration of Senate Resolution 15, amending the so-called cloture rule of the Senate.

The VICE PRESIDENT. The question before the Senate is, Shall the decision of the Chair overruling the point of order made by the Senator from Georgia [Mr. RUSSELL] stand as the judgment of the Senate?

Mr. VANDENBERG obtained the floor.

Mr. LUCAS. Mr. President, will the Senator from Michigan yield to me to make the point of no quorum?

Mr. VANDENBERG. I yield.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Baldwin	Butler	Chapman
Brewster	Byrd	Chavez
Bricker	Cain	Connally
Bridges	Capehart	Cordon
Donnell	Johnston, S. C.	O'Conor
Douglas	Kefauver	O'Mahoney
Downey	Kem	Pepper
Eastland	Kerr	Reed
Ecton	Kilgore	Robertson
Ellender	Knowland	Russell
Ferguson	Langer	Saltonstall
Flanders	Lodge	Schoeppel
Frear	Long	Smith, Maine
Fulbright	Lucas	Smith, N. J.
George	McCarran	Sparkman
Gillette	McCarthy	Stennis
Green	McFarland	Taft
Gurney	McGrath	Taylor
Hayden	McKellar	Thomas, Okla.
Hendrickson	McMahon	Thomas, Utah
Hickenlooper	Magnuson	Thye
Hill	Malone	Tobey
Hoey	Maybank	Tydings
Holland	Miller	Vandenberg
Humphrey	Millikin	Watkins
Hunt	Morse	Wherry
Ives	Mundt	Wiley
Jenner	Murray	Williams
Johnson, Colo.	Myers	Withers
Johnson, Tex.	Neely	Young

Mr. MYERS. I announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Arkansas [Mr. MCCLELLAN] are absent by leave of the Senate.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Pennsylvania [Mr. MARTIN] are absent by leave of the Senate.

The VICE PRESIDENT. Ninety Senators having answered to their names, a quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. VANDENBERG. Does the Senator from Illinois wish me to yield to him to make the usual request at this time?

Mr. LUCAS. Yes.

Mr. VANDENBERG. I do so.

Mr. LUCAS. Mr. President, before the able Senator from Michigan proceeds, I ask unanimous consent that all Senators desiring to introduce bills and joint resolutions, present petitions and memorials, or committee reports, or submit for the RECORD matters usually placed in the RECORD during the morning hour, be permitted to do so, without debate, and without jeopardizing or affecting the present parliamentary situation.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions memorializing Congress to amend the Federal Unemployment Tax Act and the Internal Revenue Code to permit a 100-percent credit against pay-roll taxes collected by States and to return to the States full control over the administration of their unemployment-compensation laws

"Whereas the Federal Government now finances the entire cost of the State employment security operations of the several States having approved unemployment-compensation laws, although such a 100-percent Federal grant of funds to administer State laws does not exist elsewhere in the field of Federal grants-in-aid; and

"Whereas under terms of the Federal Unemployment Tax Act and the Internal Revenue Code the Federal Government levies a

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3-percent pay-roll tax on defined employers against which tax these employers are given a maximum 90-percent credit, based on their contributions paid and experience rating credits earned; and the remaining 10 percent of the 3-percent tax, which is generally referred to as the three-tenths-percent administrative expense tax, is not earmarked for the purposes for which it was originally intended, namely, for the expenses of the administration by the States of their unemployment-compensation laws, and is not now being used in its entirety for such purposes; and

"Whereas the Federal Government has collected by means of the said three-tenths-percent administrative expense tax as of July 1, 1948, $1,670,940,000, out of which sum the States have been granted approximately $780,000,000 for unemployment-compensation and employment-service administration, leaving a Federal profit of approximately $891,000,000; and

"Whereas the Federal Government under the present law determines what sums of money shall be returned to the States for expenses to administer unemployment-compensation laws, although the States, having the responsibility to administer their own laws, should have the right in their own judgment to determine what sums of money are needed to administer their own laws; and because the present control over such funds by the Federal Government has exposed large numbers of employees of the division of employment security of this Commonwealth to loss of employment, which threatens to impair the efficiency with which this law is now being administered; and

"Whereas the 100-percent Federal grant, instead of promoting good Federal-State relations, has a tendency to injure them: Therefore be it

"*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to amend the Federal Unemployment Tax Act and the Internal Revenue Code and to enact legislation which will result in giving to employers a 100-percent credit against pay-roll taxes collected by the States, and giving to each State with an approved unemployment-compensation law the right and the power to expend from the receipts of the pay-roll tax levied upon employers as much as it deems necessary for the proper and efficient administration of its State law; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the State secretary to the President of the United States, to the presiding officer of each branch of Congress, and to Members thereof from this Commonwealth."

A joint memorial of the Legislature of the State of Washington; to the Committee on Finance:

"House Joint Memorial 31

"*To the Honorable Harry S. Truman, President of the United States, and to the Senate and House of Representatives of the United States of America in Congress assembled:*

"We, your memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas the State of Washington imposes a tax upon the sale and use of cigarettes within its boundaries, and the revenues so obtained constitute an important portion of the funds available for its functions of government; and

"Whereas it has been brought to the attention of your memorialists that a large and growing system of evasion of cigarette taxes has developed through the use of the United States mails; that advertisements and inducements are being sent through the United States mails to the citizens of this State and other States, which advertisements and inducements encourage violations of the cigarette taxes imposed by the various States; that in numerous instances such advertisers entice prospective customers with statements to the effect that the use of the United States mails is proof of the legitimacy of such business and such a system; that the mails of the United States are actually being used for the purpose of making deliveries into this State and other States of cigarettes on which the tax required by the laws of such States have not and will not be paid; that this State is seriously affected by such use of the mails of the United States for the purpose of evading the laws of this State, and faces substantial losses of revenue as a result of such system of evasion; and

"Whereas it has been brought to the attention of your memorialists that there is now pending before the Congress of the United States certain proposed bills which would aid the individual States in the enforcement of their cigarette-tax laws by requiring shippers of cigarettes in interstate commerce to furnish to the taxing authorities of the State to which the merchandise is shipped a copy of the invoice on each shipment and the name and address of each purchaser: Now, therefore, be it

"*Resolved*, That your memorialists hereby respectfully petition and memorialize the President and the Congress of the United States to enact and approve a bill requiring shippers of cigarettes in interstate commerce to furnish to the taxing authorities of the States to which the merchandise is shipped a copy of the invoice on each such shipment and the name and address of each purchaser, or to enact such other legislation in aid of the States affected as may be proper; and be it further

"*Resolved*, That the secretary of state of the State of Washington is hereby directed to forward certified copies of this joint memorial to the President of the United States and to the presiding officers of the Senate and House of Representatives of the United States and to each Senator and Representative in Congress from the State of Washington."

A letter in the nature of a memorial, signed by Mrs. Virgil Gustison, president, Pro America National Organization of Republican Women, King County unit, of Seattle, Wash., remonstrating against the confirmation of the nomination of Mon C. Wallgren to be Director of the National Security Resources Board; to the Committee on Armed Services.

A letter in the nature of a memorial, signed by Kurt Mertig, chairman, Citizens' Protective League, Inc., New York, N. Y., remonstrating against continuation of the Marshall plan; to the Committee on Foreign Relations.

A resolution adopted by the Board of Commissioners of the City of Lexington, Ky., favoring the enactment of legislation proclaiming October 11 of each year as General Pulaski's Memorial Day; to the Committee on the Judiciary.

A resolution adopted by Local No. 603, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, American Federation of Labor, Alliance, Ohio, relating to the Displaced Persons Act; to the Committee on the Judiciary.

A letter in the nature of a petition signed by John K. Turton, of White Plains, N. Y., relating to the publication of a manuscript on the Constitution of the United States of 1787; to the Committee on Rules and Administration.

A resolution adopted by the Tuscarawas County Industrial Union Council of Dover, Ohio, favoring amendment of the Senate rules so as to prevent filibustering; ordered to lie on the table.

By Mr. LODGE (for himself and Mr. SALTONSTALL):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"Resolutions memorializing the President and the Congress of the United States relative to the National Guard of the United States and of the several States

"Whereas the Congress of the United States is now considering proposed legislation which profoundly affects the civilian components of the armed forces and, particularly, the National Guards of the several States, and the National Guard of the United States; and

"Whereas much of this proposed legislation is based upon the so-called Gray Board report issued recently by the Committee on Civilian Components of the Secretary of Defense, or is based upon other similar recommendations of the Regular Military Establishment; and

"Whereas this proposed legislation is largely directed toward the disestablishment of the National Guards of the several States, beginning with the Air National Guard, in favor of reserve forces wholly under Federal control, thereby contravening the language, spirit, and intent of the Constitution of the United States; and

"Whereas many noble traditions of this Commonwealth, together with her sister States, spring from the military services our militia and National Guard have rendered in the cause of liberty from the beginnings of our country down through the years; and

"Whereas the national economy cannot sustain a reserve force program, estimated to cost $33,000,000,000 during the next 20 years, which cost would be additional to the $15,000,000,000 now annually budgeted for defense purposes; and

"Whereas it is unthinkable that the excellent reserve forces now in existence, the National Guards of the several States, which sent 18 well-trained and equipped National Guard divisions into the field during World War II and provided 12 combat groups to the Air Force, should be absorbed by another component: Therefore be it

"*Resolved*, That it is the sense of the General Court of Massachusetts that our present dual system of Federal-State organization and jurisdiction for the National Guard is a tested and proven instrument of military policy which has demonstrated, historically, the foresight and wisdom of those who framed our Constitution, and that the President and Congress of the United States should, therefore, disapprove legislation which would, in any degree, vitiate this system of National Guard organization and jurisdiction or would adversely affect the rights, privileges, or emoluments of National Guard members; and be it further

"*Resolved*, That the President of the United States direct the National Military Establishment to provide more effective cooperation and support for the National Guards of the several States and of the United States, in order to provide properly balanced, trained, and equipped National Guard forces for service in time of emergency; either local or national; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the State secretary to the President of the United States, to the Presiding Officer of each branch of Congress, and to the Members thereof from the Commonwealth."

By Mr. HOEY:

A joint resolution of the Legislature of the State of North Carolina; to the Committee on Interstate and Foreign Commerce:

"Resolution 20

"Joint resolution petitioning the Congress of the United States to locate a surplus Navy floating drydock at Wilmington for preservation of bottoms of Maritime Commission-owned merchant marine fleet laid up in Brunswick River

"Whereas it has come to the attention of this general assembly that the United States Congress is giving consideration to providing drydocks for the purpose of inspection and

giving primary preservative treatment to vessel hulls of the Maritime Commission reserve fleets; and

"Whereas there are approximately 425 vessels of the Maritime Commission's merchant fleet now laid up in Brunswick River at Wilmington to be inspected and given such preservative treatment as the United States Maritime Commission decides essential; and

"Whereas the servicing of the Wilmington fleet by means other than a floating drydock at the lay-up basin, will involve excessive towage charges to the nearest commercial drydocks, located at Hampton Roads, Va., and Charleston, S. C., and will be an inefficient and uneconomical method of preserving the hulls of said vessels; and

"Whereas the United States Maritime Commission recognizes that greater efficiency and larger material savings can be effectuated by having said vessels serviced at the places where they are laid up and has recommended that floating drydocks be provided for the servicing of such vessels: Now, therefore, be it

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

"SECTION 1. That the Committees on Merchant Marine and Fisheries of the United States Congress are requested and urged to give favorable consideration to, and take favorable action on, the recommendations of the United States Maritime Commission to provide floating drydocks to service the hulls of ships of the reserve fleets of said Commission at the places where they are now laid up.

"SEC. 2. That copies of this resolution be sent by the secretary of the state to the President of the United States Senate, the Speaker of the House of Representatives, and the chairmen of the Senate and House of Representatives' Committees on Merchant Marine and Fisheries and to each Member of Congress from the State of North Carolina.

"SEC. 3. That this resolution shall be in full force and effect from and after its ratification."

By Mr. TYDINGS:

A joint resolution of the Legislature of the State of Maryland; to the Committee on Armed Services:

"House Joint Resolution 8

"Joint resolution requesting the Congress of the United States to enact a bill confirming the title of the several States of the Union to submerged lands within their borders and requesting the Senate Committee on Armed Services to hold hearings to obtain information and to recommend to the Senate appropriate legislation defining and delimiting territorial waters of the United States

"Whereas the State of Maryland is the owner of approximately 1,600,000 acres of submerged lands covered by the tidal waters of the Chesapeake Bay and its tributaries, as well as some 61,000 acres of submerged lands of the Atlantic coastal shelf within 3 miles from the shore, subject only to Federal powers of navigation, commerce, and national defense; and

"Whereas, in 1775, the State of Maryland succeeded to all rights of Lord Baltimore, and, as a sovereign, the State also became entitled to the recognized public-law rights of a sovereign to land within its borders under navigable waters; and

"Whereas, by virtue of the Federal Constitution, ratified by Maryland on April 28, 1788, the State of Maryland's rights to these submerged lands under navigable waters were recognized and forever formalized, subject only to delegated Federal powers of navigation, commerce, and national defense; and

"Whereas, for more than 170 years, the United States Government, Congress, and the Supreme Court have uniformly, unanimously, and consistently recognized that title and the rights which accompany it; and

"Whereas, in 1937, for the first time and as an original proposition, the Federal Government began to assert, through the agency of Secretary Ickes, claim to the marginal seas by reason of the fact that oil was being extracted in those areas by the States; and

"Whereas the Supreme Court of the United States, in 1947, in a suit instituted by the Department of Justice entitled *'U. S. v. California'* (332 U. S. 19), overthrew more than a hundred years of established precedents in a might-makes-right decision and held that the United States had paramount rights over the submerged lands adjacent to the shores of California, while not deciding the question of ownership; and

"Whereas in a subsequent decision, entitled *'Toomer v. Witsell'* (334 U. S. 385), decided in 1948, the Supreme Court held that the power of South Carolina to regulate fishing in the marginal sea area within its boundaries may be exercised only 'in the absence of a conflicting Federal claim,' citing *U. S. v. California*; and

"Whereas the President of the United States has heretofore issued an Executive order authorizing the Secretary of State and the Secretary of the Interior to recommend establishment of zones for Federal regulation and control of fishery resources and fishing activities in those areas of the high seas contiguous to the coast of the United States, and the Department of State in December 1948 notified coastal State officials that it will begin to put this program into effect; and

"Whereas said Federal executive agencies have introduced in Congress and will attempt to speed the passage of a bill bestowing Federal ownership and control of the marginal seas of all the coastal States; and

"Whereas the Department of Justice in the proceeding above referred to entitled *'U. S. v. California'* is attempting to persuade the Supreme Court to declare that the San Pedro Bay off the coast of California is a marginal sea and so a Federal area, except as to points within headlands which are within 6 miles of each other; and

"Whereas the headlands of the entrance of the Chesapeake Bay are more than 6 miles apart; and

"Whereas the Department of Justice has publicly expressed the belief that the Chesapeake Bay, like Delaware Bay, is a historic exception to the 6 miles headland rule; and

"Whereas while the Department of Justice and the executive branch of the Federal Government have stated that the marginal-sea rule did not apply to navigable waters within the boundaries of the State and that its extension would not be sought, there are many in office in the Federal Government who believe and strive to the contrary; and

"Whereas if the Department of Justice and the executive branch of the Federal Government could persuade the Supreme Court to overthrow more than a hundred years of established precedent and to rewrite the Constitution of the United States in the case of the marginal sea, there is no reason to believe that they cannot, in the near future, similarly persuade the Court to extend that doctrine to the Chesapeake Bay and the inland waters of Maryland and all other States, and from there to all public lands and natural resources, and so destroy our present system of dual sovereignty and constitutional government; and

"Whereas the claims of those who would extend the Federal power are sought to be plausibly and immediately masked under the needs for defense of natural resources, including oil, and the necessity of Federal power over marginal seas for national defense; and

"Whereas actually the establishment of the open seas at a point within 3 miles of the shore line, in many cases, if not all, materially weakens the position of the United States in international law and thus hinders national defense; and

"Whereas the Congress of the United States has heretofore passed a bill (which was vetoed by the President of the United States) to retain in the States their formerly undisputed sovereignty and rights with the saving provision as follows: *'Provided, however,* That nothing in this act shall affect the use, development, improvement, and control by or under the authority of the United States of said lands and waters for the purposes of navigation or flood control or the production or distribution of power, or be construed as the release or relinquishment of any rights of the United States arising under the authority of Congress to regulate or improve navigation or to provide for flood control or the production or distribution of powers'; and

"Whereas a majority of both Democrats and Republicans in the Congress, since the decision of *U. S. v. California,* have always favored the passage of such a bill; and

"Whereas similar bills are now pending in the Congress of the United States: Now, therefore, be it

"Resolved by the General Assembly of Maryland, (1) That the State of Maryland is emphatically in favor of continued State ownership and control, subject only to constitutionally delegated Federal powers of lands and resources within and beneath navigable waters within the boundaries of the respective States and requests Congress to pass suitable legislation to that end; That the Senators and Members of the House in Congress from Maryland are hereby requested to give active opposition to all pending and proposed measures which would create Federal ownership or control of lands, fish, or other resources beneath navigable waters within State boundaries, except such rights as are delegated to the Federal Government by the Constitution of the United States, and that our Senators and Members of the House in Congress are hereby requested to give their active support to legislation which would recognize and confirm State ownership of such property; and

"(2) That the Senate Committee on Armed Services be requested to hold hearings at the earliest practicable date for the purpose of obtaining such information as may be necessary to enable that committee to recommend to the Senate appropriate legislation defining and delimiting the territorial waters of the United States consistent with the sovereignty of the several States of the Union, the international rights and obligations of the United States and with due regard to the national defense, to commerce, and to the conservation, development, and utilization of the resources of the marginal seas and the constitutional relationship with national economy and national defense; and

"(3) That a copy of these resolutions be mailed to each Senator and to each Member of the House in Congress from Maryland and that Senator MILLARD E. TYDINGS, as chairman of the Senate Committee on Armed Services, be and he is hereby respectfully requested to introduce a resolution in the Senate substantially similar to resolution (2) hereof and to expedite the hearings referred to in that resolution."

By Mr. MILLIKIN:

A joint memorial of the General Assembly of the State of Colorado; to the Committee on Appropriations:

"House Joint Memorial 7

"Memorializing the Congress of the United States to provide for the completion of the Leadville drainage tunnel

"Whereas there is a current shortage of base metals in the United States which is causing considerable distress among our people and those industries using said metals; and

"Whereas the Leadville, Colo., district is one of the outstanding areas in which base metals are known to exist as shown

by past production records and current studies made of the district; and

"Whereas a deep drainage tunnel for the Leadville area has long been advocated by the State of Colorado through its various mining agencies and by the Mining Association of the State over a period of years; and

"Whereas the Congress of the United States, as one of the war-emergency measures, by Public Law 133, approved July 12, 1943, appropriated $1,400,000 for the construction of the Leadville drainage tunnel, which sum may be repaid on a royalty basis by those operating mines drained and benefited by said tunnel; and

"Whereas the National Minerals Advisory Council, the mining associations, and the Department of the Interior, including its subdivision the United States Bureau of Mines, has recommended the expenditure of an additional sum of $500,000 for the completion of the present tunnel to its first objective; and

"Whereas the present tunnel is of little value until the work is completed and the money heretofore spent thereon will be a loss to the taxpayers of the Nation and cause distress in the area in which the project was started; and

"Whereas the completion of said tunnel will assist in making available mineral reserves which can be used in the event of a future emergency and should be completed with the least possible delay; and

"Whereas the said tunnel is urgently needed to serve the best interests of the Nation, the State of Colorado, and the area in question: Now, therefore, be it

"*Resolved by the House of Representatives of the Thirty-seventh General Assembly of the State of Colorado (the senate concurring herein)*, That the Congress of the United States be and it is hereby memorialized to appropriate the sum of $500,000 for the continuation and completion of the Leadville drainage tunnel to its first main objective; and be it further

"*Resolved*, That a copy of this memorial be submitted to the President of the United States, to the chairman of the Appropriations Committee of the Senate and of the House of Representatives of the United States, and to the chairman of the Subcommittee on Appropriations for the Interior Department of the House of Representatives, and to the membership of the appropriate committees of both bodies of the Congress, and to the Senators and Congressmen representing the State of Colorado in the Eighty-first Congress of the United States."

By Mr. LANGER:

Three concurrent resolutions of the Legislature of the State of North Dakota; to the Committee on Interior and Insular Affairs:

"Senate Concurrent Resolution E

"Concurrent resolution petitioning the Secretary of the Interior and the Acting Commissioner of Indian Affairs to take action with reference to claims awaiting presentation to the Indian Claims Commission

"Whereas by the McCumber Treaty entered into between the United States of America and the Chippewa Indians of the Turtle Mountains in North Dakota, the United States agreed to pay said Indians for lands ceded to the United States, and further agreed to provide allotments for the individual Indians on the Indian reservation or upon the public domain adjacent thereto; and

"Whereas said treaty was negotiated in 1894 but was not ratified by the United States until 1904, and in the meantime all of the public domain adjacent to the Indian reservation was otherwise appropriated and it became necessary to make allotments for many of the Indians in distant parts of North Dakota and Montana; and

"Whereas the said Indians appear to have legitimate claims against the United States which ought to be presented to the Indian Claims Commission; and

"Whereas in order for the said Indians to present such claims, it is necessary that they be represented by counsel and such counsel cannot be employed except with the approval of the Department of the Interior; and

"Whereas for 1 year the said Indians have been endeavoring to obtain the necessary approval so that such claims may be presented, and the Department of the Interior has wholly failed to take action in the matter, and has thus frustrated the efforts of the Indians to present their claim; and

"Whereas the time for presenting such claims is limited by law, and continued delay may prevent such Indians from properly preparing and presenting their claims: Now, therefore, be it

"*Resolved by the Senate of the State of North Dakota (the house of representatives concurring therein)*, That we request the Secretary of the Interior and the Acting Commissioner of Indian Affairs promptly to take such action as may be necessary or expedient to enable the Indians of the Turtle Mountains to present their claims against the United States; be it further

"*Resolved*, That we likewise request said officers to take like action with reference to the claims of any other tribes of North Dakota Indians who may have claims awaiting presentation to the Indian Claims Commission; be it further

"*Resolved*, That copies of this resolution be sent by the secretary of state to the Secretary of the Interior, Acting Commissioner of Indian Affairs, and to North Dakota's delegation in Congress."

"House Concurrent Resolution Z

"Concurrent resolution memorializing and petitioning the Congress of the United States to enact legislation providing for the assumption of a proportionate share of the bonded indebtedness of local units of government when the assessed taxable valuation in such units of government is reduced through acquisition of land by the United States

"Whereas the removal of land from the tax rolls through acquisition by the United States of America dislocates the economy of local governmental units and imposes an increased burden on the remaining property; and

"Whereas the bonded indebtedness of local governmental units where land is so acquired in substantial quantities and removed from local tax rolls, frequently is excessive for the remaining taxable property to bear; and

"Whereas the existence of local units of government is jeopardized by the imposition of such excessive burdens of taxation and indebtedness: Now, therefore, be it

"*Resolved by the House of Representatives of the State of North Dakota (the senate concurring therein)*, That we do hereby memorialize and petition the Congress of the United States to enact legislation providing and requiring that when 10 percent or more of the taxable property in any local taxing unit is removed from the tax rolls by acquisition by the United States of America or any agency thereof, a percentage of the bonded indebtedness of such taxing unit, equal to the percentage of the taxable valuation removed by such acquisition, will be assumed by the United States of America or the acquiring agency; be it further

"*Resolved*, That copies of this resolution, properly authenticated, be transmitted by the secretary of state to presiding officers of each House of Congress of the United States and to the Members of the North Dakota delegation in Congress."

"House Concurrent Resolution W

"Concurrent resolution memorializing the Congress of the United States to enact H. R. 2369, authorizing an appropriation for the completion of the International Peace Garden

"Whereas there has been established and is being maintained on the international boundary line between the United States of America and the Dominion of Canada a park situated partly in North Dakota and partly in the Province of Manitoba and known as the International Peace Garden, which park has been established and is being maintained as a constant memorial to the peaceful relations between the United States of America and the Dominion of Canada and for the purpose of furthering international peace among the nations of the world; and

"Whereas H. R. 2369, introduced in the Eighty-first Congress of the United States and referred to the Committee on Public Lands, would authorize an appropriation for the purpose of completing the International Peace Garden in accordance with plans previously approved: Now, therefore, be it

"*Resolved by the House of Representatives of the State of North Dakota (the senate concurring therein)*, That the Congress of the United States be memorialized to give immediate and favorable consideration to H. R. 2369; and be it further

"*Resolved*, That copies of this resolution be sent by the secretary of state to the chairman of the Committee on Public Lands, and to the North Dakota delegation in Congress."

A concurrent resolution of the Legislature of the State of North Dakota; to the Committee on Agriculture and Forestry:

"House Concurrent Resolution Y

"Concurrent resolution memorializing Congress and the President of the United States not to support any proposition disturbing the Rural Electrification Administration as it is presently set up and not to disturb the existing power agencies or the Government's power policy to the detriment of the people

"*Be it resolved by the House of Representatives of the State of North Dakota (the senate concurring therein)*:

"Whereas the press is still carrying news releases and other information to the effect that task forces of the Commission on Organization of the Executive Branch of Government are recommending that the Rural Electrification Administration be dispensed with; and

"Whereas we have other information that other task forces will or may recommend changes in legislation affecting our Government's power program: Now, therefore, be it

"*Resolved*, That we appeal to our Senators and Congressmen as a group and individually, and that we appeal to the President of the United States to not support any proposition that will disturb the Rural Electrification Administration as it is presently set up and to not disturb the existing power agencies or the Government's power policy to the detriment of the people; be it further

"*Resolved*, That the North Dakota secretary of state be requested to send a copy of this resolution to the President of the United States, to the United States Secretary of State, to the President of the United States Senate, and to the Speaker of the United States House of Representatives, and to each of the Senators and Representatives of the State of North Dakota."

Two concurrent resolutions of the Legislature of the State of North Dakota; to the Committee on Appropriations:

"House Concurrent Resolution S

"Concurrent resolution memorializing and requesting Congress to appropriate, and to make available, funds in the form of grants-in-aid to the counties of the State of North Dakota situated in the Red River Valley for constructing works for the prevention of floods and for drains adequate for the drainage of farm lands periodically flooded by waters of melting snows in the spring, and by heavy rains in the summer, of each year

"Whereas extensive areas of fertile farm lands in the counties of North Dakota located in the Red River Valley are flooded by the waters of melting snows in the spring and by heavy rains in the summer of each year, delaying, and often making impossible, the planting or harvesting of crops on these lands; and

"Whereas these flooded lands are very productive and produce a great amount of food when crops can be planted and harvested thereon; and

"Whereas the losses sustained are a serious depletion of the national economy, amounting in the aggregate to millions of dollars; and

"Whereas the cost of construction of works for the prevention of such floods and the construction of drains sufficient for the drainage of those lands is far beyond the financial ability of land owners to pay; and

"Whereas the counties affected, and the State of North Dakota, are unable to furnish the financial assistance required: Now, therefore, be it

"Resolved by the House of Representatives of the thirty-first legislative assembly of the State of North Dakota (the senate concurring therein), That the Congress of the United States be and is hereby urgently requested to appropriate not less than $2,000,000 to provide grants-in-aid to the counties of North Dakota situated in the Red River Valley to enable said counties to construct works for the prevention of floods and facilities for the adequate drainage of farm lands; be it further

"Resolved, That a copy of this resolution be mailed by the secretary of state to the President of the United States, to the Vice President, as the Presiding Officer of the United States Senate, to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

"House Concurrent Resolution T

"Whereas the Department of the Interior of the United States through its Bureau of Reclamation, and the United States Army engineers, sixth district, is now engaged in the construction of projects to impound, divert, and otherwise control waters in the State of North Dakota; and

"Whereas the construction of such projects will result in the inundation of extensive tracts of land which are a natural habitat of wildlife in the State of North Dakota, including upland game birds and deer; and

"Whereas the destruction of such natural habitat of wildlife will seriously curtail, if not completely eliminate, the production of wild game within such areas unless adequate provision is made to provide a new and suitable wildlife habitat adjacent thereto; and

"Whereas the conservation of game to provide healthful recreation for the 70,000 hunters who each year take out hunting licenses in the State has become a serious problem in North Dakota; and

"Whereas such threatened extensive curtailment of the production of wildlife will endanger the entire game production and conservation program of the State; and

"Whereas the laws of the United States (60 Stat. 965) provide: 'Whenever the waters of any stream or other body of water are authorized to be impounded, diverted, or otherwise controlled for any purpose whatever by any department or agency of the United States, * * * such department or agency shall first consult with the Fish and Wildlife Service and the head of the agency exercising administration over the wildlife resources of the State wherein the impoundment, diversion, or other control facility is to be constructed with a view to preventing loss of and damage to wildlife resources. * * * The cost of planning for and the construction or installation and maintenance of any such means and measures (to prevent destruction of wildlife) shall be included in and shall constitute an integral part of costs of such projects'; and

"Whereas the Department of the Interior, through its Bureau of Reclamation and the United States Army Engineers, sixth district, are constructing or are about to construct such projects in the State of North Dakota without having complied with the provisions of said law for the reasons that the Congress of the United States has made no specific appropriation for the planning and construction of means to prevent the destruction of wildlife in connection with its appropriations for the construction of such projects: Be it therefore

"Resolved by the House of Representatives of the State of North Dakota (the senate concurring therein):

"1. That we earnestly petition and urge the Congress of the United States to make specific and adequate appropriations for the planning and construction of means to prevent the destruction of wildlife, as an integral part of all legislation authorizing the construction of projects to impound, divert, or otherwise control waters in the State of North Dakota;

"2. That we earnestly recommend to the Secretary of the Interior, to the Chief of the Bureau of Reclamation, and to the commanding officer of the United States Army Engineers, sixth district, that they, through their authorized deputies or agents, consult with the Game and Fish Commissioner of the State of North Dakota and with him formulate a comprehensive wildlife preservation program and that they construct means and measures to prevent the destruction of, and to promote the growth of, wildlife in the areas adjacent to all projects authorized by Congress for the impounding, diversion, or control of waters in the State; that such plans include the acquisition and development of lands adjacent to inundated areas as a new habitat for wildlife; and that a portion of said areas be set aside as game refuges but that 75 to 80 percent of such areas be reserved as and designated as public shooting areas to the end that game conservation and public recreation may be adequately and proportionately maintained; be it further

"Resolved, That the secretary of state of the State of North Dakota shall cause copies of this resolution to be sent to the President of the United States Senate; to the Speaker of the House of Representatives of the United States; to each Member of Congress from the State of North Dakota; to the Secretary of the Interior of the United States; to the Chief of the Reclamation Bureau; and to the commanding officer of the United States Army Engineers, sixth district."

Two concurrent resolutions of the Legislature of the State of North Dakota; to the Committee on Public Works:

"Senate Concurrent Resolution R

"Concurrent resolution urging the use of North Dakota material in the construction of the Garrison Dam and other projects

"Whereas the construction of the Garrison Dam and other projects in North Dakota by the Bureau of Reclamation and the Corps of Engineers of the United States Army will involve the use of large quantities of gravel, sand, and other materials available in North Dakota; and

"Whereas by tests performed in Logan County in July 1948, it was found that the gravel and sand of this region are satisfactory for such use; and

"Whereas large quantities of such gravel, sand, and other materials exist in this State, and the use of such local material will result in a monetary saving in the construction of the Garrison Dam and other projects: Now, therefore, be it

"Resolved by the Senate of the State of North Dakota (the house of representatives concurring therein), That the use of such native North Dakota material is urged and recommended; be it further

"Resolved, That the secretary of state send copies of this resolution to the Chief of Army Engineers, Washington, D. C.; Division Office, Corps of Army Engineers, Omaha, Nebr.; the District Engineer, Corps of Army Engineers, Fort Lincoln, N. Dak.; the Commissioner of Reclamation, Department of the Interior, Washington, D. C.; regional director of the Bureau of Reclamation, Billings, Mont.; district manager, Bureau of Reclamation, Bismarck, N. Dak.; and to the North Dakota delegation in the Congress of the United States."

"Senate Concurrent Resolution I

"Concurrent resolution memorializing Congress to enact legislation providing for the maintenance of the government of the Garrison Dam area

"Be it resolved by the Senate of the State of North Dakota (the house of representatives concurring therein):

"Whereas by reason of the Missouri River improvement program now being carried on in North Dakota, unusual situations have developed in counties where a large influx of itinerant people are gathered during the construction period; and

"Whereas the United States has acquired title to lands to be used in this development and approximately 100,000 acres of land are being taken off the tax lists and are now being rented back to individuals for agricultural purposes, thus maintaining social and governmental responsibilities, such situation creates an unusual hardship on local government: Now, therefore, be it

"Resolved by the senate (the house of representatives concurring), That the Congress of the United States officers in charge that, wherever they operate for profit lands taken off the tax lists, they assume full responsibility for maintaining government in such area; be it further

"Resolved, That the secretary of the State of North Dakota send copies of this resolution to the President of the Senate and the Speaker of the House of Representatives in Congress for incorporation in the CONGRESSIONAL RECORD and to the Senators and Representatives of this State."

The VICE PRESIDENT laid before the Senate a concurrent resolution of the legislature of the State of North Dakota, identical with the foregoing, which was referred to the Committee on Public Works.

EXCLUSION OF TUTTLE CREEK DAM FROM FLOOD-CONTROL PROGRAM—RESOLUTION OF HOUSE OF REPRESENTATIVES OF KANSAS

Mr. REED. Mr. President, I present a resolution from the lower house of the Kansas Legislature, urging that the dam known as the Tuttle Creek Dam, on the Blue River, be omitted from the flood-control program. Because this matter will come first before the Appropriations

Committee, I ask that the memorial be referred to that committee, and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Appropriations, and, under the rule, ordered to be printed in the RECORD:

House Resolution 35

Resolution memorializing the Congress of the United States to delete the present Tuttle Creek Dam project from the Pick-Sloan plan for flood control and the conservation and development of the water resources of the Missouri Valley Basin

Whereas in 1938 Congress authorized a project for the construction of a dam, commonly known as Tuttle Creek Dam, to be located on the Big Blue River about 5 miles north of Manhattan, Kans.; and

Whereas the Tuttle Creek Dam is included in the so-called Pick-Sloan plan for flood control and the conservation and development of the Missouri Valley Basin; and

Whereas if the proposed Tuttle Creek Dam is constructed it would result in the inundation of at least 60,000 acres of land when at full reservoir and at least 30,000 acres of land when at normal reservoir; and

Whereas the lands which would be inundated constitute some of the richest and most fertile areas in this State for the growing of agricultural products and the production of fat cattle and hogs; and

Whereas the proposed Tuttle Creek Dam at full reservoir would completely inundate five cities and villages in this State, namely, Stockdale, Garrison, Randolph, Cleburne, and Bigelow and partially inundate the cities of Irving and Blue Rapids, Kans.; and

Whereas the proposed Tuttle Creek Dam project was rejected by some United States Government engineers because the loss which would be occasioned by its construction was found to be greater than the benefits which would be derived from its construction; and

Whereas the benefits hoped to be secured from construction of the Tuttle Creek plan project could be secured by a program of soil conservation and upstream flood control on the Big Blue River and its tributaries; and

Whereas the persons residing in the watershed of the Big Blue River, living in both Kansas and Nebraska, have already petitioned the United States Department of Agriculture to establish a soil conservation district embracing the entire watershed of the Big Blue River: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, That we urge and request the Congress of the United States to delete the Tuttle Creek Dam project from the Pick-Sloan plan for flood control and the development of the Missouri River Basin and not to make any appropriation of funds therefor and that it enact legislation which will authorize and provide for a plan and program of soil conservation and upstream flood control on the Big Blue River and its tributaries; and be it further

Resolved, That the secretary of state be instructed to transmit engrossed copies of this resolution to the President of the United States, the chairman of the Appropriations Committees of the United States Senate and the United States House of Representatives, and to the members of the Kansas delegation in the Congress of the United States.

AMENDMENT OF FEDERAL SOCIAL SECURITY ACT—CONCURRENT RESOLUTION OF MINNESOTA LEGISLATURE

Mr. THYE. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Minnesota State Legislature memorializing the Congress to amend the Federal Social Security Act to permit the Federal Security Agency to participate in the payment of public-assistance grants to persons residing in public hospitals or other public institutions.

There being no objection, the concurrent resolution was referred to the Committee on Finance, and, under the rule, ordered to be printed in the RECORD, as follows:

A concurrent resolution memorializing the Congress of the United States to amend the Federal Social Security Act to permit the Federal Security Agency to participate in the payment of public assistance grants to persons residing in public hospitals or other public institutions

Whereas many needy, blind, aged, and deserving persons, particularly the senile aged, require medical, nursing, rest home, and hospital care; and

Whereas in many localities such services are available only in public hospitals and other public institutions; and

Whereas the present Federal Social Security Act prevents the Federal Security Agency from participating financially in the payment of public assistance grants to these persons; and

Whereas there is no just reason for denying these persons the right to participate in the public assistance programs: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States shall take immediate steps to remove from the present Federal Social Security Act those provisions which restrict and prevent the Federal Security Agency from participating in the payment of public assistance to needy, blind, and aged persons residing in public hospitals or public institutions; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Vice President, the Speaker of the House of Representatives, and to each Congressman and Senator from the State of Minnesota.

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of the State of Minnesota, identical with the foregoing, which was referred to the Committee on Finance.

ATLANTIC PACT AND ACTIVITIES OF COMMUNIST PARTY—RESOLUTION OF CITY COUNCIL OF BOSTON, MASS.

Mr. LODGE. Mr. President, on behalf of my colleague the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the City Council of Boston, Mass., relating to the Atlantic Pact and the activities of the Communist Party and its members.

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

Resolved, That the City Council of the City of Boston, in meeting assembled, hereby memorializes and petitions the Congress of the United States to pass, and the President of the United States to approve, a strong Atlantic Pact, "with teeth in it," taking full advantage of every provision in the Constitution of the United States for the peace and security of the people of our own land, and the peoples of every other land who are now in danger of losing their God-given rights because of the machinations of the Soviet Union; and be it further

Resolved, That the City Council of the City of Boston favors enactment of appropriate legislation which will curb the treasonable activities of the Communist Party and its members, and its sympathizers, in our land, to the extent of outlawing, if necessary, the existence of said party within our shores.

GENERAL PULASKI'S MEMORIAL DAY—RESOLUTION OF COMMON COUNCIL OF FALL RIVER, MASS.

Mr. LODGE. Mr. President, on behalf of my colleague the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself, I present for appropriate reference and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Common Council of the City of Fall River, Mass., favoring the enactment of legislation proclaiming October 11 of each year as General Pulaski's Memorial Day.

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

Resolution memorializing the Congress of the United States to pass, and the President of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in Congress.

Whereas a resolution providing for the President of the United States of America to proclaim October 11 of each year as General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski is now pending in the present session of the United States Congress; and

Whereas the 11th day of October 1779 is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other States of the Union, through legislative enactment designated October 11 of each year as General Pulaski's Memorial Day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

Whereas the Congress of the United States of America has by legislative enactment designated from October 11, 1929, to October 11, 1946, to be General Pulaski's Memorial Day in United States of America: Now, therefore, be it

Resolved by the Common Council of the City of Fall River and State of Massachusetts:

SECTION 1. That we hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in the United States Congress.

SEC. 2. That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice President of the United States, and each of the United States Senators and Representatives from Massachusetts.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. R. 1211. A bill to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, and for other purposes; without amendment (Rept. No. 107).

By Mr. JOHNSON of Texas, from the Committee on Armed Services:

S. 277. A bill to enhance further the security of the United States by preventing disclosures of information concerning the cryptographic systems and the communication intelligence activities of the United States; with amendments (Rept. No. 111).

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

S. 1174. A bill to amend the act of June 25, 1938, relating to the appointment of postmasters under civil service; without amendment (Rept. No. 109).

By Mr. WILLIAMS, from the Committee on Finance:

S. 928. A bill to provide for designation of the United States Veterans' Administration hospital now being constructed at Wilmington, Del., as the William L. Nelson Veterans' Memorial Hospital; without amendment (Rept. No. 108).

By Mr. MYERS, from the Committee on Interstate and Foreign Commerce:

S. J. Res. 52. Joint resolution to authorize vessels of Canadian registry to transport iron ore between United States ports on the Great Lakes during the period from March 15 to December 15, 1949, inclusive; without amendment (Rept. No. 110).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. THOMAS of Utah, from the Committee on Labor and Public Welfare:

Frank C. Squire, of the District of Columbia, to be a member of the Railroad Retirement Board for a term of 5 years from August 29, 1948, to which office he was appointed during the recess of the Senate (reappointment).

POSTMASTERS

Mr. JOHNSTON of South Carolina. Mr. President, from the Committee on Post Office and Civil Service, I report favorably the nominations of 267 postmasters.

The VICE PRESIDENT. The nominations will be received and placed on the Executive Calendar.

NATIONAL HOUSING—SUPPLEMENTAL REPORT OF BANKING AND CURRENCY COMMITTEE (PT. 2 OF REPT. NO. 84)

Mr. MAYBANK. Mr. President, from the Committee on Banking and Currency, I submit a supplemental report to accompany the bill (S. 1070) to establish a national housing objective and the policy to be followed in the attainment thereof, to provide Federal aid to assist slum-clearance projects and low-rent public-housing projects initiated by local agencies, to provide for financial assistance by the Secretary of Agriculture for farm housing, and for other purposes.

The VICE PRESIDENT. The report will be received and printed.

AMENDMENT OF ECONOMIC COOPERATION ACT—REPORT OF A COMMITTEE FILED DURING RECESS

Under authority of the order of the 10th instant,

Mr. CONNALLY, from the Committee on Foreign Relations, submitted a report (No. 100) to accompany the bill (S. 1209) to amend the Economic Cooperation Act of 1948, heretofore reported by that committee.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. FERGUSON:

S. 1220. A bill to provide for the adjudication of certain tort claims of Mrs. Ada Harris against the United States; to the Committee on the Judiciary.

By Mr. CAPEHART:

S. 1221. A bill to provide for the construction of a post office at Albion, Ind.; to the Committee on Public Works.

By Mr. MUNDT:

S. 1222. A bill authorizing the issuance of a patent in fee to John Lone Dog; to the Committee on Interior and Insular Affairs.

(Mr. MUNDT (for himself and Mr. GURNEY) introduced Senate bill 1223, to provide for the national defense through the acquisition of domestically produced manganese ores and concentrates essential to the manufacture of supplies and material for the armed forces in time of emergency, and for other purposes, which was referred to the Committee on Armed Services, and appears under a separate heading.)

By Mr. TAYLOR:

S. 1224. A bill for the relief of certain employees and former employees of the Naval Ordnance Plant, Pocatello, Idaho; to the Committee on the Judiciary.

S. 1225. A bill to amend the act providing for the admission of the State of Idaho into the Union by increasing the period for which leases may be made of public lands granted to the State by such act for educational purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANGER:

S. 1226. A bill to amend section 12 of the Displaced Persons Act of 1948 in order that persons of German ethnic origin, born in the Union of Soviet Socialist Republics and now living in Germany or Austria, may enter the United States under the German and Austrian quota; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 1227. A bill for the relief of Elizabeth Rowland; and

S. 1228. A bill for the relief of Fella H. Holbrook; to the Committee on the Judiciary.

S. 1229. A bill to enable certain former officers or employees of the United States separated from the service subsequent to January 23, 1942, to elect to forfeit their rights to civil service retirement annuities and to obtain in lieu thereof returns of their contributions with interest; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of South Carolina:

S. 1230. A bill to provide longevity pay for postmasters;

S. 1231. A bill to repeal the limitation upon the total annual compensation of certain rural carriers serving heavily patronized routes; and

S. 1232. A bill to increase the equipment-maintenance allowance payable to rural carriers; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of South Carolina (for himself and Mr. FLANDERS):

S. 1233. A bill to amend section 4 (b) of the Civil Service Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of South Carolina (for himself and Mr. HENDRICKSON):

S. 1234. A bill to regulate the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard; to the Committee on Post Office and Civil Service.

By Mr. HOLLAND:

S. 1235. A bill to provide for the documentation of the Canadian-built vessel *North Wind* owned by a citizen of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BRICKER (for himself, Mr. CAPEHART, and Mr. WITHERS):

S. 1236. A bill providing for the establishment, equipment, and maintenance of an experiment station at or near Marietta, Ohio, to conduct researches concerning petroleum and natural gas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANGER:

S. 1237. A bill for the relief of Donato DiPinto; and

S. 1238. A bill for the relief of Khushad Ullah; to the Committee on the Judiciary.

By Mr. O'MAHONEY:

S. 1239. A bill to provide for the return of rehabilitation and betterment costs of Federal reclamation projects; to the Committee on Interior and Insular Affairs.

By Mr. IVES:

S. 1240. A bill for the relief of Sabina N. Heliczer; to the Committee on the Judiciary.

By Mr. BYRD:

S. 1241. A bill to authorize the issuance of a special series of stamps commemorative of the two hundred and fiftieth anniversary of the establishment of the Huguenot colony in Virginia; to the Committee on Post Office and Civil Service.

By Mr. McMAHON:

S. 1242. A bill for the relief of the D. W. Electrical Contracting Co.; to the Committee on the Judiciary.

By Mr. McGRATH (for himself and Mr. GREEN):

S. 1243. A bill to provide assistance to certain local school agencies overburdened with war-incurred or national-defense-incurred enrollments; to the Committee on Public Works.

By Mr. LANGER:

S. 1244. A bill to reimburse certain employees of the Bureau of Prisons of the Department of Justice, and for other purposes; to the Committee on the Judiciary.

S. 1245. A bill to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; to the Committee on Labor and Public Welfare.

S. 1246. A bill to provide clerical allowances at certain post offices of the fourth class; to the Committee on Post Office and Civil Service.

By Mr. McGRATH (for Mr. WAGNER):

S. 1247. A bill for the relief of the New York Quinine and Chemical Works, Inc.; Merck & Co., Inc.; and Mallinckrodt Chemical Works; to the Committee on the Judiciary.

By Mr. LANGER:

S. 1248. A bill for the relief of Shams Uddin; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 1249. A bill to provide homes for city and farm families of average income, par-

ticularly those of World War II veterans; to the Committee on Banking and Currency.

By Mr. LANGER:

S. J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States relative to the expenditure of public moneys in aid of foreign nations and peoples; to the Committee on the Judiciary.

ACQUISITION OF MANGANESE ORES FOR NATIONAL DEFENSE

Mr. MUNDT. Mr. President, on behalf of my colleague the senior Senator from South Dakota [Mr. GURNEY] and myself, I introduce for appropriate reference a bill to provide for acquisition of manganese ores for the national defense, and I ask unanimous consent that an explanatory statement by me be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the explanatory statement presented by the Senator from South Dakota will be printed in the RECORD.

The bill (S. 1223) to provide for the national defense through the acquisition of domestically produced manganese ores and concentrates essential to the manufacture of supplies and material for the armed forces in time of emergency, and for other purposes, introduced by Mr. MUNDT (for himself and Mr. GURNEY), was received, read twice by its title, and referred to the Committee on Armed Services.

The explanatory statement was ordered to be printed in the RECORD, as follows:

STATEMENT IN CONJUNCTION WITH BILL ON MANGANESE INTRODUCED BY SENATOR MUNDT

Manganese is one of the vital elements essential to our national defense. In the long run it may prove more important to our national security and the perpetuation of our American way of life than multibillion-dollar grants abroad, defensive alliances, or a foreign policy which negates in Asia everything for which it professes to stand in Europe.

Up to now much of this indispensable ingredient called manganese has come to us in imports from Russia—in fact we have been receiving about 35 percent of our manganese imports from Russia. In the event that this supply should be shut off to us completely our entire steel fabricating industry would be seriously crippled. Consequently it becomes imperative that we develop our own sources of manganese and that we stock-pile sufficient of this metal to safeguard our security. The legislation which I have today introduced on behalf of Senator GURNEY and myself is designed to accomplish these specific objectives. Similar bills have been introduced in the House of Representatives by Congressman MARTIN of Iowa and Congressman MILLS of Arkansas.

Yesterday's press carried reports that the Russian Government is now curtailing its shipments of strategic manganese to the United States by a sharp 70 percent. Russia is within her rights in such a move but it should be clear handwriting on the wall for all to see that legislation such as we are today introducing should receive the prompt and favorable attention of this Congress.

The price tag the Russians are placing on the lifting of their partial embargo on manganese going to the United States is that this country should export to the U. S. S. R. the machine tools and other war supplies that country covets so avidly. Mr. President, that price tag is too high. It will—to quote the phrase of a former President who used it for a less defensible purpose—be "both better and infinitely cheaper" to produce and procure our own manganese by developing such great areas of deposit as we have in the State of South Dakota and as are located also in other regions of this Republic.

TERRITORIAL WATERS OF THE UNITED STATES

Mr. TYDINGS submitted the following resolution (S. Res. 88), which was referred to the Committee on Armed Services:

Resolved, That the Senate Committee on Armed Services, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study and investigation to determine what legislation may be appropriate to define and delimit the territorial waters of the United States, which definition shall (a) be consistent with the sovereignty of the several States and the international rights and obligations of the United States, (b) give due regard to the requirements of the national defense, of commerce, and of the conservation, development, and utilization of the resources of the marginal seas, and (c) observe the constitutional rights of the several States in their relationship to the national economy and the national defense. The committee shall report its findings, together with its recommendations for such legislation as it may deem advisable, to the Senate at the earliest practicable date.

SEC. 2. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the committee under this resolution, which shall not exceed $35,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

UPPER COLORADO RIVER BASIN COMPACT—AMENDMENT

Mr. McCARRAN submitted an amendment intended to be proposed by him to the bill (S. 790) to grant the consent of the United States to the Upper Colorado River Basin Compact, which was referred to the Committee on Interior and Insular Affairs, and ordered to be printed.

AMENDMENT OF CLOTURE RULE—AMENDMENT

Mr. McMAHON submitted an amendment in the nature of a substitute, intended to be proposed by him to the resolution (S. Res. 15) amending the so-called cloture rule of the Senate; which was ordered to lie on the table and to be printed.

PRINTING OF SUMMARY OF REPORTS OF COMMISSION ON ORGANIZATION OF EXECUTIVE BRANCH OF GOVERNMENT (S. DOC. NO. 28)

Mr. HAYDEN. Mr. President, on behalf of the senior Senator from Arkansas [Mr. McCLELLAN], chairman of the Senate Committee on Expenditures in the Executive Departments, I present a summary of the reports heretofore issued by the Commission on Organization of the Executive Branch of the Government, including appendices and other supporting documents, and ask unanimous consent that it may be printed as a Senate document.

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

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 18. Concurrent resolution authorizing a reprint of Supplement III (Country Studies A, B, and C) of the report of the Subcommittee on National and International Movements of the Committee on Foreign Affairs, entitled "The Strategy and Tactics of World Communism," for the use of the Committee on Foreign Affairs; and

H. Con. Res. 44. Concurrent resolution authorizing the printing of additional copies of House Document No. 401, Eightieth Congress, entitled "Fascism in Action."

PRODUCTION OF FERTILIZER IN JAPAN

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter just received from the State department of agriculture of my State, the letter having to do with the manufacture of fertilizer. Attached to the letter is a short news article clipped from the New York Journal of Commerce. I ask that that be printed also.

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

STATE DEPARTMENT OF AGRICULTURE,
Oklahoma City, March 7, 1949.

Hon. ELMER THOMAS,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Enclosed herewith is copy of a news dispatch which appeared in the New York Journal of Commerce on March 1, 1949, which includes the following: "Production of chemical fertilizers in Japan is nearing the 1941 prewar record. The Japanese Government's Ministry of Commerce has estimated 1948 production at: 917,000 metric tons ammonium sulphate, 997,000 metric tons superphosphate, 227,000 metric tons calcium cyanamide."

I have copy of your extension of remarks, entitled "Report on Nitrogenous Fertilizer," published in the CONGRESSIONAL RECORD February 7, which stated that the Department of the Army will supply to Japan and the Ryukyus 88,577 short tons of nitrogen during this fiscal year. I am not informed as to the cost of supplying this nitrogen, but based upon current prices and transportation charges, it will probably cost the taxpayers $20,000,000. The report also states that the requirements for Japan will increase by approximately one-third next year.

Before the war Japan was a large exporter of fertilizer. Now that its prewar production is resumed, it is difficult to understand why it is necessary for the Congress to appropriate funds to supply fertilizer to Japan, especially in view of the critical shortage of fertilizers in this country. Our farmers in the middle western States who are heavily burdened with taxes, part of which pay the cost of the foreign-relief program, are unable to buy the fertilizer they need.

Knowing your interest in the welfare of the farmers of our Nation, I am calling this situation to your attention.

Cordially yours,

HAROLD HUTTON.

[From the New York Journal of Commerce of March 1, 1949]

JAPAN FERTILIZER IS NEAR PREWAR—JANUARY OUTPUT EXCEEDS GOALS; HIGHER INSECTICIDE PRODUCTION PLANNED

TOKYO, February 28.—Production of chemical fertilizers in Japan is nearing the 1941 prewar record.

The Japanese Government's Ministry of Commerce has estimated 1948 production at 917,000 metric tons of ammonium sulphate, 997,000 tons of superphosphate, and 227,000 tons of calcium cyanamide.

EXCEEDS GOALS

Output in January 1949 far exceeded production schedules for the month. The good records were due to improved delivery of pyrites and coal and to the extra hydroelectric power made available for industry during the unseasonably warm weather which Japan has had this winter.

January production of ammonium sulfate totaled 81,292 metric tons, which was 124 percent of the goal. The output of superphosphate was 98,491 metric tons, or 109 percent of the goal. Calcium cyanamide production was 17,173 metric tons which was 122 percent of the goal.

SAUDI ARABIAN PIPE LINE

Mr. WHERRY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD correspondence which I have had with various Government agencies and references I have made to various standing committees of the Senate, in connection with the Saudi-Arabian pipe line, a subject which was under investigation by the Senate Small Business Committee for a number of months prior to its expiration.

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

MARCH 8, 1949.

Hon. MILLARD E. TYDINGS, *Chairman,*
Committee on Armed Services,
United States Senate,
Washington, D. C.

MY DEAR SENATOR TYDINGS: The Senate Small Business Committee which has now expired, and of which I was chairman in the Eightieth Congress, investigated as a phase of its steel studies, the export of large quantities of steel pipe and other steel for the development of Middle East oil projects. One of these is the Saudi Arabian pipe line, which is being constructed by the Trans-Arabian Pipeline Co., a subsidiary of the Arabian-American Oil Co.

Independent petroleum producers in this country, and other users of steel and tubular goods protested that the export of large tonnages of steel to develop Middle East oil interests was causing hardship, and hampering the development of oil resources in the United States.

Starting in October 1947, the Senate Small Business Committee waged a continuous battle against shipments of steel for the Saudi Arabian pipe line. The committee was told in its first hearing that the decision to make the allotment of steel, in the height of the domestic shortage, was at Cabinet level, in what was referred to as the public interest. Subsequent hearings for over a year failed to reveal what that public interest was. Over 480,000 tons of steel were originally allotted for the project, to be shipped over a period of 2 years; 360,000 tons of which would be steel pipe and tubing.

It is not necessary to go into a long discussion of committee hearings on the subject, which are available in printed volumes. A summary of the investigation is contained in a statement by the chairman made on the floor of the Senate on May 10, 1948, a copy of which is enclosed.

On June 18, 1948, the committee was able to secure a commitment from the Department of Commerce that shipments of steel pipe for the main-line construction of the Saudi Arabian pipe line would be held in abeyance, until further investigation by the Department of Commerce. The Secretary of State, the Secretary of National Defense, and the Secretary of Commerce all agreed at that time that no further shipments of main-line pipe would be made between that time and January 1, 1949, without prior advice to the Senate Small Business Committee.

As of January 31, 1949, the Senate Small Business Committee expired. As far as holding hearings or carrying on committee business, its authority passed out of existence on December 31, 1948. On February 24, 1949, the Secretary of Commerce issued a press release to the effect that licensing of steel pipe to the Trans-Arabian Pipe Line Co. was being resumed to the extent of 25,000 tons of 30-inch pipe in the first quarter of 1949. In other words, as soon as the watchdog committee went out of business, the licensing of pipe for the construction of the pipe line continued.

As a matter of fact, shipments of steel and steel pipe (other than the 30-inch main-line pipe) continued to go forward to Saudi Arabia unabated during the second, third, and fourth quarters of 1948. In this respect the Secretary of Commerce's press release of February 24 is misleading in that it only refers to a total of 260,000 tons of main-line pipe required for the line, and fails to enumerate the other large tonnages of steel and other gages of pipe originally estimated to total 480,000 tons.

Secretary Sawyer's release further states that he had received the recommendation of the Department of State, the National Military Establishment, the Department of the Interior, and the Economic Cooperation Administration last fall that licensing of pipe for the line be resumed. Yet, in the experience of the Senate Small Business Committee in hearings up through June 18, 1948, the Department of State was very leery of the project; the Department of the Interior only approved it because of a shortage of tankers (which are no longer in such short supply); and the National Defense Establishment did not then, and does not now, seemingly, endorse the operation.

Enclosed is copy of a release from the National Military Establishment dated February 26, 1949, stating that it did not participate in the decision, and that "justification for the issuance of the export licenses for steel must be based primarily upon considerations other than military. The economic and political considerations involved are matters upon which other departments are more qualified to comment than is the National Military Establishment."

Secretary Sawyer further remarks in his press release that the saving to the Arabian-American Oil Co., which will result by the construction of the pipe line, is to be shared with the National Military Establishment.

"Negotiations between the company," the release says, "and the National Military Establishment on this question were begun in late November, and concluded in February 1949.

"The company has now agreed to transport for the National Military Establishment, at cost, substantial quantities of oil from the Persian Gulf to the Mediterranean, for a period of 10 years after completion of the pipe line."

As I am sure you know, the Trans-Arabian pipe line proposes to run 1,100 miles across the Saudi Arabian desert, across Transjordan, across Syria to a Mediterranean outlet at Beirut, Lebanon. According to testimony before the committee last June, the Arabian-American Oil Co. did not have clearance for its line across Syria and there were other difficulties with the Arab states. Even under favorable conditions the line could not be completed until late 1950.

The announcement of an agreement between the Arabian-American Oil Co. and the Military Establishment introduces a further serious question. The pipe line is designed to transport crude oil. The National Military Establishment does not use crude oil. This would seem to require the construction of a refinery at the Mediterranean outlet, on the strength of the agreement. Furthermore, does not an agreement between the Military Establishment and Arabian-American Oil, or a commitment on oil to be held in reserve, establish a property right for the United States Government in the pipe line?

These are additional matters upon which investigation should be made. For this reason I am referring the matter to several standing committees whose interests I believe are involved in the problem: Banking and Currency on export controls; Armed Services in connection with agreements which the National Military Establishment may have undertaken; the Judiciary Committee which may be interested in the authority of an executive agency to enter into such contracts and the implications thereunder; the Senate Interstate and Foreign Commerce Committee, which investigated so ably the question of oil for the Navy last year; and the Senate Investigating Subcommittee.

As far as the Senate Small Business Committee is concerned, its last statement in the matter was contained in the final report on steel supply and distribution. That report anticipated that shipments for the pipe line would be resumed and warned that large shipments of steel to Saudi Arabia and to other Middle East oil developments should be a matter of further senatorial investigation.

While it is true that the Department of Commerce has reduced exports of steel in the over-all in the past year, the supply of steel pipe and tubing, sheet and plate are still far short of meeting domestic demand. No one denies that Middle East oil is necessary to meet the needs of western European recovery. However, the building of the pipe line has nothing to do with increasing oil supply; it provides only a more economical means of transportation.

Under normal supply conditions, no one would contest the right of private enterprise to buy and send steel to the Middle East or to any other location, but the Department of Commerce itself has found that steel supply is some 7,000,000 tons below current demand. As long as this condition exists, large diversions of steel must be prevented that would be better used, under any circumstances, in developing oil resources nearer home.

The Military Establishment has stated that 50 percent of the world's supply of oil lies in the Western Hemisphere. The Armed Services Petroleum Board has stated that "the military need for oil from a strategic defense point of view can best come from the Western Hemisphere."

I am enclosing for the attention of your committee the references mentioned herein, and a copy of the Senate Small Business Committee's Steel Report. I urge your inquiry into the problems which this material suggests.

Cordially yours,

KENNETH S. WHERRY.

(Copies to Hon. BURNET R. MAYBANK, chairman, Committee on Banking and Currency, United States Senate; Hon. CLYDE R. HOEY, chairman, Senate Investigating Subcommittee of the Committee on Expenditures in the Executive Departments, United States Senate; Hon. EDWIN C. JOHNSON, chairman, Committee on Interstate and Foreign Commerce, United States Senate; Hon. PAT MCCARRAN, chairman, Committee on the Judiciary, United States Senate.)

MARCH 8, 1949.

Hon. CHARLES SAWYER,
Secretary of Commerce,
Commerce Building,
Washington, D. C.

MY DEAR SECRETARY SAWYER: I was very interested to note the Department of Commerce's press release of February 24, and the announcement that the licensing of mainline pipe for construction of the Saudi Arabian pipe line is being resumed.

In the fourth paragraph of the release you are quoted as stating that the Department of State, the National Military Establishment, the Department of the Interior, and the Economic Cooperation Administration recommended last fall that the licensing of line pipe for the project be resumed. I would greatly appreciate having a copy of these endorsements which you received from these agencies last fall, or in connection with your recent action. It is fully realized, of course, that the Secretary of Commerce has final authority, under the law, for granting the licenses.

You further state in the press release that "a thorough and intensive study of the proposal" has been made by the Department of Commerce. I would also appreciate receiving a copy of this study which, I am sure, will describe the importance of the Saudi Arabian pipe line to the domestic economy; how it will facilitate the development of petroleum resources of the Middle East; and explain the importance to our national and international policies of raising the level of economic activity in that area.

I have written to Mr. Keeney, Under Secretary of the Navy, separately asking him for a copy of the agreement which the National Military Establishment has entered into with Arabian-American Oil Company. You state it was an important factor in connection with resumption of steel shipments to construct the pipe line.

You will be interested, I believe, in the enclosed copy of the final report on Steel Supply and Distribution issued by the Senate Small Business Committee, which refers to the Saudi Arabian pipe line; to exports of steel in general; and to a number of other recommendations which involve the interests of the Department of Commerce.

Cordially yours,

KENNETH S. WHERRY.

MARCH 8, 1949.

Hon. W. JOHN KENNEY,
Under Secretary of the Navy, Department of the Navy, Washington, D. C.

MY DEAR MR. KENNEY: I am writing to you directly because of your responsibility, in behalf of the National Military Establishment, in connection with the Saudi Arabian pipe-line project.

The release of the Department of Commerce dated February 24, announcing the resumption of shipments of main-line pipe to Saudi-Arabia, and a subsequent release by the National Military Establishment on February 26, have been interesting to me. Copies of the releases to which I refer are attached.

It is noted that Secretary Sawyer states that he has had the recommendation of the National Military Establishment since last fall for resumption of steel shipments for the pipe-line construction. Yet in your release of February 26, it is implied that the National Military Establishment, within its area of authority, did not participate in the decision to resume licensing to the Trans-Arabian Pipeline Co.

Secretary Sawyer refers in his release to an agreement between the National Military Establishment and the Arabian-American Oil Co., which seems to call for delivery of oil at the proposed Mediterranean outlet for a period of 10 years. He states this agreement was an important consideration in the decision to permit further exports of steel for the pipe line.

No mention of this arrangement is made in your release of February 26. I would appreciate very much a copy of this agreement, on which negotiations began in November and were concluded on February 18, 1949. Your advice on this matter is requested at the earliest possible moment.

Cordially yours,

KENNETH S. WHERRY.

DEPARTMENT OF COMMERCE,
Washington, February 24, 1949.

Approval of a license for the export of 25,000 tons of 30-inch steel pipe to be used by the Trans-Arabian Pipeline was announced today by Secretary of Commerce Charles Sawyer. This was the first export license granted for this purpose since April 1948, when licensing was suspended primarily because of disturbed conditions in the Middle East.

Today's action brings the total amount thus far authorized by the Department of Commerce for this pipe line to about 79,000 tons. The entire pipe line, which is to run 1,067 miles across the Arabian peninsula, is estimated to require a total of 260,000 tons of line pipe.

In making the announcement, Secretary Sawyer stated that during the period when licensing was suspended, the Trans-Arabian Pipeline Co. released for domestic use about 65,000 tons of pipe which had been produced for its account. This tonnage was transferred to domestic natural gas pipe lines being expanded to provide additional gas to the Pacific coast and Appalachian areas. The company has agreed to release additional amounts of pipe for domestic use during the next few months.

"The Department of State, National Military Establishment, Department of the Interior, and the Economic Cooperation Administration recommended last fall that the Department of Commerce resume the licensing of line pipe for this project," Secretary Sawyer said. "Action was deferred pending the completion of a thorough and intensive study of the proposal by the Department of Commerce. It was clear from this study that construction of the pipe line, which is being financed entirely by capital supplied by private American firms, would facilitate the development of the petroleum resources of the Middle East, and raise the level of economic activity in that area. The pipe line when completed is expected to permit the movement of oil from the Persian Gulf to the Mediterranean at a cost greatly below that of tanker transportation. The study showed also that, despite sharp increases in steel production in the United States, line pipe is still in seriously short supply in this country.

"In view of the shortage of steel in the domestic economy, and in view of the requirements of the military agencies for oil in the Mediterranean area, the Department of Commerce suggested to the company that it consider the possibility of sharing with the United States Government some of the transportation savings which would result from completion of the Trans-Arabian line. Negotiations between the company and the National Military Establishment on this question were begun in late November, and concluded on February 18, 1949.

"The company has now agreed to transport for the National Military Establishment, at cost, substantial quantities of oil from the Persian Gulf to the Mediterranean, for a period of 10 years after completion of the pipe line. The use of the pipe line, instead of tankers, for this movement is expected to result in a substantial financial saving to the United States Government."

NATIONAL MILITARY ESTABLISHMENT,
Department of the Navy,
Washington, D. C., February 26, 1949.

In response to numerous inquiries as to the interest of the National Military Establishment in the license recently granted by the Secretary of Commerce for exportation of steel pipe for the construction of the Trans-Arabian pipe line, W. John Kenney, Under Secretary of the Navy stated that the Secretary of Commerce had been advised that the position of the National Military Establishment was that—"the justification for the issuance of the export licenses for steel for the construction of the pipe line must be based primarily upon considerations other than military. The economic and political considerations involved are matters upon which other departments are more qualified to comment than is the National Military Establishment."

The Secretary of Defense did not participate in the determination of the desirability for the issuance of this export license as Mr. Kenney had been designated to represent the National Military Establishment in this matter.

Mr. Kenney is Chairman of the Armed Services Petroleum Board and as such has the responsibility and general supervision over all petroleum matters affecting the National Military Establishment.

EXCERPT FROM FINAL REPORT ON STEEL SUPPLY AND DISTRIBUTION REFERRING TO THE SAUDI ARABIAN PIPE LINE (S. REPT. NO. 43, ISSUED BY THE SENATE SMALL BUSINESS COMMITTEE)

Both the Steel and Oil Subcommittees of the Senate Small Business Committee have made continuous efforts over the past year and a half to put before the Senate and the public the full facts concerning the building of the Saudi Arabian pipe line—and the export of large quantities of steel for that project.

Hearings have been held on the subject since October 9, 1947, and various statements have been made on the effects of this project upon the domestic economy by various members of the committee, including a complete résumé of the situation made on the floor of the Senate by Chairman KENNETH S. WHERRY on May 10, 1948. (See appendix A.)

In spite of this complete record, many of the major points of consideration in the controversy have been largely overlooked in the press, and misleading statements by public officials have clouded the issue (hearings, pts. 21, 22, 33, 40).

For example, the general impression has been given that the Saudi Arabian pipe line will increase production of oil. As far as its proponents have testified before the Steel and Oil Subcommittees, it is not being built to increase oil production at any point, but to provide a more economical means of transportation of the oil from the Persian Gulf to the Mediterranean.

Statements have also been made that the building of the pipe line is necessary in order to relieve the strain upon tanker transportation, which has been said to be in a state of world-wide shortage. Yet the facts are that tankers are now being used, and will continue to be used to carry the 350,000 to 400,000 barrel-per-day production of the Saudi Arabian oil fields. And they will continue to be used, if and when the pipe line is completed approximately 2 years hence, to transport the oil from the proposed Mediterranean outlet to various points of consumption.

Less tankers may be needed then than are used now for the long haul around through the Suez Canal, but the fact remains that the building of a pipe line across Saudi Arabia is a matter of economics for the

owners of the Arabian-American Oil Co.,[1] rather than of increasing oil production.

It was also stated in steel and oil subcommittee hearings that the building of the pipe line, which will require 480,000 tons of steel (360,000 tons of which is steel pipe and tubing), is a more economical use of steel than to build tankers to add to those then available for Middle East oil transportation.

When that argument was put forth in October 1947 (hearings, pts. 21, 22), the United States Maritime Commission was arranging for the sale of 100 United States T-2 type tankers to foreign purchasers, at a terrific loss to coastwise oil shipping in the United States. In spite of protests by this committee, 83 of those tankers were approved for sale by the Attorney General in December 1947. Since that sale a huge new tanker-building program has been promoted to replace those tankers sold and to further relieve the so-called "world shortage" of tankers. This program within the past several months has been allocated 440,000 tons of steel plate (under the voluntary allocation plan provided by Public Law 395), with which 81 supertype tankers will be built.

At this point, not only is the Saudi Arabian pipe-line project being built with at least 122,000 tons of steel pipe and tubing (authorized from fourth quarter, 1947, through third quarter, 1948),[2] but 83 United States tankers have been put into foreign service, and steel has been allocated to build new tankers, which only a few months ago the committee was told the pipe line was supposed to replace.

The committee has tried to adduce testimony from the National Defense Establishment and from other responsible Government officials as to the practicability and defensibility of Middle East oil projects as compared with devoting the same quantity of steel to projects in the United States or in the Western Hemisphere.

This became such a point at issue in hearings that on March 17 the then Secretary of Commerce, Mr. Harriman, deferred the licensing of further steel for the Saudi Arabian pipe line, pending the advice of Secretary of Defense Forrestal.

At that hearing, also, the Assistant Secretary of State, Willard L. Thorp (hearings, p. 3680), was quoted as stating:

"It would be very stupid to be inflexible about a policy of granting export licenses for steel to build refineries and pipe lines in Saudi Arabia. The security and stability of the lease is uncertain. I think it is necessary to review our position regarding future export licenses."

Col. G. H. Vogel, of the Armed Services Petroleum Board (hearings, p. 3692), also testified, in answer to a question from the chairman, as follows:

"The CHAIRMAN. Let me ask you this question: With the availability of nearly 50 percent of the petroleum (in the world) in proven reserves located in the Western Hemisphere, from the military point of view and speaking now with reference to security and national defense, would you feel that it would be preferable to develop those reserves here or would it be just as wise to go to other parts of the world to do it?

"Colonel VOGEL. Certainly the military need for oil from a strategic defense point of view can best come from the Western Hemisphere."

It is obvious from its location on the map that the Saudi Arabian pipe line is not a defensible project from the standpoint of national defense.

[1] The joint owners of the Arabian-American Oil Co. are the Texas Co., Standard Oil of California, Standard Oil of New Jersey, and Socony Vacuum Co.

[2] Steel pipe was free of export control, May to September 1947. Controls were reimposed at insistence of this committee.

It is equally true that the oil which is coming from the Arabian-American Oil Co.'s producing fields in Saudi Arabia—and from other producing fields in the Middle East—is invaluable to relieve the needs of western European countries that could not be served otherwise without strain upon Western Hemisphere resources.

That point has not been debated by the committee. In fact, the Senate Small Business Committee has put forth no objection to the continued shipment of minimum quantities of steel needed to increase production in the producing fields, even though such exports are a constant source of irritation to the smaller, independent oil producers in this country who are having great difficulty in getting steel.

The decision as to whether further shipments of steel would be approved for the Saudi Arabian pipe line was still in abeyance and in the hands of the National Defense Establishment as the session of Congress drew to a close in June 1948.

In the meantime, May 1948, a new Secretary of Commerce had been appointed, Mr. Charles Sawyer, and the problem which had been see-sawing back and forth between Mr. Harriman and Mr. Forrestal, automatically reverted to Mr. Sawyer, as the final authority in controlling exports.

In order to assure that the interests of the Senate Small Business Committee would be protected during the recess of Congress, Chairman WHERRY called an executive meeting on June 18, which was attended by Secretary of State Marshall, Secretary of National Defense Forrestal, Secretary of Commerce Sawyer, and Assistant Secretary of the Navy W. John Kenney. Following that meeting Secretary Sawyer announced that applications by the Trans-Arabian Pipe Line Co. for licenses to ship steel pipe in the second and third quarters of 1948 had been canceled until further consideration by the Department of Commerce. Secretary Sawyer agreed at that meeting that he would advise the commitee when and if further licenses were considered.

In preparation of the final reports of the steel subcommittee and the oil subcommittee, the committee staff reviewed the situation on licensing of steel to Saudi Arabia and found that the two quarterly reports by the Secretary of Commerce on Export Control and Allocation Powers, published since the meeting on June 18, showed licensing of steel-mill products, including pipe and tubing, to Saudi Arabia. A further break-down secured from the Special Projects Branch, Office of International Trade, showed the following tonnages of steel licenses to Saudi Arabia in the second and third quarters of 1948:

TABULATION IV.—*Steel-mill products licensed, Saudi Arabia*

	Second quarter, 1948, short tons	Third quarter, 1948, short tons
Bars	516	598
Structural shapes	1,672	8,391
Sheets and strip	9	164
Plates	1,819	3,186
Wire and wire rods	184	358
Pipe and tubing	5,291	5,871
Rails and accessories		259
All other	13	90
Total	9,504	18,917

On December 27, 1948, the chairman addressed a letter to the Secretary of Commerce, drawing his attention to these figures in his published reports and asking for more information regarding the shipment of pipe and steel to Saudi Arabia, and to other Middle East oil projects.

The Secretary of Commerce was prompt to inform the committee, on December 31, that the Department of Commerce had adhered to the letter of its agreement, and assured the chairman that no licenses for line pipe have been issued to the Trans-Arabian Pipe Line Co. since his understanding with the committee on June 18. A fine line of distinction was made in Secretary Sawyer's letter between (1) main-line pipe and other pipe and tubing licensed to the Trans-Arabian Pipe Line Co., and (2) pipe and tubing and other steel licensed to the Saudi Arabian oil-field development. It is quite true, the Department of Commerce's commitment referred only to licenses issued to the Trans-Arabian Pipe Line Co., and not to licenses issued to Saudi Arabia, to be used for improving and increasing oil production in the Arabian-American Oil Co. fields.

There is only one oil project in Saudi Arabia, and that is owned by the Arabian-American Oil Co., of which the Trans-Arabian Pipe Line Co. is an operating subsidiary.

The splitting of hairs as to what phase of the Saudi Arabian oil project has received or continues to receive large quantities of steel is beside the point. What is important is that thousands of tons of steel pipe and other steel are going into a pipe line across the Saudi Arabian desert that might better have been spent in developing oil projects nearer home.[3] The Steel Subcommittee has been able to do nothing more than secure a partial curtailment. And there is no assurance that further exports for the actual pipe line will not be resumed at any time the Secretary of Commerce deems it advisable.

At the same time, shipments of steel pipe and steel to other middle east projects have increased appreciably. The Kuwait oil project (owned by Anglo-Iranian Oil Co., Ltd., and Gulf Exploration Co.) was licensed 25,612 tons of steel pipe and tubing in the second and third quarters of 1948; 11,650 tons of heavy-line pipe was licensed to the Anglo-Iranian Oil Co., Ltd. (owned by the British Government, Burma Oil Co., and other individuals), in the second quarter of 1948, for bringing oil to port side from the Agha Jari fields. The committee knew of this latter license, but understood it would result directly in production that would in turn bring a delivery of 40,000 barrels of its 100,000-barrel daily production to the United States. It will take approximately 2 years to complete this installation, also, and the committee has recently been informed that it is doubtful that the 40,000 barrels will ever be forthcoming to the United States.

These and other shipments of steel abroad need to be accurately reported as to their use, and gaged as to the strain they are putting upon supplies available for the domestic economy and for developing oil resources nearer home; and their relative importance for carrying out our foreign policies.

The Secretary of Commerce has advised this committee that he has recently established an interdepartmental requirements committee to weigh "just such factors" in the consideration of export quotas. Under this committee there is also a projects subcommittee "which reviews in great technical detail every petroleum or other project of importance." This is very reassuring to the committee, in the light of the ineffectiveness of the previous interdepartmental export advisory group set up by the Department of Commerce.

It is urgently recommended by the Steel Subcommittee that the Senate Small Business Committee or its successor committee secure from the Secretary of Commerce all current export data on exports of steel to the Middle East and Far East oil projects, and,

[3] Article in November 12 Christian Science Monitor quotes Trans-Arabian official as stating 145 miles of pipe line have been laid, and work is progressing at rate of 5 miles per week.

in fact, licensing of steel for all "special projects," accompanied by a full justification therefor, in relation to the purposes and objectives pertaining to export control set forth in Public Law 188 (the Second Decontrol Act of 1947).

REPORT 523

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Washington, D. C., March 1, 1949.

The announcement of February 24 that shipments of pipe for the Trans-Arabian pipe line are to be resumed under export licenses issued by the Department of Commerce raises questions which can be answered only by the participants in this transaction.

Such questions are apparent from a reading of the news release, copy of which is enclosed with this letter.

A properly constituted inquiry might find it in the public interest to try to develop the following points:

1. What formal, signed agreement has been made between the companies operating in Saudi Arabia and the National Military Establishment, or is the word "agreed" in the final paragraph of the release used to cover a verbal understanding?

2. If a formal agreement exists, has the National Military Establishment agreed to perform any service for the other parties to the agreement? Protection and defense of the properties, for instance.

3. Is there any authority in law for a 10-year agreement between the National Military Establishment? Normally, authorizations for work to be done or programs to be carried on are on an annual basis.

4. Does the agreement, in effect, establish a property right for the United States Government in the pipe line?

5. The pipe line is designed to transport crude oil. The National Military Establishment does not use crude oil. What further steps would be taken at the Mediterranean end of the line to convert the oil transported for the account of the military into usable products?

The events leading to this latest decision are unexplained. All we have is this announcement that the Government has blessed the enterprise and that the export of the pipe will be resumed. Nor has the confusion been lessened or the responsibility fixed by the statement of the National Military Establishment which came 2 days after the Sawyer release. Save that it seems to contradict the Sawyer assertion that the military recommended issuance of licenses and disclaims military necessity and responsibility, we are no further along. We need a great many answers. The Brewster Committee got some of them last year and they were rather terrifying to those who believe that decency in public office and in industry is essential to the survival of our form of government.

The statement of the Military Establishment is also reproduced and enclosed with this letter. It will be noted that the existence of an agreement between that service and the company as implied in the Sawyer statement is not denied, or even mentioned; merely that the Secretary of Commerce should not use military considerations as a primary reason for the issuance of export license.

The approval of license for 25,000 tons may not sound imposing but the fact that licensing has been resumed after a lapse of nearly a year indicates that additional licenses will be issued as needed. There is, incidentally, a large discrepancy between the statements of total tonnage involved. The press release of February 24 says that 260,000 tons will be required for the 1,067 miles of line. The final report of the Senate Small Business Committee, dated February 10—the Wherry committee—says that the line "will require 480,000 tons of steel (360,000 tons of which is steel pipe and tubing) * * *.

There is agreement between the Senate committee and the Secretary of Commerce on one point. The Senate report referred to said:

"Less tankers may be needed than are used now for the long haul around the Suez Canal, but the fact remains that the building of a pipe line across Saudi Arabia is a matter of economics for the owners of the Arabian-American Oil Co. rather than of increasing oil production."

The press release which is enclosed says that "the pipe line when completed is expected to permit the movement of oil from the Persian Gulf to the Mediterranean at a cost greatly below that of tanker transportation."

There is no talk today of tanker shortage, as there was when the representatives of the Arabian-American company appeared by request on our program in Oklahoma City at our annual meeting in 1947 and later when the same argument was given to the Wherry committee. It is and always has been "a matter of economics." The economic advantage which Middle East oil already has over the high-cost, high-tax domestic production would be further increased by the pipe line.

The green light has been given to this program by a combination of agencies of Government, as the release shows. Secretary Sawyer speaks in his release of a thorough and intensive study of the pipe line project by his Department. It is not indicated whether this study resulted in a written report, or was one of those unrecorded findings which have been the basis for much official action in recent years.

Last June 18, as reported soon after, Senator Wherry held an executive session with Secretary of State Marshall, Secretary of National Defense Forrestal, Secretary of Commerce Sawyer and Under Secretary of the Navy Kenney. The Senate committee report previously referred to says that "Secretary Sawyer agreed at that meeting that he would advise the committee when and if further licenses were considered."

It would appear that this agreement was not kept, for the Sawyer press release says that four agencies of Government recommended last fall that licensing be resumed.

It is impossible to view this latest development as anything except one more step in a decision made long ago. Through all the evasions, the dodging and the squirming that has occurred over a period of 8 years, there has run one consistent thread. The Government of the United States was committed by certain officials to a course of securing the position of the oil companies which held the Arabian concession.

This was revealed in the hearings last year of the Brewster committee. The millions of dollars of public funds and the materials which were sent to Arabia placated a restless king and eased the burden of the companies. A few days ago a jury in New York awarded a former official of the companies which are part of the Arabian-American family more than $1,000,000 for services in bringing the needs of the companies to the attention of the right people in Government and getting the flow of public money started. The magazine, Newsweek, remarked that "for the first time, an official rate of pay was set up for influence."

There was the matter of the proposed Government pipe line across Saudi Arabia. Harold L. Ickes, then Secretary of the Interior, announced the project in early 1944. It was subsequently revealed that before the pipeline scheme was decided on, an attempt was made to buy stock in the companies operating in Saudi Arabia. Either way, the Government would have gone into business in the Middle East. The reaction in Congress was swift and heated. In response to a resolution in the Senate to kill the project by dissolving the Government corporation which would construct the line, a committee of 11 was created. The late Senator Francis Maloney was chairman. He held several executive sessions and announced that he had assurance that nothing would be done without further consultation. As a Government undertaking the pipe line was abandoned.

In the announcement by Ickes it was said that an agreement had been made which would reserve for the Navy 1,000,000,000 barrels of oil, at a price below the going market price. It was presumed that this agreement ended when the Government pipe line was killed. Yet, in the November 27, 1948, issue of the Saturday Evening Post, in an article, Allah's Oil, Author Leigh White referred to a reservation of 1,000,000,000 barrels of oil for the Navy in Saudi Arabia at a discount of 25 percent below market price. Mr. White went to the Middle East to get the material for his articles. An editor of the Post wrote us that a Government official was the authority for the statement mentioned above.

There are many things about the whole affair that American citizens are entitled to know. If the full purpose which has been so obvious and so persistent is realized, the safety of the United States will be greatly endangered. It has been conceded by officials of our Government that the Middle East oil fields, refineries and pipe lines could not be defended successfully, yet they go ahead with actions which seem to indicate that there would be an attempt to make a defense. If the Military Establishment has been given something—a stake in the project—that would constitute an obligation to back up the rights with arms. Again, this is a question that should be determined openly.

A more threatening aspect of the Government sponsorship of the Arabian development is the fact that it contemplates a dependence by the United States on this area for much of its military supplies of petroleum. In the event of war with Russia, the entire development in the Middle East area would be of no more value to us than was the Canol project of the recent war.

Very truly yours,

RUSSELL B. BROWN,
General Counsel.

THE MENACE OF COMMUNISM

Mr. WILEY. Mr. President, no doubt each of my colleagues receives numerous communications from organizations in their States concerning the critical problem of the menace of communism. Within the last few months I for one have received innumerable messages, letters and resolutions on this issue.

I send to the desk three communications from three diverse groups, each of which has made and is making an important contribution to clear thinking and action. I believe that the sentiments expressed in these messages deserve not only my careful attention but the attention of my colleagues, in order that together, in a democratic way, without hysteria, without witch-hunting, but with firmness and clear vision, we may meet head-on the menace of subversive groups and individuals.

I therefore ask unanimous consent that these messages be printed in the CONGRESSIONAL RECORD at this point

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

FRATERNAL ORDER OF EAGLES,
SUCCESS AERIE 1954,
Hartford, Wis.

Hon. Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: No doubt you will be receiving many letters similar to the one we are writing you. The Fraternal Order of Eagles is sponsoring and advocating the support of all our Senators and Representatives to use all their efforts and influence in passing legislation that will outlaw communism or any other ism that is un-American.

This being the month of February and the birthdays of two of our most outstanding Americans George Washington and Abraham Lincoln, it should be especially proper that at this time we use all our efforts in defeating communism in every shape and form.

We are therefore asking you to support any good sound legislation that will defeat communism and that you will use your voice and influence to see to it that we will not be overrun with these sort of fellows in America. Your comments will be greatly appreciated.

Fraternally yours,
ROBERT T. HEINTZ,
Secretary.

KNIGHTS OF COLUMBUS,
WATERLOO COUNCIL, No. 1669,
Waterloo, Wis.

Honorable Senator WILEY:

Whereas the Waterloo Council, Knights of Columbus, has this day at its regular meeting discussed the menace of communism to all Christian or religious organizations in this country, or in fact, in the world; and

Whereas the Constitution of these United States of America provides for the freedom of religious worship;

Therefore, we the undersigned strongly urge you to take whatever action is in your power to immediately exterminate any and all Communists from this our beloved country.

Sincerely yours,
ALVIN T. JOYCE,
Grand Knight.

FOND DU LAC COUNCIL OF
CATHOLIC WOMEN,
Fond du Lac, Wis.

Hon. ALEXANDER WILEY,
Washington, D. C.

DEAR MR. WILEY: Our organization has a very active legislative committee which carries on a spirited discussion at each meeting on current topics. Naturally one of our biggest peeves is the way the Communists are allowed entry into this country and the license granted them under freedom of speech to down the United States and declare allegiance to Russia.

It seems a very weak defense to invite traitors and treason at a time which is so static. Is it necessary to allow entry into our country of the Russian composer and the Italian top Communist leader who has been invited here by Henry Wallace? I am hoping that you, as our Wisconsin Senator, will use all your influence to stamp out such practices, to cut red tape in dealing with these individuals and stamp them as traitors with punishment due treason. We can't expect to curb evils unless we try to do away with them. It is a very poor lesson in citizenship to show our young people when the Government itself seems so gullible.

What about Anna Strong and the former bund leader? Are they desirable after giving up their American citizenship? Just how long does it take America to wake up? How many Pearl Harbors do we have to have before we learn?

Our men in Congress should be our spokesmen and believe me the people would rally if they would only take a definite stand on this question of communism. I'd suggest that they give the entire party a one-way ticket to Russia.

We mothers are tired giving up our young sons to foreign service when our leaders are inviting trouble and hob-nobbing with butchers of humans.

May we hope that you at least, Mr. WILEY, will play the game as a staunch American and throw your weight against all subversive elements?

Very truly yours,
MAE J. NEMICK (Mrs. J. A.),
President, Council of Catholic Women.

CIVIL RIGHTS LEGISLATION—ADDRESS BY SENATOR PEPPER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address on civil rights delivered by him at Montgomery, Ala., on October 7, 1948, which appears in the Appendix.]

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—STATEMENT BY SENATOR MALONE

[Mr. JENNER asked and obtained leave to have printed in the RECORD the statement on the extension of the Reciprocal Trade Agreements Act made by Senator MALONE before the Senate Finance Committee on February 24, 1949, which appears in the Appendix.]

THE NEED FOR STRONGER RENT CONTROL — STATEMENT BY SENATOR MYERS

[Mr. MYERS asked and obtained leave to have printed in the RECORD a statement entitled "The Need for Stronger Rent Control," made by him on Senate bill 888 before the Subcommittee on Housing and Rents of the Committee on Banking and Currency, March 10, 1949, which appears in the Appendix.]

DR. PETER MARSHALL

[Mr. WHERRY asked and obtained leave to have printed in the RECORD the addresses at the funeral services of the late Dr. Peter Marshall, Chaplain of the Senate, together with the prayers delivered by him in the Senate during the Eighty-first Congress, which appear in the Appendix.]

PROCLAMATION OF MARCH 7 AS CZECHOSLOVAK DAY IN THE STATE OF NEW YORK

[Mr. IVES asked and obtained leave to have printed in the RECORD a proclamation, issued by Governor Dewey, of New York, proclaiming March 7, the anniversary of the birthday of former President Masaryk, as Czechoslovak Day in the State of New York, which appears in the Appendix.]

HOW BUREAUCRACY SWINDLES THE TAXPAYER—COMMENTS BY GEN. CARL GRAY ON ARTICLE FROM THE READER'S DIGEST

[Mr. MCGRATH asked and obtained leave to have printed in the RECORD comments by Gen. Carl Gray, Veterans' Administrator, concerning an article entitled "How Bureaucracy Swindles the Taxpayer," published in the Reader's Digest, which appears in the Appendix].

ADDRESS BY RALPH E. BECKER BEFORE THE OHIO YOUNG REPUBLICAN STATE CONVENTION

[Mr. CAPEHART asked and obtained leave to have printed in the RECORD the address delivered by Ralph E. Becker, Chairman of the Young Republican National Federation, before the Ohio Young Republican State Convention, at Columbus, Ohio, February 26, 1949, which appears in the Appendix.]

SOVIET "IMMIGRATION" INCREASES—EDITORIAL FROM THE HAVRE (MONT.) DAILY NEWS

[Mr. ECTON asked and obtained leave to have printed in the RECORD an editorial entitled "Soviet 'Immigration' Increases," from a recent issue of Havre (Mont.) Daily News, which appears in the Appendix.]

THE NETHERLANDS POLICY IN INDONESIA—ARTICLES FROM THE NEW YORK TIMES AND THE CHRISTIAN SCIENCE MONITOR

[Mr. BREWSTER asked and obtained leave to have printed in the RECORD an article by A. M. Rosenthal, a news item from The Hague, published in the New York Times of March 11, 1949, and an article by Daniel L. Schorr, published in the Christian Science Monitor of March 8, 1949, all relating to the Netherlands policy in Indonesia, which appear in the Appendix.]

NOMINATION OF MON C. WALLGREN—NEWSPAPER COMMENT, TELEGRAMS, AND LETTERS

[Mr. CAIN asked and obtained leave to have printed in the RECORD several newspaper comments, telegrams and letters relating to the nomination of Mon C. Wallgren to be Chairman of the National Security Resources Board, which appear in the Appendix.]

TRIBUTE BY RABBI WILLIAM F. ROSENBLUM TO THOMAS A. EDISON

[Mr. BRICKER asked and obtained leave to have printed in the RECORD a sermon by Rabbi William F. Rosenblum, entitled "And There Was Light," preached at Temple Israel, New York, in commemoration of Thomas Alva Edison on February 11, 1949, which appears in the Appendix.]

BROADCAST BY GEORGE E. SOKOLSKY ON LINCOLN AND EDISON

[Mr. BRICKER asked and obtained leave to have printed in the RECORD a radio broadcast by George E. Sokolsky on February 13, 1949, entitled "Lincoln and Edison," which appears in the Appendix.]

HISTORY OF THE WORD "FILIBUSTER"—ARTICLE FROM THE DETROIT FREE PRESS

[Mr. FERGUSON asked and obtained leave to have printed in the RECORD an article on the history of the word "filibuster," written by Malcolm W. Bingay, and published in the Detroit Free Press of March 9, 1949, which appears in the Appendix.]

OPERATIONS SNOWBOUND — EDITORIAL FROM THE MEMPHIS COMMERCIAL APPEAL

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an editorial entitled "Operations Snowbound," published in the Memphis Commercial Appeal of February 14, 1949, which appears in the Appendix.]

SUBSIDY PAYMENTS IN THE MERCHANT MARINE—ARTICLE BY GEORGE W. MORGAN

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an article entitled "Legislative Overhaul Asked for Nonsubsidized Lines," written by George W. Morgan, president, Association of American Shipowners, and published in the Journal of Commerce of February 17, 1949, which appears in the Appendix.]

CONSTITUTIONAL GOVERNMENT—EDITORIAL COMMENT ON SPEECH BY SENATOR FULBRIGHT

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial entitled "Senator Fulbright Gives a Lesson in

Constitutional Government," published in the Winchester (Va.) Evening Star of March 9, 1949, which appears in the Appendix.]

FAIR TRADE PRACTICES

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an editorial entitled "Consistency, Thou Art a Jewel," from "The Apothecary" for February 1949, with a page from the same magazine entitled "Time—Life—Fortune Are Fair Traded," which appear in the Appendix.]

COTTON ACREAGE ALLOTMENTS—CONFERENCE REPORT

Mr. THOMAS of Oklahoma submitted the following conference report:

The committee of conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H. R. 128) to provide that acreage planted to cotton in 1949 shall not be used in computing cotton acreage allotments for any subsequent year, 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 to the text of the bill 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, notwithstanding the provisions of title III of the Agricultural Adjustment Act of 1938, as amended, or of any other law, State, county, and farm acreage allotments and yields for cotton for any year after 1949 shall be computed without regard to yields or to the acreage planted to cotton in 1949.

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

ELMER THOMAS,
ALLEN J. ELLENDER,
MILTON R. YOUNG,
SCOTT W. LUCAS,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

STEPHEN PACE,
W. R. POAGE,
CLIFFORD R. HOPE,
AUG. H. ANDRESEN,
HAROLD D. COOLEY,
Managers on the Part of the House.

AMENDMENT OF CLOTURE RULE

The Senate resumed the consideration of the motion of Mr. LUCAS to proceed to the consideration of Senate Resolution 15, amending the so-called cloture rule of the Senate.

The VICE PRESIDENT. The question is, Shall the decision of the Chair overruling the point of order raised by the Senator from Georgia [Mr. RUSSELL] stand as the judgment of the Senate?

Mr. VANDENBERG. Mr. President, I briefly address myself to the pending appeal from the parliamentary decision announced last night by the distinguished Vice President on the point of order submitted by the able Senator from Georgia [Mr. RUSSELL] in connection with the cloture petition submitted by the majority leader, the distinguished senior Senator from Illinois [Mr. LUCAS].

It happens that I was the President pro tempore of the Senate who faced the hard duty of making the parliamentary decision last August, upon which the present controversy is considerably based. Therefore, I feel that I have some continuing responsibility. I also have a concern to keep the record straight. But I speak without pride of opinion, and solely for the purpose of attempting to make clear precisely what I believe to be involved in the Senate's vote on this appeal. I have no desire to argue the question, but I think it is only fair to what I conceive to be the vital importance of this issue that I should restate my position and bring it down to date.

Mr. President, I have not changed my mind about the jurisdiction of the present, existing Senate cloture rule. Despite the ingenuous thesis developed by the majority leader and by the Vice President to rationalize the latter's departure from what I believe to be the plain mandate of the rules and precedents, I continue earnestly to believe that the existing rule does not permit cloture on a motion to take up a measure.

With equal tenacity I continue to believe that the rules of the Senate are as important to equity and order in the Senate as is the Constitution to the life of the Republic, and that those rules should never be changed except by the Senate itself, in the direct fashion prescribed by the rules themselves.

One of the immutable truths in Washington's Farewell Address, which cannot be altered even by changing events in a changing world, is the following sentence:

The Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

I respectfully submit, as a basic explanation of my attitude, that I accept this admonition without reservation, and I think it is equally applicable to the situation which Senators here confront, though obviously the comparison cannot be literal. But, so far as I am concerned, the Father of his Country said to us, by analogy, "The rules of the Senate which at any time exist, until changed by an explicit and authentic act of the whole Senate, are sacredly obligatory upon all." I think that is the basic issue here today. Men of conscience obviously disagree about the facts. I respect their good faith, even though we reach opposite conclusions.

Mr. President, I repeat just a few words of the preliminary things which I said last August from the Presiding Officer's chair, so that there may be no misunderstanding of my motive. I think the Senate rules should be amended, by due process of law, to extend the two-thirds cloture rule to include motions and the entire parliamentary procedure involved in the legislative life of a measure. I favor the adoption of the Hayden-Wherry resolution. I think that unless the rule is changed as contemplated by this resolution, the Senate has no effective cloture at all, although a determined majority can break a filibuster if it really tries. Driven by experience to amend my much earlier belief in totally unlimited Senate debate, it is my conviction that the Senate must not longer leave itself in a legislative strait-jacket and impotent to legislate except by the process of exhaustion. This cannot be longer condoned in these dangerous days.

I believe that the Hayden-Wherry resolution perfecting cloture by a two-thirds vote meets this need without sacrificing the Senate's birthright, which is full, free, fair debate, with reasonable opportunity for the presentation of minority views and reasonable protection against intolerant and intolerable gags. To make my attitude totally plain, I think that any sort of majority cloture would violate these elemental specifications. I think the Hayden-Wherry resolution is the wise, rational middle ground.

But, Mr. President, as I said last August when I made my ruling, I repeat now, the rules of the Senate as they exist at any given time and as they are clinched by precedents should not be changed substantively by the interpretive action of the Senate's Presiding Officer, even with the transient sanction of an equally transient Senate majority. The rules can be safely changed only by the direct and conscious action of the Senate itself, acting in the fashion prescribed by the rules. Otherwise, no rule in the Senate is worth the paper it is written on, and this so-called "greatest deliberative body in the world" is at the mercy of every change in parliamentary authority.

In my view this is far more than a contest over the definition of words, though it may seem so to the casual bystander. This is a contest over the definition of Senate rights. I have no more trouble today, as Senator, than I had last August, as President pro tempore, in giving priority to what I believe to be these vital fundamentals.

I hasten to say that no word of mine reflects, directly or indirectly, on the good faith with which the distinguished Vice President is acting. I am sure he does not think he is changing the Senate rules by interpretive action. I am sure he thinks that after 32 years of darkness, he is uncovering the true meaning of the rule. He made it plain at the time that he did not agree with the President pro tempore last August. Yet his speeches frequently referred to his belief that the rules themselves should be changed to accomplish such results as he now would achieve by fiat. But I think he is substantially consistent. He thought I was wrong then. I think, most respectfully, he is wrong now. I suppose this is just that difference of opinion which makes horse races, as they say in Kentucky.

But if I may be allowed to say so, with greatest respect, I deeply regret that the distinguished Vice President, who was then on the Senate floor, did not then put his convictions to the test by appealing to the Senate from the decision of the Chair. That was the logical showdown hour, if there was any serious question about the validity of the ruling of the Chair. He did not do so. His then able assistant, the present majority leader, did not do so. A pro forma appeal was entered by the distinguished senior Senator from Ohio [Mr. TAFT], but it never was called up.

Senators who were here on that tense afternoon will recall that the President pro tempore repeatedly invited the Senate—indeed, he urged the Senate—to test his ruling on appeal. He said in plain language that he thought the Senate at the very least should decide by its own sovereign vote what it wanted the interpretation of the rules to be. But no appeal was taken when the President

pro tempore ruled that a motion to create a new pending question is not itself a pending question. I repeat, no appeal was taken. That is deeply significant.

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

Mr. VANDENBERG. Inasmuch as I have mentioned the Senator from Illinois, I will. I prefer to conclude my statement, and then yield.

Mr. LUCAS. Did I correctly understand the Senator from Michigan to say that no appeal was taken from the decision of the President pro tempore at that time?

Mr. VANDENBERG. I say that an appeal was submitted, but not pursued.

Mr. LUCAS. It was debated on the Senator's side of the aisle for a long time, until it was finally withdrawn by the Senator who was representing the majority at that time.

Mr. VANDENBERG. Well, whatever point the Senator from Illinois is making, I do not know.

Mr. LUCAS. But there was an appeal.

Mr. VANDENBERG. I have said an appeal was made pro forma. I have said it did not come from my friend the Senator from Illinois, that it did not come from my friend the Senator from Kentucky, and that it was never pursued to a finish. I submit that the absence of appeal upon that historic afternoon etched the precedent just that much deeper into the Senate's own recorded concept of its own rules, and makes its overthrow at this late date just that much more dubious. If the ruling was right then—and I repeat that it stood without final challenge—it is even more right today, in view of this circumstance.

Some say, "Oh, the issue today is different, and therefore the precedent last August does not apply today, in March." They say, "Last August the President pro tempore could point to the fact that there already was a pending question before the Senate when he denied the legality of cloture on a motion to create a new and different pending question. It is different now," they say, "All different. Now there is not any prior pending question."

That is right; there is not any pending question at all. There is only a motion to create one. Yet the rule says that cloture must attach to a pending question. This petition seeks to apply cloture to something which does not exist. The senior Senator from Michigan confesses that he is not impressed with the logic which asserts such a profound difference between cloture on a motion to displace a pending question and cloture on a motion to create one. The latter would seem to me to be even more elemental than the former; but in both cases it is the motion which is ineligible under what I believe the rule to be.

I freely agree, Mr. President, that precedents are rarely literal in their parallels, although I believe this one to be more literal than usual. And since I want to join the able majority leader in pleading, as he did last night, that we shall not split hairs, and since I want to join him in his Scriptural reminder that "The letter killeth, while the spirit giveth life," I respectfully ask to be excused from accepting what to me is the curious device by which the August precedent is thus sought to be escaped.

But the issue is now precipitated. Our parliamentary procedure has, by indirection, brought the Senate to a vote on a parliamentary ruling which would, for the time being, produce the same result as is sought to be produced by due process through the subsequent adoption of the Hayden-Wherry resolution. Thus, we sort of adopt the resolution in advance of adopting it. I do not know whether the dictionaries which Senators have been quoting would define that anomaly as standard practice or not. In any event, when the Senate decides, I want it distinctly understood that I shall act on the basis of its decision in further proceedings on this resolution.

Mr. President, it will be apparent that I attach high importance to the approaching roll call. Therefore, I urge that all Senators make sure they address their judgments to the one and only issue which in my respectful opinion is here legitimately involved. I urge that we put first things first, and keep them there.

The one and only legitimate issue in the approaching vote is this: What does the present rule of the Senate say and mean—not, what would many of us like to have it say and mean. We are not voting in this instance on whether we want a more effective cloture rule, and our votes are not appropriately related to that question. I say again I am one of those who do want a two-thirds cloture which shall apply to the total parliamentary procedure in respect to any measure. I shall so vote when that is the issue before us. But that is not the issue here. The immediate pending question is solely what the present and existing Senate cloture rule, with its interpretive precedents, says and means—that, and nothing else. If its present meaning, until changed by direct Senate action, is not faithfully protected, it makes little difference what we write into this or any other rule.

It may be said that we really are in effect actually voting for more effective cloture, if we sustain the ruling of the Vice President, because he would do, by a parliamentary device, precisely what the Hayden-Wherry resolution would subsequently accomplish by due legislative process. But I respectfully submit that this very fact underscores my contention that this is an affront to due legislative process. My point remains that our attitude toward the integrity of the rules, and not our attitude toward cloture, is the one and only question legitimately at issue on the approaching roll call.

Let me emphasize this point, Mr. President. I feel it is cardinal. I have heard it erroneously argued in the cloakrooms that since the Senate rules themselves authorize a change in the rules through due legislative process by a majority vote, it is within the spirit of the rules when we reach the same net result by a majority vote of the Senate upholding a parliamentary ruling of the Vice President which, in effect, changes the rules. This would appear to be some sort of doctrine of amendment by proxy. It is argued that the Senate itself makes the change in both instances by majority vote; and it is asked, What is the difference? Of course, this is really an argument that the end justifies the means.

I think there is a great and fundamental difference, Mr. President. When a substantive change is made in the rules by sustaining a ruling of the Presiding Officer of the Senate—and that is what I contend is being undertaken here—it does not mean that the rules are permanently changed. It simply means, that regardless of precedent or traditional practice, the rules, hereafter, mean whatever the Presiding Officer of the Senate, plus a simple majority of Senators voting at the time, want the rules to mean. We fit the rules to the occasion, instead of fitting the occasion to the rules. Therefore, in the final analysis, under such circumstances, there are no rules except the transient, unregulated wishes of a majority of whatever quorum is temporarily in control of the Senate. That, Mr. President, is not my idea of the greatest deliberative body in the world.

Again, we are not voting, on the next roll call, as to whether we do or do not favor new civil-rights legislation. I am one of those who do favor sound progress in this direction—under cloture if necessary—as my record clearly demonstrates. I shall continue this record consistently. But that is not the pending issue. The pending issue transcends any specific legislative program, no matter how notable or worthy. No matter how important its immediate incidence may seem to be to many today, the integrity of the Senate's rules is our paramount concern, today, tomorrow, and so long as this great institution lives.

Again, we are not voting, fortunately for me, as the Vice President has already goodnaturedly said, in a popularity contest between the distinguished Vice President and the President pro tempore of the last Congress. We are not voting in a political contest between a Democratic Vice President who rules one way and a Republican President pro tempore who ruled another. Perhaps this admonition is needless. But I merely want to be sure that none of my colleagues shall feel under the slightest compunction to vote on a friendship or loyalty basis so far as I am concerned. This is a solemn decision—reaching far beyond the immediate consequence—and it involves just one consideration. What do the present Senate rules mean; and, for the sake of law and order, shall they be protected in that meaning until changed by the Senate itself in the fashion required by the rules?

Here it is in a nutshell.

The Senate rules say that a cloture petition can be addressed to any pending measure.

The distinguished Vice President, supported by many of my closest colleagues, for whose opinion I have the profoundest respect, says the phrase pending measure includes a motion to make a bill or resolution the pending measure. He rules that a motion to create a pending measure is itself a pending measure.

The former President pro tempore ruled that the Senate cannot create a

pending measure until it has adopted the motion which undertakes to make it the pending measure. Since the rule confines itself to the pending measure, the present rule does not authorize cloture on the motion to create the measure, which is prerequisite to cloture.

I submit that this latter construction is the uniform and controlling Senate precedent insofar as and in whatever degree the precedents are pertinent. Certainly there is no shadow of a precedent to the contrary.

I submit that the very first Senate precedent, back in 1919, for whatever it is worth, confirms this view, even though the analogy may not be complete. At that time the late Senator George W. Norris was sustained, on roll call, on the point of order against cloture on reservations to a treaty which was the pending measure. His position was sustained in a Senate overwhelmingly composed of Senators who had created the cloture rule and who knew, better than can we, what were the rule's limitations.

Whatever the appropriate analogy at this point—and be it great or small—it will not escape the attention of Senators that, within 2 years after the adoption of the cloture rule, it was declared by its own authors not to cover the total legislative process, but really to relate to a correct identification of what was a pending measure. We hear it argued that these wise men surely intended totally effective cloture without what are now called loopholes. Well, Mr. President, all I know about it is that they themselves created at least one so-called loophole within 2 years of their promulgation of the rule and they did not act to close it. Others may speculate upon their intentions. All I know is what they did and did not do.

I submit that the Committee on Rules and Administration, in the recent Eightieth Congress, sustained my view when it reported a resolution—the forerunner of the present Hayden-Wherry resolution—to extend to motions as well as measures, the objective sought to be reached by the ruling of the distinguished Vice President. That was a year before the President pro tempore's ruling. Surely the Committee on Rules and Administration would not have proposed to amend, by due process, the cloture rules to bring motions within its jurisdiction if they were already there. It did not occur to anyone at that time that they were already there.

I submit that the Committee on Rules and Administration, in the present Eighty-first Congress, takes the same view, or it would not have reported the Hayden-Wherry resolution to bring, by due process, motions within the jurisdiction of the cloture rule. Indeed, the current report of the Committee on Rules and Administration of the Senate categorically asserts that the decision of the President pro tempore last August was correct. The opinion of the Committee on Rules and Administration is not lightly to be set aside in a problem of this character.

I submit, Mr. President, that every Senator here today is conversant with our unanimous-consent procedures. We all know, by repetitious experience, that unanimous-consent agreements always spell out their reference not only to the pending measure, but also to all motions in connection therewith. Why? Because it is the rule, the practice, and the precedents of the Senate that pending measures do not include motions.

Senators, it is against this background that today's appeal from the ruling of the Chair—a ruling, I respectfully submit, that nullifies this total record—must be considered if we are to vote upon the only consideration which we are entitled to consult when the integrity of the Senate rules is at stake.

Finally, Mr. President, I respectfully suggest that if the ruling of the Vice President is not sustained, there still remains the necessity for passing new cloture legislation by due process, and every effort must be made to this end. Somewhere, somehow, it ought to be possible to find a meeting of minds among reasonable men of good will upon a problem of such transcendent importance. There must be some reasonable form of effective cloture in the Senate, just as there also must be some reasonable form of effective protection for full, fair freedom of debate. I personally think the Hayden-Wherry resolution is the answer. But whatever the right answer, it must be found not only for the sake of the public welfare and the national security, but also for the sake of the dignity of the United States Senate.

I prayerfully wish, Mr. President, that instead of entrenching in extreme positions at either end of the argument, we might set our minds to an equitable composition of a problem which will plague us with increasing bitterness and disruption until, by due process, we strike common ground. There can be no winner in the kind of endless battle which goes on here today.

Mr. KNOWLAND. Mr. President, and Members of the Senate, it is with some hesitation that I follow my distinguished colleague from the State of Michigan [Mr. VANDENBERG]. During the three-and-a-half years I have been in the Senate there have been few occasions on which I have differed from his point of view on legislation and other matters pending before the Senate. But, Mr. President, I wish to submit that if rule XXII does not apply to motions to bring a bill or a resolution before the Senate of the United States, then rule XXII was an absolutely idle gesture by the men who constituted the Senate of the United States in 1917, because no bill or resolution can come before this body except by motion.

I also want to say, Mr. President, that I, too, as have a number of Members on both sides of the aisle, read every word of the debate preceding the adoption of the present rule XXII. There is nothing in that debate which indicates in the slightest degree that the Senators who proposed rule XXII were doing it with their tongues in their cheeks or were doing it for the purpose of deceiving either the Senate or the public. It is clearly apparent that they thought they were adopting an effective cloture procedure. I submit, Mr. President, that had they desired to place this narrow interpretation upon the rule, they could very easily have done so by striking out the word "measure," which appears in the rule, and which, as the Senator from Massachusetts [Mr. SALTONSTALL] last night pointed out, by dictionary definition, is a part of a continuous legislative process—they could have stricken out the word "measure" and merely inserted the words "bill or resolution." That would have given the narrow interpretation confronting us.

Mr. President, there are two ways a bill or resolution can be defeated. One is to have a majority of those voting cast their votes against it. In this case each Senator, on his own responsibility, participates in the legislative process and is answerable to the people of his State for his actions. The other way is to talk a bill or resolution to death. In either event the bill or resolution is dead. However, in the first method a Senator voting "No" cancels out the vote of a Senator voting "Aye." In the first case each Senator and the States have the equal representation the Constitution provides. In the latter case, by the use of the unlimited filibuster, one Senator cancels out the right to vote of 10 or 20 of his colleagues.

In no sense is Resolution 15 a gag rule. To the contrary, it is a moderate proposal to enable the two-thirds rule to function as it was intended to function by those who adopted it in 1917.

If in this clear-cut case before us today, when there is no pending business other than the motion of the Senator from Illinois, the cloture rule does not apply, then the Senate is helpless, and is deprived of the power given it by the Constitution of the United States to determine the rules of its proceedings.

No matter how distinguished the authorities are and have been who have ruled on different points of order from the exact parliamentary situation we face today, the fact still remains that the entire membership of the Senate should and must retain its constitutional rule-making power.

The moderate proposal contained in Resolution 15 is not new. Its language is exactly the same as that reported favorably by the Rules Committee during the Eightieth Congress.

On February 18, 1947, the distinguished senior Senator from Georgia [Mr. GEORGE], in his statement before the Rules Committee then holding hearings on the question of the cloture rule, had this to say. I quote from page 114 of the hearings:

> I am not disposed to quibble over the language of rule 22 as it now stands.
>
> At the outset I concede that the rule may properly be made applicable to any pending motion, question, or measure. This, of course, involves a change in the rule and a substantial change in point of fact, but, nevertheless, it is a change which I think should be made in the Senate rules.
>
> The real question before this committee resolves itself as follows: Is debate in the Senate to be limited by a decision of the majority present and voting upon the motion; by the decision of a constitutional majority; that is to say, by a majority of the whole membership of the Senate * * *; or is the rule to stand under which debate cannot be effectively closed unless two-thirds of the Senate present and voting upon the cloture motion decide to limit or close debate? All

other questions are immaterial and we are, therefore, brought face to face with the consideration of the real issue involved here—whether we will limit or close debate by a mere majority of those present and voting upon the question, whether we will require a constitutional majority of the whole membership, or whether we will permit the two-thirds rule, which has been in effect since 1917 to stand.

Mr. President, I was then and still am impressed by the argument made by the Senator from Georgia at that time. The committee was also. It appeared reasonable to assume that if the committee during the Eightieth Congress dropped the proposals for a simple majority or a constitutional majority cloture and merely closed the loopholes to make rule 22 effective, such a moderate proposal would receive the support of our colleagues from the South, or, if not their support, at least, would not have their bitter opposition.

In every way during the course of this debate those of us who favor this moderate Resolution 15 have sought to bridge the gap between us. On numerous occasions we have stated that a careful check on both sides of the aisle has indicated an overwhelming vote against any amendment to change Resolution 15 from an effective two-thirds rule to a majority cloture. Up to this moment we have received no assurances of cooperation.

Yet I do not easily abandon hope. The able senior Senator from Michigan [Mr. VANDENBERG] has made it clear that the Senate should not fall prey to either extreme. Legislative minorities have rights which should be protected, but so do legislative majorities. There must be a common ground upon which reasonable men can meet.

An effective two-thirds rule is certainly considered fair by a vast majority of the Members of this body from every check that has been made. If the Senate is allowed to exercise its constitutional rule-making power by voting on a two-thirds effective cloture rule, this can be soon demonstrated. But unless the Chair is sustained, or those engaged in the prolonged discussion for the purpose of preventing the motion of the Senator from Illinois from being voted upon abandon their tactics, the Senate may never have an opportunity to vote on a change in the rules or to exercise its rule-making power under the Constitution of the United States.

Mr. President, in the interest of giving those on the other side of the aisle the maximum protection which can be given under our rules, I would be willing and am prepared on my own responsibility to offer an amendment to rule 22 reading as follows:

The above provision requiring a two-thirds vote of those voting to bring the debate on a question to a close shall not be changed, modified, or amended except by a two-thirds vote of the Senators present and voting.

This, Mr. President, together with the effective two-thirds cloture provisions provided in Resolution 15, should give the protection intended in rule 22 by the Senator from Georgia [Mr. GEORGE] and by others who have opposed majority cloture on both sides of the aisle.

What is the alternative with which we are faced? The alternative is for the Senate to surrender its rule-making power and its legislative power into the hands of a small minority of the Senate. I do not refer now to the considerable minority now opposing Resolution 15, but to every future hostile minority which may attempt to force its will upon the Senate by the unlimited use of the filibuster to prevent the Senate of the United States from discharging its constitutional legislative duties and from discharging its constitutional rule-making power.

If that be the issue with which we are confronted, then this question must be fought out again and again, day in and day out, at this session and at the next session.

But we do not need to disrupt the business of the Senate and the security of the country by such a contest, which would be bound to leave deep scars.

For that reason, Mr. President, I have offered here a possible amendment to the rule which will give the maximum protection the rules of the Senate will permit to be given to those who wish to assure that they have an effective two-thirds cloture rule, and not something else.

Mr. President, as a Senate we cannot, we dare not, say now and thus continue some of the precedents which have been established, that this body does not have control over its rule-making power.

For the reasons I have given, Mr. President, I urge that the decision of the Chair be made the judgment of the Senate.

Mr. BALDWIN. Mr. President, a parliamentary inquiry.

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

Mr. BALDWIN. Would it be in order for me to ask a question of the majority leader?

The PRESIDING OFFICER. It would be in order.

Mr. BALDWIN. The question I desire to ask is this: If the Senate votes to sustain the Chair in its ruling, does the majority leader then intend to proceed to an amendment of the rules as recommended by the Hayden-Wherry resolution? I make this inquiry because I am deeply impressed, as all of us are, by the able and thought-provoking address delivered by the able Senator from Michigan [Mr. VANDENBERG]. As for myself, I do not like to see the rules of the Senate, established on long precedent, changed in this fashion. However, if we are to proceed, by way of such a change, to an amendment of the rule so that the rule will rest in the future upon a written statement amending the rule and not upon a precedent established by a ruling of the Chair, I shall feel quite differently about the matter.

Mr. LUCAS. Mr. President, in answer to the inquiry of the able Senator from Connecticut, I will say that if the Senate should sustain the position taken by the Vice President last evening, it would practically accomplish what ultimately the rule would accomplish. So far as the Senator from Illinois is concerned, it would seem to him that if the Senate should sustain the ruling made by the distinguished Vice President, we should not have very much difficulty thereafter in obtaining a rule in line with what the Senator from Connecticut suggests, and insofar as the Senator from Illinois is concerned, he will continue to strive to obtain such a rule.

Now that the Senator from Connecticut has propounded the inquiry, the Senator from Illinois would say that the one way ultimately to secure the rule we all want is to sustain the Vice President's ruling, because that is the first step in the ultimate obtaining of the objective of the Hayden-Wherry resolution. If that ruling is not sustained, no Member of the Senate can say how long it will take in a sort of physical endurance contest to accomplish the things the Senator from Connecticut and the Senator from Michigan and every other Senator who is vitally interested in the problem, really want to have accomplished.

So far as the Senator from Illinois is concerned, he will make it the unfinished business to see whether we cannot finish it up if the ruling of the Chair is sustained.

Mr. BALDWIN. Mr. President, I thank the distinguished Senator from Illinois. I do not want to have anything I have said construed as a criticism of the distinguished Vice President who has ruled in a manner different than has been ruled previously when similar questions have been presented in the Senate. I do not support the ruling as a matter of expediency. I myself feel that it is an open question whether or not the word measure means a bill or a resolution or whether the word measure means any parliamentary proceeding in due course in the business of the Senate. Personally I take the latter view. I believe, as the distinguished Senator from California has said, that had those who made the rule intended it to apply only to a bill or a resolution, they would have said so. It has always seemed to me, in the brief experience I have had in legislative assemblies, that the term measure was an all-inclusive term; that it was used to embrace bills, resolutions, or any proposal of action presented for the vote of a legislative assembly. I do think, however, that we will rest on a much firmer foundation for the future if the proposed change in the rules is accomplished by an amendment as called for by the Hayden-Wherry proposal, and not have to depend upon the foundation of a precedent which to many of our colleagues appears to be a reversal of the position the Senate has long taken.

It seems to me, Mr. President, that at this juncture we should preserve in every way we can the rights of the minority. Those who drafted the Constitution of the United States took particular care to see to it that there was provision in that document to guarantee the integrity and the rights of the smaller States, and that is why they made that one provision of the Constitution a provision which never could be amended.

On the other hand, Mr. President, since those days, so long ago, the busi-

ness of the Senate has increased enormously. Since those days, so long ago, the position of our country in the world has changed. We now find the business of the Senate tremendously pressing. Not only are there great and important measures before us, but there are also smaller matters which are in themselves important, which have to be considered; smaller matters in great number and increasing number I might say, Mr. President. It therefore seems desirable to me that at this day and time we find the best means we honestly can to accomplish this amendment of the rules, which guarantees the rights of the minority, at the same time to protect the rights of the majority and to guarantee ultimate majority rule.

Mr. President, I should like to support the proposed amendment offered by the distinguished Senator from California, because it accomplishes exactly that. It makes it possible for the majority to function in very pressing days, with many urgent matters before us, and at the same time it does protect the rights of the minority.

Mr. President, if we sustain the ruling of the Chair and then move on and adopt the change in the rules, as the distinguished Senator from Illinois says he intends to urge us to do, I venture to prophesy that in the future it will be even harder to get a cloture petition signed by a sufficient number of Senators so that it will be presented as an issue for a vote on this floor, because I think that we are all sensitive to the fact that the rule we are considering here, if adopted, is epoch-making. But I for one, Mr. President, firmly believe that it is a rule we must adopt; it is a change we must make; it is a thing we must do to make it possible for this, the greatest deliberative and the greatest free assembly in the world, to get its work done, because it must be free, but at the same time it must have rules under which it can accomplish the pressing business it has to consider and act upon and decide upon in these rushing days.

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

Mr. BALDWIN. I yield.

Mr. LUCAS. I am very happy the Senator has raised this issue, and, based upon what he has said in his very eloquent statement, I am sure he agrees with me that the one way, or at least one step in the direction that he and I are seeking to go in closing the gaps and the loopholes which now make it impossible to limit debate, is to sustain the ruling of the Chair. When we get the loopholes stopped up it will be a long step in the direction of ultimately securing a complete change in the rules through the proper legislative committee.

Mr. BALDWIN. Mr. President, in reply I may venture one further remark. If the ruling of the Chair is not sustained, I for one am willing to stay here until we talk this matter out, until we reach a vote upon his rule, if it takes all night tonight and all night every night next week, or as many days and nights as we may be called upon to sit thereafter. I think now is the time we should bring this matter to decision. If the ruling of the Chair is not sustained, I should feel very sorry if then the majority leader should say, "Well, cloture does not apply. We cannot end the debate. There are many other pressing matters. We must drop this and go on to something else." So, just as strongly as he has urged me to support the ruling of the Chair, I in turn urge him to continue on until we come to a vote upon this change of the rules, whether the Chair is sustained in this particular ruling or whether the Chair is not sustained.

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

Mr. BALDWIN. I yield.

Mr. LUCAS. The Senator will agree with me, will he not, that the objective which he and I are attempting to reach can be reached much more quickly, and we can break down the opposition faster if we are able to sustain the decision of the Chair, because we shall then be in a position to make the amendment to the cloture rule the unfinished business. If the decision of the Chair is sustained, I promise the Senator that, so far as I am concerned, I shall be willing to go on to see that we finally get the rule about which he is talking.

Mr. BALDWIN. I will say to my distinguished friend that my name is upon the cloture petition; and having embarked upon that course, I intend to see it through.

Mr. LUCAS. I thank the Senator.

Mr. BALDWIN. I urge the Senator, in turn, if we fail in this particular course, to adopt the other, and continue until this issue is finally resolved.

Mr. McKELLAR. Mr. President, I have listened with a great deal of interest and pleasure to the speech made by the distinguished Senator from Michigan [Mr. VANDENBERG], the former President pro tempore of the Senate, who made one of the most logical defenses of the present rule that I have heard. I endorse every word he said about it.

It is a strange thing, but it is true, that men come to the Senate and immediately want to change its rules. They want to reorganize the Senate. They want to fashion it with their own specific remedies. It is a remarkable thing that many Senators have such a poor opinion of the body which they have been so active in getting into. I have known men without large means to spend nearly all they had—if not quite all, all they could borrow from their relatives, all they could scrape up, and all their friends could produce—in order to get into the Senate, and as soon as they get here, in a great many cases, their first proposal is to reorganize the Senate on a pattern wholly different from that which has made this body the greatest deliberative body on earth, in my opinion.

What is the matter with the present rule? I not only endorse the statements made by the distinguished Senator from Michigan, but I believe that his ruling when he was President pro tempore of the Senate was absolutely in accord with the precedents. I ruled virtually to the same effect when I was President pro tempore, 2 or 3 years ago. To be exact, I think it was in February 1946. I was called upon to rule on a very similar question. The precedent was not exactly analogous, but very nearly so. I held that a motion was not a measure, as contemplated under the rule. Under the circumstances, the Senator from Michigan being on the other side, I think it was a very remarkable position for him to take when he so boldly, so effectually, and so properly upheld the rules of the Senate which have made this body known all over the world as the greatest deliberative body in the world.

Freedom of debate has been the historic watchword of the history of the Senate. The first amendment to the Constitution was to guarantee freedom of speech everywhere. Is it not a remarkable thing that in the first amendment to the Constitution we should go to the extent of guaranteeing everyone in the United States freedom of speech, and then undertake to gag the Senate? I do not believe it is right. I believe that the policy is wholly wrong. I so held when I was President pro tempore of the Senate several years ago. I would so hold again if the matter comes up.

Mr. President, I formed my views from reading the history of the Senate. I wish to give a brief outline of that history. I am somewhat embarrassed because of the great speeches made in this body by Members on both sides, giving the history of the Senate.

Before discussing the historical features, I first wish to discuss the rule itself. What is the matter with the present rule? In what way has it not been effective? We talk about loopholes in it. There were no loopholes. I happened to be a Member of the Senate in 1917, when this rule was adopted. I had been here only three days. I suppose it was lack of experience and knowledge that caused me to vote for the present rule. I am not sure that I would do it again if the question should arise. I doubt if it has helped in the work of this body. However, I voted for it then and I still am for the rule and will be so long as it is the rule.

I wish to call attention to what the present rule has done. It has been tested 19 times in the 32 years since its adoption. The question first arose when the Treaty of Versailles was before the Senate for approval. Senator Hitchcock, of Nebraska, filed a petition, with 15 or 20 other Senators, to apply the two-thirds cloture rule. As I previously stated, I was here when the debate occurred on this rule. I was a new Senator, and my ears were open. That rule was the result of a compromise.

There were liberal Members of the Senate in those days, just as there are liberal Members of it today, although perhaps there were not quite so many liberal Members then. But at that time there were some liberals who favored majority rule. Some of them contended that when the President undertook to send a measure here with his recommendation, it should be passed forthwith; that any Senator should have the right to move the previous question, and, if the motion were adopted, end the debate and have action taken. Under such a contention, Mr. President, practically all the laws passed by Congress

would be the result of recommendations coming from the White House; any measures sent from the White House to the Congress, with the recommendation of the Executive, would be passed by the Congress, without debate, without amendment. That was the view of some of the Members in those days.

After talking over the matter, after going into it very fully, the great men in the Senate at that time, many of whom had been in the Senate for a long period of time, agreed upon a compromise. In that compromise they made a distinction between a motion and a measure. A measure was a resolution or a bill which was before the Senate. It was agreed that if two-thirds of the Senate voted for cloture on a measure—in other words, for debate to be brought to a close—then debate on it would end. The idea of invoking cloture on a motion to take up a bill was not discussed in that debate, as Senators will observe if they read the debate occurring at that time. That was not the question. It was not a question of ending debate on a motion to take up a measure. The amendment to rule XXII was adopted for the purpose of closing debate on a measure which had already been debated and which in the opinion of the Senate had already been debated long enough, and when it was the view of the Senate that debate should be stopped.

Let us see what has been the history of the present cloture amendment to the Senate rule. We talk about the greatness of the Senate in its first period—and it was a great period—and in its second period and in its third period and in its fourth period, for more than 100 years. That was when the Senate became great. Did the Senate have a cloture rule then, to make it great? No, Mr. President, the Senate had unlimited debate throughout its history. The Senate became a great body because of its power of deliberation, because of the freedom of speech in this body. This was the one body in the entire world where the right of freedom of speech and freedom of debate existed—a right which now some persons desire to end, so that the Senate would become merely the endorsing body for a bill sent to the Senate by an Executive at the head of the administration.

So, Mr. President, in considering the history of rule XXII, which now is 32 years old, we find that the first situation developing under the rule occurred when Senator Hitchcock wished to bring to a close the debate on the Treaty of Versailles. Cloture was invoked, and the treaty was approved. There was no failure of the rule at that time.

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

Mr. McKELLAR. I yield.

Mr. PEPPER. I ask, as a matter of historical interest—because I have not been clear in my mind about this matter—what was the date when the motion to invoke cloture on the Treaty of Versailles proper was made here in the Senate? Does the Senator have that information before him, or does he remember?

Mr. McKELLAR. I think I have it here.

Mr. PEPPER. I shall not ask the Senator to turn aside from the train of his thought; I assumed that perhaps he had that information immediately before him.

Mr. McKELLAR. It was about 2 years after the rule was adopted, and of course it was after the close of the World War. Application of the rule had not previously been requested; no Senator rose from his seat and asked for application of the rule for 2 years after its adoption.

Mr. President, what was the next step in the history of this rule? In 1921, on February 2, 4 years after the amendment to the rule was adopted, Senator Penrose, of Pennsylvania, sought the aid of the rule for the passage of the tariff bill. He applied for cloture under rule XXII. The vote was very close; it was 36 to 35. Of course, cloture was not invoked, but the effect of the debate was that within 2 weeks afterward, compromises and adjustments were made, and that tariff bill was passed. Was anyone hurt by that 2 weeks' delay in the passage of the tariff bill which attempted to raise the tariff duties upon the people? No. That bill passed by a vote of 44 to 30. It did not become the law, but that was not because of the failure of the cloture rule, but because of a veto by the President of the United States.

Thus, Mr. President, the rule was not changed during the first 4 years of its existence.

Afterward, one year and a half elapsed before any Senator again sought the aid of the rule. Senator McCumber, of North Dakota, sought its aid in the passage of another tariff bill. On that occasion, the motion was not agreed to. However, no longer than a month after the vote on cloture, unanimous consent was granted to limit debate, and the bill passed. So there was no trouble with the rule up to that time.

The next time the rule was brought up was by Senator Lenroot, in an endeavor to close debate on the question of United States' participation in the World Court of International Justice. The motion was agreed to, and the treaty ratified. That is the history of the rule through 9 years. Was any wrong done to anybody? Did the rule fail to work? Not at all.

Still later, on June 1, 1926, Senator Norbeck sought cloture on a bill to carry out the terms of the Migratory Bird Treaty with Great Britain. The motion was not agreed to. The bill did not become a law, and thus, for the first time within a period of 9 years, could it even be claimed the rule did not work. However, in the succeeding Congress, the Seventieth, a similar bill, S. 1271, was passed and approved and became a law—45 Statutes at Large 1222.

The next time cloture was invoked was when Senator Pepper, of Pennsylvania, sought to close debate on a bill to consolidate national banking institutions. The bill became a law. Was there any failure of the rule to work? Were there loopholes in it? Nobody complained. For 10 years the rule had been in use, and there had been no trouble with it.

The next time the rule was invoked was Senator Hiram Johnson, of California, moved to close debate on a bill for the protection and development of the Lower California Basin, commonly known as the Boulder Dam bill. The bill caused a fight between California and Arizona. It was a warm and vigorous fight. I recall it very distinctly. When Senator Johnson asked for cloture on the bill, it was defeated by a vote of 32 yeas to 59 nays, showing that the Senate took the side of the people of Arizona in the controversy.

However, largely due to that vote, the respective sides, according to Senate custom, as all Senators know, got together and compromised and adjusted their differences. The Boulder Dam bill became a law. The dam was constructed and it is now the property of the United States.

Again, cloture was invoked by Senator Tyson, of Tennessee, on a bill affecting the pay of officers, other than officers of the Regular Army, who had incurred physical disabilities in line of duty. Cloture was attempted. It was defeated, but in the next succeeding Congress a similar bill was passed, vetoed by the President, and enacted into law when the Congress overrode the veto. Surely, until that time, it could not be said the cloture rule had any loopholes in it or had failed to accomplish what its authors had intended.

About that time, Senator Lenroot sought cloture on a bill to authorize the purchase of certain lands for the erection of buildings within the District of Columbia. Cloture was denied, but within a short time, according to the usual practice in the Senate, the respective sides got together, a proper bill was agreed upon, and was passed. The lands were purchased and the improvements were made. The buildings still exist in our beautiful Capital city. Was there any failure of the rule at that time? Not the slightest. The rule had worked well until that time.

On the day the Lenroot petition for cloture was submitted, as I recall, on the bill to authorize the purchase of lands for the construction of buildings in Washington, Senator Jones of Washington filed a petition to close debate on a bill relating to the Bureau of Customs and prohibition. Senator Jones was a great prohibitionist at the time, as I was. I voted with him. Cloture carried on that measure by a vote of 55 to 27. The measure was at that time very popular. The bill was duly passed. It is true a subsequent Congress of which all of us were Members repealed prohibition, but it was not by reason of the Senate rule. The prohibition bill was not harmed by reason of a failure of the rule to work; on the contrary, it was aided by the rule. The bill was passed, and passed properly, the vote having been 71 to 6.

I come next to the Glass Banking Act. Senator Glass, of Virginia, was one of the ablest and one of the finest men I have ever known in my long service in this body. He was one of the most vigorous men I ever knew, one of the most honest. Intellectually he was one of the most gifted men I have ever known. He was one of the best men ever to serve in the Senate. Those who knew Senator Glass will remember his sterling character and

his splendid service to his country. A petition to apply cloture to the bill was defeated. Within a few days thereafter, due largely to the argument on the cloture petition, there was a unanimous-consent agreement for a vote, and the banking bill was passed.

The next time the rule was invoked, the petition was submitted by Senator Ball, of Minnesota, whom we all remember. He moved to close debate on the Bretton Woods Agreement, which was really a bill for a loan to Great Britain. That was in 1946. Cloture was defeated by a tie vote. The measure later became a law. In what manner? It was passed, as all measures ought to be passed in the Senate, in order to get the very best possible law, after deliberation, adjustment, and compromise.

It is a long time from 1917 to 1946. No one can say the present rule did not work during that time. It worked in every instance.

A short time before that, Mr. President, there was another kind of bill which was brought before this body—not merely one kind; there were three other kinds of bills brought before this body—and it is in regard to those bills that I wish to speak. What were those three bills which disclosed the so-called loopholes to which reference has been made?

Those three bills were the antilynching bill, the anti-poll-tax bill, and the FEPC bill.

As to all general measures coming before this body the rule had worked well, but it had not worked well in those instances. Why? The record shows why. Let me first discuss the antilynching bill. Lynching is a horrible crime. No one can defend it; no one does defend it. Lynching is a form of murder. Everyone knows that lynching is a form of murder, and everyone knows that the States in which murders occur, except the District of Columbia, has control and jurisdiction over that form of crime. It has been said that lynching is an unusual form of murder, is confined to a single section of the United States, and that for that reason the Federal Government ought to take jurisdiction and make it part of its business to punish the crime of lynching. Let us think about that for a moment. The time when lynching occurred quite frequently was many years ago. The Federal Government did not have any jurisdiction over it. It has no jurisdiction over it, under the Constitution. A few days ago the newspapers reported a man had killed his wife and buried his baby alive, just across the river, in Virginia. That was a horrible murder. I think the Senator from Massachusetts would agree that it is a horrible form of murder. Think of a man killing his wife and burying his child alive. It is a terrible crime. But, because it is a terrible crime, should the Federal Government, which has no jurisdiction, no constitutional power, over crimes committed in a State, step in and say, "Hereafter, we will punish anyone who commits such a horrible crime"? I think not. I do not think any reasonable person would say that the Government should do so.

I do not think any single Senator in this body would say for a moment that the Federal government has any jurisdiction over the crime of uxoricide, or the crime of filicide or infanticide, which are just as horrible as lynching. The proposed Federal antilynching law is purely a political step, wholly unconstitutional and wholly unnecessary. Under the control of the several States, lynching has virtually ceased. Let us let it stay ceased!

Why was an antilynching bill taken up? I shall come to that in a moment. Before I do, I want to say that on the first occasion cloture was invoked was by the Senator from West Virginia [Mr. NEELY]. It was defeated; the bill never became law, and it should not have become law.

A short time after that, within 20 days, the Senator from New York [Mr. WAGNER] again sought cloture on the same antilynching bill. The petition was defeated and the bill was not passed.

Later a petition for cloture was submitted by the then Senator from Kentucky, Senator BARKLEY. A vote was had, and the yeas were 37 and the nays were 41. Can the rule be said to have failed when the Senate, by a full majority, was opposed to the legislation? Some persons want to make it possible to invoke cloture by a majority of Senators present, and some want a constitutional majority of 49. But all of the antilynching bills were defeated, and the Federal Government did not take jurisdiction by force and violence.

What has been the result as to the crime of lynching? I am very happy to say that the crime of lynching has virtually ceased. There were only two lynchings last year, and I believe one was of a white man and the other was of a colored man. Yet the time of this body is being taken, largely for the purpose of authorizing the Federal Government to take unconstitutional jurisdiction of this particular crime. Why? It is for political reasons. It is politics, confined not to one party, not to one administration, but to both parties and both administrations. For what reason? For the purpose of punishing murder by lynching? Not at all! It is for the purpose of getting votes!

I digress here long enough to say that in what I have to say regarding this matter I have not the slightest prejudice of any kind against the colored people of my State or of the Nation. Some of the best friends I have are colored people. I want to help them rather than to hurt them. But we cannot make any people stronger and better by legislation. They must depend on their individual efforts in order to get anywhere in the world. That is how white people get ahead. We work for what we get. One cannot rise in life, here or anywhere else, through man-made laws. I am asking my colleagues to consider these matters when they come to vote today.

Mr. President, I have said that the reasons behind the pending motion are political. Let us see if they are not. We know that the Negroes compose the largest minority group of voters in this country. It is said the opposition to certain proposed measures is made up of men who are prejudiced against colored people. That is ridiculous. Indians are colored people, and we are not prejudiced against Indians. Bills are not being introduced to grant unusual rights to Indians. Who ever heard of such a bill being introduced? It is never done, for the reason that the Indians are very few in number in the several States. They do not form such a political group as to demand unusual treatment. They do not have enough votes in any State in the Union to justify violation of the provisions of our Federal Constitution. That is why bills making special provision for Indians are not presented.

What is the next measure on the list? The next is the anti-poll-tax bill, and that has heretofore failed because of the same reason I have given in the case of the first bill. It failed because a majority of the Senate was opposed to the bill, and so voted.

Next comes the FEPC measure. We all know what that is. The only reason for the effort to amend rule XXII is because of the failure to get the FEFC bill, the antilynching bill, and the anti-poll-tax bill passed.

So far as I am concerned, I have no objection to the enactment of an anti-poll-tax bill. If I were a member of a State legislature, I think I would vote for a bill to repeal the poll tax. But when we became Members of the Senate, we took an oath to uphold and defend the Federal Constitution against all enemies, foreign and domestic, and, so far as I am concerned, I still believe that that oath is a proper oath; I still believe that Constitution is the greatest document ever written by man. The formation of that Constitution of checks and balances, as it has been so frequently called, has done more for our Republic than all else.

Mr. President, I shall not pursue that thought further than to say that the effort to get cloture is a political matter, not confined to any one party. The Democratic administration, the executive branch of the Government, is just as strong for it as are our Republican friends. Our Republican friends want to obtain credit for the adoption of a cloture rule in order to get votes. The President wanted it in order to get the colored vote. The colored vote embraces a great minority in almost every State in the Union, and the effort is made here to inflict this unconstitutional measure upon the people of the United States for political purposes, pure and simple.

Mr. President, I do not believe that is a wise thing to do. It would be unfortunate for the colored people of my State and of my section of the country, and I am against the Federal Government undertaking to take the step, first, because I want to see the colored people of this country get along with the white people. It would disturb relationships which are now pleasant. It would stir up prejudices and trouble which would injure both the colored race and the white race. It would result in harm to our common country. Gentlemen had better let such matters alone. They had better stand by the Constitution of the United States.

It may be said that the Constitution is old-fashioned, that it has been in existence 150 years or more, and that it is

time to get a new one. What kind of a Constitution do those who make that suggestion want? Do they want one providing for majority rule? If they will read our Constitution, they will see that the Constitution is not fashioned on majority rule. There are many things which show that the Senate is a unique body of men, and let us look into history in order to see if it has been a failure under the rule of unlimited debate.

Who fashioned our Constitution and who fashioned the Senate? Of course, the leader of all was George Washington. Those who wrote the Constitution are commonly supposed to have been John Jay, Alexander Hamilton, James Madison, and their distinguished colleagues in the Constitutional Convention. They were great men. They knew what they were doing. They created the greatest Government in the world.

Did they have cloture in those days? The first successful attempt at a modified cloture was in 1917, after more than 125 years of history under our Constitution.

What has been the history of it? Let us look at it for a moment. Beginning with the organization of the Senate after the Constitution had been ratified by the necessary number of States, and up until 1917, there had never been any cloture in this body. Freedom of debate had been the watchword of the Senate throughout its history. It was under this watchword that the Senate built up the high reputation it has had during our entire history as the greatest deliberative body in the world.

It will be remembered that when our Constitution was being drafted, beginning in 1787, I believe, the great body of our people were of British descent. We had been a British colony during practically all our history, and very naturally when the great men who were the framers of our Constitution, representing the Thirteen Colonies, came together in convention for the purpose of fashioning a new government, they evidently made the British Parliament their general guide, although of course they had before them the histories of the ancient Governments of Greece and Rome. They used their own ability and relied on their own experiences in shaping the Constitution.

Each of the 13 States, having a government of its own, with unlimited powers, was very jealous of its powers, and in forming the Federal Constitution they specifically provided that the jurisdiction of the Federal Government was to be limited to subjects over which it was given specific authority by the Constitution. All other powers were reserved to the several States or to the people.

Mr. President, as I said before, I am one of those who believe in our Government. I believe in our Constitution. I believe in American policies, in American practices, in American rules, and I am utterly and profoundly opposed to communistic proposals, whether they are advocated in Russia or whether they are advocated in America, or wherever they are advocated.

Mr. President, from the very beginning of our history, owing to our remarkable Constitution and to those who were elected to carry out its provisions, tremendous interest has centered around the personnel of the United States Senate. I am going to divide the history of the Senate and its personnel into periods.

In the period from 1789 to 1821 there was a great body of men who made themselves and their country famous. I will mention only some of the outstanding Senators of that period who made our country famous.

There was John Quincy Adams, of Massachusetts, who belonged to a celebrated family of that name, two of whose members afterwards became Presidents.

There was James A. Bayard, of Delaware, whose work not only made Delaware famous, but aided in making the Senate of the United States famous.

There was Charles Carroll, of Maryland, one of the greatest men of that first senatorial body.

There was Henry Clay, of Kentucky, a great orator and statesman, whose name is a symbol for all that is high and honorable in statesmanship.

There was William H. Crawford, of Georgia, one of the great men of his day.

There were John H. Eaton and Andrew Jackson, of Tennessee, both great men, and Andrew Jackson who first served in 1797 and who again served in 1823 and afterwards became President of the United States. I am proud even to have the pleasure of speaking his name in this body which he first adorned more than 150 years ago. Andrew Jackson was a fearless man, a man who was not bound, and was not willing to be bound, by gag rule of a majority, or of a party leader. I am proud to be one of the successors of such a man.

There was Rufus King, of New York, one of the outstanding men of his time.

There was John Langdon, of New Hampshire, a great leader from his State.

There was Samuel Maclay, of Pennsylvania, who took a great part in building up the Senate's reputation of that early day.

There was James Monroe, of Virginia, who afterwards became President of the United States.

There was Charles Pinckney, of South Carolina, who added great fame and prestige not only to his State but to the Senate itself.

These men and others of like kind, famous in their own communities, in their own States, and as citizens of the New Republic, gave to the Senate from the very beginning a great name and a great fame.

Were these great men bound down by cloture rule? No. It was not even suggested that they be bound by a cloture rule. They made this body great under the rule of unlimited debate. Has anyone been hurt by unlimited debate? Has our Government been hurt by it? Has our country been hurt by the freedom of debate which exists in the Senate? What American can say that our country would have been greater if the Senate had been under the control of a ruthless majority, with an ambitious Executive sending down to us for our approval such measures as he desired us to approve? That may be considered to be the modern way. Bills can be passed more rapidly in that way, there is no doubt of that. Mr. President, it is not my way. I do not believe it is right, and I shall vote against it. If the Senate did not have unlimited debate, all the President would have to do would be to send a bill to Congress, there would be no use for a committee to look into it, because that had already been done, and it should be passed as the Executive wanted it passed. That is the modern idea, that is the liberal idea. That is the way things are done in Russia. Russia right now is one of the outstanding nations of the world. Are we to pattern after Russia, or are we to pattern after the Government of our forefathers who created this great country of ours?

The men who first stood in the Senate, who were not ashamed of their seats in the Senate, who did not criticize the Senate and the Senate rules, were not bound by cloture. Why should we have cloture? So that some man may get more votes, as he thinks, in some States, to further his political ambitions? I do not think that is the reason why cloture should be established. I believe in the laws we pass here. I believe the United States Senate is still the greatest deliberative body in the world. I am proud to have a seat in a body which was first filled by the great men whose names I have read. They were not bound by cloture. Quite to the contrary.

Let us consider the next period for a moment, the period from 1821 to 1841. Who were some of the outstanding Senators of that period? There was Thomas H. Benton, of Missouri; James Buchanan, of Pennsylvania, who afterward became President; John C. Calhoun, of South Carolina, one of the greatest orators of his day; William Henry Harrison, of Ohio, who afterward became President; Robert Y. Hayne, of South Carolina, another great orator and statesman; James Iredell, of North Carolina; John Tyler, of Virginia, who afterward became President; Martin Van Buren, of New York, who also afterward became President; Daniel Webster, of Massachusetts, called by many the greatest orator of all time. There was also Franklin Pierce, of New Hampshire, who afterwards became President of the United States.

These were the men who gave the name and fame to the United States Senate. Were they gagged by cloture rule in those days? They had unlimited debate in those days. The laws which were passed by them, which made our country great, which brought us to the present state in which we find ourselves, were passed without any rule such as that which it is now proposed to inflict upon us.

Let us take the next period, the third period from 1841 to 1861. Some of those who sat in this body then were John M. Berrien, of Georgia, orator and statesman; Simon Cameron, of Pennsylvania, one of the great statesmen of his day. There was Lewis Cass, of Michigan. By the way, with all the name and fame that attaches to Lewis Cass, I doubt if he were a greater statesman than one of his successors in this body [Mr. VANDENBERG],

who stands for the American doctrine; not for the Russian doctrine of mob legislation, but the American doctrine of deliberation and debate.

Let us take some of the rest of them. Salmon P. Chase, of Ohio, was a great statesman and jurist. We all remember that afterward he became Chief Justice of the United States. John J. Crittenden, of Kentucky; Stephen A. Douglas, of Illinois, who was known as the Little Giant among orators in this body; John C. Fremont, of California; Hannibal Hamlin, of Maine, second to none; Sam Houston, of Texas, a great statesman and orator; Andrew Johnson, of Tennessee, who afterwards became President of the United States.

Did they have gag rule in those days? Did they accept directions from an Executive who desired votes, and would send bills down here to be approved without debate, merely because a temporary majority was in favor of them or in favor of the administration? That is not the way to legislate. We have the right way of legislating in this body.

As I stated a little while ago, I believe that I am the only Member of this body who was present and voted for the rule we now have, the amendment to rule XXII. When Senators have served as long as I have in this body, they will all have the same view I have. They will not be emphasizing the shortcomings of the Senate. They will be proud of its history, proud of its work, proud of its ability to do business. We do just as much business as, and probably more than, any other legislative body on earth today. We talk about the shortcomings of the Senate. What body in the world transacts more business than does the United States Senate?

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

Mr. McKELLAR. I yield.

Mr. MAYBANK. The Senator has spoken of the United States Senate and the business it transacts. The distinguished senior Senator from Tennessee is chairman of the Committee on Appropriations, which committee transacts more business than perhaps any of the other committees. If we should have gag rule in the Senate, what would be the final effect upon the committee? The distinguished senior Senator from Tennessee has kept hearings open day after day and week after week so that every witness, be he humble or high, could be heard.

Mr. McKELLAR. I thank the Senator. I believe that if this gag rule is enforced upon the Senate, it will not be long before we shall not have a committee like the Committee on Appropriations or the Committee on Foreign Affairs of the Senate. Directions will simply be sent down here for us to approve; and if the administration is in the majority, they will be approved.

I am astounded by some of the expressions from Senators who come from not very populous States, but very large States in the West. Hardly a day passes that some of those Senators do not come before the Appropriations Committee to have various troubles corrected and various items considered in the interest of their States. They ought to come when they have business of that kind. I am not criticizing them for it. I am commending them for it. But if a gag rule, such as is proposed, is imposed upon the Senate, they will receive short shrift when it comes to getting for their constituents what they honestly believe they are entitled to. Under the present rules, it makes no difference what party is in control of the Senate. Senators can always get a fair and impartial hearing for the wants, needs, and desires of their constituents, both in committee and on the floor of the Senate.

Will Senators accept directions as to what sort of bills shall be passed? If a gag rule is imposed upon the Senate, when a young man comes down from the other end of the Avenue with a bill which the Executive wants to have passed, they will have nowhere to go. Why? Because a majority—sometimes a kindly majority with respect to the desires of Senators, but more often a ruthless majority which is looking only at its own interests—will not give them an opportunity to be heard.

Do Senators want to change our committees Those committees were organized under the rules of the Senate. Our actions here are under rules which have been established, for the most part, for more than 100 years. Do Senators want to change those rules so as to make this a different body? Do they want to make it a body patterned after the Russian idea, or a body such as they have in Italy or France, or—and I am rather ashamed to say it—a body such as now exists in England, a socialistic body? The administration sends to the Parliament what the head of the government wants, and they get it. Is that legislation? Is that the kind of legislation that Americans want?

What has made this body great throughout the years? It has been its independence, its courage, its desire to look after the best interests of the Nation. Why change it? What reason can be given for changing the fundamental rules under which we are governed? Because some man wants to be President? Because some candidate, whether Democratic or Republican—and I make no distinction in that regard—wants to carry a State in the next political contest? Some candidate wants more votes. That is the only reason that can be advanced for the application of such a rule as is proposed.

Mr. President, let us stand by the Government of our fathers, which has made us the greatest nation in the world. The men whose names I have read, who once served as Members of this body, and whose successors we are, were not afraid. They passed no gag rules in those days.

Mr. President, some persons say we are filibustering. I do not believe any Member of this body would charge that I have ever made a filibustering speech. The speech I am now making is about as near as I have ever come to a filibustering speech in my life. I am not filibustering; I am pleading with the Members of the Senate of the United States, regardless of party, to stand by the Constitution, which they swore before Almighty God they would defend and protect against all enemies, foreign and domestic. Those oaths, the Senate rules, and the work done in this body under its rules have made this a famous body. Let us not be afraid to stand for the right to stand for what is best for our country—to stand against legislation proposed for political purposes only, which legislation is foreign to the principles and policies of our great forefathers and our great predecessors in this body.

Mr. President, you and I know that many Senators besides myself have seen men in their own States spend all they have and more, all their friends would give them, and all their families would give them, to be elected to this body, and yet as soon as they came to this body, they wanted to reorganize it, they wanted to readjust it or remake it, they wanted to remake it along the lines of the Russian Government—in short, a body controlled by a ruthless majority, or a despotism after the fashion of a Lenin, or a Stalin, or a Hitler. I wish to say here and now, Mr. President, that I have been to Russia, I have seen the Russian people, I have seen the Russian Government, I have seen that Government working. Between this great, free, Government of ours, with a Senate which believes in the freedom of debate, and the Russian Government, for instance, there is no more comparison than there is between daylight and darkness. The Russians virtually have no government. The Russian people have no rights, except those handed to them by someone temporarily in power.

Mr. President, let us not make the fatal mistake of taking the first great step toward overturning our free Government which has made our Nation so wonderful and so strong. Thus far we have not met with failure, but our every step has been on the road to success. Let us keep on that way.

Now let me discuss for a moment the history of the membership of the Senate from 1861 to 1901. Who were the Members of this body during that period? Among its Members were Justin S. Morrill, of Vermont; John P. Hale, of New Hampshire; John Sherman, of Ohio; Solomon Foot, of Vermont; Thomas A. Hendricks, of Indiana; William Pitt Fessenden, of Maine; Samuel C. Pomeroy, of Kansas; Zachariah Chandler, of Michigan; Frederick T. Frelinghuysen, of New Jersey; Oliver P. Morton, of Indiana; Roscoe Conkling, of New York, one of the most outstanding of all Senators not only among those of his own day but among Senators of all time; Garrett Davis, of Kentucky; George F. Edmunds, of Vermont; Carl Schurz, of Missouri; Thomas F. Bayard, of Delaware; William B. Allison, of Iowa; John J. Ingalls, of Kansas, one of the greatest orators ever to serve in this body; James G. Blaine, of Maine, another of the very outstanding men of his day both as an orator and a statesman; John P. Jones, of Nevada; and John T. Morgan and Edmund W. Pettus, of Alabama.

Mr. President, having been born in Alabama, I know I will be excused for an additional word about these two great men. They lived in the county where I was born and they were friends of my father, who was also a lawyer. The firm of Pettus and Morgan was a leading law

firm in Selma, Alabama, our county seat. They were law partners for many years. General Morgan was elected to the Senate in 1877 and served until his death in June 1907. General Pettus entered the Senate in 1897 and served in this body with his law partner, Senator Morgan, for more than 10 years, and until his death in July 1907. As a child I remember visiting their offices in Selma with my father. They were both great men, grand men who made great Senators and who stood for no gag rule!

In this connection I might add here that I believe Senators Pettus and Morgan were the only two law partners living in the same town who ever both served at the same time in the Senate, with the exception of our friends, the present two Senators from Rhode Island [Mr. GREEN and Mr. MCGRATH] who have served for several years together as Senators, from Providence, Rhode Island. They were also law partners and from the same town. Ordinarily Senators are elected from different sections of the State. Senators Pettus and Morgan, both of the then small town of Selma, were in the Senate together for nearly 10 years. It was quite unusual.

Mr. President, these great Senators in the period from 1861 to 1901, and others like them, aided greatly in maintaining and building up the name and fame of the United States Senate. Was there a gag rule on these distinguished men? Their names have been household words all over this country of ours. Many of them were great statesmen. Were they bound by gag rules? Did they get bills through the Senate by reason of cloture? Oh, no! They got their bills through by reason of their ability to put them through on this floor.

Others of the great Members of the Senate in those days were William Windom, of Minnesota; George F. Hoar, of Massachusetts; Lucius Q. C. Lamar, of Mississippi; James Shields, of Missouri; Isham G. Harris and Thomas Battle Turley, of Tennessee; Augustus H. Garland, of Arkansas; Orville H. Platt, of Connecticut; Henry M. Teller, of Colorado; George G. Vest, of Missouri; Zebulon B. Vance, of North Carolina; and Francis M. Cockrell, of Missouri.

Mr. President, were those men advocates of cloture? Oh, no; there was no cloture in those days. In those days, Senators stood on their own individual merit and got their bills passed by virtue of their arguments and eloquence and attention to duty. Bills were not shot through the Senate by a determined majority or by a gag rule imposed because of the wishes of an executive or a party majority. Those men made the United States what it is today; they made the United States Senate what it is today. In those days, men were men. Have we now no men to stand by our own institutions? Mr. President, I doubt whether 1 Senator among 10 in this body has even seen the work of the government that some persons are attempting to incline us toward—the Russian Government. In Russia, what is called majority rule exists. If any Senators here ever saw it, they would be ashamed of it, for it is not a government, it has nothing of which we would be proud. Senators are often told about it by persons who know very little or nothing about it. The present proposal is the first step toward communism in this country. I refer to the proposed amendment of the rule, the proposed abolition of freedom of debate in this body, and the creation here of a gag rule by which the Senate would pass bills which were sent to it by an Executive.

I wonder how many Senators have seen the so-called liberal government of Russia. If any Senator within the hearing of my voice has seen the Russian Government in action, I should be glad to have him stand up and tell me and tell the American people what sort of a government it is. That government does not have gag rules, because such rules are not needed. The Russian leader maintains whatever kind of government he desires; he has any kind of legislation that he wishes put through.

I see my friend, the Senator from North Dakota [Mr. LANGER], at his desk across the aisle. I wonder whether he would like to have a president send proposed legislation to the Senate and tell the Senate to pass it, regardless of whether the Senate liked it, but simply because the administration wanted it. Are we going to make the Senate that kind of a body? If so, Senators are not the kind of independent men I think they are. So, I am pleading with the Senate. I am not filibustering; I am pleading that this thing be not done to our country. Do not take this step. It was said today by the Senator from Michigan [Mr. VANDENBERG] it would be an historic step. It will be the first step toward the so-called liberalization of our Government, making it more and more like the supposed Russian Government about which we hear so much today.

Mr. President, I do not want to see the Senate reorganized. I do not want to see it refashioned to conform to any other legislative body. I think the Senate is the most effective legislative body in the world today. I am proud of being a member of it. I am proud of its history. I am proud of its rules. I am proud of its work. We had better let well enough alone. The Senate has done very well indeed for a little over 150 years. It would be better for us to stand by its rules instead of seeking to conform it to the new-fangled governments of the world.

I pause to give an illustration of what I really believe in. As the distinguished Senator from Michigan said, it is not exactly analogous to what we are talking about, but it is along the same line. A bill was recently sent to Congress requesting an appropriation of about $5,400,000, as I recall the figure. When General Fleming came before the Committee I was very greatly perturbed. I am not an architect, though I love beautiful buildings. As an American, I love the building we know as the White House. I think it is the most beautiful residence of any ruler or leader in all the world. Do Senators know what I was afraid of when General Fleming came to the Senate to ask for $5,400,000 with which to rebuild that edifice?

I was afraid the present White House was to be torn down and a newfangled building such as the Pentagon constructed in its place, to be known as the White House of America. I stated my fears to General Fleming. I said, "Before we appropriate one dollar of the money, I want to know whether you are going to change the outside appearance of the White House." He said he was glad to assure me it was not planned to change the outside appearance of the White House at all, that its outside walls, its columns and balconies and its general structure would be retained, but the purpose was to place a steel structure on the inside in order to make the walls strong. I then asked General Fleming what he was going to do to the historic rooms of the White House and the whole interior of that wonderful building. He said the Blue Room was not to be changed, nor the East Room, nor the various other historic rooms of the building. The building was to be repaired, but it would remain almost exactly as it appears today. I said to General Fleming, "So far as I am concerned, if you assure me that is what you are going to do, I shall be glad to vote for an appropriation to keep the White House as it is. It is an historic building. Every American should want it to remain as it is. We want it strong. We do not want its walls to fall, or anything like that." I said, "In my judgment, the people of America want the building to remain as it is. I certainly do. I expect to uphold your getting the money with which to repair it, on condition that its outer appearance and beauty are not to be destroyed, and on condition that its interior beauty, grace, and attractiveness are not to be impaired.

"That is the way I feel about the Government. I want to keep it as it is, with its present Constitution. I want to see it preserved along the lines intended by our great forefathers." They were great men in those days—Jefferson, Madison, Hamilton, and the others who fashioned it. They knew what they were doing. They erected a great Government. Our country has become better and richer and stronger and more efficient every year since it was established.

Today there are those who seek to undermine it through changing our rules. It is said, "The difference is only the difference between Tweedledum and Tweedledee. It is only the difference between a motion and a measure, so really there is no difference." All Senators know better than that. The effort is to make it conform to the fashion of the Russian Government; to which I am utterly opposed. I want our Government to remain an American Government. Our Government has succeeded when nearly every other government in the world has failed. Let us keep it an American Government of which we can all be proud.

As I say, regardless of anything that may be said to the contrary, I am not undertaking a filibuster. I am appealing to Senators, such of them as are present and listening, not to take the first big step toward destroying this great Government of ours. Let us stand by it. Let us uphold it. Let us uphold its Con-

stitution and its rules. Let us uphold the principles upon which it was founded.

I mean no disrespect to the Vice President. He and I have been friends for more than 30 years, and I have great respect for him. However, I think he is entirely wrong in the ruling which he has made on the point of order. I shall vote not to sustain that ruling. I think that to sustain it would be a fatal step in our history. I hope the other Senators who feel as I do will vote the same way. I can perhaps say that I speak from experience. I have been here for more than 32 years. I was quite proud of my Government when I came to the Senate, and I am a thousand times more proud of it today than I was at that time.

For Heaven's sake, my friends of the Senate, let us stand by the Constitution! Let us stand by the Senate! Let us stand by its rules!

Mr. SMITH of New Jersey. Mr. President, it is not my purpose to speak at length upon the question before us. I am one of those who have been giving thought to the question within the past few days, and I should like to express to my colleagues and for the record the reasons for such conclusions as I have reached in regard to my own action on the pending appeal from the decision of the Chair.

The first big issue, as I see it, Mr. President, is the question of whether we want any cloture rule at all. I want to commend, with all my sincerity, the strong case that I feel has been presented by our colleagues from the Southern States who are taking the position that there should be no limitation on debate under any circumstances.

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

Mr. SMITH of New Jersey. I yield for a question.

Mr. MAYBANK. Does the Senator think that only Senators from the Southern States believe there should be no limitation on debate?

Mr. SMITH of New Jersey. Not by any means. I am commending the arguments made by the Senators from the Southern States.

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

Mr. SMITH of New Jersey. I yield for a question.

Mr. MAYBANK. Was not the distinguished senior Senator from Michigan the first speaker today——

Mr. SMITH of New Jersey. I shall come to that in a moment.

As I started to say, Mr. President, the first big question, it seems to me, is whether we want any limitation on debate at all, or whether the situation, as it has developed through the years, is such that there may be occasions on which it might be desirable, under extreme circumstances, to limit the freedom of unlimited debate. Having served for 2 years on the Foreign Relations Committee and being deeply concerned with world conditions, I feel that circumstances can arise in which it might seem important to a large preponderance of Members of the Senate that the business of the Senate be proceeded with. So I have come to the conclusion that somewhere, somehow, this body should be able to determine, after a long period of debate, and only after a long period of debate, that it is time we proceeded with the business before us. But I want to say, Mr. President, that I object strenuously to any suggestion from any source that it be a majority determination. I am much wedded to the idea that has been advanced by Senators on the other side of the aisle that the Constitution of the United States definitely protects us against the absolutism of majorities as well as against the absolutism of dictators. I agree entirely with that position, and I agree that in establishing the Senate it was understood that the States would be recognized State by State, their independent sovereignties recognized, and that we should not merge the States in what might be a majority of the population. That was undoubtedly the reason for the unlimited-debate rule.

So I say to my colleagues, very definitely, that I am opposed to any suggestion that a majority should determine the cloture rule. Personally, I say frankly that I should prefer to see a three-fourths majority cloture rule, because I think the privilege of unlimited debate is so important that only the most extreme circumstances should require setting it aside.

I will say, further, that the debates which have gone on in committee and the discussions which I have had convince me that a rule providing that a constitutional two-thirds majority, which would be 64 Members of the Senate, could determine that the time had come to set aside the privilege of unlimited debate, after a long and full discussion of any measure before us, it would be a reasonable rule. That is the rule which I understand is proposed by the Hayden-Wherry resolution.

Therefore, after thinking the matter through, I have come to the conclusion that I am prepared to support the Hayden-Wherry resolution as a clarification of the situation which now confronts us.

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

Mr. SMITH of New Jersey. I yield for a question.

Mr. MAYBANK. I want to ask the Senator this question: Is the Hayden-Wherry resolution before the Senate?

Mr. SMITH of New Jersey. No; the motion to make it the unfinished business is before the Senate.

Mr. MAYBANK. So the question which is before the Senate is a motion; is that correct?

Mr. SMITH of New Jersey. That is correct. I am trying to address myself to the issues which have disturbed me in my thinking, and I appreciate the Senator's bringing out that point.

It has seemed to me that it was wise to approach the matter from the standpoint of clarifying what apparently is in our rules, known as rule XXII. That rule is our cloture rule. We have heard long debate on it. It provides that the cloture rule may be applied on any pending measure. We have heard discussed the question of whether a motion to make a certain piece of business the business before the Senate is a pending measure. There is obviously enough doubt as to what those words mean to make it important for us to try to clarify our thinking, if we are to have any effective cloture rule at all.

No one has a higher regard for my distinguished colleague, the Senator from Michigan, than I have. No one could have sat here last summer and heard his wonderful exposition of his interpretation of the language of the rule, and heard it again today, without realizing the great skill and the great earnestness with which he approaches all these questions. I very frankly admit that the position he takes is a perfectly reasonable one, because, certainly, from the use of that language and the precedents cited, it looks as though that were the sound conclusion to draw. I have no quarrel with the fact that he did decide in that way last summer, although I admit that at the time I felt completely frustrated when it seemed to him necessary to make that decision. Why frustrated? Because if rule XXII is limited to a measure before the Senate, and cannot be applied to any pending matter which might be holding up the Senate in its deliberations, then I could see no reason why the rule was ever adopted in the first place. In that case it is nothing; it is simply an expression which it is very hard for me to understand. It seemed to me, in thinking the matter through and studying it, that no one could possibly understand the motives of those who framed the rule, unless they intended to have some means by which, if the Senate expressed itself by a certain preponderance, which they set at two-thirds, the Senate could say, "At this point we will discontinue the debate and proceed to finish our business."

It seems to me without reason to argue that they intended to have a rule affect only a measure which was then before them, and not affect a motion to bring up that measure, if they really intended to make such a rule effective.

So, Mr. President, I have come reluctantly to the conclusion that I cannot agree with my distinguished colleague from Michigan. It seems to me that we become very legalistic if we do not go back into history and look into the minds of those who framed the rule, what the issue was before them at the time, what they were driving at, and why they thought it was necessary for them to do something.

What was the situation? There was a war in progress, as I read the record, when it was necessary for the Senate to look forward to the time when some issue might arise which would make it imperative for them to act. I feel that today, with the situation in the world as it is, I am unwilling to leave us without any possibility of shutting off what might be a genuine attempt to prevent this Government acting in case of a great crisis.

I feel that we must come to an agreement as to some kind of rule so that the preponderance of opinion of the Senate can be mobilized so as to say to those few who might want to head off action, "This is a crisis in which we feel we must act."

Mr. President, I believe that such a conclusion is consistent with my insistence that the right of unlimited debate

is one of the most precious possessions we have, one of the most precious protections for minorities in this country, one of the most precious protections against absolutism of a majority, of which I am as fearful as is anyone else.

I want very much to see us move in as rapidly as we can to determine whether or not we can, as statesmen, adopt the Hayden-Wherry resolution. I do not support the ruling of Vice President BARKLEY for any reason of expediency, but simply because I think he is on sound ground in saying he cannot explain the existence of rule XXII under any hypothesis except that it was the intention of the Senate, when the rule was adopted, to provide for the power to bring any discussion to an end and enable the Senate to go on with its business.

Mr. DONNELL. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from New Jersey yield to the Senator from Missouri,

Mr. SMITH of New Jersey. I yield for a question.

Mr. DONNELL. Is the Senator willing to state how he stood last summer in regard to the Vandenberg ruling, whether he agreed with it or did not agree with it?

Mr. SMITH of New Jersey. We did not act on the matter, the Senator will recall.

Mr. DONNELL. Yes.

Mr. SMITH of New Jersey. I felt frustrated because I had hoped we would get another ruling. It seemed to me then, as I say now, that there was no way in which I could explain putting rule XXII into the Senate rules except on the theory that those who framed the rule intended to have some way by which they could bring debate to an end and proceed with their business. I still feel that way.

Mr. DONNELL. Will the Senator yield for a further question?

Mr. SMITH of New Jersey. I yield.

Mr. DONNELL. I wanted specifically to know whether the Senator at that time agreed or disagreed with the Vandenberg ruling.

Mr. SMITH of New Jersey. I disagreed with the ruling.

Mr. DONNELL. I thank the Senator.

Mr. SMITH of New Jersey. Mr. President, I saw an article in the New York Herald Tribune this morning which gave me a great deal of concern, and I wish to refer to it because I do not want anyone interested in this discussion to think I have acted in bad faith. The New York Herald Tribune this morning, Friday, March 11, after discussing the Barkley ruling and the news connected with it, said:

> Senators H. ALEXANDER SMITH, of New Jersey, and CLYDE REED, of Kansas, were among the Republicans who, after having promised to vote with the southerners, signed the cloture petition.

Mr. President, the last thing I would do would be to break a promise. I have never made a promise in this connection. I told the press I would not take a position until I heard the Vice President's ruling, and until I talked further with the Senator from Michigan [Mr. VANDENBERG]. I told questioners I would not take a position, and there was no justification to report me in any poll whatsoever. I have not changed my position at all. I am stating how I have felt all the way through. But I have declined to be committed to any poll of any sort prior to the time when we had to vote.

To sum up what I have said in these few remarks, I wish to read a statement I sent out yesterday when I signed the cloture petition. I said this:

> I have joined the cloture petition today in order that the Senate may be able promptly to decide whether it proposes to have any cloture rule at all. The present rule XXII, covering the question of cloture, is ambiguous and may be subject to different interpretations.

There is no doubt of that, as evidenced by the fact that two of the leading statesmen in this body today, my distinguished colleague, the Senator from Michigan [Mr. VANDENBERG], and the distinguished Vice President, Senator Barkley, have differed as to the interpretation of the rule, as it reads now. My statement continued:

> While I favor a cloture rule which may be effective when needed, I desire to make it clear that I believe firmly in the right of debate, and I would vigorously oppose any rule which would give a mere majority the power to curtail that fundamental right.

I wish to add, Mr. President—and I say it with deep respect—I was shocked beyond measure when I read in the press that the President of the United States had recommended that we adopt a majority rule on cloture. I continue reading from my statement:

> Ours is a Government of checks and balances, and the right of free debate is one of the checks to prevent the arbitrary domination by a mere majority. Only under extreme circumstances, and where the full membership of the Senate has had a chance to consider the implications, should the right of unlimited debate be curtailed. In my judgment, a two-thirds vote of the entire Senate, after twenty-four hours' notice and after a petition by a substantial number of Senators, should be required to set aside this safeguard of our fundamental liberties.

As I said before, Mr. President, I cannot reconcile the inclusion in our present rules of rule XXII except by the interpretation that it was the intention of those who framed it to provide that the Senate should have power to cut off debate on any subject when Senators felt it was important to proceed with Senate business.

For the reasons I have stated, Mr. President, I propose to support the Vice President's ruling at this time.

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

Mr. SMITH of New Jersey. I yield for a question.

Mr. McMAHON. The Senator stated he was against majority cloture. Does he differentiate between a majority of a quorum and a constitutional majority?

Mr. SMITH of New Jersey. Of course, if it was a constitutional majority, it would mean 49 Senators. But I would certainly oppose any majority rule, even a constitutional majority. I would like to see a constitutional majority of two-thirds which would mean 64 Senators. The right of unlimited debate is too precious a protector of minorities to be cut off by any smaller preponderance. But we must have a cloture rule which can be used effectively.

Mr. KEFAUVER. Mr. President, as a freshman Senator, I did not expect to speak for some weeks or months to come, and, after the addresses we have heard on the subject now under discussion, I know that what I may have to say will be of little weight, but before the debate was closed, I did wish to set forth my position. Also, I have some documents on my desk which I think might throw a little additional light on the intentions of the Senators in 1917 when rule XXII was adopted.

Mr. President, the position I take is not an easy one for me politically, because most of my colleagues from the South have been joining in this filibuster. It is not an easy position for me personally, because I have a very close and affectionate relationship with my colleagues from the South, and I dislike very much to have to disagree with them. I would not do so if I did not have a very deep conviction about the matter, and I hope my colleagues from the Southern States will understand that I am doing what my conscience dictates.

I have a firm conviction that the necessity of the Senate being able to function is paramount to any single domestic issue or any group of domestic issues, because if the Senate cannot discharge its constitutional obligation our whole system of democratic Government may be doomed. Particularly, Mr. President, at this time, when the United States of America has an obligation of world leadership for peace and world stability it is most necessary that our legislative body be able to function after reasonable consideration and debate. This position of leadership, holding the torch of democracy high, will require action with reasonable dispatch on important measures, treaties, resolutions, bills dealing with the defense of our country, and a score of international problems. All of these measures may be opposed, and undoubtedly will be opposed, by a few Members of the United States Senate. But they must be determined and not talked to death by a very few Members which is now possible unless rule XXII is strengthened.

During this crucial period of history, with a rule of unlimited debate, under which the mechanism of this body can be chained by the will of four or five determined men, I do not think we can afford to proceed into the difficult period ahead without making a determined effort to cure that situation.

When for the first time in the history of the world this Republic has a duty of international leadership, are we going to face the complexities of this period with our legislative body in a straitjacket?

Mr. President, the situation we now confront is exactly that which faced the United States Senate in March 1917, when rule XXII was adopted.

What was the purpose of the Senators in 1917? All the hairsplitting and technical interpretations that can be thought up cannot and should not obscure the in-

tent or thwart the purpose of the act of March 8, 1917, which is now rule XXII.

I know, Mr. President, that newspapers 30 years old may be subject to the statute of limitations, but in this case they are very revealing. The chief determination to be made here, I believe, is: What did the Members of the Senate in 1917 intend to do? At that time the *Lusitania* and other ships of the United States had been sunk by German submarines. President Wilson had recommended the passage of a bill to authorize the arming of ships, and the bill had passed the House of Representatives by a vote of 403 to 13. In the United States Senate, as has been so frequently stated, a small group of the Members of this august body filibustered and killed that measure. There was great indignation throughout the country. Petitions were sent to the United States Senate by several State legislatures, requesting that the Senate place itself in a position so that it could act for the defense of this country.

Mr. President, I have taken the trouble of going to the Library of Congress and reviewing a great many newspapers of that time, which, of course, reflected the condition of our Nation and the situation that brought about the necessity for passing some kind of cloture provision. These newspapers describe, with precision, the intention of the Senate.

Then, in recognition of the demand of the public, from the pulpit, the press, by the State legislatures, on March 4, 1917—and this is a point which I do not think has been brought out in the debates had here so far—as reported by the New York Times, a solemn agreement was signed by 33 Senators pledged to amend the rules to halt filibustering. On the front page of the New York Times of March 5, 1917, there appears an article which I shall read. The New York Times, I think, is one of the great newspapers of the country. At that time the editor and publisher was Adolph S. Ochs, of whom my home city of Chattanooga is very proud, because it was there that he had his start as publisher of the Chattanooga Times.

WASHINGTON, March 4.— Under the leadership of Senator Robert L. Owen, of Oklahoma, virtually half of the new Senate has already pledged itself to cooperate to compel a change in the rules of the Senate, so that it can act instead of being rendered helpless by successful filibustering in the future.

As soon as the Senate meets in special session tomorrow an agreement, now in possession of Senator Owen, and which has already been signed by 33 Senators, including several Senators-elect, will become effective pledging them to cooperate to "compel" such a change in the rules of the Senate as President Wilson, in the statement issued by himself at the White House tonight, declares to be the only remedy for the present powerless, helpless situation of the Government in a great international crisis. The pledge is in the following form:

"WASHINGTON, *March 3, 1917.*

"We, the undersigned, hereby mutually covenant and agree to cooperate with each other in compelling such changes in the rules of the Senate as to terminate successful filibustering and enable the majority to fix an hour for disposing of any bill or question subject to the rule of 1 hour to each Senator for discussion before or after the hour is fixed. This agreement to go into effect March 5, 1917."

Who were some of the signers of this solemn agreement? Robert L. Owen, Oklahoma; Atlee Pomerene, Ohio; Henry F. Hollis, New Hampshire; Ollie M. James, Kentucky; James A. Reed, Missouri; William Hughes, New Jersey; James K. Vardaman, Mississippi; Henry L. Myers, Montana; Morris Sheppard, Texas; George E. Chamberlain, Oregon; John Sharp Williams, Mississippi; William F. Kirby, Arkansas; A. A. Jones, New Mexico; Claude A. Swanson, Virginia; Duncan U. Fletcher, Florida; John Walter Smith, Maryland; Willard Saulsbury, Delaware; W. J. Stone, Missouri; Edwin S. Johnson, South Dakota; Charles S. Thomas, Colorado; Henry F. Ashurst, Arizona; Key Pittman, Nevada; Paul O. Husting, Wisconsin; Thomas J. Walsh, Montana; Joseph T. Robinson, Arkansas; James D. Phelan, California; W. H. King, Utah; J. C. W. Beckham, Kentucky; Joseph E. Ransdell, Louisiana; James Hamilton Lewis, Illinois; William H. Thompson, Kansas; Francis G. Newlands, Nevada; Albert B. Fall, of New Mexico.

And then the story of the New York Times continues, Mr. President:

Others, who, while they have not yet signed the agreement, have agreed to support the movement, are Thomas S. Martin, Virginia; Hoke Smith, Georgia; Harry Lane, Oregon; John F. Shafroth, Colorado; Oscar W. Underwood, Alabama; Kenneth McKellar, Tennessee; and Park Trammell, Florida.

Mr. President, I think the statement of this covenant is very significant. It is very short, and I want to read it, and paraphrase as I do:

We, the undersigned, hereby mutually covenant and agree to cooperate with each other in compelling such changes in the rules of the Senate as to terminate successful filibustering.

What was the main purpose of these distinguished Members of the Senate from every section of the United States at the time they undertook to adopt rule XXII? To terminate successful filibustering. They did not pledge to terminate filibustering on one type of proceedings and leave the right intact for other purposes.

It is very significant, Mr. President, with all this talk about majority rule, that the next sentence should be:

And enable the majority to fix an hour for disposing of any bill or question.

These distinguished Senators, many of them southerners, did not feel that unlimited debate was so sacred. They wanted majority cloture.

Mr. President, what were the limitations to this covenant which was entered into at that time? Was there any limitation that they would terminate filibuster only on a pending measure after it was in the process of being discussed? No, Mr. President, it covered all proceedings. Was there any provision that this limitation would not apply to a motion to bring up a pending measure, and, of course, no measure can be brought up unless there is a motion to bring it up? Their determination was to stop filibustering. They made no limitation as to motions or any preliminary proceeding. They only made one limitation. This limitation is—

Subject to the rule of 1 hour to each Senator for discussion before or after the hour is fixed. This agreement to go into effect March 5, 1917.

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

Mr. KEFAUVER. I yield to the distinguished Senator from Florida.

Mr. PEPPER. Did the Senator in reading the contents of the resolution also find the statement in the alternative bill or question?

Mr. KEFAUVER. Yes. "Disposing of any bill or question." Yes, bill or question. This was their intention and we must assume they had the capacity to carry out their purpose.

Mr. PEPPER. If the Senator will yield further, I will say that is the point I thought should be brought out.

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

Mr. KEFAUVER. I yield to the distinguished Senator for a question.

Mr. FULBRIGHT. I did not quite understand from what the Senator was reading. Was it a resolution adopted by the Senate?

Mr. KEFAUVER. This was the original beginning of the deliberations and of the agreement which led to the adoption of rule XXII. This was the covenant which was entered into by the Senators at that time as to what they were going to do to stop filibustering. "Covenant" is the word they used.

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

Mr. KEFAUVER. I yield for a question.

Mr. FULBRIGHT. I do not quite understand the use of the word "covenant." We do not use that word here. I wonder what the significance of the word "covenant" is.

Mr. KEFAUVER. That was the language which they used:

We, the undersigned, hereby mutually covenant and agree—

That is the language they used. They had a gentleman's agreement for that purpose. They were joining in a solemn agreement to curb unlimited debate which had rendered the Senate impotent.

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

Mr. KEFAUVER. I yield for a question.

Mr. PEPPER. Did not the Senator also read the name of Senator Martin, of Virginia, who was the majority leader, and who later presented to the Senate the resolution which became rule XXII, as one of the Senators who indicated that, while they did not sign the covenant, they would support the objectives of the covenant?

Mr. KEFAUVER. The Senator is correct. Those who said that they would agree to support it were Senators Martin, of Virginia; Hoke Smith, of Georgia; Lane, of Oregon; Shafroth, of Colorado; Underwood, of Alabama; McKellar, of Tennessee; and Trammell, of Florida.

These Senators were for the proposition of cloture by a majority.

After this time, in a bipartisan caucus, all the Democrats agreed to a change in the rule, as did all but two Republicans. Seventy Members agreed to cloture. When the bill was passed it was by a vote of 70 to 2, as I recall.

Is it possible that those great and capable Senators of that time, who had stated that they wanted to stop filibustering on any bill or question, did not know how to carry out their intention effectively? Is it possible that they would insert a limitation making the rule subject to the limitation of 1-hour debate, and, if they had intended other limitations, so that cloture would not apply to a motion, would have omitted mentioning such other limitations?

The expressions in the press of the Nation at that time are certainly very strong evidence of what Members of the Senate thought they were doing. In the Washington Post of March 8, 1917, on the front page, is an article undoubtedly written by a reporter who was present during the debate and at the time the vote was taken. I shall quote only part of it:

> A patriotic, nonpartisan decision was reached by Republican and Democratic caucuses yesterday to amend the rules of the Senate to end forever the disgraceful spectacle of a filibuster such as last Sunday morning prevented the Senate from giving the President power to protect American ships at sea engaged in their lawful pursuits.

The article continues:

> Democrats voted unanimously, after differences had been threshed out and reconciled, to support a rule under which debate could be limited by a two-thirds vote. * * * The Republicans, by a vote of 30 to 2, supported the same change in the rules.

The leading editorial in the Washington Post of March 8, 1917, is entitled "No More Filibustering." Prior to that time the Washington Post had editorialized on the need of a change in the rules. Certainly the editors of the Washington Post, as evidenced by the news stories and editorials, were satisfied that rule XXII had done what the agreement signed by the Senators was intended to accomplish. A part of the editorial of March 8, 1917, in the Washington Post is as follows:

> The two party caucuses in the Senate have promptly agreed upon a new rule which will enable two-thirds of the Senators present to bring any debate to a close.

The editorial continues:

> This is a perfectly fair rule. It does not limit debate if one more than one-third of the Senators present desire to continue the debate. Thirty-three Senators therefore can prevent cloture. On the other hand, 64 Senators can absolutely terminate a filibuster.
>
> The greatest potential power possessed by the Senate is the power to approve or reject a treaty. This power, which might affect the national independence itself, was lodged in the Senate as the safest repository in the Government. Yet a treaty of the most far-reaching character may be ratified by two-thirds of the Senators present. It is surely proper and right to lodge with the same two-thirds the power to close debate.

Mr. President, it seems to me that neither in this editorial nor in any of the other editorials I have read in many newspapers which I have examined was there any doubt whatsoever on the part of the press at that time that rule XXII would enable any debate to be terminated by two-thirds of the Senators present on any question. That is, of course, what this editorial says.

I refer to a similar editorial in the Evening Star of March 9, 1917, as to the result of the vote which had been taken. This is also the lead editorial. The burden of the editorial was that actually the rule had not ended filibusters, that filibusters could still go on if one-third plus one of the Members of the United States Senate wanted them to continue.

> It may not be difficult at any time to find 16 Senators in agreement as to closing debate on a bill; but a debate can only be closed by an order of two-thirds of the Senate. The difference between 16 and 64 is considerable.

So there was no question in the minds of the editors of the Star or of their reporters, as can be seen by the various news reports, as to what the result of the action taken by the United States Senate was. Neither this nor any editorial of that time suggested or implied that rule XXII was applicable to a part only of the legislative process.

The Washington Post gave its opinion as to what had happened, as to whether debate could be cut off by two-thirds of the Members of the Senate. It had been editorializing in favor of a cloture rule. Let us see what was the opinion of the Washington Post as to what had happened. I read from an editorial of March 9, 1917:

> The adoption by the Senate of the new rule providing for the closing of debate is astonishing evidence of the power of public opinion in the United States.
>
> A week ago the subject of cloture was an academic abstraction. Nobody paid serious attention to the proposal that had been pending for years, in one form or another, looking to a limitation of debate. The filibuster resulting in defeat of the armed ship bill disgusted the country. President Wilson seized the psychological moment to impress the country with the viciousness of the system which enabled a handful of men to block the processes of the Government, not by persuasion, but by mere physical obstruction. Thereupon the subject was one that would not down. Senators knew that it had to be disposed of. With admirable promptness they grappled with it, framed a sensible and a just rule, and by a vote of 76 to 3 put it into effect.
>
> There can be filibustering still in the Senate, but it must be supported by 33 Senators to be effective. As a practical matter it is impossible to unite 33 Senators in a campaign of mere obstruction. There must be something radically wrong with a question which cannot reach a vote after reasonable debate. The determined opposition of 33 Senators to closing a debate would create the presumption that they had right on their side.

So, Mr. President, the Washington Post, which is a leading newspaper in Washington, as did all the great newspapers of that time, felt that the cloture rule applied to any action of the Senate, and that two-thirds of the Senators could limit debate. No exception is found to the conclusion of this editorial on the part of any Member of the Senate, in subsequent issues of the Post, so far as I have been able to find. No letters were written to the editors of any of the newspapers which I have examined disputing their logic that rule XXII applied to all proceedings.

Mr. President, on March 9, 1917, the New York Times, after having editorialized in favor of a change in the rules which would enable cloture by a two-thirds vote, in an editorial entitled "Cloture at Last," stated in emphatic terms that it was their opinion that there was a limitation of debate in the Senate on any subject or on any question which might arise, by a two-thirds vote of the Senate. I read from the editorial:

> There could be no stronger proof of the way in which the events of the last month have impressed the Senate than the ease with which the advocates of cloture have had their own way. A month ago this greased slipping of cloture through the Senate would not have been possible. The House adopted it 27 years ago, after bitter and violent opposition, and it became a leading political issue in the elections.

The editorial goes on to say:

> That a single incident like the filibuster of last week suffices to change the Senate's view, at a place where it seemed most strongly rooted, is eloquent of the way in which that body has been stirred and moved by the Nation's present peril.

Mr. President, it is very difficult for me to believe—as I think it would be for almost anyone who would read the newspapers of those days and consider the issue which was before the United States Senate in March 1917—that the Members of the Senate at that time would adopt an absolutely meaningless cloture rule. Their intention obviously was to limit debate, by means of cloture, on all matters of argument in the Senate of the United States. Is it reasonable to believe that those great Senators, by a vote of 70 to 2, would purposely exclude cloture from applying to that part of a proceeding which is absolutely necessary to the bringing of a bill before the Senate for consideration? Certainly they did not mean to do that, Mr. President; and in the gentlemen's agreement they signed, they specifically said they did not mean to exclude motions from rule XXII, because they made it subject to only one limitation, which is the invoking of cloture, as provided in rule XXII of the Senate Rules.

So, Mr. President, I feel that I must vote to sustain the ruling made by the Vice President. I wish to make it clear that I shall vote for cloture by two-thirds, and nothing less. Heretofore, I have made several statements on this subject, and in a book of which I was co-author I also stated that I felt that a legislative body must at some time be able to bring a matter to a decision. I think that is the general attitude of the Members of the House of Representatives. Of course, that is the theoretical attitude or philosophy of democracy.

I wish to say that I have been much impressed by many of the arguments and excellent speeches which have been made here by my colleagues from the South. I think there is a great deal of strength to the argument that more than a majority should be required in order to cut off debate. I am inclined

to agree with them on that score. But in any event I have joined other Members of the Senate in signing an agreement that I will not vote for anything less than cloture by two-thirds vote, which is the proposition being submitted here. I think that is a good compromise. I believe that the sponsors of the so-called majority cloture rule or the constitutional majority cloture rule would agree that their proposals have absolutely no chance of being adopted; I do not believe that there is any danger whatever that a provision for cloture by majority vote or by a constitutional majority will be approved by this body.

Mr. President, I know that the fear of civil-rights legislation is the prime factor which has brought about the present situation in the Senate. If civil-rights measures were the only ones which could be filibustered against, I would be very much tempted to join my colleagues from the South, because I am just as much opposed to some of the civil-rights measures as they are presented as any of them. But, Mr. President, unfortunately a filibuster cannot be limited to civil-rights measures or proposals. A filibuster is a multi-pronged instrument which can be used against any legislative proposal. Only a small percentage—I would say less than 25 percent—of the occasions when cloture has been invoked or has been attempted to be invoked, or when filibusters have been indulged in, have related to civil-rights legislation. Legislation for farm programs, to appropriate for TVA and other necessary projects must be presented in the Senate and they too would be subject to filibuster.

Mr. President, I am a southerner. I was born in the South, and my forefathers were born there and lived there for many, many generations. In the War Between the States, forefathers on both sides of my family fought on the Confederate side. I think I have as much love for the Southland as has anyone else. But, Mr. President, we cannot forever prevent by filibuster tactics the consideration of certain vital measures. As a matter of fact, under the rules of the Senate, as I understand them, except in the case of appropriation bills, there is no rule of germaneness. Any amendment—for instance, a civil-rights proposal—can be offered to a legislative measure; and, of course, at some time or other some of these bills will be passed. As a matter of fact, as I understand the rules, even in the case of an appropriation bill, under rule XVI, paragraph 4, if notice is given 1 day in advance, the rule can be suspended. So in such case by a two-thirds vote any rider in the form of proposed legislation which may not be germane to an appropriation bill can be added to it.

Mr. President, I feel that, in the case of most of the civil-rights measures, we have a good position on the merits of the controversies. As a matter of fact, I have the impression that, by relying on debate alone, by not meeting these issues on their merits, by not having some of us from the Southland take the initiative and show that we are solving our own problems, we are doing a good deal toward alining the rest of the Nation against us. We are giving the rest of the Nation the impression that we have no defense save a filibuster. If this is our only weapon we will lose eventually because some legislation to which a rider may be attached is going to pass. We cannot stop completely the legislative process.

I was very happy to see the distinguished Member of the House of Representatives from Arkansas [Mr. HAYS] come forth with a proposed solution of the problem, thus taking the initiative; and in Life magazine of this week I find an article on that subject by a former distinguished Governor of Louisiana, Mr. Sam Jones, who has made a proposal for a solution. I have not had a chance to study it closely, so I shall not discuss it in detail. At any rate, it is a proposal looking toward a solution. It is evidence that we of the South can take the initiative in seeking a reasonable adjustment of a perplexing question.

Mr. President, if the Nation is convinced, as it must be, that we of the South are sincerely trying to work out our problems, I do not believe that a majority of the Members of the Senate will vote for any obnoxious civil-rights measure or will attempt to cram any such measure down the throats of the people of the South. I know the Senate will give us a chance to have a full hearing, a chance to present our side of the matter. Our defense is reason and merit. Certainly we cannot forever block the action of the Senate and prevent the consideration of certain measures merely by keeping them from coming up, because if they are not offered in one way they will be offered as riders or amendments to other proposed legislation.

Mr. President, I have full confidence that the Members of this great body will give those of us in the South a chance to settle our own problems. I have great confidence that we can persuade any Members of this body who have any doubt on this subject in their minds that we are making a real effort toward solving any difficulties or problems that we have.

I have full confidence in the fairness and integrity of judgment of this body. If we lose that confidence our democracy and our Nation is gone. We are exhausted of idealism and we are bankrupt of the high democratic principles of freedom, honesty, and fair dealing. If ever we must feel that Members of the Senate are not going to do the just and fair thing in connection with legislation affecting the South or any other part of our great Nation, then our institution of democracy is gone. I do not believe that to be the case.

So, Mr. President, it is with a great deal of trepidation that I take a position opposed to that of the great majority of my colleagues from the South. I feel, though, I must seek to bring about legislation and vote for legislation which I think is for the great national interest of our country. I feel that this is the time of supreme trial of our democratic process. I do not think we can approach without a proper rule enabling the Senate to act the frightful days ahead, when this great body having exclusive jurisdiction over certain aspects of our foreign relations is going to be called upon to give the Nation leadership in the field of international affairs. If we do not furnish that leadership, democratic process throughout the world may break down. So, the necessity of the Senate functioning over personal considerations connected with any domestic issues makes me feel there should be some effective way whereby we can take action when two-thirds of the Members want to do so. I have confidence, furthermore, that when our position is explained, when merit and logic are applied, the wisdom and the justice of the Senate are not going to be put forth on a partisan or sectional basis, to do any harm to the rightful aspects of the position of the great Southland.

Mr. DONNELL obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield to permit me to suggest the absence of a quorum?

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from Missouri yield, to permit the Senator from Georgia to suggest the absence of a quorum?

Mr. DONNELL. I will, if I do not lose the floor by so doing. With unanimous consent that I do not lose the floor, I yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Hoey	Murray
Baldwin	Holland	Myers
Brewster	Humphrey	Neely
Bricker	Hunt	O'Conor
Bridges	Ives	O'Mahoney
Butler	Jenner	Pepper
Byrd	Johnson, Colo.	Reed
Cain	Johnson, Tex.	Robertson
Capehart	Johnston, S. C.	Russell
Chapman	Kefauver	Saltonstall
Chavez	Kem	Schoeppel
Connally	Kerr	Smith, Maine
Cordon	Kilgore	Smith, N. J.
Donnell	Knowland	Sparkman
Douglas	Langer	Stennis
Downey	Lodge	Taft
Eastland	Long	Taylor
Ecton	Lucas	Thomas, Okla.
Ellender	McCarran	Thomas, Utah
Ferguson	McCarthy	Thye
Flanders	McClellan	Tobey
Frear	McFarland	Tydings
Fulbright	McKellar	Vandenberg
George	McMahon	Watkins
Gillette	Magnuson	Wherry
Green	Malone	Wiley
Gurney	Maybank	Williams
Hayden	Miller	Withers
Hendrickson	Millikin	Young
Hickenlooper	Morse	
Hill	Mundt	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present. The Senator from Missouri.

Mr. DONNELL. Mr. President, it is not my purpose to speak this afternoon on the merits of Senate Resolution 15, the Hayden-Wherry resolution. Indeed, as was brought out so clearly and as has been evident throughout this debate, that resolution is not yet before the Senate for consideration. The question to which I desire to address myself relates to the appeal from the ruling made by the Vice President last evening.

Rule XXII of the Senate rules provides, as will be well recalled by all of us, that, if at any time a petition signed by 16 Senators to bring to a close the debate upon any pending measure is presented, the cloture provision provided for therein shall in due time ensue.

So, Mr. President, the question which presents itself to the Senate and addresses itself, likewise, to the Presiding Officer, is whether the motion now pending before us to proceed to the consideration of a measure, namely, Senate Resolution 15, is a pending measure.

Mr. President, the Vice President, last evening, of course recognized, and, by his analysis, demonstrated his recognition, the fact that the question involved is as to the meaning of the word "measure"; whether the word "measure" includes a pending motion to take up for consideration a resolution which is awaiting action upon that motion. The Vice President, with his energy and ability, had looked into the question as to what is the meaning of the word "measure"; and I quote from an observation made by him last evening, appearing at page 2174 of the CONGRESSIONAL RECORD, as follows:

The Chair has also undertaken—

And I pause to say that by the word "also" he was obviously referring back to the search which he had made in various decisions of the courts, to quote his language, "defining the word 'measure.'"

So the Vice President said:

The Chair has also undertaken to enlighten himself about what the Senate meant in 1917, by looking at all sorts of dictionaries, literary and legal. While they are not binding on the Chair, or on the Senate, they do shed some light upon what the Senate was trying to do in 1917.

Now, Mr. President, I call particularly to the attention of the Senate this further language of the distinguished Vice President. Said he:

It is not necessary to quote those definitions, but the most reliable, and, the Chair thinks, probably the one which sheds the most light upon the question, is the definition found in the Century Dictionary, which defines a measure as one of a number of progressive steps looking to a definite conclusion, looking to the accomplishment of a fixed end. Therefore, if that sort of definition should be applied here, it would undoubtedly apply to the word "measure" in the rule.

So, Mr. President, bearing in mind that the Vice President had placed upon the Century Dictionary the seal of his approval, with the thought in his mind, as he tells us, that "the most reliable, and probably the one which sheds the most light upon the question, is the definition found in the Century Dictionary," which, in substance, is then given by the Vice President. I made available to myself today the Century Dictionary to see just what that dictionary said. I found, interestingly enough, that the Century Dictionary, which I have here upon my desk, was in existence in 1917. Indeed, it had reached the Senate Library approximately 11 years before that time, namely, on January 24, 1906, and bore the copyright of 1890.

So, Mr. President, the definition to which the Vice President referred was in a standard, well-known, authentic dictionary which had been in existence for many years prior to the time the Senate acted in 1917 in the adoption of the cloture rule.

I found, Mr. President, on examining the Century Dictionary, that the word "measure" has numerous references and numerous applications. For illustration, I found, as we all know, that the word "measure" means literally a measurement; and so we find in this dictionary, as I find also in others, illustrative measures, such as a measure of a foot rule, a measure of a yardstick, a measure of a pint cup, or a bushel basket. Those are measures. Yet obviously that is not the sense in which the term is used in the Senate rules.

I find also that in a term somewhat unfamiliar to me, the term "prosody," which seems to have some relation to grammar, and also relates to verse forms, a definition is given in the Century Dictionary which obviously does not apply to the case now at bar before the Senate.

I find that under music there is a series of definitions in the Century Dictionary of the term "measure," which obviously, regardless of how musical the new rule may sound to our ears, has not the significance in which the term is used in rule XXII.

I find that even in a terpsichorean dance, the term "measure" is defined as "a slow, stately dance or dance movement," and again, Mr. President, we find obviously a definition which does not apply to rule XXII.

Then we find, Mr. President, the definition to which the Vice President alluded last evening, and I found, somewhat to my surprise, that it was somewhat longer, and contained other items than those mentioned by the Vice President last evening.

I should like to tell my colleagues where this definition is. It is set forth in a paragraph numbered separately, obviously confined to one specific type of subject, just as paragraph 14 is devoted to the subject of measure as related to dance, and as paragraph 12 is devoted to measure in the sense of its relation to music.

We find that paragraph 15 of the definition set forth in the Century Dictionary, as I have said, is quite a little longer, and contains some further illuminating language, in my judgment, which was not contained in the opinion of the Vice President last eevning.

With the permission of the Senate, Mr. President, I shall read paragraph 15 as it appears in the Century Dictionary.

15. A determinate action or procedure, intended as means to an end.

At least to that point it very closely follows the language of the Vice President, which was not intended to be a verbatim statement taken from the dictionary, but obviously the substance of the statement. So I say to that point the Vice President follows the dictionary. Then the dictionary proceeds:

Anything devised or done with a view to the accomplishment of a purpose.

I look in the Vice President's statement and I find there, after the reference to the definite conclusion, his mention of looking to the accomplishment of a fixed end, which again is substantially what appears in the Century Dictionary. So, obviously, the Vice President and the speaker at this moment had in mind the same identical definition in the dictionary to which I am now addressing myself.

I call to the attention of the Senate this further very helpful and very illuminating language which follows immediately after what the Vice President gave to us. It reads as follows:

Specifically—

"Specifically," Mr. President—

Specifically, in later use—

Remember that this dictionary had been here in the Senate for 11 years before 1917. I read again from the definition in the Century Dictionary:

Specifically, in later use, any course of action proposed or adopted by a government, or a bill introduced into a legislature: as, *measures*—

That is italicized—

(that is, a bill or bills) for the relief of the poor; a wise *measure;* rash *measures.*

Then appear several quotations with respect to measures, from Johnson, from Goldsmith, and from W. R. Greg.

The definition which I have quoted, Mr. President, is the complete definition, rather than the partial definition which the Vice President quoted last night from the Century Dictionary. It will be observed that nowhere in the definition set forth in the Century Dictionary, which I have read in full, is there any intimation even that the word "measure" would apply to a situation in which there was pending merely a motion to take up for consideration some bill or bills. The reference is, as I have indicated, to "measure," as something more comprehensive than that, any course of action proposed or adopted by a government, a measure, for illustration, by the Government providing for the drafting of soldiers, a measure for the adoption of a particular standard of monetary measure or value, some course of action. By the way, the reference with respect to the drafting of soldiers and to a monetary measure was my own interpolation.

The language in the definition is, as I have already quoted, "any course of action proposed or adopted by a government," which obviously does not include a motion made upon the floor of the Senate to take up for consideration some bill which is lying back awaiting disposition.

Then, Mr. President, even more significant than that very comprehensive language to which I have referred, which is indicated by the term "measure," even more significant, and to my mind of a nature which, without any criticism of the Vice President, should have been called to the attention of the Senate when a quotation, in substance, from the Century Dictionary was presented to us, is the language:

A bill introduced into a legislature: as, *measures* (that is, a bill or bills) for the relief of the poor; a wise *measure;* rash *measures.*

Therefore I submit, Mr. President, that the definition set forth in this au-

thority, the Century Dictionary, to which the Vice President referred as the most reliable and probably the one which sheds most light on the question, very clearly leans toward the direction that by the term "measure" is not meant a mere motion to take up for consideration some bill or resolution or bills lying ready for preliminary action.

Mr. President, the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL] yesterday also referred to a definition in the dictionary, and I am sure, from conversation with him today—and I do not know whether he is on the floor of the Senate at this moment—he thought he was giving us all of the definition from Webster's New International Dictionary. I quote from page 2170 of the RECORD of yesterday. He said:

> Our distinguished colleague, the junior Senator from California [Mr. KNOWLAND], recently quoted the definition of the word "measure" from Webster's New International Dictionary:
>
> "A step or definite part of a progressive course or policy; a means to an end."

Then a little later, only 10 or 12 lines further down on the page, the Senator from Massachusetts said:

> I quote the definition again. "Measure" is "a step or definite part of a progressive course or policy; a means to an end."

Mr. President, by this double quotation of the definition from Webster's New International Dictionary I take it that the distinguished Senator from Massachusetts as well as the distinguished Senator from California gave those citations their full approval as representing what is meant, according to Webster's New International Dictionary, by the term "measure".

But again we find in Webster's New International Dictionary a situation similar to that which exists in the Century Dictionary to which the Vice President alluded. I find—and I shall attempt to be as brief as possible—that in Webster's New International Dictionary cited by the Senator from Massachusetts and the Senator from California, there are numerous types of measures, and then each one of them is set off separately by a number so one can tell by looking at the number, just as one can tell in the Century Dictionary by looking at the number, whether or not one is dealing with a separate category. What do we find when we get into the section from which the Senator from Massachusetts and the Senator from California quoted? True we find the language, I think, which they have specifically quoted to the Senate, but let me read to the Senate all of it.

> 11—

That is paragraph 11 of the definition of measure—

> A step or definite part of a progressive course or policy; a means to an end;

The punctuation, by the way, Mr. President, is not a period. It is not the end of a sentence. It is a semicolon. And then, specifically, so the dictionary proceeds, or with an abbreviation which I understand to mean specifically, the abbreviation being "specif.," with the punctuation of period and comma after it:

> Specif., a legislative enactment; as, political measures; an inefficient measure.

Again, Mr. President, there is nothing from the beginning to the end of the complete definition set forth in Webster's New International Dictionary which to my mind would justify the conclusion drawn by some others that the term "meaure" includes a motion to take up for consideration. The language which I read, beginning with "specif.," which I understand to be an abbreviation for specifically—

> Specif., a legislative enactment; as, political measures; an inefficient measure—

Indicates very clearly to my mind that it is something of that nature—a legislative enactment or something which when enacted would become a legislative enactment, which is meant by Webster's New International Dictionary in the use of the word "measure" in this particular paragraph 11 of the dictionary.

Mr. President, I think I should say in fairness that the Webster's Dictionary to which I refer, so far as I have observed, seems to be not older than 1934. But I assume it is the same one that was used by the Senators to whom I have referred, and I think the language is the same. I have some difficulty in believing that the meaning of the word "measure" changed materially between 1917 and the year 1934.

So, Mr. President, we find that the Century Dictionary, when one reads it all—not merely the part given to us by the Vice President, but all of it—conveys the idea which I have mentioned, namely, that the word "measure" refers to bill or bills, and fails to convey the idea that the term "measure" refers to motions to take up for consideration. The same thing is true in Webster's New International Dictionary to which I have referred, the one from which the distinguished Senators from Massachusetts and California, respectively, quoted.

Mr. President, I have in my office another dictionary which is a 1935 edition. There is one outside in the lobby of the Senate, I suppose of the same date. At any rate, I have looked at the one in my office, which I think is Government property, but it is there. In that book, Funk & Wagnalls New Standard Dictionary of the English Language, 1935 edition, is this language under "measure." I may say before reading it that again in that dictionary likewise the term "measure" has many meanings. There is a long table, as I recall, of different kinds of measures, like one will find sometimes if one looks in a Bible dictionary; the measures that prevailed back in Egypt, or in the Holy Land, in the time of Christ or before. We find in the dictionary all these types of measures. But when we come down to this type of measure, what does it say? It says:

> A specific act or course of procedure designed as a means to an end.

Yes; it says that. It says further:

> An expedient; method; step.

And then this:

> Specif., a legislative bill; as foolish measures; a party measure.

So, Mr. President, these great authoritative works which give us the meaning and the pronunciation and the derivation of words, all unite, as I see it, to the general tenor that the word "measure," as used in the legal sense in which we are here interested on the floor of the Senate, refers to something in the nature of a legislative enactment, a bill or bills.

Therefore, Mr. President, it seems to me that the information we received last evening—and again I say it without criticism, but as a fact—is not complete as to the meaning, as shown in the dictionary or dictionaries with respect to the word "measure."

Mr. President, the word "specific" it will be observed, is used, I think, in all three of these definitions which I have read from. To my mind that is very significant in the case we now have before us, because we are talking here in the Senate now about something very specific, very definite. We are not talking about some vague theoretical consideration, some measure for the uplift of mankind, some measure far beyond, in ethereal heights. We are talking here in this particular discussion of a specific measure. Yes, it is not only specific, it is a pending measure, it is one we can put our fingers on. It is one that is pending in the Senate. The language of the cloture section of the rule refers to it, as I say, as any pending measure. So when we find in the dictionaries to which I have referred such a clear, definite, complete, if you please, indication of the specific application of the word "measure," it carries very great weight to my mind in determining what is the meaning of the word as used in the cloture rule, rule XXII.

Mr. President, it has been suggested here in a most interesting address, which I heard this afternoon in large part, delivered by the junior Senator from Tennessee [Mr. KEFAUVER], that it is inconceivable that Members of the Senate back in 1917 would have adopted a rule which would have a defect such as appears to some of us to exist. It was suggested that obviously, according to the New York newspapers and the Washington newspapers, they intended to cover all kinds of filibusters and absolutely to eliminate from the face of the earth, so far as the United States Senate is concerned, all future filibusters.

Mr. President, I do not know, and I do not know whether anyone else knows, what was in the minds of those who framed this rule, but I do know two things. One is that it has been graphically set forth to me earlier this afternoon by a Senator, and I hope he will have no objection to my mentioning his name—the junior Senator from Louisiana [Mr. LONG]—that the statute books of our country are replete with statutes in which the legislature meant to say one thing and said another. Who is there to say that the Senate of the United States is free from all fault, that we are infallible in the use of our language, that whenever we intend to say a particular thing we always say it, and that the language which we use is never wrong?

Mr. President, I do not know whether the use of the term "measure" was with the full realization of the fact that it

did not cover the situation, or whether it was with the design not to cover this particular situation. I cannot look back 32 years and undertake to analyze from the scanty knowledge I have, the views of the persons who voted for or against the rule at that time. But I do know that we have a language for the purpose of expression of opinions. We have the English language. We have well understood terms in that language. To my mind it is perfectly clear that, the Senate of the United States having used the word "measure" in the cloture rule, when the thought comes to the mind of someone as to whether it applies to motions to take up, no one is reasonably likely to draw the conclusion that the word "measure" includes such motions.

After all, it is the ordinary acceptation of a term which, in the absence of something to the contrary, is to be deemed the meaning of the term. It seems to be that the meaning of the legislative body was that the word "measure" meant a bill, a resolution, or something which was to be enacted into law, just as the three great dictionaries to which I have referred so clearly indicate. So, as the Senator from Louisiana pointed out this afternoon in conversing with me, it appears to me that there is a very great fallacy in the argument that, merely because newspaper writers or Senators themselves intended to accomplish something—one man perhaps intending to accomplish one thing, and another intending to accomplish another—and it is evident that as a composite they surely intended to accomplish something, we must draw the conclusion that the language they used necessarily produced that result.

Not only does the legislative branch of our Government, both State and national, occasionally make errors; not only does the legislative branch of our Government occasionally fail to express what it may have meant; not only does the legislative branch of our Government sometimes mean something different from what someone else thinks it should mean 32 years after the action was taken; but it is also true of the executive and of the judicial branches of our Government that sometimes the expressions made by them do not accurately record what today we say should have been recorded years ago.

If I may adopt the language of the Senator from Louisiana, he referred to the fact that the statute books are replete with illustrations in which language was used which did not express what some individual thinks it should express. From time to time even the higher courts find that subordinate courts use language which does not accurately express the intention of the court. Even the highest Court itself at times uses language which it is called upon to change by later utterance, and which it is compelled to recognize as having ineffectively and improperly expressed what the Court may have had in mind.

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

Mr. DONNELL. I yield for a question only.

Mr. ROBERTSON. The Senator will recall that the rule which we are now discussing was framed by a Virginia Senator named Thomas S. Martin, who at that time was not only chairman of the Senate Appropriations Committee, but was majority leader of the Senate. He had been here for a long time, and was experienced in legislation. I ask the Senator if it is not a fact that the extended debate on the ship-arming bill occurred on the bill, and not on the motion to take up the bill, and that after that bill was withdrawn and President Wilson had acted under other authority to arm the ships, he called upon Majority Leader Martin to amend the rule under which he said debate had been unduly extended in a national emergency? Was not the specific issue to which Senator Martin and the Members of the Senate then addressed their attention a bill?

Mr. DONNELL. Mr. President, I am unable to answer the question of my distinguished friend, but I know, from his learning, which I have seen so frequently evidenced on this floor and elsewhere, that I have the greatest of confidence in any historical statement he may make. I am quite willing to accept his statement as being accurate. It certainly carries with it a presumption of accuracy.

Reverting for a moment to the meaning of the word "measure," I think in the first place that a good dictionary is ordinarily an excellent place to go to find the meaning of a word. Furthermore, I take it that in order to know what is the meaning of a word as set forth in the dictionary, it is important to consider the entire definition, not merely a part of it. When a controversial question is before us, such as the one which is now before the Senate, in which the question arises as to whether the word "measure" means a bill or resolution, or a motion to take up, the Senate should have before it not merely the portion of the definition presented to us last evening by the Vice President, but the complete definition as set forth in the book for whose accuracy, care, and excellency the Vice President has so well vouched.

To my mind, there can be no serious question as to whether or not the term "measure" includes a motion to take up for consideration. As was mentioned earlier today by the Senator from Michigan [Mr. VANDENBERG] the very fact that the Committee on Rules and Administration, which considered Senate Resolution 15, which is now before us, had something to say on this subject, is significant. I take it this is what the Senator from Michigan was referring to:

The ruling of the Chair—

That is, the Senator from Michigan [Mr. VANDENBERG]—

was clearly required by the rules and precedents of the Senate, and that is the reason why this proposed change in the rules is indispensable.

Mr. President, to my mind, we are entitled, while talking about Members of the Senate of long ago, to consider the qualifications of our own colleagues.

I was fortunate enough to be the law partner of one of those fine gentlemen who served in the Senate in days gone by. He died in 1925 while a Member of the Senate. I refer to Hon. Seldon P. Spencer, of Missouri. I was pleased to hear reference to the names of Senators Vest, Cockrell, and Benton, from my own native State. While we are considering all these great majestic and stately figures of the dim past, let us for a moment, without undue modesty, refer to our own colleagues, and consider who they are, so that we may have in the records of this Congress for all future time some mention of their identity.

I have referred to the report of the committee, which contained the observation that—

The ruling of the Chair was clearly required by the rules and precedents of the Senate, and that is the reason why this proposed change in the rules is indispensable.

My understanding is—and if I am mistaken I should like to be corrected—that the only Senators who dissented from the majority report from which I have quoted were the Senator from Mississippi [Mr. STENNIS], the Senator from Louisiana [Mr. LONG], and the Senator from Wyoming [Mr. HUNT]. Thirteen Members of the Senate are members of that committee. I do not know whether every one of the other 10 joined in the majority report, nor do I know the contents of the minority views.

At this point I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks, if it does not already appear in the records of the Senate, a copy of both the majority and minority views, as set forth in report No. 69 of the Eighty-first Congress, first session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. DONNELL. Mr. President, as I say, I do not know whether the other 10 Senators, other than the 3 whom I have named, joined unanimously in the report. It does not appear from the report itself. However, I wish to mention very briefly something about the Senators who constitute the membership of the Committee on Rules and Administration, by which committee the majority and minority reports, respectively were presented. The majority report is made on behalf of the majority of the committee, and the minority views on behalf of the distinguished members of the minority of the committee.

Mr. President, taking up the minority first—because whether we agree or do not agree upon this issue, I think it only proper to say that each Member of the minority is a distinguished Member of this great body—we find on the minority of the committee the following members: The Hon. JOHN C. STENNIS of Mississippi. I happen to know he has presided as a judge of a court. Next we find the Hon. RUSSELL B. LONG of Louisiana, whom all of us know, and whom we are delighted to have with us; and I am sure I speak the sentiments of the Senate when I say that already, in the few weeks he has been here, he has endeared himself to us very much, and we are very happy to

have him here. Then we have the Hon. LESTER C. HUNT, of Wyoming, an old friend of mine, and former Governor of his State. The Senator who now sits in the Chair, the Senator from Maryland [Mr. O'CONOR], also well knows that the Senator from Wyoming has been one of the great governors in the West, during the period when both the Senator from Maryland and I held similar positions in our respective States.

Mr. President, passing on to the remaining members of the committee, I come now to the majority of the committee. In the first place I do not see him in the Chamber at the moment, although perhaps he is here—we have the distinguished senior Senator from Arizona, CARL HAYDEN. Mr. President, I shall not pay fulsome praise or compliments to these men; but CARL HAYDEN, of Arizona, has served in the Senate from 1926 to 1949—23 years of service. Then we have my friend, whom I knew years ago when he was Governor of the State of Rhode Island, Hon. THEODORE FRANCIS GREEN, who, although elderly in point of years, is young and vigorous and alert both mentally and physically; and he has served in this great body from 1936 to 1949. Then we have the distinguished majority whip of the Senate, the Senator from Pennsylvania, the Hon. FRANCIS J. MYERS, who has served in the Senate since 1944, and has been a distinguished and active and vigorous member of our body.

Then we have my good friend from one of the States which adjoins my State—the Senator from Iowa, the honorable GUY M. GILLETTE, a man who has served his State and also has served the Nation with great distinction. He served in the Senate from 1936 to 1938, and again from 1938 to 1944; and in 1948 he was again elected to the Senate.

Then we come to a new Member, who comes to the Senate from Kentucky. All of us have learned to know him, and I have also grown to know him as a member of one of the committees of which I have the honor to be a member—the Committee on Labor and Public Welfare. I refer to the honorable GARRETT L. WITHERS, Senator from Kentucky, who I understand has likewise served his State in a judicial capacity, and certainly as a lawyer, and is a gentleman of excellent and studious and careful attention to his duties in the Senate.

Then, over on the minority side—I was about to refer to it most hopefully as the majority side—we have the distinguished minority leader, the honorable KENNETH S. WHERRY, of Nebraska. He has been a Member of the Senate since 1942, as I recall; and we hope—at least, we on this side do so—that he will remain in the Senate for many, many years to come. He has already been elected for 6 years more.

Then we have the honorable WILLIAM F. KNOWLAND, of California, who came to the Senate in 1945, and by his great vigor and energy has demonstrated his great capacity and ability.

Then we have the honorable HENRY CABOT LODGE, JR., of Massachusetts. His very name is at least presumptive of the ability and the courage he possesses. He does possess those qualities to a marked degree, and today we pay all tribute to a distinguished grandson of a distinguished grandfather who preceded him in the Senate.

Then we have the honorable WILLIAM E. JENNER, of Indiana, who spoke here yesterday, and who by his vigor and acumen has demonstrated, both here in the Senate and elsewhere, his ability and courage and determination.

Finally we have the honorable IRVING M. IVES, of New York. No Member of the Senate will quarrel with me when I say that in the Senator from New York we have, in the first place, an eminent authority on the subject matter now before this body, and a man of vigor and integrity and courage.

So, Mr. President, those are the men who constitute the Senate Committee on Rules and Administration, to which I have referred, and which is the committee which reached the conclusion, as I pointed out earlier, that the ruling made by the senior Senator from Michigan [Mr. VANDENBERG] was clearly required by the rules and precedents of the Senate, and that that is the reason why the proposed change in the rule is indispensable.

Mr. President, to my mind, there can be no serious question as to the meaning of the word "measure." To my mind, it is clear—notwithstanding the excellent and most interesting and persuasive opinion, as it was persuasive to me, which was presented last night by the Vice President—that the word "measure" is correctly understood to have the meaning ascribed to it by the Senator from Michigan. I feel certain that when the opinion presented to us last night by the Vice President is analyzed in the cold light of reason and of the meaning of language, we shall arrive at the conclusion that the word "measure" cannot and does not include a motion to take up a bill for consideration.

Mr. President, I close for this afternoon by quoting a sentence which the distinguished Senator from Michigan [Mr. VANDENBERG] earlier today quoted from Washington's Farewell Address. I think it is so apt and so much in point that it will bear repetition. The Father of His Country said:

> But the Constitution which at any time exists, until changed by an explicit and authentic act of the people, is sacredly obligatory upon all.

Mr. President, in like manner and by a clear analogy, the rules of the Senate which at any time exist, until changed by an explicit and authentic act of the Senate, are sacredly obligatory upon all Members of the Senate.

EXHIBIT A

LIMITATION ON DEBATE IN THE SENATE

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 15) to amend subsection 2 of Senate standing rule XXII, relating to cloture, having had the same under consideration, report it back to the Senate without amendment and recommend that said resolution do pass.

The resolution is identical with Senate Resolution 25 of the Eightieth Congress, favorably reported to the Senate on April 3, 1947, to make rule XXII, as adopted on March 8, 1917, applicable to any measure, motion, or other matter pending before the Senate, or the unfinished business. This change is primarily necessary in order to overcome the possibility of unlimited debate upon a motion that the Senate proceed to the consideration of a bill or other measure which has not been made the unfinished business of the Senate.

The resolution further provides that a motion signed by 16 Senators to bring debate to a close may be presented at any time notwithstanding the provisions of rule III or rule VI or any other rule of the Senate. Rule III of the Standing Rules of the Senate provides that a motion to amend or correct the Journal shall be deemed a privileged question and proceeded with until disposed of, and rule VI provides that all questions and motions arising or made upon the presentation of credentials shall be proceeded with until disposed of.

The necessity for this change in rule XXII was first demonstrated in November 1922, when a number of motions to amend the Journal were debated for several days, thereby preventing the consideration of an anti-lynching bill which was finally laid aside.

Extended discussion of amendments to the Journal was the method usually used during the following 20 years to prevent the consideration of bills about which there were decided differences of opinion. In more recent years, however, the practice has been for several Senators to discuss at length the question of whether a particular bill should become the unfinished business of the Senate. A direct ruling that a petition to bring such discussion to an end may not be presented was made by the President pro tempore [Mr. VANDENBERG] on August 27, 1948. The intent of Senate Resolution 15 is to close those two loopholes in rule XXII and to make that rule applicable in all instances.

The fact that over 5 years elapsed before the first flaw in the cloture provisions of rule XXII was developed and that a much longer time expired before a second serious flaw was discovered is a definite indication that every Senator who voted to amend rule XXII in 1917 did so with a clear understanding that he was voting for an enforceable rule to close debate and not to produce a result, as Mr. Vandenberg stated, "That, in the final analysis, the Senate has no effective cloture rule at all." The ruling of the Chair was clearly required by the rules and precedents of the Senate, and that is the reason why this proposed change in the rules is indispensable.

That such a result was not intended is further substantiated by the fact that no statement by any Senator who was a Member of the Senate in 1917 has been found which would indicate that he supported the change made at that time in rule XXII because he was aware that the rule had loopholes in it which made it of no value as a means of bringing debate to an end. Upon the contrary all of the arguments advanced by Mr. La Follette of Wisconsin, Mr. Sherman of Illinois, and Mr. Gronna of North Dakota, the three Senators who voted against the adoption of the resolution offered on March 8, 1917, by Mr. Martin of Virginia, were all based upon the assumption that the adoption of that resolution would result in effective cloture, and no other Senator indicated to them that such a change in rule XXII would not accomplish that purpose.

While it is true that this limitation on debate was adopted during a period of national emergency, when war on Germany was soon to be declared, it was not hastily devised but came about as the result of consideration given to the subject during the previous session of Congress by the Senate Committee on Rules, from which

Senator Smith of Georgia favorably reported the following resolution on May 16, 1916:

"*Resolved*, That the standing rules of the Senate be, and they hereby are, amended as follows:

"At the close of rule XXII add '*Provided, however*, That if 16 Senators present to the Senate at any time a signed motion to bring to a close the debate upon any pending measure, the Presiding Officer shall at once state the motion to the Senate and at the close of the morning hour on the following calendar day lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Chair shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"' "Is it the sense of the Senate that the debate shall be brought to a close?"

"'And if that question shall be decided in the affirmativce by a two-thirds vote of those voting, then said measure shall be in order to the exclusion of all other business except a motion to recess or adjourn.

"'Thereafter no Senator shall be entitled to speak more than 1 hour on the bill, the amendments thereto, and motions affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. No dilatory motions shall be in order, and all points of order and appeals from the decision of the Chair shall be decided without debate.'"

Shortly after the Senate met in special session on March 5, 1917, the question of amending the rules of the Senate so that debate could be closed was considered at conferences of the majority and the minority and a joint committee of five Senators from each conference was selected to prepare the necessary resolution which was presented to the Senate on March 8, by Senator Martin of Virginia, the majority leader, who obtained unanimous consent for its immediate consideration. A comparison of the Martin resolution (S. Res. 5) with Senate Resolution 149 as reported by Senator Smith of Georgia on May 16, 1916, clearly shows that only clarifying changes were made in the text of the earlier resolution without in any way modifying its intent and purpose.

The roll call shows that 76 Senators voted for the adoption of the Martin resolution and announcements were made that 12 other Senators who were absent would have voted for its adoption if present. There is nothing of record to indicate that any one of those 88 Senators had any other idea than that from then on a two-thirds majority of the Senators present could bring debate to a close. There is no evidence to show that any one of them was aware that the rule would prove to be ineffective and that he supported it with any mental reservation or any purpose of evasion.

That the Senate was at that time seeking to find a safe and sensible middle ground between majority cloture and debate without limit may be properly inferred by reference to a speech delivered in the Senate by Thomas J. Walsh, a Senator from Montana, on March 7, 1917 (the day before rule XXII was amended), from which the following is quoted:

"Mr. WALSH. Mr. President, I cannot doubt that the framers of the Constitution had in mind the fact that they were framing a system under which party government would be operative, and in that view they must have recognized that party members would confer and endeavor to agree upon a concerted line of action. I cannot doubt that. Their model was the English constitution; experience had taught them that there were two parties in the Parliament, and that the two parties were composed of members who conferred together and usually agreed upon a certain line of action which they desired to pursue.

"Mr. HARDING (Warren G. Harding, a Senator from Ohio). Mr. President, I am in perfect accord with the Senator from Montana in his statement that we are a Government through political parties. I think that it ever must be so, and I hope it will be so. I want to ask the Senator, however, if he is contending for a rule of the majority which will allow a majority in caucus to direct the majority in the Senate to come in here with a previous-question proposition which will deny the minority of the Senate the right of debate?

"Mr. WALSH. The Senator from Montana would not think for a moment of advocating any course the tendency of which would be to shut off legitimate debate; but I am sure the Senator from Ohio will have recognized in very recent events and in the proceedings of recent Congresses the necessity for shutting off something that is a mere pretense of debate.

"Mr. HARDING. Mr. President, if I may reply to that, I am again in accord with the Senator from Montana; and I have the abiding faith that a conservative cloture rule can be made a rule of this body along the lines of regular procedure for the amendment of the rules, without adopting a chaotic condition here wherein a majority of the Senate can fix the rules.

"Mr. WALSH. Mr. President, I do not agree with the Senator from Ohio that any chaotic condition would ensue, but I join with him in the hope that a reasonable cloture rule may be adopted; and it is in view of the likelihood of the submission of such that I am now addressing the Senate upon the question as to whether, when it is before us, it will be possible under the rules as they exist—assuming that they continue—for a Senator to stand here and simply pretend to debate, and hold up the proceedings of the Senate until he drops in his tracks from physical exhaustion. I want to address myself to that question for a few minutes. * * *

"Suppose a rule of court expressly authorized counsel to be heard ad libitum, what reverence would be paid to it in the face of an abuse of the right by counsel who undertook to talk against time? Would not any court make itself contemptible by recognizing any force in such a rule?

"To make the parallel more perfect, let it be assumed that the rule forbade any decision so long as any member of the bench desired to talk. Would not the court be declining to discharge the functions reposed in it by the Constitution by refusing to decide, after a reasonable time for investigation had elapsed and a reasonable opportunity had been given to every justice to make known his views and to convert his brethren to his way of thinking?

"To delay justice is to deny justice. The judge who heeded such a rule, after becoming satisfied that the due proceeding of the court was being arrested to await adjournment or a change in its composition, or some other fortuitous circumstances that might avert the impending judgment, would be guilty of a violation of his oath to administer justice without delay.

"I assert unhesitatingly that the Senate has no power to make a rule which will prevent it from bringing debate to a close or setting a time for a vote. That there are limitations upon the exercise of the right to bring on a vote may be conceded, but to maintain that a rule has any virtue under which one man may, by his physical prowess alone, defeat a vote is to invite calamity unspeakable and expose the Senate to the well-deserved contempt of mankind."

In arriving at what would be "a conservative cloture rule" the then Senators were aware that, 2 years before, on January 13, 1915, the Senate had determined that a two-thirds vote was necessary to suspend a rule and it no doubt appeared reasonable to them that, in amending a rule, a like majority should be required to bring debate to a close. Senators at that time were also aware of the several constitutional provisions as cited by the late Senator Overton of Louisiana in his statement before the Committe on Rules and Administration on February 11, 1947:

"A two-thirds vote is not an uncommon procedure in the Congress of the United States. The Constitution, as well as amendments thereto, impose the rule of a two-thirds majority in quite a number of instances. I shall refer to those instances briefly:

"No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present (art. I, sec. 3).

"Each House, with the concurrence of two-thirds, may expel a Member (art. I, sec. 5).

"A bill returned by the President with his objections may be repassed by each House by a vote of two-thirds (art. I, sec. 7).

"The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur (art. II, sec. 2).

"Congress shall call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several States (art. V).

"Congress shall propose amendments to the Constitution whenever two-thirds of both Houses shall deem it necessary (art. V).

"When the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union (amendment 12).

"A quorum of the Senate, when choosing a Vice President, shall consist of two-thirds of the whole number of Senators (amendment 12).

"The Constitution, therefore, does not give recognition, in all cases, to the right of the majority to control."

In recommending that a two-thirds vote be required to bring debate to a close, your committee has adopted the same line of reasoning which prevailed when rule XXII was amended in 1917. A two-to-one vote is a double preponderance of opinion which gives adequate protection against hasty or ill-advised legislation and minimizes the influence of special interests or pressure groups.

Senate Resolution 15 has for its sole objective a restoration of Senate rule XXII so that it will accomplish the intent and purpose of the Senators who voted for its adoption in 1917. At that time serious consideration was not only given to guarding the rights of a minority in the Senate, but it was fully intended to provide a means whereby a two-thirds majority or more of the Senators could effectuate their will in conformity with their responsibility to the people who elected them.

The text of the resolution as reported is as follows:

"*Resolved*, That subsection 2 of rule XXII of the Standing Rules of the Senate, relating to cloture, be, and the same is hereby, amended to read as follows:

"'If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by 16 Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, sub-

mit to the Senate by a yea-and-nay vote the question:

"'"Is it the sense of the Senate that the debate shall be brought to a close?"

"'And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"'Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.'"

MINORITY VIEWS

The United States Senate established a system of free and unlimited debate in 1806, when its Members agreed to discard the last of earlier rules which had been somewhat similar to the procedure of the House of Representatives.

These full and free debate privileges, differing from any other legislative body in the world have been changed only under the stress of the gravest of national emergencies—war. During the War Between the States a temporary rule was adopted restricting debate on war measures considered during secret session of the Senate.

In 1917, a filibuster (a term used here to mean extended debate and discussion designed to prevent action upon a measure) delayed the arming of merchant ships in the period just prior to American entry into World War I. A determined Senate, intent upon preventing any similar action during the period of national emergency, adopted an amendment to rule XXII, which allowed two-thirds of the Members to vote to cut off debate upon a measure under discussion. This is the so-called cloture rule which Senate Resolution 15 seeks to amend.

Under the cloture procedure, a signed motion of 16 Senators to set a limit on debate must be brought to a vote without debate 2 days after being filed. If the motion is adopted by a two-thirds vote, cloture is invoked, limiting further debate on the measure to 1 hour for each Senator.

The cloture amendment to rule XXII was never used during World War I, and the Senate has actually reached a vote on invoking cloture only 19 times in the 32 subsequent years. Cloture has been invoked only 4 out of these 19 times that it came to a vote.

In 1922 it was ruled that a motion for cloture under rule XXII was not applicable to debate upon amendments to the Senate Journal. At a later date it was ruled that cloture was not applicable to debate upon a motion to take up a measure for consideration by the Senate.

The Senate Rules Committee has had under study five resolutions involving cloture. Three of them were designed to make ironclad the two-thirds cloture rule, and two proposed to amend the rule through the adoption of majority cloture.

COMMITTEE ACTIONS

The Committee on Rules has properly seen fit to reject the proposals which would have made it possible for a bare majority to shut off debate in the Senate. Despite this action, however, it is still clear that the forces which seek to broaden the cloture rule have as a goal the establishment of majority cloture. There is every reason to believe that the passage of Senate Resolution 15 would be regarded as just a step toward a system of control by a bare majority. This very evident attitude on the part of most of the sponsors of cloture proposals makes it more vital to oppose the adoption by the Senate of Senate Resolution 15.

Three of the sponsors of Senate Resolution 13, a measure identical with Senate Resolution 15, stated in their testimony before the committee that they regarded it primarily as a step along the path to majority cloture. Senator KNOWLAND, the fourth sponsor of the resolution, associated himself with the testimony of Senators SALTONSTALL, FERGUSON, and IVES, the three sponsors who made clear their belief in majority cloture.

With these factors in mind, opposition to Senate Resolution 15 becomes an obvious necessity, not only from the standpoint that passage of the resolution would impinge too greatly upon the historic freedom of debate of the Senate, but because it would also let the bars down for an early change to cloture by majority.

There is every reason to fear that the establishment of majority cloture would be only a transitory period in the rapid change in the fundamental nature of the United States Senate that might be inaugurated through tampering with the rules today.

TRANSITION TO PARTISANSHIP

The existence of a majority cloture rule would provide a source of great temptation to the party which happened to be in power. Without contending that such a course would be deliberately adopted, it is virtually certain that the rule would soon become a weapon in the hands of the partisan majority, used to shut off debate whenever the party program appeared to be bogging down in the face of determined opposition.

The leaders of the political party constituting the majority would first persuade themselves that they would be justified in using it for their own partisan purposes in some controversy where the opposition appeared to be using delaying tactics, but it would not be a far step from that point to become convinced that they were derelict in their duty if they did not use it on every occasion of partisan policy matter. They would be continually prodded and pushed into using this weapon by political pressure groups that do not belong to any party, have no responsibility to the people, and no obligation to uphold the organic law of the land.

It would not be a difficult step forward from the continuous application of majority cloture to restriction of the right of amendment, the second basic tenet of legislative freedom in the Senate. If the right of amendment were restricted or curtailed, the Senate would have lost its last major point of difference from the procedure of the House of Representatives. The differences between the two bodies would be no more pronounced than they are in the average State legislature.

In calm reflection or study it may be difficult for a Member of the Senate to conceive of such changes being effected, for it is unlikely that any Member of the body, as constituted today, would approve of such a sweeping plan were it presented in toto. It must be remembered, however, that few of the changes in the Senate rules or precedents have come in the process of calm deliberation. Virtually all of them have come at the height of partisan feeling engendered by bitter debate on highly controversial issues. Members of the Senate, of all parties and all shades of political opinion and background, have reached these highly partisan stages in the past, and there is no reason to believe that they would not be reached at some stage in the future.

An example of a type of partisanship that obscures calm thinking about this most serious change in our legislative procedure can be found in the recent efforts of Members of the minority party in the Senate to force hasty and pell-mell action upon the rules change. This effort could not have been planned without the knowledge that it would disrupt all activity of the Senate, and perhaps permanently block action on a general legislative program recently endorsed by the electorate of the country. Such a fundamental change in the very nature of our Government deserves consideration in an atmosphere much clearer of partisanship.

WASHINGTON'S WARNING

It was partisanship of this nature that was warned against by George Washington in his farewell address:

"I have already intimated to you the danger of parties in the State with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

"This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed, but in those of the popular forum it is seen in its greatest rankness and is truly their worst enemy. Without looking forward to any extremity of this kind, which nevertheless ought not be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it."

With this very pointed reminder of the dangers of partisanship and party government, it is worth reflecting upon the reasons which have enabled this country to avoid the pitfalls described. There is general agreement that the stability of our two-party system, with neither party drawn along class or geographical lines, has been a major cause of the stability of our Government. There has been bitter partisanship at times, and various periods when one party has overwhelmingly dominated one or both branches of Congress, the most recent having been only 12 years ago, when 76 of the 96 Members of the Senate were Democrats.

What, in periods such as these, has prevented the partisan purposes of the majority party from completely crushing the opposition, running roughshod over efforts that might have been called attempts to delay or obstruct the will of the majority? The answer can be found in the rules of the Senate, with their provisions for free and unlimited debate, for the opportunity of full presentation to the people of the country of every point of view on legislative issues. Free debate in the Senate has become the bulwark of the two-party system during those periods when overwhelming sentiment in the country appeared to be threatening the institution. Debate in the Senate has made clear division over issues at times when it might appear that the minority point of view would be without a champion.

CHALLENGE

In the testimony favoring limitation on debate in the Senate presented to the committee, a great deal of theoretical handicaps and weaknesses of the present rules were presented, but the proponents of change failed to present one single example of any real injury to the American people caused by the delay on legislation due to extended debate. The opponents to change in the rules extend a challenge to the proponents to show such injury at any time since the free debate

rule was instituted in the Senate in 1806. This challenge was made early during the hearings on this subject, and was unanswered throughout that period. It is now specifically renewed.

Very lengthy and detailed studies have been made in regard to so-called filibuster efforts down through the history of the Senate. These studies show that on a number of occasions legislation has been delayed by lengthy argument, but that in very few cases has a bill been to all purposes defeated without a vote after having been debated on the floor of the Senate. Legislation has been erroneously reported as having been defeated by filibuster when it has actually only been delayed, with passage usually coming in an amended form. There is general agreement that these amended versions have been better laws in each case.

The printed hearings of the Rules Committee on the debate limitation question provide on pages 25 and 26 a documentary listing of later action on bills which were the subject of extended debate or filibusters. Of the important measures which can be described as definitely defeated by filibusters, the list dwindles down to five:

1. The force bill of 1890.
2. The armed-ship bill of 1917.
3. Antilynch bills.
4. Anti-poll-tax bills.
5. The Fair Employment Practices Commission bill of 1946.

There is now general agreement among all schools of thought, no matter what the views about Federal supervision of election processes, that the famous force bill of 1890, with its provision for Federal control of elections in the South with the use of Federal troops, was unwise legislation. We now realize that it developed from the partisan feeling that remained following the War Between the States, and that its eventual defeat through the process of a filibuster has served the best interest of our Nation.

ARMED SHIP CONTROVERSY

The armed ship bill of 1917 was important to the defense program of President Woodrow Wilson in the period immediately preceding World War I. Opponents were able to block its passage during the lame-duck session of the outgoing Congress, but immediately after this the President found authority to take this action without a new law, and our merchant ships were armed without any action being necessary by the special session of the War Congress that shortly convened. There is little doubt but that the bill would have been passed had the President desired it.

The three remaining bills that have been blocked by extended debate are part of the so-called civil-rights legislative program. There is ample reason to believe that their failure of passage is the motivating cause behind the present very extreme effort to change the time-tested rules of the Senate. Will the Senate be wise in taking such action to satisfy the temporary demands of a highly emotional pressure group? In the long legislative cycle, we know that this group will be succeeded in time by another group. Should the precedent be established for the amendment of Senate procedure whenever that procedure is considered a stumbling block in the face of demands of any powerful pressure bloc?

Each one of the so-called civil-rights bills that has reached the floor of the Senate has been of gravely doubtful constitutionality. Even some of the present most ardent sponsors of an antilynching law agree that the early Dyer Act and the later versions of this bill contained unconstitutional provisions. The extent to which the constitutionality of an anti-poll-tax bill is doubted can be best demonstrated by the fact that 10 Democratic Senators have submitted a constitutional amendment dealing with that subject, believing that to be the manner in which Congress should take action on a suffrage question. The FEPC proposal of 1946 contained provisions which have been universally decried as violating the constitutional requirements of a fair and impartial trial.

It would be superfluous to add that this type of legislation is conceded to be aimed at one section of the country, a type of action contradictory to the long-established American governmental principles first enunciated by President Washington. Have the American people suffered any injury through the defeat of these measures by use of prolonged debate?

BENEFITS OF DEBATE

Our recent legislative history offers very impressive testimony to show direct benefits that have been achieved through the system of extended and prolonged debate in the Senate. Two measures which were highly popular in the excited tempo of the times were defeated in the Senate because both the Members of the body and the citizens of the country as a whole had an opportunity to take a second and more detached thought on the matter.

In 1937, after the Supreme Court had ruled as unconstitutional several popular measures that were considered vital to the economic recovery program, a plan was submitted to enlarge the Court and make other changes in its personnel—the so-called court-packing plan. It is generally conceded that this plan would have passed the Senate by a fair majority if it had come to an early vote. Instead, opposition leaders adopted the strategy of delay. After a few months a majority of the Senate came to the conclusion that most of them hold today—that such action would have changed the fundamental nature of our Government, to the disadvantage of all of us.

A more recent case was that of the railroad strike of 1946, when it was recommended that striking employees be conscripted into the military service. Legislation to this effect passed the House of Representatives within a few minutes after the recommendation had been made. In the Senate, however, traditional procedure prevented hasty action or the invoking of any type of cloture, and the conscription plan was soon discarded as unwise.

There have been recent cases where prolonged debate has been the major factor in the passage of bills that were at a doubtful stage when first brought to the floor of the Senate. Two cornerstones of our recent foreign policy, the Lend-Lease Act of 1941 and the loan to Britain of 1946, both gained important support during the process of a lengthy debate.

NATIONAL EMERGENCY

The question has been raised that recent international history, with its record of totalitarianism disrupting the world, introduces the possibility of some misguided or disloyal handful of Senators obstructing emergency action designed to protect the physical security of the Nation. The possibility seems remote, but it is well to be prepared for any remote possibility in planning for the security of our country. To take adequate steps for such a situation, two of the authors of this minority report submitted to the Committee on Rules the following proposed amendment to rule XXII:

"If at any time a motion, signed by 86 Senators, is presented to bring to a close the debate upon any measure on the Senate Calendar (and a Senator having the floor may be interrupted for this purpose), the Presiding Officer shall at once state the motion to the Senate, and declare the measure the unfinished business of the Senate. Two hours after the motion has been stated (unless the motion itself as filed shall specify a longer time for debate, which specification, if any, shall control), the Senate shall proceed to vote on the passage of the measure by a yea-and-nay vote. At least one-half of the full time allowed for debate shall be allotted to Members who do not sign the motion. Except by unanimous consent, no amendment shall be in order after the motion has been filed. No dilatory motion shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate."

The committee saw fit to reject this suggestion, but it is still available for the consideration of all Members of the Senate who would like to make preparation for action on national emergency matters and at the same time not break down the traditional safeguards for free debate.

Every evidence available indicates that the present cloture amendment to rule XXII was adopted only because the Senate considered it as a formula which would allow action on national emergency matters. The President, the Senate, and the country were angry following the action against the armed-ship resolution. President Wilson asked for a cloture rule because there existed "a crisis of extraordinary peril." A bipartisan group of Senators wrote and adopted the resolution with this thought in mind, and there were only 3 votes in opposition. Many of the Senators voting in favor of the resolution, including several who had filibustered against the armed-ship measure, had participated in filibusters previously and were to participate in them later. They considered themselves dealing with a national emergency involving the physical security of the country, as evidenced by the debate and newspaper accounts of the time.

MAJORITY RULE

This momentous change in the rules has been supported on the theory that it will implement majority rule in the Nation. This is a plausible theory that has its attractions, until a check is made of the actual representation in the Senate. Senators represent States, and not proportions of our population. It is possible for various combinations of 49 Senators to represent anywhere from 20 to 80 percent of the population of the country. Would it be rule by popular majority to say that 49 Senators representing only one-fifth of the citizens should have the power to run roughshod over the wishes of 47 representing four-fifths of the population?

To carry the illustration even further, it would be possible under a two-thirds rule for 64 Senators, representing less than one-third of our population, to run a steam roller over the opposition of 32 Senators, representing more than two-thirds of our population.

The effort to preserve this vital representation to each State is one of the primary causes of the tradition of free and unlimited debate in the Senate. The very geographic boundaries of our States sometimes cause conflicts with neighboring States that can be resolved only by action through the Congress. It is vital that the representatives of these States in the Senate have full and free opportunity to present their case.

Our founding fathers recognized the vital issues that might develop with the representation of the States in the Senate, and it was because of this that they made this representation the only provision in the Constitution that could not be amended or deleted.

The number of Senators who have been recorded as changing their views on the subject of cloture after a period of service in the Senate is impressive. Many have been recorded against any type of cloture after having initially favored it, while others have changed from favoring majority cloture to a less restrictive pattern.

It is well enough to talk about streamlining the rules of the Senate and avoiding an alleged waste of time, but when it comes to materially altering one of the fundamental principles which has controlled the oper-

ation of the body for many decades, and around which the Senate's most cherished and valued tradition has been built, we can realize the gravity of the subject matter with which we deal.

Unlimited debate on the floor of the United States Senate has become one of the major safeguards of American liberty. Those who seek to change this rule in the name of liberty may well pause to consider the dangerous precedent they are considering. A procedure which is today used to protect the rights of the States may be used tomorrow to protect the right of the individuals of a minority race or religion. The gag rule which some labor and minority groups now seek could be used in the future to deprive them of fundamental rights for which they have fought so hard.

BULWARKS OF LIBERTY

The major bulwarks of our liberty are the Constitution, our common law, and the free debate of the Senate. All safeguards of liberty are designed to prevent undue and unjust actions against a minority, and Senate debate is certainly so designed.

Debate is man's greatest political invention. It is the mother of parliamentary law. Because the United States Senate is the only parliamentary body in the world that has retained ulimited debate, the prestige of the Senate has grown to overshadow all similar bodies throughout the world. It is important that this symbol of free exchange of ideas should not be disturbed.

There are naturally abuses of free speech in the Senate, just as there are abuses of free speech on the part of private citizens. We should retain this freedom by something other than rigid rules that can be bent to the will of partisanship.

We know all too well the waves of emotionalism that actually do sweep across an entire nation at times, threatening to impair or destroy man's heritage of political, economic, and even religious freedom that is the product of centuries of effort.

We can find all too recent evidences in American history of political prejudice run rampant. Only 100 years ago prejudice against one particular religious group became so strong that the Know-Nothings, the political party built around this prejudice, attained for a brief period the status of the second major party in the Nation. No more than a quarter century ago a secret group, feeding primarily on religious prejudice, succeeded in grabbing political control of several States of our Nation—and these efforts were most successful outside the South.

But, as can be found in no other nation in the world, if any of our political, social, or religious groups find themselves under serious, sustained attack, they know that they have, as a last and effective place of refuge, the floor of the United States Senate. This condition did not just happen—it is the result of the tradition of freedom that finds expression on this same floor.

If the Senate has a majority cloture rule, or it begins to whittle away, bit by bit, the freedom of expression that has flowered there for so long, we will have taken a long step away from our heritage of freedom.

JOHN C. STENNIS.
RUSSELL B. LONG.
LESTER C. HUNT.

Mr. IVES. Mr. President, I venture rather timidly to get into the midst of this very technical discussion, because I realize that in our deliberations on this question the whole matter has now resolved itself into technicalities.

I say that, Mr. President, without in any way belittling tradition or precedent or the responsibility of the Chair, the Presiding Officer of the Senate, to rule in line with precedents. I know a little about that responsibility. I have a great respect for tradition. I have a great respect for precedent. I realize that by an irresponsible departure from precedent in the interpretation of the rules of a legislative body, that body always is threatened with ultimate chaos.

In this particular instance I regret exceedingly to feel that I must differ with my distinguished colleague, the Senator from Michigan [Mr. VANDENBERG], because I realize the process by which he reached his decision last summer and I realize the process by which he has reached his conclusion in the present instance. However, I point out that insofar as a presiding officer is concerned, as I see the matter, although his responsibility to rule in line with precedent is absolutely present in every instance, at the same time he must recognize differences in conditions which occur, differences in circumstances under which debates are conducted; and recognizing those differences, he must so rule.

Therefore, Mr. President, I do not find fault with the difference expressed by the Presiding Officer of the Senate, the Vice President of the United States, in his seeming conflict with the ruling of the President pro tempore, a year ago. I go further. Because I accept the premises on which he established his ruling in the present instance, I agree with his conclusions as expressed last evening. The question itself of "pending measure," as it has been so well explored by the distinguished senior Senator from Missouri [Mr. DONNELL], is one of the questions which obviously, as a result of the extensive exploration into which he has just gone, is something on which there may be a matter of difference of opinion among honest individuals.

This afternoon I listened with great interest to the presentation by the junior Senator from Tennessee [Mr. KEFAUVER]. I noted the evidence he presented from the record, which indicates, as he sees it and as I feel it must have been, the intent of those who were responsible for drafting rule XXII in its present form. I recognize the differences existing among us, especially on technical matters of this kind. I do not condemn presiding officers of legislative bodies who now and then, because they see these differences, rule differently, as some may see it, from the rulings in previous decisions.

However, as I said, in this instance I do not note such a difference. I do not note that the Vice President of the United States in effect is taking issue with previous rulings on the question at issue. It seems to me that regardless of the definition of "measure"—and he himself indicated that this definition is a question for the Senate itself to determine—the conditions with which we are confronted in the present instance are utterly different from those which have existed when other decisions of similar nature have been made. That, to me, in this particular instance, is of greatest importance.

Mr. President, it is very unfortunate that the civil-rights question has been injected into the debate. I am very glad indeed that the distinguished Senator from Michigan expressed himself as regretful it had become an issue in the debate. I wish this question of procedure and rule's amendment could be viewed and considered and decided completely apart from any other question that might possibly come before the Senate. As I see it, the question itself is of transcendent importance to the people of the United States everywhere.

We have heard a great deal in the course of the debate in regard to the rights of minorities.

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

The PRESIDING OFFICER (Mr. O'CONOR in the chair). Does the Senator from New York yield to the Senator from Illinois?

Mr. IVES. I yield for a question.

Mr. LUCAS. Is there any question in the Senator's mind that the civil-rights issue is the reason the filibuster is on?

Mr. IVES. In answer to that, it would appear that because of the injection of the question of civil rights into the debate we are now faced with a filibuster. But I nevertheless regret exceedingly that this paramount question of procedure and rules amendment cannot be considered exclusively on its own merits.

I shall state the reason. We hear all around us a great deal about the rights of minorities. We have heard a great deal about the rights of minorities during the debate. I can assure you, Mr. President, that I, for one, respect those rights, and I, for one, would fight to the limit in the Senate, so long as I am a Member of it, to see that every legitimate right of a minority in the Senate, as membership here is represented, is protected. But there comes a time when majorities also have rights. There comes a time when over the period of years, let us say, because that seems to be what it finally amounts to, the rights of majorities not alone to express themselves but to be heard and finally to prevail become imperative. That, as I see it, is one of the principal things involved in this debate, the right of majorities, not in the first instance; not in the second instance; perhaps not in the third instance; but finally to be heard, finally to have their will prevail. That right, I say, is at issue at this time.

Mr. President, I realize very definitely there may be those who will want to differ with me as to this majority right. I am not talking about the right of the majority in the Senate to decide rules; that is irrelevant in this immediate matter. I am not talking about the right of a majority of Senators to express themselves about matters coming before the Senate. I am talking about the rights of majorities among the American people. There are some who may differ with me on that. But I want to point out that, with the Senate situated as it is at the present time, in the final analysis, we cannot control our own action; there is no way by which the will of overwhelming majorities can ultimately prevail. An overwhelming majority in the Senate cannot control the action of the Senate. And that, Mr. President, is a bad situation to have in perpetuity. There is no safety valve, there is no possibility by which continuing large majorities finally can realize self-expression. That is a dangerous situation in a legislative body.

Oh, I know some Members of the Senate are worried about what might happen as the result of preponderant majority opinion existing in the United States which might be in conflict with some of our basic principles, as all of us who are here now believe them to be. One might worry about that, if a minority in the Senate finally might be able to control the situation. But I want to point out to my fellow Members of the Senate that if that condition should come about—and may God forbid it ever will arise in this country—but if that condition ever should arise, all the rules in kingdom come in the United States Senate would come to naught. Let us bear that in mind. That possibility, however, I think is not a question that should properly be under consideration in this debate.

I have noted with some concern reference to the majority report of the committee, and I want to say, insofar as I personally am concerned—and I can speak only for myself—I do not agree that the adoption of the resolution is essential in order to accomplish what is being attempted in the present instance through the ruling of the Chair. If one reads the resolution, for instance, he will note that it goes a great deal further than does the ruling of the Chair. It applies to "any measure, motion, or other matter pending before the Senate, or the unfinished business." This is quite different in its effect from the mere question which now confronts us.

So I do not join in that interpretation of the report of the committee as being applicable in the present instance. I agree that if we are to straighten out this matter in the manner in which the committee contemplates, so that in all time to come, or at least, until some future Senate properly decides otherwise, we shall know definitely, and the country will know definitely, how the Senate of the United States is to be able to proceed on all questions coming before it; we must adopt the resolution itself; to my way of thinking, the question raised in the committee report will confront us when we are debating the resolution proper. But the very fact, sir, that a large share of this debate has been devoted to the resolution itself, indicates that the resolution itself is, in effect, a part of the motion now before us. We cannot separate them. They are one and inseparable. The very fact that there is nothing immediately before the Senate except the motion to take up the resolution is indicative of the fact that there lies the resolution also. They are one and the same thing, as I see it.

So, Mr. President, reverting to my earlier remarks concerning the rights of majorities, the great necessity that the United States Senate be in a position to control its activities is very evident. Oh, I know it has been suggested in the debate that we override the ruling of the Chair and seek some other course by which to resolve the problem; but, Mr. President, no other course has yet been offered which, in itself, provides any answer. We all know that if the Senators who are opposed to the resolution in its present form persist in their opposition, they can defeat it. We all know, from experience in this body, that if we stay here night and day, assuming this ruling is overridden—and Heaven knows, sir, I would be willing to stay, and I have urged the majority leader to take such action in such eventuality, and I know that most of the Members on this side of the aisle would be willing to do so—all of us know, I repeat, that if we physically can stay here night and day, week after week and month after month, so can the opposition. The opposition has sufficient strength, because of their number, to last as long as we can last. We must show up for quorum calls. We are responsible for this body remaining in continuous session and not being faced with a condition which would bring about adjournment. That is the responsibility of those of us who are trying to bring about this needed correction in the Senate's rules.

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

Mr. IVES. I yield for a question.

Mr. LODGE. Even though it be true, as the Senator from New York says, that it is more difficult for those who are in favor of limitation of debate to maintain a quorum in a continuous session than it is for those who are opposed to such a limitation, does not the Senator from New York think that the attempt to do so must be made if faith is to be kept with the people and with the pledges which have been made in the platforms of both parties?

Mr. IVES. Mr. President, I am very glad the able Senator from Massachusetts has raised that question. I thought I answered it in my earlier remarks when I stated that I myself, personally, and I thought I was speaking also for a large and substantial majority on this side of the aisle, would be willing to stay here night and day until the matter is resolved as it should be resolved. Of course, we must stay in session if the question cannot be decided by a favorable vote on the ruling of the Chair. There is no alternative except to stay.

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

Mr. IVES. I yield for a question.

Mr. LUCAS. Assuming that civil rights are involved in the filibuster, does not the able Senator from New York agree with me that the Republican platform pledges can be partially redeemed by sustaining the Chair's ruling upon this important question, with the idea of looking forward to the ultimate end of what is contained in the resolution?

Mr. IVES. Mr. President, I think I brought that question rather to a point in a question which I raised yesterday with the senior Senator from Pennsylvania, when I recalled to his mind that the Republican platform itself, dealing with the civil rights question, even as does the Democratic platform, was adopted unanimously in Philadelphia. Of course we have that responsibility, and of course this is a step toward keeping our platform pledge; but, Mr. President, in the remarks I am now making I do not want to go into the civil-rights question if I can avoid it, because I do not think it should be considered at this time. There is no one in the Senate to whom I will yield as a greater advocate of civil rights than am I. I stand for them and the whole civil rights program 100 percent. Of course we have a responsibility; there is no argument about it. Of course, if we can persuade sufficient of our number to join with us in this necessary preliminary step, it will enable us to bring about more quickly a solution to some of these other problems. But——

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

Mr. IVES. Let me finish with my "but." But, Mr. President, I respect the rights of those who disagree with me. I have been trying to persuade Senators to join with me in approval of the ruling made by the Vice President of the United States, because I think it is a correct one, and I think it is the only way in which we can get this matter resolved. I see no other course, and none has been suggested in the course of the debate which has met with any acceptance worthy of the name.

Mr. President, in that connection, I would point out that the only way by which we can gain such an objective is to try to get together. If we try to get together and if we respect the rights of one another and the ideas of one another, perhaps we shall get somewhere; but right now there seems small likelihood of action of this nature.

I do not want to condemn Senators who disagree with me on the question, and I do not condemn them. I deeply respect their attitude. They have every right to it. I wish they felt differently, because if they did feel differently, we would soon have the matter resolved.

Mr. President, as I started to conclude once before, when I was diverted from doing so by several questions, as I see it, sustaining the ruling of the Vice President is the only legitimate course we can take to resolve the question which is before us. I know that the term "legitimate" can easily be challenged in the light of the presentations which have been made here, but I feel that it is a legitimate course. I feel, as I said, that the question of what is a pending measure is up to the Senate to determine insofar as definition is concerned. I feel that the situation before us, on which the ruling has been made, is a unique one. I feel that it has no exact parallel in all the history of Senate procedure; and I feel, finally, sir, that if we are to get ourselves into a position where we, as a legislative body, can be responsive to the overwhelming popular will, after all the necessary time for due and proper consideration will have elapsed, then this reform in Senate procedure must be made.

Mr. FERGUSON. Mr. President, I rise to discuss the question now before the Senate, namely the appeal from the decision of the Chair on a question of order.

The question involved is very important, because it involves the rule-making power of the Senate. The question is, who has the authority to interpret the rules of the Senate? The rule-making power is provided for in the Constitution.

Article 1 section 5 gives to the Senate, in fact, to both Houses, absolute power to make rules governing their proceedings.

Under the rule-making power we find rule XX in the Senate Rule Book. Any rule of the Senate can be tested as to its meaning by a question of order being raised. And how do we raise those questions? We raise them under rule XX, because the Constitution gives us absolute power, as a body, to make the rules.

The Vice President does not have a right to enter into the making of laws except in case of a tie vote. He is the Presiding Officer of the Senate, and by virtue of rule XX he is given certain authority. For instance, today, at this very moment, the Vice President does not occupy the Chair. If a question of order were raised, the present occupant of the Chair, the junior Senator from Maryland [Mr. O'CONOR] would rule upon it, as a Senator of the United States.

What does rule XX provide? I read:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

In other words, the Senate of the United States adopted a rule conferring upon the Vice President, or any Senator in the Chair presiding, the right to make a decision, but subject to the decision of the Senate, under a rule made by virtue of the rule-making power conferred upon the Senate by the Constitution of the United States.

The second provision is:

The Presiding Officer may submit any question of order for the decision of the Senate.

So I say, Mr. President, that the power to interpret the rule, which, in effect, is a rule-making power, is in the Chair, if no appeal is taken from the decision, or in the Senate on an appeal from a decision of the Chair, in case the Chair makes a decision, and in case the Chair does not desire to make it, he can submit it to the Senate for decision.

Mr. President, I know that men are sincere in their judgments in the particular matter before the Senate. This is an important case about which reasonable minds can differ. I think we should not treat it as a question involving civil-rights legislation, but of making rules and interpreting rules of the Senate of the United States. If we will keep that in mind, I think we will be able to decide what is a fair interpretation of the rule. We will be able to decide what the rule is. We can also decide the powers and authority of the Senate in interpreting the rules.

Mr. President, we have a decision of the Chair. Immediately there was an appeal for which the rule provides, and, as I understand, we have to ascertain what the judgment of each Senator is as to what the meaning of the rule is and what he desires it to be.

We speak about previous decisions of the Chair as binding on the Senators. Do we appreciate that the Senate did not have a parliamentarian, as such, until about the year 1935? The House has been closer in its following of decisions than has the Senate, because the Senate is not a judicial body; it is not a part of the executive branch; it is a political legislative body, except when it sits in impeachment proceedings.

Mr. President, one of the things I missed when I came to the Senate was that it did not follow precedents, and I miss it up until this day that we have not followed previous decisions, as courts have followed them, in order that we may interpret the rules and decide certain questions.

I have asked the Parliamentarian today whether we have a book on decisions to which we could readily refer. We have no such book of decisions. I say that the rule book of the Senate is not a book such as the rule books used by courts, in which precedents are followed. We would have citations under the rules showing where we could locate the interpretation of the rule. But the Senate of the United States, the greatest deliberative body in the world, does not have such a book, because it has not seen fit to follow precedents since it had the sole power to make the rules, and it had the sole power on an appeal from the decision of the Chair, or when a question was submitted to it by the Chair, to make the rule as of that date. That is very material at the present time. We have not followed decisions. For instance, I have seen questions of order raised when appropriation bills were under consideration because amendments were offered which were legislation on an appropriation bill. Did we follow decisions? I say that time after time I have seen Senators vote politically, because this is a political, legislative body, except during impeachment proceedings. They voted as they believed they wanted the legislation in the bill to be, or as they did not want it to be, according to their own political convictions. No precedents were cited or followed.

Mr. President, the measure we are considering is not a Republican measure, it is not a Democratic measure. There is not a Member of the Senate who does not think that we must have rules. We must have rules in order that we may have orderly procedure, and I think we probably surprise the world, when it comes to the matter of decorum and the dispatch with which this body acts, because it does act under rules, but it has the right to change the rules at any time by a majority vote on an appeal from the decision of the Chair.

Much of the work of the Senate is done by unanimous consent, and this body, by virtue of rule XX, always knows every hour of every day it is in session, that a question of order may be raised upon the floor and the Chair will have to rule, and if the Chair rules, any Senator can appeal from the decision of the Chair and a majority vote, on the appeal, will determine what the rule is and shall be for that particular case.

Mr. President, much has been said about the interpretation of rule XXII. In looking back through the records I have had a great deal of trouble in endeavoring to ascertain what those who adopted the rule had in mind. I have no quarrel with anyone who interprets the rule differently than I do, because I know that Senators are reasonable, but differ because they believe the position they will take when they make their decision is the correct one. I shall state what it is that impresses me and appeals to my conscience and dictates my decision in this matter. If rule XXII means that cloture can only be applied after a bill has been made the regular business then, Mr. President, the rule does not mean anything, for all any Senator has to do, or that any group of Senators has to do, is to be present in the Senate at the time the motion is made, and begin debate upon the motion.

Mr. President, we are now in the legislative day of February 21, 1949. Why? Because the Senate, under the interpretation of some Senators, cannot adjourn, and thus bring up a new legislative day, because if that were done the Journal would come up for approval, and there could be unlimited debate, without the right of cloture, upon the approval of the Journal. In this year of 1949 we face a situation in the Senate of the United States, whereby, because of the Senate rule, we are obliged to—yes I will say it—use a subterfuge, we have to recess instead of adjourn. We cannot have the morning hour because some Senators interpret the rule to mean that no cloture applies to debate on the question of approving the Journal.

As I have said before, I welcome precedent. I hope that we sometime can establish effective precedents in the Senate. I hope we can feel secure in following precedents, as the courts have done.

We hear complaint today that one of the defects of our judicial system is that our judges do not follow precedent. I saw the time, as other Senators did, when an attempt was made to pack the Supreme Court because the Supreme Court was following precedent. But I say that if Senators were today to ask our Parliamentarian, Charles Watkins, to show them any record of the precedents affecting the Senate rules, he would have great difficulty in doing so. He could show Senators his private records, and recall to them what he has in his mind on the subject, rather than furnish a definite record, because the Senate has not been in the habit of following precedents.

I say today, as my able colleague has said, that I have no quarrel with any other man's position upon this question. I cannot follow all the reasoning of the Vice President in his ruling, but my interpretation is that a motion to take up was included, or was intended to be included in the rule, unless we should say that those who adopted the cloture rule had their tongue in their cheek when they established the rule.

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

Mr. FERGUSON. I yield.

Mr. LONG. Did the Senator not come before the committee hearing and make a statement in direct conflict, to this effect, and I quote from page 85 of the hearings:

It may be that we have just discovered this defect in our rules. Let's say that by Senator

VANDENBERG's decision in the last session it brought to the attention of all of us that there was a defect, and it was pointed out that the defect applied in particular procedures, for instance, that a motion to bring up was not subject to a cloture petition.

So, now is the time, when we have discovered that we really haven't a cloture on these various matters, the right of cloture, that we ought to amend this.

Mr. FERGUSON. Yes, that statement was made, and I stand back of it. In August 1948 the ruling of the Chair was appealed from, but no vote was ever taken. That does not change what I am saying here today. I merely say today that paramount rights exist. I believe that the right to vote on a measure is paramount to the right of unlimited debate. But I am a firm believer in full and fair and reasonable debate. I am of the opinion that provision for a two-thirds vote for cloture on all matters will provide a fair, reasonable debate. I believe the people of the United States can trust the Senate. I believe the States can trust the two Senators from each State to allow full and adequate debate. That does not mean unlimited debate, but it means that if a two-thirds vote will bring about cloture, we will have full and fair debate in the Senate.

Therefore, Mr. President, it is my judgment that, as a Senator of the United States who is obligated to make the rules under the Constitution, my vote should be cast to sustain the ruling of the Chair. At this time such a vote will mean that those of us who vote in favor of sustaining the Chair believe that the motion to take up is a pending measure within the meaning of rule XXII. I shall so vote.

Mr. LANGER. Mr. President, very briefly I want to state my position on this motion. In the Eightieth Congress I led the fight to have the Republican Party carry out its pledges. The Republican Party at that time did not do so. On June 7, 1948, I brought to the attention of the Senate that in the Republican platform of 1944 the Republicans had placed the following planks. First:

We pledge the establishment by Federal legislation of a permanent Fair Employment Practice Commission.

Second:

ANTIPOLL TAX

The payment of any poll tax should not be a condition of voting in Federal elections and we favor immediate submission of a constitutional amendment for its abolition.

Third:

ANTILYNCHING

We favor legislation against lynching and pledge our sincere efforts in behalf of its early enactment.

And, Mr. President, fourth:

INDIANS

We pledge an immediate, just, and final settlement of all Indian claims between the Government and the Indian citizenship of the Nation. We will take politics out of the administration of Indian affairs.

Mr. President, day after day I stood upon this floor, when the Republicans had a majority, begging them to carry out the solemn promises, the definite pledges they had made to the people of the United States, and it is significant to note that I got exactly seven votes on three of the measures, and that only one of them was passed.

Mr. President, if I were assured that after this appeal had been decided my colleagues on the other side would make a sincere effort to carry out the wishes of President Truman, I would not take the few minutes I am taking. I have a definite idea as to their intentions. I wish to make perfectly clear the reason why I shall vote to overrule the decision of the Vice President yesterday afternoon.

In the first place, North Dakota holds a rather peculiar distinction. At the time rule XXII was adopted that grand and popular Viking, the late Senator Gronna, of North Dakota, was one of three Senators to vote against it. Also at that time there was in the Senate a man who was beloved all over the country, and particularly by the people of North Dakota. I refer to the late Senator Robert La Follette, Sr., one of the fighting champions—and one of the greatest—in behalf of the common people. Mr. La Follette was elected to the Senate in 1905. Because he had a lieutenant governor who disagreed with him politically he waited until 1906 before he came to the Senate. In 1917, eleven long years after Mr. La Follette first became a Member of this body, the question of cloture came up.

Mr. President, I believe that no other question which has arisen in the Senate during the 8 years I have been a Member has resulted in my receiving more telegrams and more telephone calls than I have received in this case, after announcing a few days ago that I would vote not to sustain the anticipated ruling of the Vice President.

In order that my position may be very clear, I wish to say that I fully agree with the late Robert La Follette, Sr. On March 8, 1917, in speaking of rule XXII, just before the vote took place, Mr. La Follette said:

With a rule such as is here proposed in force at that time, with an iron hand laid upon this body from outside, with a Congress that in 3 years has reduced itself to little more than a rubber stamp, let me ask you, Mr. President, if you do not think a rule of this sort would be bound to be pretty effective cloture? Especially is that true as some of the proposed legislation was of a character that appealed to certain Senators upon this side of the Chamber who, coming from States where the manufacture of munitions is a mighty important industry, are impressed with legislation that benefits the interests they represent?

Mr. La Follette continued—and I invite this to the attention of every man who pretends to be a progressive. Everyone who has studied history knows that Rome, after 450 fine years, fell when Julius Caesar made himself a dictator and when he subjugated the Roman Senate to his will. The English Parliament was strong for many hundred years, until Gladstone succeeded in abolishing the right of free discussion, at the time when the matter of freedom for Ireland came up for debate in Parliament.

I read at this time what Senator La Follette said when a proposal for cloture was before the Senate 32 years ago:

Mr. President, believing that I stand for democracy, for the liberties of the people of this country, for the perpetuation of our free institutions, I shall stand while I am a Member of this body against any cloture that denies free and unlimited debate. Sir, the moment that the majority imposes the restriction contained in the pending rule upon this body, that moment you will have dealt a blow to liberty, you will have broken down one of the greatest weapons against wrong and oppression that the Members of this body possess. This Senate is the only place in our system where, no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a chance to be heard, where there is opportunity to speak at length, and where, if need be, under the Constitution of our country and the rules as they stand today, the constitutional right is reposed in a Member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support. When you take that power away from the Members of this body, you let loose in a democracy forces that in the end will be heard elsewhere, if not here.

I have not time to quote all of Mr. La Follette's speech. He gave one or two quotations. Here is one from a former Senator from Indiana, Senator Turpie, who, some 50 years previously, had made a statement in regard to limitation of debate. This is what Senator Turpie said:

I heard this body characterized the other day as a voting body. I disclaim that epithet very distinctly. I have heard it described elsewhere as a debating body. I disclaim that with equal disfavor. This body is best determined by its principal characteristic. The universal law and genius of language have given a name to this body derived from its principal attribute. It is a deliberative body—the greatest deliberative body in the world.

That was the first time, so far as I have been able to ascertain, that that description of the United States Senate was given. He continued:

Now, voting is an incident to deliberation, and debate is an incident to deliberation; but when a body is chiefly characterized as deliberative there is much deliberation apart from discussion and debate, and wholly apart from what is called the business of voting.

The essence and the spirit of a body like ours, now over a century old, may be best gathered from its rules of action, the body of law governing it always very small, now very brief. Of the 21 rules properly affecting parliamentary procedure in this body 11 relate to the subject of deliberation. More than one-half relate exclusively to that subject and have nothing to do with debate or voting. I suppose that the form of law under which the will of the majority must control this body embraces at least the rules which govern us. Here is rule XXII, one which touches us every day. I think it is the most frequently operative of any rule in the Senate.

Mr. President, after referring to the pledges made by the Republican Party, which they did not keep, I now call attention to the Democratic Party—whose members now say that they stand for civil rights. Mr. Truman was a member of this body for 5 years. What does the cold record show as to what he did for civil rights? Did he lead any fight for them in this body, Mr. President? I was here during those 5 years. He did not lead one fight for them. Where is he

today? He is not in Washington. Mr. President, he is out fishing, in Florida. That shows his great interest in this matter.

O Mr. President, these Negro votes are very fine on election day. Apparently the Democrats think they have to make a showing for civil rights this year and perhaps next year and perhaps the year after that—but not a serious effort to get these civil-rights measures enacted; and the effort here these past 10 days has not been serious.

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

Mr. LANGER. I refuse to yield at this time; I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. LANGER. Mr. President, the effort has not been serious. I imagine the Senator from Florida might give us some of Mr. Truman's votes on various measures. I think that he voted right when it came time to vote; but at no time did he lead a fight for civil rights.

Mr. President, what a difference. When two or three times at the last session I tried to prevent the passage of a bill which, under selective service, would draft the last remaining son of a family whose two other sons had been killed in the service, the Members of the Senate stayed here and had two sessions all night long—two long, long night sessions. But I have not seen any so far this session, Mr. President. So far in this session we have worked no later than 8 or 9 or 10 o'clock at night, and then we have quit until the next day at noon, not 11 o'clock. I, for one, want to make it very plain that at any time that the Democrats really want to pass these civil-rights measures, I am prepared to stay here all night or stay here a week or a month in order to enact the civil-rights program that Harry Truman has advocated since he has become President.

Not long ago the distinguished Senator from New York [Mr. IVES] said he thought he was perhaps as good a friend of civil rights as was any other Senator upon this floor. I think he is correct. I wish to say that during the 8 years I have been here, I have voted for every bill, without exception, calling for the establishment of civil rights in this country. So, today, I wish to make it very plain that when I vote to override the decision of the Vice President, I am still a firm, fighting friend of civil rights—just as strong a friend of civil rights as I ever was; and if the Democrats will begin tomorrow or Monday with a really serious, honest effort to carry out Mr. Truman's civil-rights program, I assure my friend the distinguished majority leader [Mr. LUCAS] that he will find me voting with him every single time. I hope the Democratic Party will do that. I hope they begin on it right away, and never quit until they secure the enactment of that civil-rights program. I think they will receive a great deal of support from Senators on this side of the aisle.

Mr. President, apropos of the telegrams and telephone calls on this matter which have been received by Senators—and two of those communications are rather threatening, especially one from New York—I wish to say that it seems to me that the people who sent those messages do not really understand the problem we face here, which was so clearly set forth today by the distinguished senior Senator from Michigan [Mr. VANDENBERG].

Mr. President, in closing, let me say that when I came to the Senate I had no better friend than Senator Charles McNary, of Oregon, who at that time occupied the desk next to the one I now have in this Chamber. He was then the minority leader. I shall never forget when he said to me that in his judgment one of the greatest safeguards of democracy was the fact that the right of unlimited debate exists in this Chamber, and I remember very well that when a distinguished Senator came to me and asked me to sign a cloture petition I talked with the senior Senator from Texas [Mr. CONNALLY], and I also secured the advice of Senator McNary, of Oregon, and I did not sign it. Certainly when a Member of the Senate like Senator La Follette, who was here 11 years, or a Member of the Senate like Senator McNary, gave me such advice, I did not sign it; I took the advice of the distinguished Senator Charles McNary, of Oregon.

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

Mr. LANGER. I yield.

Mr. CONNALLY. I wish the Senator to be correct in his statement. I am sure he did not mean to say that I asked him to sign the cloture petition, for I was against signing it.

Mr. LANGER. That is correct; the Senator from Texas was against signing it. When such a petition was brought to me and I was asked to sign it, the distinguished Senator McNary, of Oregon, joined the Senator from Texas in saying that the right of free and unlimited debate in the Senate was one of the finest things about this body.

Mr. President, again I wish to assure my friend the Senator from Illinois [Mr. LUCAS], the majority leader, that if he will bring up this question of civil rights he will find no better backer than myself, and I shall be one of those who will hold up his right arm in carrying on that fight.

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

Mr. LANGER. I yield.

Mr. LUCAS. Do I correctly understand that the Senator from North Dakota is in favor of the Wherry-Hayden resolution?

Mr. LANGER. I am not certain; that is a question we shall take up after this one. So far as the question of invoking cloture by a two-thirds vote is concerned, I am not quite sure whether I favor it or am opposed to it. I may even be opposed to it. I know that I do not favor cloture by majority vote, under any consideration.

Mr. LUCAS. In any event, the Senator from North Dakota is in favor of free and unlimited debate, and he has been in favor of it all the time, I understand.

Mr. LANGER. That is correct.

Mr. LUCAS. If the Senator does not favor the Wherry-Hayden resolution, why would he wish to keep us here for a month?

Mr. LANGER. I may be in favor of that resolution; I have not stated that I am opposed to it. I wish to study it and go over it. I do not wish to commit myself regarding it until I look it over and study it and hear the debate on it. I may even wish to offer an amendment to it.

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

Mr. LANGER. I yield.

Mr. LUCAS. The Senator has been talking about breaking this filibuster, but he is in favor of free and unlimited debate. I do not quite follow his reasoning, if he is in favor of having the Senate stay here for a month and if he is in favor of free and unlimited debate.

Mr. LANGER. It is very simple. If the Senator needs help, I shall be glad to give it.

Mr. LUCAS. I shall need a great deal of help.

Mr. LANGER. All the Senator from Illinois has to do is keep the Senate in continuous session. If that is done, it will not be very long, as the Senator from Michigan said today, before we shall arrive at some understanding or agreement which will be mutually satisfactory.

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

Mr. LANGER. I yield.

Mr. LUCAS. What the Senator says may be correct; but I am not sure that I shall be able to depend on the Senator from North Dakota, when we finally attempt to break the filibuster, to help us to break it, because he may not be in favor of the Hayden-Wherry resolution. I hope I can depend on the Senator from North Dakota when the time comes for him to go along with us.

Mr. LANGER. I assure the Senator from Illinois that I shall go along in helping secure the enactment of the Truman civil-rights program.

Mr. LUCAS. But the Senator from North Dakota makes some qualifications in that respect.

Mr. LANGER. No; I make no qualifications. When the Senator from Illinois asks me whether I favor a resolution which I have not yet had ample opportunity to study, I say that I am not sure whether I shall favor it without the crossing of a "t" or the dotting of an "i."

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

Mr. LANGER. I yield.

Mr. MAYBANK. The Senator from North Dakota has mentioned the name of the great Senator Bob La Follette. I wish to ask the Senator a question, because we were here together with another great Senator from the West, Senator Wheeler. I am sure the Senator from North Dakota well remembers the debates on the floor of the Senate with that distinguished Senator from Montana. I wish to remind the Senator that many a time Senator Wheeler——

Mr. LANGER. Senator Wheeler stood first, last, and all the time for free and unlimited debate upon this floor.

Mr. MAYBANK. Also, as I remember, he was a candidate, along with the distinguished Senator Bob La Follette, of the liberal movement in America.

Mr. LANGER. That is right.

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

Mr. LANGER. I yield.

Mr. KNOWLAND. I wish to inquire of the able Senator from North Dakota, in view of his statement and in view of the parliamentary situation with which the Senate is faced on the question of filibustering on a motion to take up a matter, how he anticipates he will ever get a chance to vote on any civil-rights legislation if we cannot even get it before the Senate for a vote.

Mr. LANGER. It would be delightfully simple. Just as the Senator from Michigan said today in his magnificent address, it will be possible to enact civil-rights legislation just as soon as either party makes up its mind it is going to do it—any time Republicans will make the sacrifices necessary to do it. The Senator will remember last year I brought up these Republican platform pledges. The junior Senator from Oregon rose on the floor and said he would bring up his cot every day, he would stay here a week, or a month. Just as soon as either the Republicans or the Democrats make up their minds to get the civil-rights program through it can be done. Instead of that, we adjourned for 3 days at a time until toward the end of the session. Then, in the last 2 or 3 weeks, some of us who were opposed to the drafting of our boys under selective service were kept here 2 nights before the Republican convention at Philadelphia, all tired out. We were kept in session because Senators wanted to adjourn and go to the convention. Although many days had been wasted during the month or 2 or 3 months before that, there was an adjournment 3 days ahead of time. So I close by telling the people of this country that I am unqualifiedly for the civil-rights program and will help to enact it—if only the Democratic majority will bring it up.

Mr. CORDON and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. CORDON. Mr. President, I have never been one who believes in reiteration. I shall limit myself to one or two points which I believe have not been covered. Beyond that, I associate myself with the statement made earlier this afternoon by the eminent senior Senator from Michigan. I find myself in as embarrassing a position as the Senator indicated his was. I am a believer in cloture. I have reached that conclusion after long study and deliberation. I believe cloture should go to any motion, measure, or business, to any question which might be before the Senate at the time a petition for that purpose is submitted. I believe the petition should be a preferred matter, to be filed even while a Member of this body is on his feet. But, Mr. President, it is my conviction that we can pay too much in other more precious things for some of the things we desire.

Mr. President, as I view this matter, I am constrained to believe it has taken on a very great deal more importance, important as it is, than the subject matter warrants. I agree with the distinguished Senator from New York in his statement that this is a most important matter in the minds of millions of people. It has become important chiefly because it is misunderstood. The belief is abroad, based upon statements made and reiterated time after time and heard on the floor of this body, unless we correct the rule situation by the amendment we have to the present cloture rule, that in some moment of tragic and great public necessity in this country the Senate will find itself hog-tied and unable to act.

Mr. President, as long as the United States Senate is constituted under the provisions of the basic structure of this country, just that long a majority of a quorum on this floor can do what it will. We speak of rights under the rules of this body. If by the term "right" we mean a legal right, such rights are nonexistent. The rules we have in the Senate are worth while only to the extent that we who are Members of this body are willing to abide by them, as long as we who are Members of this body are willing to give our consent to their operation, as long as we who are Members of this body believe that the business of this body and the welfare of the people of the United States will be better served while we have those rules or some other rules.

But let us not delude ourselves, Mr. President, with any thought that we are hog-tied, handcuffed, futile in this body, if a time comes that we must do this or that. On that day, this body will act, and it will act within its constitutional power, because this body is the sole judge of its rules. The rules it has today exist by sufferance, by consent of a majority, even the rule of cloture, which requires two-thirds vote. That rule, or the rule requiring two-thirds vote for suspension of rules, can all go down and be overthrown on any day the Senate feels that the overriding welfare of the people here requires it.

So let us consider the rules for what they are. They represent the consensus of the Members of this body now and in the past that orderly operation in this body requires some ground rules. And we have, as a result of experience through the years, made, amended, modified, and added to, a set of ground rules. By sufferance of a majority of the quorums that appear here, we have restrained ourselves within them. Let it not be understood that I for a moment feel that we should not do that. On the contrary, I feel that the judgment of those who are in this body today, and of those who have been in this body since the inception of the Republic, has all gone to the proposition that the welfare of the country demands that we have orderly procedures.

I make only the point that there is no power under the shining sun that can tell a majority of a quorum of this Senate what it can or cannot do in the matter of rules at any given moment while the Senate is in session. The only place in which that power resides is in the body of the people, and then only by amendment to the Constitution itself.

So, Mr. President, let us have done with the thought that the country itself may be imperiled because we do not have the power to act. We can act at any time, on any question, when we feel that it is necessary. Our observance of the rule of restraint in this body has been outstanding, but just as outstanding has been the willingness of this body, by unanimous consent, time after time, in every session, to set the rules aside entirely and act as one.

If I may say that a careful consideration of the picture indicates that the Republic itself is not in danger as of the moment, then perhaps I can turn for another moment to the matter immediately at hand.

We are here concerned with a rule which had been adopted pursuant to other rules which were then in existence, by which we agreed to restrain our constitutional power for our good and for the good of the people. A question has arisen as to what the rule means. Again, Mr. President, let me say that although we have agreed among ourselves to follow a certain procedure to change the ground-rules we have adopted, we are not bound to do it, as witness the fact that at this moment we are here considering the question of whether we shall short-cut our rules. We can do it. It rests in the conscience and sound judgment of every Member of the Senate as to whether it is the better thing to do. There is no question about the power that rests here to do it.

Mr. President, as to the rule in question, I simply want to present one proposition, only one. There has been a very great deal of research done over the years, and most intensely within the past 2 weeks, to determine, so far as possible, what was intended to be done when the present cloture rule was adopted in 1917.

I want to associate myself with the remarks made by the Senator from Missouri, with reference to the definitions given of the word "measure." I think they should appear in the RECORD as broad as they appeared in the dictionaries. That has been done. The ruling was announced from the Chair that the words "pending measure" were not limited to bills or resolutions—in other words, actions of a substantive character—but that, necessarily, if there was no such measure before the Senate, then a motion to bring up such substantive business became itself a pending measure.

I say, in all frankness, Mr. President, that long ago, weeks ago, in my consideration of this question, I gave very deep and careful consideration to the point as to whether that should be the declaration from the Chair, because it appealed to me as answering one of the basic and fundamental rules of statutory construction, namely, that we must always presume that the legislative body did not intend a vain thing. But, Mr. President, when I had finished my investigation and again turned to the letter of the rule itself, to the plain words of the rule, I had to confess that the record carried evidence to the contrary. I then had to face this proposition as one who believes in law, one who believes there can be no order in this world without law, one who

believes that there can be no law unless there is precedent, that there can be no law unless a man today can determine his actions tomorrow by what happened yesterday, because I believe in that with every atom of my being. I had to say to myself, when I considered this matter, I cannot today legislate for the Members of this body who sat here in 1917, no matter what I may conjecture they intended to do. Unless I can find that they did it, I cannot today, ex post facto, do it for them. Therefore I had to turn my attention to the rule, and I now call the attention of the Senate to the rule.

Mr. President, if I may for a moment turn back to conjecture and speculation, always a dangerous field, I admit, I speculate that when those Senators in this body in 1917 adopted that rule they had in their minds the belief that it would be effective. That, of course, we all know. Then I speculate that, perhaps, had the evil which exists today existed at that time, or had they been able to foresee that it would exist today, they would have drawn a different rule. But, by the same token, Mr. President, had all of the lawmakers in all of the years that have passed had the same knowledge at the time they drew the laws of their times, they would have drawn them differently; and it might well be that there would be no purpose in a Senate or a House of Representatives today. We would have perfection in the law.

Mr. President, we cannot legislate for yesterday, but we can legislate today for today and for tomorrow. We have an orderly way of doing that. We have an extraordinary reserve power which we can wield if we must. But I believe in following ground rules when we have them, and when I follow the ground rules here, when I read the rule itself and seek from the context to determine what was in the minds of those who drew it, I find what, to me, is satisfactory evidence that it was not intended by its authors or those who adopted it to make the words "pending measure" apply to a motion of any kind at the time when the petition for cloture was filed. Let us look at the rule and see what we have. I now read from section 2 of rule XXII:

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state—

I read no further, because from there on there is set out the method by which that petition is presented to the Senate.

There, Mr. President, the words used to identify the situation existing in this body are the two words "pending measure." Now let us drop down on the next page in my rule book and see if at any time in this rule there was any recognition that there could be two separate things, a pending measure and a motion. The rule says what I shall read, following the provision for adoption of cloture. We first have the method by which cloture is invoked, the condition under which it can arise, on a pending measure. Then we have the effect of invoking the rule, the limitation that happens then, and what do we find? I quote:

> Thereafter no Senator shall be entitled to speak in all more than 1 hour on the pending measure—

I interpolate; now follow the next words carefully—

> the amendments thereto, and motions affecting the same.

Those who drew the rule had in mind that the condition on the floor of the Senate which would give rise to cloture was a pending measure, but once cloture attached by virtue of the procedure set up in the rule then that cloture went beyond the pending measure, it went to other matters, and those other matters were amendments to the measure and motions concerning the measure; and that I point out.

Mr. President, there was a recognition by those who presented this rule and those who adopted it that a pending measure and a motion were two entirely different things.

I think we cannot pass by the evidence in the rule by speculating as to what the men in 1917 would have done had there been at that time knowledge of the evil which faces us now, or had they projected their thinking far enough to realize that while their rule was still effective other evils might arise. They did not. The obligation that is now upon the Senate is the same obligation which rests upon us to take care of other deficiencies in other laws which have been passed since the Republic began, and they are many.

We must amend our rule. We can do it, as I said before, in either of two ways. We can do it in the way established, or we can cut through and do it by virtue of the constitutional power which rests in the majority.

Mr. President, because I have such a deep belief that this country cannot exist once we have lost the anchor, may I say, of precedent, which holds the ship of state, constructed of law, in its place; that once we have lost that we are drifting into anarchy and disorder, I must follow what I conceive to be self-established rules of the Senate for orderly operation.

One thing more. If I left the matter there I would feel I was a defeatist. What shall we do, faced with a situation with which we are faced, not these questions in the background of so-called civil rights, but just this one question of a resolution to amend the cloture rule? Are we stymied? Reserving the basic power that we have in the Constitution to act directly, are we not obligated, first, because we believe in law, because law is of the very meat and bone of our being, to try in good faith, with all the endurance we have, to bring this matter to a vote, after allowing those who object to speak until they can speak no longer? Let us try that once. I, for one, am prepared to do it, and I wish to quote now the words of my illustrious predecessor in the Senate, the revered late Senator Charles L. McNary:

> So far as I am concerned, I am willing to stay here from dawn till evening star, and evening star to dawn, till the job is done.

Let us try that, and then, Mr. President, if we find that after the most courageous attempt that can be made we cannot win, I for one, I say in all frankness, will turn then and see whether or not events justify my using that other reserved constitutional right which rests in this body. But I believe we can win.

Mr. President, perhaps I of all the Members of this body have used up less CONGRESSIONAL RECORD space than any other Senator. Perhaps I am not qualified to make this observation, but I cannot help believing that it takes more effort to stand on one's feet hour by hour and make a speech than it does to sit in one's chair and listen, or walk out in the cloakroom and forget it. If it be a matching of endurance, who has the laboring oar?

Before we admit defeat, let us carry the battle as far as it can be carried.

Mr. PEPPER. Mr. President, I should like to make just a very few observations, if I may.

The question now is different from what it was yesterday, after the ruling of the Vice President. The question now is simply one as to whether the Senate is to sustain or not sustain the ruling of the Vice President of the United States.

Let it be clear that there is, in the words of the Senator from Michigan himself, the able President pro tempore who ruled on the 2d of August last year, no precedent save that ruling of the Senator from Michigan, who made the following statement in the course of his opinion. I quote from the CONGRESSIONAL RECORD, volume 94, part 8, at page 9603:

> There has been no direct ruling upon the specific question whether a motion to take up a bill is subject to cloture.

So there is but one precedent to the contrary, if it be a precedent, to the ruling of the Vice President of the United States yesterday on the pending petition to apply rule XXII to the motion to take up the resolution in question.

Second, Mr. President, I asked the Parliamentarian of the Senate as to whether there were instances when other Presiding Officers had ruled contrary to previous rulings. In the first place, the Vice President distinguished his ruling of yesterday from the ruling of August 2 of last year made by the eminent President pro tempore of that time. The Vice President yesterday pointed out that the President pro tempore last year ruled that the pending measure was a matter pertaining to aviation which had already been made the pending measure upon the motion of the Senator from Maine [Mr. BREWSTER], and that the motion of the Senator from Nebraska [Mr. WHERRY] was a motion to take up the anti-poll-tax bill at a time when there was a pending measure, that is to say a resolution, already before the Senate and therefore a pending measure before the Senate. I thought there was great weight in the distinction made by the Vice President in the ruling he made from the facts as they existed on the second of August last year, and all of us lawyers know that the rule of stare

decisis, even to a court, means that it has binding effect only when the facts in the two cases are the same.

Mr. President, the Parliamentarian, at my request, examined the index of the precedents of the Senate which he is preparing under a resolution of the Senate, and noted down, at my request, 14 instances in the last 25 or 30 years covered by this compilation, when the Presiding Officer of the Senate has ruled contrarily to a previous ruling of the Chair. I have all of them here. I shall not take the time of the Senate to detail them, but Senators will observe them in the Index to the Rules of the Senate, by Charles L. Watkins, Parliamentarian of the Senate. It was this day, at my request, that he went through the index and noted 14 instances where Presiding Officers had ruled contrary to the decisions made by previous occupants of the chair.

Mr. President, I stated in my observations prior to the ruling of the President pro tempore last year that the President pro tempore, in my opinion, had the right, if not the duty, to pass upon any question presented to him according to the way he sees it, in light of the language of the rule and the facts and circumstances surrounding the action.

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

Mr. PEPPER. I yield to the Senator from Louisiana.

Mr. LONG. In order to complete the RECORD, I wonder if the Senator would state, in connection with the 14 examples of rulings which were handed down which were contrary to previous rulings, in how many of the 14 instances an appeal was taken.

Mr. PEPPER. I do not know. The Parliamentarian, Mr. Watkins, said that just from the index he could not tell the number in which appeals were taken, but he did not think appeals were taken in many of those instances.

I stated, Mr. President, what I believed to be the right rule to govern the Chair when a motion is presented to it, as follows:

> The decision which the Chair is about to make is of grievous import to the country and possibly to the world. I am aware of the precedents. * * * However, Mr. President, every Presiding Officer, if I may say so, stands upon his own authority. He exercises his own power. He has the authority to make a decision in accordance with the rule, its language and intent, which the distinguished Presiding Officer himself thinks is right and proper in course of his duties.

This is what the able President pro tempore, the senior Senator from Michigan, himself said, as it appears on page 9603 of the RECORD, in the course of his opinion prior to his ruling:

> But in his capacity as President pro tempore the senior Senator from Michigan is bound to recognize what he believes to be the clear mandate of the Senate rules and the Senate precedents; namely, that no such authority presently exists.

So he was bound to carry out what he himself believed to be the mandate of the rules of the Senate.

Mr. President, in my observations to the President pro tempore I compared the position of the Presiding Officer to that of any appellate court. I said the Presiding Officer has the same authority to reverse or to distinguish a previous decision that an appellate court possesses.

I have before me the case of *West Coast Hotel Company* v. *Parrish*, 300 U. S., and I am reading from page 400. This is the concluding sentence of a paragraph of a decision by Chief Justice Hughes, speaking for the Court. This is what Chief Justice Hughes said:

> Our conclusion is that the case of *Adkins* v. *Children's Hospital*, supra, should be and it is overruled. The judgment of the Supreme Court of the State of Washington is affirmed.

Mr. President, that is merely one example of the Supreme Court of the United States, speaking through the able jurist, its Chief Justice, Mr. Charles Evans Hughes, for the Court directly, reversing a previous decision of the Court which had been the supreme law of the land for I think 14 or 15 years.

I read from another decision of the United States Supreme Court, Mr. President, the case of *Helvering* v. *Hallock*, 309 U. S. I read from the opinion of Mr. Justice Frankfurter, speaking for the Court, on pages 121 and 122 of the decision. This is what Mr. Justice Frankfurter said:

> This Court, unlike the House of Lords, has from the beginning rejected a doctrine of disability at self-correction. Whatever else may be said about want of congressional action, to modify by legislation the result in the St. Louis Trust cases, it will hardly be urged that the reason was congressional approval of those distinctions between the St. Louis Trust and the Klein cases to which four members of this Court could not give assent. By imputing to Congress a hypothetical recognition of coherence between the Klein and the St. Louis Trust cases—

Mr. President, I call especial attention to this language—

> we cannot evade our own responsibility for reconsidering in the light of further experience, the validity of distinction which this Court has itself created. Our problem then is not that of rejecting a settled statutory construction. The real problem is whether a principle shall prevail over its later misapplications. Surely we are not bound by reason or by considerations that underlie stare decisis to persevere in distinctions taken in the application of a statute which, on further examination, appear consonant neither with the purposes of the statute nor with this Court's own conception of it. We therefore reject as untenable the diversities taken in the St. Louis Trust cases in applying the Klein doctrine—untenable because they drastically eat into the principle which those cases profess to accept and to which we adhere.

There the Supreme Court of the United States said it has never followed the House of Lords in adhering to a disability to correct its own mistakes or its own errors.

I shall refer to two other cases. In the case of *Breedlove* v. *Suttles* (302 U. S. Reports, p. 283), the Supreme Court of the United States said:

> The privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

That opinion was in 1937. But later the United States Supreme Court, writing in 1940, had this to say about that part of the opinion, and I am now reading from *United States* v. *Classic* (313 U. S., p. 315):

> While in a loose sense the right to vote for representatives in Congress is sometimes spoken of as a right derived from the States (see *Minor* v. *Happersett*, *United States* v. *Reese*, *McPherson* v. *Blacker*, *Breedlove* v. *Suttles*)—

The case from which I just quoted.

> This statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2, article I, to the extent that Congress has not restricted State action by the exercise of its power to regulate elections under section 4, and its more general power under article I, section 8, clause 18 of the Constitution, and to make all laws that shall be necessary and proper for carrying into execution the foregoing powers.

Mr. President, the junior Senator from Tennessee [Mr. KEFAUVER] made one of the real original contributions to this debate, and I am sure his colleagues who heard him honor the sagacity of his research which brought to light the facts which he quoted here, which some Senators, not being in the Chamber at the time, might not have heard. The junior Senator from Tennessee read, I believe, from either the Washington Post or the New York Times of March 4, 1917. The RECORD will disclose which newspaper it was. He read from that newspaper the language of what might be called a sort of round-robin agreement, signed by 33 Senators. Senators will note that this was on the 3d of March. It bears that date. I have obtained from the Official Reporters of Debates a transcript of the statement of the Senator from Tennessee. This agreement is dated Washington, March 3, 1917. This is what it says:

> We, the undersigned, hereby mutually covenant and agree to cooperate with each other in compelling such changes in the Rules of the Senate as to terminate successful filibustering and enable the majority to fix an hour for disposing of any bill or question subject to the rule of 1 hour to each Senator from discussion before or after the hour is fixed. This agreement to go into effect March 5, 1917.

As I said, 33 Senators signed the agreement. I do not suppose it is necessary to name those Senators, but it will take only a moment. They were: Robert L. Owen, Oklahoma; Atlee Pomerene, Ohio; Henry F. Hollis, New Hampshire; Ollie M. James, Kentucky; James A. Reed, Missouri; William Hughes, New Jersey; James K. Vardaman, Mississippi; Henry L. Myers, Montana; Morris Sheppard, Texas; George E. Chamberlain, Oregon; John Sharp Williams, Mississippi; William F. Kirby, Arkansas; A. A. Jones, New Mexico; Claude A. Swanson, Virginia; Duncan U. Fletcher, Florida; John Walter Smith, Maryland; Willard Saulsbury, Delaware; W. J. Stone, Missouri; Edwin S. Johnson, South Dakota; Charles S. Thomas, Colorado; Henry F. Ashurst, Arizona; Key Pittman, Nevada; Paul O.

Husting, Wisconsin; Thomas J. Walsh, Montana; Joseph T. Robinson, Arkansas; James D. Phelan, California; W. H. King, Utah; J. C. W. Beckham, Kentucky; Joseph E. Ransdell, Louisiana; James Hamilton Lewis, Illinois; William H. Thompson, Kansas; Francis G. Newlands, Nevada; Albert B. Fall, New Mexico.

The newspaper article stated:

Others who, while they have not yet signed the agreement, have agreed to support the movement are: Thomas S. Martin, Virginia; Hoke Smith, Georgia; Harry Lane, Oregon; John F. Shafroth, Colorado; Oscar W. Underwood, Alabama; Kenneth D. McKellar, Tennessee; Park Trammell, Florida.

Mr. President, the reason I call attention especially to this point, with all honor and credit to the junior Senator from Tennessee, is the presence of the words "of any bill or question." The agreement did not say "measure." It did not say "resolution." It did not say "proposed law." It said "bill or question." A motion is a question.

When was this, Mr. President? This was the day following the beginning of the filibuster against the bill providing for arming of merchant ships, requested by President Wilson, which bill was killed by a filibuster which continued from 4:30 o'clock on Friday afternoon, the 2d of March, until noon on the 4th of March, the following Sunday, when the Congress expired by the terms of the Constitution.

Here were men who knew that the filibuster had been upon a bill or resolution, but they did not say "measure." They said "any bill or question." On the 3d of March the filibuster was in progress in the Senate, when this agreement was signed. Those men knew that it was a bill which was being filibustered, but they did not stop at "bill." They said "any bill or question." That was on the 3d of March when the filibuster, which started on the 2d and ended on the 4th, was in progress.

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

Mr. PEPPER. I yield for a question only.

Mr. STENNIS. Was this agreement signed before the amendment to the rule was written?

Mr. PEPPER. That is correct.

Mr. STENNIS. They resolved to make it apply to a bill or question; but when they wrote the rule they merely said "pending measure." Does not the Senator think that that shows that they had changed their minds?

Mr. PEPPER. I do not think so, and I will state one reason why I say that.

On the 16th of May 1916, Senator Smith, of Georgia, reported Senate Resolution 195 to the Senate. In the debate on the 8th of March 1917, it was stated by Senator Smith that what became of rule XXII was substantially the resolution he had reported by the unanimous vote of the Rules Committee on the 16th of May 1916, which was Senate Resolution 195.

The reason I answer the able Senator from Mississippi as I do is this: Senator Hoke Smith, of Georgia, on the 16th of May 1916, reported a resolution to the Senate providing for cloture, which resolution used the words "pending measure." It said:

If 16 Senators present to the Senate at any time a signed motion to bring to a close the debate upon any pending measure—

Nevertheless, here was that same Senator Smith, on the 3d of March 1917, saying he would support a covenant with his fellow Senators saying that they were going to try to compel such changes in the rules of the Senate as to terminate successful filibustering and enable the majority to fix an hour for disposing of any bill or question. Senator Smith had already used the words "pending measure" in 1916. I have a list of the members of the Rules Committee in 1916. They were: Overman, of North Carolina; Kern, of Indiana; O'Gorman, of New York; Williams, of Mississippi; Lea, of Tennessee; Smith, of Georgia; Warren, of Wyoming; Gallinger, of New Hampshire; Nelson, of Minnesota; and Cummins, of Iowa. It will be noted that Senator Williams, of Mississippi, who was one of the signers with the group of 33 on March 3, 1917, was also a member of the Committee on Rules.

It seems to me that if those gentlemen had fixed "pending measure" as the way to go at this matter in their minds, they would have put "pending measure" in the agreement which they signed, had they not regarded as synonymous what they said in the agreement signed by 33, what they said in the resolution in 1916, and what they said in what became rule XXII. In other words, "pending measure" is descriptive of "bill or question." That is the basis on which I answer the able Senator.

Mr. President, I have made a little inquiry. I shall not at this late hour take the time of the Senate to go into it, but I have noted instance after instance in the debate in 1917 in which reference was made to what this rule was to do. Here is one example, on page 31 of the RECORD of March 8, 1917. This is what Senator Stone, of Missouri, said:

I wish to say, Mr. President, that I am in entire sympathy with and heartily for the adoption of a cloture rule. The proposed rule is not in the form I would have written it if I could have written it. It is perhaps not in the form in which other Senators would have written it if they could have written it. But it authorizes the Senate to bring discussion to a close whenever two-thirds of the Senate voting so conclude.

He uses the word "discussion."

There is another instance, on page 32 of the RECORD of March 8, 1917. This is Senator Owen, of Oklahoma:

Mr. President, in giving support to this modified cloture, by which two-thirds may close debate—

He did not say "on the pending measure." He said "by which two-thirds may close debate."

It ought to be said, in fairness, that Senator Lodge, of Massachusetts, was one of the five conferees from the Republican side of the aisle. I have finally been able to get the names of all those conferees. On the Democratic side they were: Reed, of Missouri; Owen, of Oklahoma; Swanson, of Virginia; Smith, of Georgia; and James, of Kentucky. They were appointed by the Democratic conference on March 6, 1917. By the way, Senator Reed, of Missouri, was designated by the chairman of the conference, Senator Martin, of Virginia, on March 6 to notify the Republican members of this committee that the Democrats had appointed their members, and to suggest that they get together.

On the 7th of March, the chairman of the conference also added Senator Walsh, of Montana, although that made six Members from the Democratic side, to the gentlemen who were to represent the Democratic conference in trying to work out an adequate cloture rule.

The Republican Members were Senators Lodge, Brandegee, Penrose, Cummins, and Fall.

Mr. President, I have referred to what Senator THOMAS said. I have sent for these magazines. I have not yet been able to obtain them. Senator Lodge, according to Senator THOMAS in his remarks, in 1893 had written an article on the subject of cloture; and here are two quotations from Senator Lodge's articles, which were quoted by Senator THOMAS. As I said, I have not yet been able to obtain the magazines. Senator Lodge said this in the North American Review in November 1893:

No minority is ever to blame for obstruction. If the rules permit them to obstruct, they are lawfully entitled to use those rules in order to stop a measure—

"A measure," Mr. President—

which they deem injurious. The blame for obstruction rests with the majority, and if there is obstruction it is because the majority permit it. * * * They and they alone can secure action and initiate proceedings to bring the body whose machinery they control to a vote.

Senator Lodge also said, as quoted there:

No extreme or violent change is needed in order to remedy the existing condition of affairs. A simple rule giving the majority power to fix a time for taking a vote upon any measure which has been before the Senate and under discussion, say, for 30 days, would be all-sufficient. Such a change should be made and such a rule passed, for the majority ought to have and must have full power and responsibility.

Senator Lodge used the word "measure." Other Senators used the words "close debate." Other Senators said "end discussion"; and other Senators have used similar terminology all the way through.

Mr. President, let me point out one other fact. Senator Martin, of Virginia, the Democratic leader, who presented that resolution to the Senate, was one of those who said he associated himself with the petition signed by the 33 Senators who said they must compel such changes in the rules of the Senate as to terminate successful filibustering and to enable the majority to fix an hour for the disposing of any bill or question.

I have checked the record of the votes; and I find that every one of the 33 Senators who signed that petition or document, voted for rule XXII, except 4 who were absent; and most of those indicated, through other Senators, that they would have voted for it had they been

present. But of the 33, 29 were present and voting on rule XXII, and voted for it. Mind you, Mr. President, that was on the 8th of March; and on the 3d of March they had signed the petition or covenant with one another, in which they said they were determined to compel a rule change that would stop successful filibustering on any bill or question.

Moreover, Mr. President, every one of the additional seven, consisting of the ones whose names I read a moment ago, who said that although they had not yet signed the agreement, they had agreed to support the movement—every one of them voted for rule XXII.

So what do we have? We find that on the 3d of March, 40 Senators covenanted with one another that they would compel a rule change which would stop successful filibustering and would permit the disposition of any bill or question at a fixed time by the Senate. Of those 40, 36 of them on the 8th of March voted for rule XXII.

That leads me to believe that they must have thought that rule XXII would accomplish the purpose they covenanted with one another to accomplish in the petition which the 33 signed.

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

Mr. PEPPER. I yield to the distinguished Senator from Tennessee.

Mr. McKELLAR. Mr. President, I remember very distinctly being one of those who was called into that conference. I was a new Member of the Senate at the time; I had just been sworn in. But I recall very distinctly that all these questions were talked about and carefully considered, language was redrawn, and Senator MARTIN was one of the principal ones who insisted upon the use of the language a "measure" before the Senate at the time; and it is a fact beyond controversy that that language was not the language which the first Senators had been agreed upon, but that it was in that conference, by compromise and agreement, that this rule was brought out. It was not for a "motion"; it was for a "measure" before the Senate at the time.

Mr. PEPPER. Mr. President, I thank the able Senator from Tennessee for his always valuable contributions.

In conclusion, Mr. President, I have before me a volume entitled "Sutherland Statutory Construction," the third edition, by Horack, which lays down what I believe are recognized to be the sound rules for the construction of statutes and provisions which have to be regarded and determined by courts. I should like to read two sections of this work to the Senate. The first is section 4704, entitled "Intention of the whole controls interpretation of the parts." I read from it here:

> Intention of the whole controls interpretation of the parts.
>
> The presumption is that the lawmaker has a definite purpose in every enactment and has adapted and formulated the subsidiary provisions in harmony with that purpose; that these are needful to accomplish it; and that, if that is the intended effect, they will, at least, conduce to effectuate it. That purpose is an implied limitation on the sense of general terms, and a touchstone for the expansion of narrower terms. This intention affords the key to the sense and scope of minor provisions. From this assumption proceeds the general rule that the cardinal purpose or intent of the whole act shall control, and that all of the parts be interpreted as subsidiary and harmonious. "A statute is to be construed with reference to its manifest object, and if the language is susceptible of two constructions, one which will carry out and the other defeat such manifest object, it should receive the former construction." Thus Chancellor Kent observed: "In the exposition of a statute the intention of the lawmaker will prevail over the literal sense of the terms; and its reason and intention will prevail over the strict letter. When the words are not explicit, the intention is to be collected from the context; from the occasion and necessity of the law; from the mischief felt and the remedy in view; and the intention should be taken or presumed according to what is consistent with reason and good discretion."

Mr. President, just one more section from this volume; I read now section 4706, entitled "Limitation on Literal Interpretation." It reads as follows:

> The literal interpretation of the words of an act should not prevail if it creates a result contrary to the apparent intention of the legislature and if the words are sufficiently flexible to admit of a construction which will effectuate the legislative intention. The intention prevails over the letter, and the letter must, if possible, be read so as to conform to the spirit of the act. "While the intention of the legislature must be ascertained from the words used to express it, the manifest reason and obvious purpose of the law should not be sacrificed to a literal interpretation of such words." Thus words or clauses may be enlarged or restricted to harmonize with other provisions of an act. The particular inquiry is not what is the abstract force of the words or what they may comprehend, but in what sense were they intended to be used in the act. The sense in which they were used by the legislature furnishes the rules of interpretation and when this cannot be determined from the context of the act, the court may resort to extrinsic aids.

Mr. President, that is a sound rule of construction in the courts. I think it is a rule of construction applied by the Vice President of the United States, ably and courageously expressed in his decision of yesterday. What would he have found if he followed the single precedent—and I want to emphasize that—the single precedent to the contrary of his ruling? In August of last year the Senator from Michigan, the then President pro tempore said there had been no direct ruling upon the specific question whether a motion to take up a bill is subject to cloture. If the Vice President had followed the single precedent of the President pro tempore of last year, what would have been the result? First, as ably pointed out by the Senator from New Jersey [Mr. SMITH], it would have made the cloture rule adopted in 1917 absolutely of no consequence at all. It would mean that a measure to which there was strong opposition would never be considered. It could never be made the pending measure, because of a previous filibuster on a motion to take it up, if debate could not be stopped on such motion. So the 1917 rule, rule XXII, would have been a vain act, as was first said by the junior Senator from California [Mr. KNOWLAND], when he also opposed ably, on August 2 of last year, the decision that was made, or rather submitted observations contrary to the decision subsequently made by the President pro tempore.

Secondly, what would be the effect, I ask, if the Vice President yesterday had followed the single precedent made by the President pro tempore on August 2 of last year? I do not have to go outside the statement of the President pro tempore himself at the time he made his decision. He said:

> The President pro tempore fully recognizes the implications of the resultant situation, as stated so eloquently by the Senator from California [Mr. KNOWLAND]. There is nothing new about those implications. They have been perfectly apparent to students of the Senate rules for many years. They mean that, in the final analysis, the Senate has no effective cloture rule at all.

That is what the ruling of the Chair August 2 of last year meant. If adhered to by the Vice President on yesterday, that would still be the ruling of the Chair, and the effect of rule XXII. I continue to read from the opinion of the President pro tempore:

> They mean that a small but determined minority can always prevent cloture, under the existing rules. They mean that a very few Senators have it in their power to prevent Senate action on anything.

That was the effect of the ruling of the Chair, last year. If the Vice President had followed it yesterday, that would be the effect of the ruling on the meaning of rule XXII.

Mr. TYDINGS rose.

Mr. PEPPER. I yield to the Senator from Maryland.

Mr. TYDINGS. If I am not interrupting the Senator, I should like to ask him this question: Assuming that we had before the Senate a proposition to declare war; assuming that that had been debated at some length without bringing the matter to a decision, and a cloture petition had been filed to end debate and bring the matter to a decision. Then suppose there had been entered or offered a motion to postpone to a day certain, which would be a motion on a pending measure. Would the ruling of the Senator from Michigan, in the judgment of the Senator from Florida, apply, or would the ruling of the Vice President apply to that situation? Do I make myself plain?

Mr. PEPPER. Does the Senator mean, under the assumption that the resolution providing for a declaration of war had been made the unfinished business and the pending business of the Senate?

Mr. TYDINGS. It has been made the pending business of the Senate, and there has been a filibuster against it. A cloture petition has been filed, but there is a motion, which is in order, to postpone consideration of it to a day certain or to an indefinite day. I am looking at rule XXII.

Mr. PEPPER. Yes, I know there is authority.

Mr. TYDINGS. One of the measures or procedures that may be taken is to postpone indefinitely. We will assume for the sake of my question that the motion to postpone indefinitely is in order. Would the motion to postpone be

subject to the ruling of the Senator from Michigan, in which event the cloture petition would be avoided and the motion to postpone indefinitely could be debated at length, or would the ruling of the Vice President apply in that case under the present rule? Do I make myself plain?

Mr. PEPPER. Yes. I may say to the able Senator that in the first place attention was called to the fact that such motions could be made when rule XXII was adopted. Some thought that would deprive the Senate of the power to bring debate to a close. However, it seems to me the obvious answer to that is that any such motions can be laid on the table by motion, and that, of itself, would terminate debate immediately on those questions. I think that would be an effective way of disposing of any of those motions.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maryland?

Mr. PEPPER. I yield.

Mr. TYDINGS. The point is that a motion to postpone indefinitely would not be subject, under the ruling of the Senator from Michigan, to any limitation on debate. Is that correct?

Mr. PEPPER. I think that is correct.

Mr. TYDINGS. If that is correct, one of the things which has worried me about the situation is, there could be a declaration of war pending before this body; a cloture petition could be filed to end debate on it; but if a motion, which would be in order, to postpone to an indefinite date were made, that motion, under the ruling of the Senator from Michigan, would be without limitation, because it would not apply to a pending measure. Therefore, there would be no vote on whether the country were to go to war. I should like someone who has given this matter some study to answer that question.

Mr. HOLLAND rose.

Mr. PEPPER. Before I yield to my colleague, I should like to say that there would be no doubt of it if there were Senators on the floor who wished to oppose the declaration of war and wished to thwart it in every way they could. They could simply start their debate, of course, when the motion to take up was made, and unmistakably under the ruling of the President pro tempore last year, there would be no way at all except by sheer physical exhaustion to bring the debate to a conclusion.

Mr. TYDINGS. But I am assuming the cloture petition has been filed, and is in order, and has been voted by the Senate. Now suppose a motion is made to postpone the decision on a declaration of war to an indefinite date. Would that motion come under the cloture petition, or would it be without it? In the latter event, even though the debate had been terminated on the motion to declare war, there would still be the right to debate the motion to postpone indefinitely, from now to the end of doom, as I understand.

Mr. GEORGE. Mr. President, I may call attention to the fact that the rule, if read through to the end, textually provides that if the cloture is filed to the pending measure, that stops the debate, as the rule itself provides, of course, on all motions or amendments; so it could not be continued.

Mr. TYDINGS. I think that is correct.

Mr. PEPPER. I have just turned to the rule. It says, after these rules——

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

Mr. PEPPER. I yield.

Mr. TYDINGS. I should like to ask the Senator if the second paragraph in his judgment does not cover that situation, where it refers to the pending measure and the amendments thereto and motions affecting the same; so that in the contingency I have cited, the motion would not hold; it would come under the cloture resolution, would it not?

Mr. PEPPER. I do not know how the President pro tempore would have ruled upon that. It says all motions affecting the same. Naturally, I would assume that the motions enumerated would be regarded as motions affecting the same. If an attempt were made to close debate on some of those motions, and not on the measure—like the reservations to the Treaty of Versailles, rather than on the Treaty—there would have been no difficulty.

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

Mr. PEPPER. I yield.

Mr. TYDINGS. I should like to ask the Senator if it is not his understanding that after the cloture resolution has been adopted it does apply to motions, and applies to everything outside the pending measure?

Mr. PEPPER. Yes, including amendments.

Mr. TYDINGS. But before it is adopted, under the ruling of the Senator from Michigan, it would not apply to motions or matters that were not pending measures. Is that correct?

Mr. PEPPER. That is correct. But let me repeat, that any opposition which was determined and wanted to make such a fight could, of course, initiate it when the motion to take up was made.

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

Mr. PEPPER. My colleague asked me to yield for a question. I now yield to him.

Mr. HOLLAND. I was simply going to call attention to the same matter mentioned by the distinguished senior Senator from Georgia [Mr. GEORGE], namely, that when the cloture petition has been filed and voted on, the pending measure, amendments thereto, and motions affecting the same are all equally affected. I wanted to call further attention to the fact that the last portion of the paragraph which has been quoted in part specifically provides as follows:

> No dilatory motion, or dilatory amendment, or amendment not germane shall be in order.

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

Mr. PEPPER. I yield.

Mr. TYDINGS. I should like to ask the Senator from Florida if it is not a fact that a cloture motion does not cover antecedent motions?

Mr. PEPPER. That is the way the President pro tempore ruled last year.

I now yield to the Senator from Alabama for a question.

Mr. HILL. I was going to call attention to the same thing the junior Senator from Florida [Mr. HOLLAND] has developed.

Mr. PEPPER. I have never understood why a motion to lay on the table would not lie if one of those motions were made, even if it were a debatable motion.

Mr. President, I was stating what the President pro tempore said last year was the effect of his ruling. I have only one other quotation from the President pro tempore, which appears on page 9603 of the CONGRESSIONAL RECORD of August 2, 1948:

> The fact is that the existing Senate rules regarding cloture do not provide conclusive cloture. They still leave the Senate, rightly or wrongly, at the mercy of unlimited debate ad infinitum.

That is the effect of the ruling of the President pro tempore last year. If the Vice President yesterday had followed that ruling, that would be the rule of the Senate this afternoon, without any action of the Senate to the contrary.

I now should like to call this to the attention of my colleagues: The Chair ruled yesterday on a motion to take up a resolution. The Chair has not yet ruled on the question of a motion to amend the Journal. So let no one suppose that there is no necessity for the adoption of the resolution, first, to put it beyond the hands of the Presiding Officer, to put it in unmistakable language, so as to resolve its ambiguity by language clearly intended to accomplish the complete effectiveness of rule XXII. But let it be remembered, Mr. President, that there is still a loophole. We do not know how many more may be discovered by ingenious parliamentarians and able Senators. There is still, after the ruling of the Chair yesterday, the unclosed loophole of a motion to amend the Journal, debate upon which cannot be closed by any ruling that has so far been made.

Mr. President, I conclude by saying that the President pro tempore last August made the only precedent that faced and influenced the Presiding Officer, the distinguished Vice President, yesterday, in his ruling that the consequences of adhering to that rule are to give a few the power to prevent the Senate from doing anything, to paralyze, if a determined minority wills it, the functioning of the Senate and, possibly, the Government of the United States.

Therefore, Mr. President, what is the duty of Senators? With those two rulings before us, the duty of Senators, and their right, is to vote upon that matter according to what they believe is most consistent with the public interest and with the real basic intent of rule XXII, for the President pro tempore himself said, when he ruled last year:

> In making the ruling I have recognized the right of the Senate to make and interpret its own rules.

If we vote against the Vice President's decision of yesterday, we continue the

power of a minority to prevent the Senate, in the language of the President pro tempore last year, from doing anything. If we stand with the Vice President in his able, clear, and courageous ruling of yesterday, we close the pending loophole, we close the pending filibuster outlet, and we, at least, so far as can now be surmised, make it possible for the Senate to discharge the right which it has under the Constitution of the United States to make its own rules. If we repudiate the Vice President's ruling of yesterday, there is nothing save a most bitter, exhausting, and acrimonious contest that will keep the Senate in continuous night sessions, which may mean the lives of one or more Senators, and which will bring this body into public question, if not disparagement. It will mean, Mr. President, indefinitely holding up the voluminous mass of legislation waiting to come to this Chamber, which means so much to the people of the United States and possibly to the people of the world.

Mr. President, the Senate itself, for the first time, has the power to move forward, and I certainly hope the Senate will give its confidence to the Vice President's ruling of yesterday.

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

Mr. PEPPER. I yield.

Mr. HUMPHREY. I should like to ask the Senator from Florida whether this whole controversy has for its basis the clarification or interpretation of the word "measure." Is that correct?

Mr. PEPPER. That is correct—"pending measure."

Mr. HUMPHREY. Is it not the fact that the distinguished Senator from Michigan pointed out this afternoon that if we were to sustain the ruling of the Chair, the Vice President, in his interpretation of rule XXII, that would be a means to an end? Is that what he said?

Mr. PEPPER. Yes; the Senator from Michigan did say that.

Mr. HUMPHREY. In other words, he pointed out that what we were attempting to do was to adopt the Hayden-Wherry resolution by sustaining the Chair; is that correct?

Mr. PEPPER. The Senator is correct.

Mr. HUMPHREY. I notice on page 1534 of Funk & Wagnall's New Standard Dictionary a new definition of the word "measure." I wondered whether the Senator had come across that definition. Let me give the definition, in view of what the distinguished Senator from Michigan has stated about means to an end. The dictionary states, in defining the word "measure":

> A specific act or course of procedure, designed as a means to an end; an expedient; a method; a step.

I should like to ask the Senator from Florida if rule XXII, as it is now written, does not encompass, in view of the definition given by a reputable dictionary, the term "motion," by this particular definition.

Mr. PEPPER. I think, unmistakably so, as the Vice President held yesterday. It also might be pointed out that in Webster's New International Dictionary, second edition, measure is defined as follows:

> A step, or definite part of a progressive course or policy; means to an end; specifically, a legislative enactment; as political *measures;* an inefficient *measure.*

Mr. HUMPHREY. Is it not true that despite the fact that we may sustain the ruling of the Chair, we yet must consider the over-all revision of rule XXII?

Mr. PEPPER. The Senator is correct.

Mr. HUMPHREY. As provided by the Hayden-Wherry resolution?

Mr. PEPPER. To close up other known loopholes, and still others which may yet be discovered.

I wish to say, in further answer to the question of the able Senator from Minnesota, that if any Senator is really interested in passing the Truman program, in carrying out the Democratic platform, I hardly know of any more effective step toward that end, any better measure toward that objective he could pursue, than to sustain the Vice President in his ruling of yesterday.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Hill	Morse
Baldwin	Hoey	Mundt
Brewster	Holland	Murray
Bricker	Humphrey	Myers
Bridges	Hunt	Neely
Butler	Ives	O'Conor
Byrd	Jenner	O'Mahoney
Cain	Johnson, Colo.	Pepper
Capehart	Johnson, Tex.	Reed
Chapman	Johnston, S. C.	Robertson
Chavez	Kefauver	Russell
Connally	Kem	Saltonstall
Cordon	Kerr	Schoeppel
Donnell	Kilgore	Smith, Maine
Douglas	Knowland	Smith, N. J.
Downey	Langer	Sparkman
Eastland	Lodge	Stennis
Ecton	Long	Taft
Ellender	Lucas	Taylor
Ferguson	McCarran	Thomas, Okla.
Flanders	McCarthy	Thomas, Utah
Frear	McFarland	Thye
Fulbright	McGrath	Tobey
George	McKellar	Tydings
Gillette	McMahon	Vandenberg
Green	Magnuson	Watkins
Gurney	Malone	Wherry
Hayden	Maybank	Wiley
Hendrickson	Miller	Withers
Hickenlooper	Millikin	Young

The PRESIDING OFFICER (Mr. FREAR in the chair). Ninety Senators having answered to their names, a quorum is present.

Mr. HICKENLOOPER. Mr. President, I shall not take the time of the Senate this evening in analyzing my views of the precedents or of the philosophy underlying the rulings of past Presiding Officers of the Senate. Those are matters which have been adequately canvassed, and I believe that the basic views all can be expressed in a very few minutes. Sufficient to say that the question of the applicability of the cloture rule to incidental procedural mechanics of the Senate has, in my opinion, been amply answered by an unbroken line of decisions of able Presiding Officers in the past.

I can say at the outset that I agree thoroughly with the philosophy that the Senate should and must have, and I believe, arduous as it may be, that the Senate does have today, a means of eventually taking control of its deliberations.

However, Mr. President, I want to call to the Senate's attention now that the great progress which the Anglo-Saxon system of law and parliamentary procedure has made in the generations past has been based upon their adherence to a reliable system of rules, whether it be in their court procedure, which we have followed with success, or in the parliamentary procedure, which they laid down for us in the generations past. We have seen the examples in other nations where precedent has been disregarded, where the whimsical ruling of the majority has overridden the basic rights of the minority, and we have seen chaos and catastrophe inflicted not only upon the majority but upon the minority when violations of such orderly procedures have occurred.

In all fairness, Mr. President, I may say that I believe that the present cloture rule of the Senate is not sufficient. I shall support the Hayden-Wherry resolution when, as, and if, under orderly procedure of existing rules, it comes up for action. I believe we can strengthen the rules of the Senate in order to meet emergencies. But today we do not face a matter of philosophy. We face a matter of orderly and reliable procedure. There are various tools and weapons of protection for the minority and the majority in any orderly body. The majority, I may call to the Senate's attention, always has two safeguards. It has first and ultimately the safeguard of a majority vote which protects it. It also has the safeguard of reliable rules upon which it can count. The minority, on the other hand, only has the safeguard of reliance upon the rules. It does not have the safeguard of a majority vote. It can only rely upon the precedents and the historical background of fair dealing and fair treatment under the rules which have been established in an orderly manner.

We are facing that situation today. We are not facing the philosophy of cloture. We are not facing the philosophy of the will of the majority necessarily, unless we submit to the caprice of alternate rulings of Presiding Officers who are undoubtedly sincere in their approach to the question, but who nevertheless find themselves on opposite sides of a proposition that heretofore in an unbroken line of precedents has been held to be one way.

We are now met with the argument that if we do not support this reversal of the unbroken precedent in the Senate on this proposition we will never get to a vote on the ultimate question. To me, and with due respect to the great judgment and sincerity of those who advance it, that is a specious argument. Running all through the body of the law of these United States is the principle that difficulty of compliance is no excuse for the violation of the written law, and therefore the difficulty of compliance with the existing rules of the Senate is no excuse for the majority, because it has the votes capriciously and on whim, if you please, because of the exigencies of the situation, whether they be political or otherwise, to override the rules upon

which the minority may be expected to rely and have a right to rely on the one hand, and the rules which are a part of the protection of the majority on the other.

No, Mr. President, I shall not discuss the philosophy of the social program that is proposed. I may differ from many persons on that subject. I shall support at the proper time the adoption of a clearer rule of cloture because I believe in the principle of the ultimate control, under all circumstances, of a self-controlled body. But to say that because this body has the inherent and the constitutional right to write its rules and to pass upon the judgment of its Presiding Officers, is no excuse whatsoever to say that we can cast aside the reliance that either the majority or the minority is privileged to place upon existing precedents and existing rules.

This is a matter of the mehanics of the orderly operation of the Senate of the United States. It is a matter which, if approached from the standpoint of overriding action by a majority, upon its convenience and to serve its own purposes, will be precedent, if you please, which will have its repercussions for long periods of time, and the eventual results I would not dare predict.

I may disagree with my friends on the other side of the aisle, and perhaps with some of those on this side of the aisle on the ultimate vote on the question of the change of rules, but I find myself in agreement with many on this side and on the other side when it comes to the sanctity of the reliance upon the rules under which we operate.

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

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

Mr. HICKENLOOPER. I yield for a question.

Mr. CONNALLY. Is it not true that the very necessity for and the adoption of rules is to prevent the wild action of any majority, as in a town meeting? Is not the whole philosophy of the adoption of rules of procedure to prevent such wild action?

Mr. HICKENLOOPER. The necessity for adopting reliable rules has been recognized since the time civilized man began to move forward in orderly progress. Never until reliable rules have been adopted and held sacred, if you please, has real progress been made.

The Senate is sovereign. There is no question about that. The majority of the Senate today can override any decision of the Chair, and can take any action it wishes. I may say, as others have said, that I am not without experience as a presiding officer of a parliamentary body, and I am aware of the responsibilities. I am aware in some measure of the great problems which arise in the orderly procedure of legislative bodies. But I say, Mr. President, that we must not permit ourselves to lose sight of the fact that if we override those rules upon which historic reliance has been placed in our procedure, in order expediently to reach a political result, in its broadest sense, we shall be doing violence to the only body remaining in the world today which has comparative freedom of discussion and debate in the interest of human rights.

In order to try to make my position clear, and without arguing the technicalities and the hypercritical analysis of this particular decision or that one—and I have my views as to why I disagree with the distinguished Vice President in his differentiation of this decision, as a matter of principle, from others which have been made in the past—without going into those technicalities, I will say that I have come to the firm conclusion that the broad principle of reliance upon rules involved in the question before the Senate on the matter of application of cloture is no different from the principles which have been applied in former decisions of this body.

The decision of the President pro tempore of last year, the Senator from Michigan [Mr. VANDENBERG], called forth not one dissenting voice on the floor of the Senate. There was no objection to the philosophy of his decision. There was no call for a vote on an appeal. By reason of that action, or inaction, the decision was completely acceptable as applicable under the present rule.

Mr. President, we must operate under rules upon which we can rely. In relying upon those rules, where there is a question, we must be guided by precedent. The precedent is unbroken. The principle has not been destroyed. We must either rely upon such rules or we shall pass gradually, step by step, to the whimsical and capricious will of Presiding Officers and the exigencies of the moment in writing the rules of the game while the runner is between third base and home. I believe that we must determine to make the sacrifice of time and inconvenience involved in arduous night sessions, if we must have them; but we must live under the rules, so that orderly procedure can be had, or we may face a situation of chaos, in which neither the minority nor the majority can rely upon what the rule will be tomorrow, or what the action of the Senate will be under any given state of facts.

It seems that there is a great misunderstanding on the part of the people of the country. They ask, Why cannot the Senate get busy? Why can it not go to work? Why do Senators have to endure long speeches and continued debate? The orderly progress of our Nation and the growth of mutual respect by individuals, and mutual protection of their rights, came as a result of the very indulgence which the American people have accorded one to another, for the full and free expression of their views. Were it not so, we would have an autocracy in this country, and a system so highly controlled by those who rule that progress could not be made, and orderly parliamentary and legislative procedure could not go forward.

It is easy, in times when emotion runs high, to say, "Let us take the reins in our hands and ride roughshod to the objective. Let us brush aside the main principle, which is the orderly rule of procedure." So far as I am concerned, I am not so much supporting the ruling of last year as I am opposing the ruling of this year. I believe that the unbroken precedents support that kind of a vote. I am perfectly willing to undertake to endure any arduous discomfort to me thereafter, if as a result, the Senate can operate under orderly and reliable rules of procedure, and when the time comes for a vote, after exhausting the rights of the minority or the majority, vote on the issue at hand.

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

Mr. HICKENLOOPER. I yield for a question only.

Mr. LUCAS. Did I correctly understand the Senator to say that he is not supporting the opinion handed down by the Vice President, the Presiding Officer of the Senate, nor is he supporting the opinion which was handed down last year by the then President pro tempore of the Senate?

Mr. HICKENLOOPER. The Senator did not correctly understand me. What I mean to say is that I am neither supporting nor opposing the opinion of last year or the opinion of this year, as a contest between two opinions. I am supporting the principle of the holding of last year by the Senator from Michigan, and the unbroken principle involved in the precedents. I am opposing the holding of yesterday because I think the principle is wrong, and that the holding is erroneous. I mean to say that I am engaging in no contest between the former ruling and the present ruling.

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

Mr. HICKENLOOPER. I yield for a question only.

Mr. LUCAS. Did the Senator take the same position when he put his name on a petition for cloture about 9 months ago, when the poll-tax question was under consideration on a motion to take up the poll-tax bill?

Mr. HICKENLOOPER. I signed the petition for cloture on the motion to take up the poll-tax bill. This particular issue had not been raised at that time. The question had not been raised as to the applicability of cloture to such a motion. That question was not raised until later.

Mr. LUCAS. But the Senator knew what he was doing at that time, did he not?

Mr. HICKENLOOPER. I knew that I was signing a petition for cloture. Certainly I did.

Mr. LUCAS. The Senator knew exactly what the results would be when he tried to get cloture by a petition with respect to a motion to take up the poll-tax bill, did he not?

Mr. HICKENLOOPER. The Senator from Illinois is entirely in error. The Senator from Iowa did not know what the implications of the matter would be. The Senator from Iowa is not omniscient.

Mr. LUCAS. I am surprised that a man so brilliant as the Senator is should make such an admission.

Mr. HICKENLOOPER. The Senator from Iowa tries to be frank. I do not know what the attitude of the Senator from Illinois is on such questions, but I

try to be frank. I admit that I did not know what the implication of this particular parliamentary procedure would be.

Mr. LUCAS. Was it a political implication?

Mr. HICKENLOOPER. Certainly not.

Mr. LUCAS. Then, why did the Senator sign the cloture petition with respect to a motion to take up the poll-tax bill last August, upon which the Senator from Michigan made the ruling? The Senator from Iowa is a distinguished Member of this body. He understands the rules, and he has very definite and specific opinions upon these questions. I think it would be interesting to the Senate and to the country to know why the great Senator from Iowa is now changing his mind overnight on this question.

Mr. HICKENLOOPER. The Senator from Iowa is not changing his mind at all. Last year the Senator from Iowa signed the petition to bring debate to a close on the motion to take up the poll-tax bill. I believed that it should be brought to a close. Thereafter the question of the applicability of the cloture rule to that particular measure was raised. I frankly say to the Senator from Illinois and to the Senate as a whole that the matter of the applicability of that petition to the measure then before the Senate had not occurred to me, and I do not believe it occurred to the Senator from Illinois or to any other Senator.

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

Mr. HICKENLOOPER. I yield to the Senator from South Carolina for a question.

Mr. MAYBANK. I shall ask the distinguished Senator from Iowa if I may request unanimous consent to propound a unanimous-consent question to the Senator from Illinois.

Mr. HICKENLOOPER. Mr. President, that is a little complicated; I do not know whether I understand that any more than I understood the Senator from Illinois when he accused me of not understanding what I did last year when I signed the petition for cloture on the anti-poll-tax bill. But if it can be cleared up, I shall yield.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. Mr. President, I do not wish to lose my right to the floor.

Mr. MAYBANK. I ask unanimous consent that the Senator from Iowa not lose his right to the floor in yielding for this purpose.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. With that understanding, Mr. President, I shall yield for that purpose.

Mr. WHERRY. Mr. President, what is the ruling of the Chair?

The PRESIDING OFFICER. Is there objection?

Mr. WHERRY. None.

Mr. LUCAS. Well, wait a moment.

Mr. WHERRY. That is to say, there is no objection on my part.

What is the ruling of the Chair?

The PRESIDING OFFICER. The Chair hears no objection. Without objection, consent is granted.

The Senator from Iowa has the floor.

Mr. HICKENLOOPER. Mr. President, I understand that unanimous consent has been given, without prejudicing my right to the floor, to permit the Senator from South Carolina to propound a unanimous consent request.

The PRESIDING OFFICER. That is correct.

Mr. MAYBANK. I ask the Senator from Illinois how he has voted on cloture procedures in this body before?

Mr. LUCAS. Mr. President, I shall reserve my answer to that question until later. [Laughter.]

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

Mr. HICKENLOOPER. Under the same conditions, Mr. President.

The PRESIDING OFFICER. Does the Senator from Iowa yield for a question?

Mr. HICKENLOOPER. Is the request that I yield for a question, Mr. President?

Mr. MAYBANK. I ask only that, Mr. President.

Mr. HICKENLOOPER. I yield for a question.

Mr. MAYBANK. Then I would ask the Senator from Iowa to ask the Senator from Illinois how he voted on the poll-tax cloture and other clotures. [Laughter.]

Mr. HICKENLOOPER. Mr. President, I have the greatest regard and affection for the Senator from South Carolina, and I shall accede to any reasonable request he makes, as a matter of friendship and as a personal accommodation.

Therefore, Mr. President, if the Presiding Officer agrees that I may do so without prejudice to my right to the floor, I shall ask the Senator from Illinois how he voted on the matter of cloture on the poll-tax measure. [Laughter.]

The PRESIDING OFFICER. Is there objection?

Mr. LUCAS. Mr. President, I move that we proceed with the regular order.

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

Mr. LUCAS. I should like to know the parliamentary situation, Mr. President, in view of all the parliamentary inquiries which have been propounded, one after another.

Let me say that I will answer all these questions when I get the floor; and there will not be any question about it, I say to my friends the Senator from South Carolina and the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, because of my great affection for the Senator from South Carolina and my desire to have his curiosity satisfied, I shall now yield the floor, in the hope that the Chair will recognize the Senator from Illinois, in order to give him an opportunity to answer the question of the Senator from South Carolina. [Laughter.]

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming.

SENATE RULES A MEANS, NOT AN END

Mr. O'MAHONEY. Mr. President, the debate which has taken place thus far would lead an onlooker, I think, to wonder whether the rules of the Senate are a means to an end or are an end in themselves. I do not believe this body is impervious to the rules of the common sense or of constitutional law. We are not here dealing with the laws of the Medes and Persians, which cannot be altered or changed; we are dealing with the power which was given under the Constitution of the United States to each House of the Congress to make its own rules. That grant of authority to the Houses of Congress to make the rules for their own procedure was a grant of authority designed to make it possible for each of those bodies to function as a governing institution. We are here only as members of the legislative body of the United States; and the business of a legislative body is to legislate. It is not to spend hour upon hour splitting hairs about the meaning of the word "measure" and the meaning of the word "motion" or talking endlessly about irrelevant subjects. We are endeavoring to determine whether the Senate can transact business.

I have observed over many years—and I speak as a lawyer—that lawyers are very much inclined to appeal to technicalities and there are many lawyers in this body. The debate up to this hour, on the part of those who have been trying to say that the word "measure" does not include "motion," as the Vice President ruled last night that it does, is an appeal to technicalities, in complete disregard of the fundamental need of our times. Parliamentary government in the world stands in its greatest danger at this hour. In times past, Members of this body stood upon this floor—Members affiliated with both parties—and warned the Senate that the abuse of the right of filibuster was making and would make the Senate lose the confidence of the people. These words have been uttered by men who have been able to hold the loyalty and devotion of Republican Senators and Republican voters, and by men who have been able to claim the loyalty and devotion of Democratic Senators and Democratic voters.

JEFFERSON'S MANUAL

Mr. President, I desire very briefly to call the attention of this body to the origin of these rules. First of all, I wish to cite the views of the great founder of the Democratic Party, Thomas Jefferson. I could almost say—in fact, I think I can say—that he was also the founder of the Republican Party. He was the Vice President of the United States and the President of this body under the administration of John Adams; and out of his great store of learning he undertook to say to the Senate, and to Senators for all time to come, what he thought of the rules of procedure. He prepared the Manual which appears in the Senate Manual which lies on the desk of every Senator—Jefferson's Manual. He wrote a little preface to it, and I now read a part of it:

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are

silent, of the rules of Parliament, I have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the parliamentary with the senatorial rules, both where they agree and where they vary.

You will observe that he collected precedents on both sides, setting down the rules that had been observed from time to time in the British Parliament whether they agreed with or varied from the Senate rules.

Skipping to the next page:

For some of the most familiar forms no written authority is or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. * * * They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected. * * * But—

He said, and this is his concluding statement—

I have begun a sketch, which those who come after me will successively correct and fill up till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

He recognized, if I read these words correctly, the fact that the rules of order are a growing system. He recognized the fact that the Constitution of the United States gives to each House the right to make its rules and to change its rules. There is scarcely a session of the Congress, certainly of the Senate, in which we do not have repeated example of the suspension of all rules so that we may proceed to act. There is a rule against attaching legislation to an appropriation bill; but over and over again Senators come here upon the floor and give notice of their intention to bring about a suspension of the rules, and put such an amendment upon the bill.

Jefferson was talking to us when he wrote this preface and collected the parliamentary rules. Among the various precedents which he had cited here, there are many from the British Parliament and from parliamentary authorities whose views he quoted. He cites them, not because they have any effect upon the Senate, I am bound to say. But he cites them to indicate what I conceive to be his view that it is the fundamental duty of a Senate to act, not merely to debate. In this citation on page 267, which is a quotation from the rule of another parliamentary body:

No one is to speak impertinently or beside the question, superfluously or tediously.

THE ISSUE OF IRRELEVANT DEBATE

That, of course, was a rule at one time of the British Parliament. Why do I cite it here? Because I want to say to my distinguished colleagues upon this side of the aisle that that point of view expressed in Jefferson's Manual from the British Parliament was not very dissimilar from the point of view expressed by the late Senator from Arkansas, Joseph T. Robinson, for many years the majority leader of this body, who spoke in the city of Memphis, Tenn., on the 11th of November 1925 and there discussed the effects of the filibuster and what could be done about it.

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

Mr. O'MAHONEY. Just a moment. Mr. Charles G. Dawes was at that time Vice President of the United States. From the speech of the Honorable United States Senator Joseph T. Robinson I read:

If Vice President Dawes, in a case where a Senator is abusing the privilege of debate by insisting upon speaking to irrelevant questions—

I stop here to say I have just been shown a computation of the subjects which have been discussed since this debate started on the 28th day of February. Thirteen Members of the Senate arose to speak upon the issue, the motion to take up, while 12 Senators spoke upon totally and completely irrelevant subjects. So here is the opinion of Joseph T. Robinson:

If Vice President Dawes, in a case where a Senator is abusing the privilege of debate by insisting upon speaking to irrelevant questions, will hold the Senator out of order, he will be able to force a vote upon the correctness of his ruling, and, if a majority of the Senate sustain him, the Senator can only proceed upon a motion and with the consent of the Senate. So that extreme cases of filibustering may be met through the exercise of intelligence and courage on the part of the Chair, if supported by a majority of the Senate.

He concludes:

Some of us, including myself, would like to see the absurd precedent, that a Senator is himself a judge of whether he is speaking to the subject, overruled.

So I say to my Democratic colleagues, a great and able Senator from the South, who was just as loyal as is any man now in this body, in my judgment, to the traditions and the desires and the aspiration of the South, said in his speech in Memphis that he would like to see this precedent shattered, and he hoped the time would come when we might have a courageous and intelligent chairman who would be willing so to rule. I am happy that the Vice President has shown the courage and the intelligence in his ruling to declare that the measure includes a motion.

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

The PRESIDING OFFICER. Does the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield to the Senator from South Carolina.

Mr. MAYBANK. Would the distinguished Senator from Wyoming discuss relevancy at this time, with respect to which he read so eloquently from the book?

Mr. O'MAHONEY. Yes.

Mr. MAYBANK. And might I ask the Senator a question?

Mr. O'MAHONEY. The relevancy is, those Senators who are arguing that the ruling of the Chair should not be upheld are saying they are bound by precedent. I am saying to Senators upon this side of the aisle that they are not bound by precedent, first, because the Constitution of the United States gives us the right to make our own rules; and, secondly, because a great, revered former leader of the Democratic Members of this body himself said he wanted to see some of these rules overruled.

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

Mr. O'MAHONEY. I yield.

Mr. MAYBANK. Would the Senator discuss what is before the Senate?

Mr. O'MAHONEY. I am discussing it.

Mr. MAYBANK. I did not understand the Senator to be discussing it.

THE SENATE IS NOT THE SLAVE OF THE RULES

Mr. O'MAHONEY. I am discussing whether or not we are the slaves of the rules or the masters of the rules. There are some Senators here who would like to make us the slaves of the rules. They may succeed; I do not know. But I say to the Senator from South Carolina, make the Senate a slave to these technical rules and impede the business of the Senate, and the day will come when that will be rued by those who did it. Let us not forget what is going on in the world.

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

Mr. O'MAHONEY. I hope that the Senator will please bear with me and permit me to make my argument.

Mr. President, I was introduced to this body 32 years ago—not as a Member but as a spectator. I sat in the family gallery of the Senate during part of the famous filibuster on the measure to authorize the arming of merchant vessels. I heard the Senators in that debate, and I saw what was transpiring. I read in the newspapers the covenant which was read into the RECORD this morning by the junior Senator from Tennessee, signed by some 33 Senators. I read it the day it was published, on the 3d of March 1917. I read there the names of many a distinguished son of the South. Why did they make the covenant with themselves and with the country that in the next succeeding Congress they would move immediately to bring about a rule which would be capable of putting an end to debate upon any bill or question? On the 4th of March a new Senate came in. The distinguished Senator from Wyoming, Mr. Kendrick, to whom I had the honor of being secretary, entered this body on the 4th of March, and I then had access to the floor of the Senate. I heard the discussions on the floor and in the cloakrooms.

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

Mr. O'MAHONEY. I yield for a question.

Mr. MAYBANK. I was in this body in November 1941, when the same question was raised. I ask this question of the distinguished Senator from Wyoming: Was there any filibuster in 1941 in connection with arming merchant ships, and was the legislation not passed? I ask that question to show how the Senate has been getting along since the date the Senator speaks of and since the date it was first mentioned here. I speak of November 1941, when the issue before the Senate was the arming of merchant ships. I simply ask whether there was any filibuster at that time?

Mr. O'MAHONEY. I think the Senator's question is totally irrelevant. I

do not recall a filibuster at that time. But it has nothing to do with the thinking of the southern Senators who, on the 8th of March 1917, 5 days after their covenant in the previous Congress, voted for the cloture rule which is before us.

Mr. President, I want to enter in the RECORD at this point, as part of my remarks, the roll call in the Senate upon that date, so that there may be no doubt as to how the vote went at that time. It appears on page 45 of the CONGRESSIONAL RECORD of March 8, 1917.

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

The result was announced—yeas 76, nays 3, as follows:

Yeas—76: Ashurst, Beckham, Brady, Brandegee, Broussard, Calder, Chamberlain, Colt, Cummins, Curtis, Fall, France, Frelinghuysen, Gerry, Hale, Harding, Hardwick, Hitchcock, Hollis, Hughes, Husting, James, Jones of New Mexico, Jones of Washington, Kellogg, Kendrick, Kenyon, King, Kirby, Knox, Lane, Lewis, Lodge, McCumber, McKellar, McLean, Martin, Myers, Nelson, New, Newlands, Norris, Overman, Owen, Page, Penrose, Pittman, Poindexter, Pomerene, Ransdell, Reed, Robinson, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Georgia, Smith of Maryland, Smith of South Carolina, Smoot, Sterling, Stone, Sutherland, Swanson, Thomas, Thompson, Townsend, Trammell, Underwood, Vardaman, Wadsworth, Warren, Watson, Williams, Wolcott.

Nays—3: Grona, La Follette, Sherman.

Not voting—16: Bankhead, Borah, Culberson, Dillingham, Fernald, Fletcher, Gallinger, Goff, Gore, Johnson of South Dakota, Phelan, Smith of Arizona, Smith of Michigan, Tillman, Walsh, Weeks.

Mr. O'MAHONEY. Mr. President, this roll call shows that there were 76 Senators voting "yea" in support of rule XXII and three Senators voting "nay." There was not a single Democratic vote cast against that rule. The only three votes cast against it were those of Senator Gronna, of North Dakota; Senator La Follette, of Wisconsin; and Senator Lawrence Y. Sherman, of Illinois.

Only a moment ago I canvassed those 76 votes in order to get the names of the States whose Senators in this body voted for the cloture rule to put an end to debate. I ask any of my good friends upon this side of the aisle to challenge either their integrity or their intelligence, or tell me that they did not know what they were doing. The States were Arizona, Kentucky, Louisiana, Georgia, Tennessee, Virginia, North Carolina, Oklahoma, Missouri, Arkansas, Texas, South Carolina, Florida, Alabama, and Mississippi. That is a roll of distinguished States and of distinguished statesmen. Why were they moved to take that action? They were moved, Mr. President, because they felt the time had come in a great national crisis when the Senate should be able to legislate, when it should not be prevented by a minority from carrying out the very purpose for its existence. Some Members of the minority were willing to indulge in the sort of irrelevant debate which one of the Democratic majority, the late Senator Joseph Robinson, called an abuse of privilege.

PRESIDENT WILSON'S VIEW

The filibuster which I witnessed on the 3d and 4th of March resulted in the defeat of a bill which, in the opinion of the majority of the Members upon both sides, was necessary in the interest of the United States. The President of the United States, a Democrat, a native of Virginia, issued that famous statement of his which goes ringing down through history——

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

Mr. O'MAHONEY. Permit me to read this, please:

In the immediate presence of a crisis fraught with much more subtle and far-reaching possibilities of national danger than any the Nation has known within the history of its international relations, Congress has been unable to act either to safeguard the country or to vindicate the elementary rights of its citizens. More than 500 of the 531 Members of the two Houses were ready and anxious to act. The House of Representatives had acted by an overwhelming majority, but the Senate was unable to act because a little group of 11 Senators had determined that it should not. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and impotent.

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

Mr. O'MAHONEY. The Senator from Arkansas first asked me to yield.

Mr. FULBRIGHT. I believe the Senator said that filibuster went on for 2 days.

Mr. O'MAHONEY. No, I said I saw it, or part of it.

Mr. FULBRIGHT. How long?

Mr. O'MAHONEY. I do not know; I came here toward the very end of February.

Mr. FULBRIGHT. The bill was on the floor 4 days altogether. Is not that correct?

Mr. O'MAHONEY. I do not know.

Mr. FULBRIGHT. That is a fact. If the rule the Senator is supporting had been in effect at that time, it could not have brought the debate on that bill to an end, even under the cloture rule that is now proposed.

Mr. O'MAHONEY. The Senator is indulging in technicalities which, from my point of view, have nothing to do with this debate. The Senator may split hairs if he pleases; we are concerned here in 1949 with the salvation of free government. Make no mistake about that.

Mr. MAYBANK. Mr. President——

The VICE PRESIDENT. The Senator can yield only for a question.

Mr. MAYBANK. Will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. MAYBANK. I should like to ask the Senator to define free government. That is what I am for.

Mr. O'MAHONEY. I know the Senator defines it as I do, and I hope he will defend it with his vote.

JEFFERSON ON ENDLESS DEBATE

Mr. President, in order that I may again bring to the minds of some of my distinguished brethren on this side a realization of what we are indulging in here, I wish to read a letter which was written by Thomas Jefferson from Monticello on January 17, 1810—Thomas Jefferson, whom we all honor and revere. This letter was written to John Wayne Eppes. It was not written about the Senate, but about the House of Representatives. But the letter clearly demonstrates what Thomas Jefferson thought about endless debate and about the desirability of bringing debate to an end, about action instead of talk. The words of Thomas Jefferson are these:

I observe that the H. of R. are sensible of the ill effects of the long speeches in their house on their proceedings. But they have a worse effect in the disgust they excite among the people; and the disposition they are producing to transfer their confidence from the legislature to the executive branch, which would soon sap our Constitution. These speeches, therefore, are less and less read, and if continued will cease to be read at all. * * * I observe that the House is endeavoring to remedy the eternal protraction of debate by sitting up all night—

As we are invited to do by Members on the other side who are unable apparently to get over the technicality of whether a motion can be included within the meaning of the word "measure."

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

Mr. O'MAHONEY. I yield to my distinguished friend from Tennessee.

Mr. McKELLAR. Why can we not vote now?

Mr. O'MAHONEY. The Senator can vote in just a minute.

Mr. McKELLAR. I should like to vote now. I have been ready to vote for quite a while. [Laughter.] The other side is taking up all the time of the Senate. They are doing the filibustering and charging it to us. I am ready to vote.

The VICE PRESIDENT. The Senator can yield only for a question.

Mr. McKELLAR. Vote.

Mr. O'MAHONEY. I sat in the Senate this afternoon and listened to the able speech of the distinguished Senator from Tennessee, and I was very much interested in it. I assure the Senator that he talked considerably longer than I intend to talk.

Mr. McKELLAR. I am glad to hear it.

Mr. O'MAHONEY. But I wish to make plain what Jefferson was thinking of this sort of thing. So I go back to his letter:

I observe that the House is endeavoring to remedy the eternal protraction of debate by sitting up all night, or by the use of the previous question.

As I said at the outset, Mr. President, are we in the Senate impervious to the rule of common sense? Shall the great majority of a body wear itself out because a small minority is willing to exercise its muscle and its lungs, as well as its brain, in protracted debate, in discussing irrelevant questions? Jefferson apparently did not think that was a sensible thing to do, so he said:

Both will subject them to the most serious inconvenience. The latter may be turned upon themselves by a trick of their adversaries. I have thought that such a rule as the following would be more effectual and less inconvenient.

And thereafter proceeds the rule which Thomas Jefferson suggested for terminating debate:

Resolved, That at ——— o'clock in the evening * * * it shall be the duty of the Speaker to declare that hour arrived, whereupon all debate shall cease.

I ask, Mr. President, that the entire letter may be printed in the RECORD at this point, though there will be some repetition.

The VICE PRESIDENT. Is there objection?

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

MONTICELLO, *January 17, 1810.*

DEAR SIR: * * * I observe that the House of Representatives are sensible of the ill effects of the long speeches in their House on their proceedings. But they have a worse effect in the disgust they excite among the people, and the disposition they are producing to transfer their confidence from the Legislature to the executive branch, which would soon sap our Constitution. These speeches, therefore, are less and less read, and, if continued, will cease to be read at all. * * * I observe that the House is endeavoring to remedy the eternal protraction of debate by sitting up all night, or by the use of the previous question. Both will subject them to the most serious inconvenience. The latter may be turned upon themselves by a trick of their adversaries. I have thought that such a rule as the following would be more effectual and less inconvenient: "*Resolved*, That at [8] o'clock in the evening (whenever the House shall be in session at that hour), it shall be the duty of the Speaker to declare that hour arrived, whereupon all debate shall cease. If there be then before the House a main question for the reading or passing of a bill, resolution, or order, such main question shall immediately be put by the Speaker, and decided by yeas and nays.

"If the question before the House be secondary, as for amendment, commitment, postponement, adjournment of the debate or question, laying on the table, reading papers, or a previous question, such secondary [or any other which may delay the main question] shall stand ipso facto discharged, and the main question shall then be before the House, and shall be immediately put and decided by yeas and nays. But a motion for ajournment of the House may once, and once only, take place of the main question; and if decided in the negative, the main question shall then be put as before. Should any question of order arise, it shall be decided by the Speaker instanter, and without debate or appeal; and questions of privilege arising shall be postponed till the main question be decided. Messages from the President or Senate may be received but not acted on till after the decision of the main question. But this rule shall be suspended during the [three] last days of the session of Congress."

No doubt this, on investigation, will be found to need amendment; but I think the principle of it better adapted to meet the evil than any other which has occurred to me. You can consider and decide upon it, however, and make what use of it you please, only keeping the source of it to yourself.

Ever affectionately yours.

REPUBLICAN AUTHORITY FOR LIMITATION

Mr. O'MAHONEY. Mr. President, I have statements urging the overthrow of precedents, not only by distinguished Democrats, but also by distinguished Republicans, which I should like to recommend to the attention of my brothers on the other side who may think themselves ready to vote against sustaining the ruling of the Chair.

The late Henry Cabot Lodge, a Senator from the State of Massachusetts for many, many years, discussed the philosophy underlying the question of whether or not the Senate shall be the master or the servant of its rules, whether or not the hand of the dead past can be laid upon us so that we cannot meet the needs of the current present. He was writing in the North American Review in 1893. He said:

Of the two rights—

Of debating and of voting—

that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile.

As it is, there must be a change, for the delays which now take place are discrediting the Senate, and this is greatly to be deplored. The Senate was perhaps the greatest single achievement of the makers of the Constitution, and anything which lowers it in the eyes of the people is a most serious matter.

Heed these words, my friends upon the other side of this Chamber:

A body which cannot govern itself will not long hold the respect of the people who have chosen it to govern the country.

Those are words of wisdom, and I think that they should fall with particular force upon the ears of every Member of this body, the Republicans as well as the Democrats, when we recall the fact that ever since the end of the shooting war we have been involved in a campaign from Moscow designed to sabotage free government everywhere in the world. Such sabotage has proceeded in Italy; it has proceeded in France; it has been initiated here. There is nothing the leaders in the Kremlin would more dearly like to see than that the United States Senate should demonstrate before the world its incapacity to act when two-thirds of the Members of the Senate say the time has come to act.

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

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. O'MAHONEY. I yield.

Mr. STENNIS. What is the date of the statement the Senator quoted from the late Senator Lodge?

Mr. O'MAHONEY. Eighteen hundred and ninety-three.

Mr. STENNIS. Does not the Senator know that, in 1915, that same distinguished gentleman made a speech on the floor of the Senate in which he said he had changed his mind after serving here as a Member of the Senate, and was opposed to cloture? Does the Senator recall that?

Mr. O'MAHONEY. I think that may have been true, but I will say to the Senator that it detracts nothing from the correctness and the face of his first position.

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

Mr. O'MAHONEY. I yield.

Mr. LODGE. In view of the personal element injected into the debate by the colloquy which just took place, I will ask if it is not true that the Senator from Massachusetts, of whom the Senators have just spoken, voted in favor of rule XXII when it came up in 1917?

Mr. O'MAHONEY. He most certainly did. He voted in favor of that rule. Leaders upon both sides of the Chamber voted in favor of it. I have already placed the roll-call vote in the RECORD. But I want it clearly understood here again that Senator Martin, of Virginia, who was at that time the Democratic floor leader, the majority leader, voted for the rule. Senator Simmons, of North Carolina, who I think succeeded him, voted for the rule. Senator Robinson, who succeeded Senator Simmons, voted for the rule. Senator Lodge, on the Republican side, and Senator Cummins, of Iowa, Republican Senator from that State, and then President pro tempore of the Senate, voted for the rule.

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

Mr. O'MAHONEY. I yield.

Mr. FULBRIGHT. I should like to ask the Senator if he does not know that all the members from the South, including myself, are for Rule XXII exactly as it is now? We do not want to change Rule XXII. We agree with the Senator from Massachusetts.

CAN A MOTION BE A MEASURE?

Mr. O'MAHONEY. Again, if the Senator will permit me to say so, he is indulging in hair-splitting. He wants us to believe that a motion is not a measure, that when a motion is the pending business, the Senate is handcuffed. If the Senator from Arkansas wants to indulge in that sort of technical hair-splitting, he may do so without any objection on my part, but I will say to the Senator that these times are too dangerous, in my opinion, to permit that sort of trifling with the effectiveness of democratic procedures in the Senate of the United States.

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

Mr. O'MAHONEY. Certainly.

Mr. FULBRIGHT. I ask the Senator, Who started this trifling? Certainly I did not, nor did those who believe as I do bring up this matter in these serious times the Senator speaks of. The Senator from Wyoming knows that very well. If there is any trifling about it, we did not initiate it.

Mr. O'MAHONEY. The time has come to determine whether or not the Senate has a rule, a rule such as its authors thought they were writing, by which debate can be brought to an end.

If there were any doubt that when a motion is before the Senate it is the pending business, it is solved for me by the ruling which was made on February 4, 1946, by my distinguished friend, the senior Senator from Tennessee [Mr. MCKELLAR], who spoke in this Chamber earlier today. In that ruling which he made as President pro tempore, at the

time a cloture petition was filed with respect to S. 101, entitled "A bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry," which he held was not the pending measure, I find this interesting paragraph:

The question arises, What is the business now pending before the Senate? At the present time, and since the Senate met on Friday, January 18, 1946, as appears from the CONGRESSIONAL RECORD, the matter pending before the Senate is and has been the question of the amendment of the Journal of Thursday, January 17, 1946, save certain business transactions by unanimous consent.

So here is the plain declaration in the most recent ruling but one, save that of the Vice President yesterday, by the President pro tempore of the Senate, that a motion to amend the Journal was the pending business. Now let us split hairs on that. Can a motion be the pending business? The Senator from Tennessee said it was. The Senator from Michigan said it was not. The present Vice President says it is.

Mr. McKELLAR. Mr. President, as the Senator has referred to the ruling I made, will the Senator yield to me?

Mr. O'MAHONEY. Yes, I yield.

Mr. McKELLAR. The Senate by its action approved that ruling of the then President pro tempore.

Mr. O'MAHONEY. I have no doubt about that, but I will say to the Senator that when it did it agreed with him that a motion was the pending business.

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

Mr. O'MAHONEY. If the Senator will permit me to conclude. So many of these questions are, as I have said, just like the pure technicalities taken out of the common-law books, such as when there should be a comma rather than a semicolon, or when there should be a period instead of a semicolon.

We are facing fundamentals, not technicalities. Observe the splinter parties in France, where members of the legislative body, insistent upon having their own way, have frequently rendered it impossible for the Government of France to function. Time after time its governments have been changed. The great virtue of the Senate, as I have seen it operate, has been that it operates—most of the time—with reason and impartiality, and with good humor among all the Members. By unanimous consent over and over again we do various things. But here and now we know that Communist propaganda is based upon the conviction that democratic governments are unable to function because they do splinter, because minority division renders cohesive action impossible.

At this moment Members of this body on the Joint Committee on Atomic Energy, Members of this body on the Committee on Armed Services, are wondering in their nightly hours whether or not the Russians are building the atomic bomb. They are wondering whether we are headed toward war. And we, by the almost unanimous action of this body, are spending billions of dollars to prepare ourselves so that democratic government may survive. But we find the Senate rendering itself incompetent by endless debate.

I say to you, Mr. President, the danger which confronts us now is greater by far than the danger which confronted the Senate in 1917, when the proposition before this body was the arming of merchantmen. Free government has been driven back and back until here in the United States alone we remain a free Government, with the representatives of the people still authorized and capable of doing business. But now we are asked, upon a technicality, to forego the right to do the business of the Senate. I say, Mr. President, that in my humble opinion the time has come when the Senate should demonstrate to the people of the United States and to the people of the world that it can function, and to do so it must support the ruling of the Vice President.

Mr. GEORGE. Mr. President, may I ask the Senator, before he takes his seat, if the bill to arm merchant vessels was not finally passed?

Mr. O'MAHONEY. After the adoption of rule XXII.

Mr. GEORGE. It was finally passed, was it not, without further filibuster?

Mr. O'MAHONEY. After the adoption of rule XXII.

Mr. GEORGE. As it stands today?

Mr. O'MAHONEY. Oh, yes.

Mr. GEORGE. Mr. President, I would not rise on this occasion if I did not feel it my duty to defend the father of my party. My distinguished friend from Wyoming—and there is no man for whom I feel a more genuine affection—also gave to him the honor of being the father, perhaps, of the Republican Party. Therefore I feel that I must rise to defend Mr. Jefferson, first, with respect to the letter written by Mr. Jefferson in which he called attention to the ordeal of spending the night in the House in order to end a debate, or else invoking the previous question. I call attention to the fact that Mr. Jefferson rejected both and proposed another remedy of his own. So Mr. Jefferson did not, even with respect to debate in the House, favor the previous question.

But that is not the particular matter to which I wish to call attention. We are very prone in our debates here to wander far afield. No doubt the Senator from Wyoming is correct in saying that much irrelevancy is brought into the debate. I rise for the purpose of calling special attention to Mr. Jefferson's Manual of Parliamentary Practice, on the importance of rules. The distinguished Senator from Wyoming read only the preface. Now let me read the first chapter. It ought to preclude debate on this question, because I take it that all Senators are open-minded on this particular question. It is not a question now of whether there should be a strict, rigid cloture rule, or whether the present rule is a good one or a bad one, or whether we ought to have any. The question is, What has happened to what rules we have, and is the ruling under those rules right or wrong, regardless of precedent?

I digress to say—because it has been emphasized by distinguished Senators—that when a precedent is wrong it is often corrected. Even our courts indulge in that practice, and properly so. That is not the question. If the precedents of the Senate were wrong, the distinguished Vice President was entirely correct in setting us on a proper course and disregarding those precedents. There is no question about that.

Coming back to Mr. Jefferson, in order that he may be properly defended against distinguished Members of my own party in this body, Mr. Jefferson's statement is in the Senate Manual. Senators do not need to go outside to get the facts, if they are looking for them. Mr. Jefferson said this:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.

That is the real Jefferson.

So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons—

I hope the Republicans will note this—

by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Do Senators want more?

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the Members. It is very material that order, decency, and regularity be preserved in a dignified body.

That is Thomas Jefferson. That is the Thomas Jefferson I have followed. That is the Thomas Jefferson that I shall follow to the end.

I have been shocked today by the suggestion made by a distinguished Member of this body, when he reminded us that the Senate was a political legislative body, and that really, and at last, rules were but shifting sand, and that the majority in control make and unmake them at will. I was shocked almost beyond utterance when the distinguished leader of my own party—and there is no man whom I hold in higher esteem than the distinguished Senator from Illinois, for whom I have also a personal affection—sought to inject into the debate of the distinguished junior Senator from New York [Mr. IVES], when he was dis-

cussing an appeal from the ruling of the Chair affecting a rule of the Senate, the consideration of whether or not both political parties had not declared for civil-rights legislation. We do not need to go far to see where we are going. We do not have to go very far to see where we shall end, when we abolish our rules by convenient interpretation, and leave our destiny in the hands of the majority.

Thomas Jefferson was eternally right. Let me read his statement again. Nothing that I could say would be better.

Mr. Onslow, the ablest among the speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.

I shall not read more. It is all here in our manual.

Mr. President, the true liberal in America and in every other land is a man who seeks to build up the power of the minority to resist the majority. I commend that to some who describe themselves as liberals. There is but one test, finally, and that is whether we are building up or whether we are tearing down the power of the minority to protect itself and to prevent the administration from taking over and to prevent the overweening majority from overriding all the rights of the minority. Senators can find many other things in Mr. Jefferson's Manual, if they will examine it.

I wish to digress here to say that the distinguished Senator from Michigan this noon correctly stated the issue before the Senate. That issue is not whether we favor or whether we oppose cloture, rigid or loose or indifferent, but whether we are to have rules and whether we respect those rules and insist upon a fair interpretation of them.

But here in Mr. Jefferson's Manual, at page 327, Mr. Jefferson has something to say that we might well heed, especially those of us who call upon him every now and then in election years. He says:

Section XXII. Motions.

And he discusses motions; and that is the issue before us now. The issue here is really, as the distinguished Vice President has ruled, when is a motion not a motion? According to his ruling, a motion is not a motion if there is no pending business; but if there is pending business, a motion is a motion.

No, Mr. President; it is either a motion or it is not; and it does not change its complexion because of what the Senate has previously done or because of what it contemplates doing. It is simply a motion, if it is a motion.

Mr. Jefferson, in the Manual, goes on to discuss motions. He says:

When a motion has been made, it is not to be put to the question or debated until it is seconded.

That is a rule which, of course, we have long since discarded.

Then he says:

It is then, and not till then, in possession of the House.

There you are, Mr. President. What is a motion? What is a motion to proceed to the consideration of a bill? A Senator can make it every day of the year if he can obtain recognition from the Chair; he can make it until someone has amended his motion or until the yeas and nays are ordered on his motion or until some step has been taken by the Senate so as to bring the motion in the control of the body itself; and then he cannot take it away, except by unanimous consent or by a vote.

But what is the situation here? What do we have here? We have a motion to proceed to the consideration of Senate Resolution 15. That is all we have. Until something is done with that motion by the Senate, the mover may withdraw it or he may cancel it. It is nothing but his motion; that is all there is to it. It does not even become the property of the Senate until there is an amendment to it or until the Senate has ordered a yea-and-nay vote on the question of its acceptance or rejection. Until then, it is never in the custody of the body itself; it is never lost to the man who makes it. Yet the distinguished Vice President, with all respect for him, has held that that is the pending business before the Senate—not that it is a measure, but that it is the pending business. It is not business at all. It is merely an attempt of some Senator to have some business brought up. It does not make any difference whether one Senator is trying to get it up or whether 15 or 20 or 30 or 40 Senators are trying to get it up. It is merely a motion which some Senator wishes to bring before the Senate.

My good friend the Senator from Wyoming [Mr. O'MAHONEY] says we are entirely too technical. That reminds me, Mr. President, of an old friend of mine whom I met on the streets of Atlanta one morning. He said, "You know, I was about to be married to a very wealthy lady, but I lost out on a technicality."

"Well," I said, "that is too bad. What was the particular technicality to which you attribute your undoing?"

He said, "Well, the lady declined to accept me." [Laughter.]

So here we are discussing technicalities, it is said.

Mr. President, there is no technicality about it, except to determine whether the Vice President was right or wrong in his ruling.

When we go to the Senate rules—and, by the way, most of them were really inspired by Mr. Jefferson; they were the outgrowth of Mr. Jefferson's activities and his great service to his countrymen—we find that a motion is dealt with in a specific rule of the Senate itself. Rule XXI speaks of motions, deals with motions, deals with nothing else but motions.

Then we come to rule XXII, the Senate rule dealing with the precedence of motions; and then in the plainest possible language it is said that—

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate—

And so forth; and then the further procedure takes place as stated.

Mr. President, I know as well, I think, as anyone——

Mr. O'MAHONEY. Mr. President, would it be convenient for the Senator from Georgia to yield for a question at this point?

Mr. GEORGE. I shall be glad to yield; but I shall yield a little later, if the Senator will permit me to do so. It will not be very long.

Mr. O'MAHONEY. The Senator was about to leave Jefferson's Manual, so I wished to ask him a question.

Mr. GEORGE. Oh, yes. I like Mr. Jefferson.

Mr. O'MAHONEY. So do I.

Mr. GEORGE. I like to read him.

Mr. O'MAHONEY. So do I. But I am——

Mr. GEORGE. I wish the Senator——

Mr. O'MAHONEY. But I ask the Senator whether he is sure he was reading from Mr. Jefferson.

Mr. GEORGE. I was reading the first section of Jefferson's Manual.

Mr. O'MAHONEY. Will the Senator be kind enough to tell me the page from which he was reading?

Mr. GEORGE. Yes, sir; I was reading the page following the preface, which the Senator from Wyoming read to the Senate.

Mr. O'MAHONEY. Very good; was it page 297?

Mr. GEORGE. Yes.

Mr. O'MAHONEY. Was it the page beginning with the words "Mr. Onslow"?

Mr. GEORGE. Yes; I read that.

Mr. O'MAHONEY. Did the Senator read the italics at the end of that paragraph?

Mr. GEORGE. At the end of the paragraph?

Mr. O'MAHONEY. Yes.

Mr. GEORGE. Oh, yes; Mr. Jefferson documents his statements very well.

Mr. O'MAHONEY. I take it to be——

Mr. GEORGE. Oh, no; Mr. Jefferson is here, in his "Manual of Parliamentary Practice," telling what the practice is, and is documenting it as he goes along.

Mr. O'MAHONEY. Will the Senator answer another question, then?

Mr. GEORGE. Yes; I shall be pleased to.

Mr. O'MAHONEY. May I ask the Senator whether he has read that portion of the preface appearing on page 293, which I read, in which Mr. Jefferson described what he was doing:

These are the words:

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have here endeavored to collect and digest so much of these

as is called for in ordinary practice, collating the parliamentary with the senatorial rules——

Mr. GEORGE. Exactly.

Mr. O'MAHONEY. The sentence concludes:

both where they agree and where they vary.

Mr. GEORGE. I have read that.

Mr. O'MAHONEY. Then I ask the Senator, Does he not agree with me that the language of the paragraph beginning "Mr. Onslow" is not the composition of Thomas Jefferson but what he quoted from a parliamentary authority named and set forth in the italic?

Mr. GEORGE. No; I do not so understand it, at all.

Mr. O'MAHONEY. I so understand it.

Mr. GEORGE. Now the Senator is engaging in technicalities; he is hair splitting. I most respectfully submit that Thomas Jefferson is here setting out what he regards as correct and proper parliamentary practice, and he is documenting it as he goes along. He is not drawing it out of thin air. He does not pretend to do that at any point. But I said already that out of this manual of Jefferson's has come substantially the important rules of the Senate itself.

And now, since the Senator has drawn my attention back to Thomas Jefferson, I shall read from page 326:

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, executive, or judiciary) submitted to them by the Constitution, or in something relating to these, and necessary toward their execution.

That goes rather to the merits of some of the problems we have been considering here. I repeat, it is not a question of whether I believe in cloture or whether I oppose it, and it is not a question of whether any Senator believes in cloture or opposes it. The question here is whether the Senate has the rules, and if so, what is the fair and proper interpretation of those rules? I do not want to repeat, but I do not care a whit about the precedents of the Senate if they are not right. The fact that all the precedents point one way and not one exists that points in the direction of the ruling made by the Chair on this question, is an important fact. But, after all, if precedents are wrong, the Vice President was right in overruling them.

Now, what is there to debate about? How can an axiom be debated? How can an axiomatic truth be debated? When the cloture rule provides for cloture on a pending measure, what is there left in doubt? It cannot be a mere effort to take up a measure. It cannot be a mere motion which is in the breast of the mover which can deal with as he wishes and as he pleases. Until the Senate has done something to make it its own, the mover himself may withdraw it, present it on the succeeding day, present it on another day, and present it on every day in the session. Then what does it amount to? I answer, nothing but an effort on the part of a Senator to get up a measure, or on the part of a group of Senators to get up a special measure. Does it make any difference that a political party has endorsed those measures? To admit it is to confess the validity of everything Mr. Jefferson condemns in that sort of procedure.

Mr. President, I was about to say I think all of us are conversant with the general rule that if there is any doubt of the meaning of a word or of a phrase or any ambiguity about it, extraneous evidence may be consulted for an explanation. The debates in the Senate at the time of the adoption of rule XXII may be consulted. One may listen to what Senators had to say and to letters they may have written, or any other evidence. But is there any ambiguity? Is anybody in doubt about the plain unmistakable language of the rule with respect to pending measure? It not only must be a measure, Mr. President, but it must be pending, before cloture may be invoked. That is the rule. The great primary question is, Is this a body of law, or are our rules to be accommodated to every shifting prejudice or every temporary majority, or to the pledges of political parties? Adopt that rule, and minorities are gone in this country, and although I have never sought to speak for them, I repeat——

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

The VICE PRESIDENT. Does the Senator from Georgia yield for a question?

Mr. GEORGE. Not just now. I repeat, if the hands of the minority are not constantly strengthened, we are headed toward a form of government under which minorities will not have any rights. When I came to the Senate, by the way, there were about 20 more Republicans across the aisle than there were Democrats on this side of the aisle. And I remember another day when there were about 76 Democrats on this side of the aisle, and 19 or 20 Republicans on the opposite side. Tear down the rules, disregard the rules, neglect to enforce them, and the minority has no rights left that can be protected. And any administration, with a majority back of it, can work its will.

I do not want to bring up old scores, but in 1937 when we were asked to add to the Supreme Court of the United States by legislative act, and when the distinguished Senator from Wyoming, be it said to his eternal credit, was on the same side that I felt impelled to take, I then said—and I am perfectly conscious of the fact that I was right—if that recommendation had been carried out, there would have been a change in the form of this Government within 10 years.

Tonight I say another thing: I know the distinguished Senator from Oregon has severely lectured us about appeals to fear, but sometimes it is good to take counsel of one's fears, when there is some substance in them. I say tonight, if we adopt outright majority rule in the Senate of the United States it will be easily possible to change the form and the substance of the Government within 10 years. That is not an idle statement. That is a statement which may become historically correct, and may be verified.

What is the situation in this body at this moment? Here is a rule of the Senate. Textually it provides that the cloture rule is applicable only to pending measures. The distinguished Vice President has ruled that a motion to bring up a measure, there being no business before the Senate, is within the purview of the rule. From that ruling an appeal has been taken, and the appeal will be decided by a majority vote of the Senate. There is majority rule already, without doing any more about it, if we want to disregard the established rules which were made fundamentally to protect minorities and, of course, to give the majority a chance, in an orderly way, to function, but, at the same time, to give protection to the minority. That is what I plead for; and with all respect to the distinguished Vice President and the distinguished Senators who have argued or may argue about it, Jefferson's Manual, whether Jefferson wrote it, got it out of thin air, or collected it from all of the established precedents of Old England, is the eternal rule. The minority can have protection only through the constant and faithful application, interpretation, and enforcement of the rules of the Senate. If I had any doubt about the rules, I would not have made this speech. I shall not use the old Latin phrase, but in English it means "The thing speaks for itself." If it were not literally true, true beyond all doubt, I would not have raised my voice.

The only cloture provided under existing rules is cloture on a pending measure—a measure, not a mere motion within the keeping of those who make it.

However much debate may take place and however inconvenient it may be, there is nothing to prevent the majority leader's moving to proceed with other business and, in the course of this session, coming back to any unfinished business, or any business which, at the moment, he may be unable to get before the body. So, on this plain and unmistakable language, which does not admit of extrinsic or extraneous evidence, debates, or newspaper articles—if I may so suggest to my distinguished friend from Tennessee [Mr. KEFAUVER]—there can be no question that there is no pending measure before the Senate. There was none before it last evening, and therefore the cloture rule could not possibly apply.

I do not care to go outside of what is in the RECORD, but permit me to say that I came to Congress in November 1922, when President Harding called an extra session to consider a ship-subsidy bill. Congress convened, as I remember, on approximately the 20th or 21st of November, or sometime in the latter part of November, and on the 27th day of December a distinguished Senator who is not now with us, but who was then a Senator from California, moved to proceed to the consideration of bill 13, which was then on the calendar. The Democrats met in caucus. In that caucus was the distinguished senior Senator from Virginia, the Honorable Claude Swanson, who was one of the conferees on rule XXII. Also in that caucus was the distinguished Senator from Montana, Senator Walsh, who was later appointed by President Roosevelt to be the Attorney General of the United States but who, unfortunately, died before taking office, or at least before assuming

the duties of his office. He was a very able lawyer. In the caucus was the distinguished Senator from Missouri, James Reed—and I pause here to say that at that time I doubt whether there was a more able debater in any parliamentary body on this earth than was Jim Reed, of Missouri. There were many orators, including, I think, Senator Borah, of Idaho, who excelled in oratory. But no one could say that Senator Reed was not an able debater. He was in the caucus, as I have stated, and there were other distinguished Senators there.

Reference has been made to the distinguished Senator from Georgia, the late Senator Hoke Smith. In the corridor, beyond that door, Senator Smith said that had his view prevailed in the writing of rule XXII in 1917 there would then not be open to us motions to amend the Journal of this body. But he said that his view did not prevail in the writing of the rule, or in the writing of a rule of relevancy which he wished to have made a part of that rule.

The great Senator from Montana, Tom Walsh—and he was a great Senator—went into the caucus and said, in effect: "Senators, I regret that I cannot participate with you in resisting the consideration of bill 13, but you know my views."

His views were well known.

"I have always believed in a strict and rigid cloture," or at least, since he had come to the Senate. He said he had not believed it proper to resist proceedings in the consideration of any matter which might be properly brought before the Senate.

"Therefore," he said, "I must sit here as a silent participant, so to speak, and leave it to you."

Oscar Underwood was the chairman of that caucus, and I have known few more effective legislators in my life than Oscar Underwood. One might disagree with Senator Underwood, might not adopt all his policies, but I have known few more effective legislators. He knew all about rule XXII. He favored the previous question rule. He had come from the House of Representatives. He was experienced in the proceedings in the House. But he said, "Here is the rule. So long as this rule stands and I have enough Members of the Senate to call the roll, they will not take up this measure."

Now I have named the great leaders of our party who wrote rule XXII, had to do with it, and understood its operation. It is true, they might not have thought there would be any great difficulty at any time getting a bill before the Senate. That might be true; I do not know about that; but I do know that then we outlined the procedure which we would follow, and I know that Pat Harrison sat where I am standing, and that Oscar Underwood sat in his seat on the aisle, and he made that fight, and he said to the distinguished leader of the Republican Party at that time, the late Senator Henry Cabot Lodge, from Massachusetts, that there was no need to cover up, that he and all the world knew what we were doing, that we were resisting the placing before the Senate of the particular bill to which I have referred, and he invited Senator Lodge, the then leader of the majority, to break down the opposition if he could, but that if he could not, to withdraw the motion to take up the bill.

So the debate went on and on, and in a short time Senator Lodge, after a meeting of the Republicans, said to the minority, "We recognize that we cannot break your opposition under the rule as it stands."

Is there any doubt about the rule? None whatever. Was there any doubt in the opinion of Jim Reed? None whatever. Was there any doubt in the opinion of Oscar Underwood? None whatever. Was there any doubt in the opinion of Senator Hoke Smith? None whatever. Was there any doubt in the opinion of Senator Walsh, who opposed filibuster in every form? None whatever.

But now we indulge in a doubt, and in the face of plain, unmistakable and unambiguous language a ruling is invoked from the Chair, the Chair rules, and to uphold the Chair now is really to make effective majority cloture in this body. It comes down to that, Mr. President, in actual practice.

I regret the necessity for these remarks, but I could not feel that I would fully discharge my duty if I did not say what I said in the beginning of the debate on the merits, as I thought, of some of the measures which lie back of this motion, though I may have been indulging in technicalities. I also said that this was a memorable debate in this body, and I now repeat that statement.

Mr. LUCAS. Mr. President, I have not been a Member of the Senate as long as has my distinguished friend the Senator from Georgia [Mr. GEORGE] or my able friend the Senator from Michigan [Mr. VANDENBERG]. It is with some hesitancy that I even attempt to answer either of these two Senators, who have enjoyed long and distinguished careers in the Senate of the United States.

I feel rather flattered that I should have made an argument last night which would cause the able Senator from Michigan [Mr. VANDENBERG] to declare in one of the able forensic efforts which he usually makes that mine was an ingenious argument offered to the Chair on the question upon which he was to make a ruling; and, taking slight advantage, I thought, of the distinguished Vice President, who was not in a position to answer, made the same remark about the ruling of the distinguished Vice President last evening. If I deserve that much attention on the part of the Senator from Michigan, who has such a reputation throughout the United States of America and the world, and cause him to do me the honor of even noticing a remark I happen to make, or the argument I made in behalf of the honest position I was taking, I am very much gratified, even though it may have been characterized as ingenious.

Mr. President, I have the highest measure of respect for the Senator from Georgia, and I deeply regret that the Senator from Georgia saw fit to say that he was shocked at a question which the Senator from Illinois propounded to the able Senator from New York this afternoon respecting the plank in the Republican platform concerning civil rights. Again I am flattered that I am able to draw to the attention of the Senator from Georgia, able and distinguished as he is.

Mr. President, I do not have the forensic ability or the persuasive power of either the Senator from Michigan or the Senator from Georgia, but certainly their eloquence should not cause me to quake or quiver, if I am to discharge my duty as I see it. I did not bring the civil-rights question into this debate. I do say to the distinguished Senator from Georgia that he has made persuasive arguments germane to the issue before the Senate of the United States, but he is not the only individual who has discussed this question, and he had better look to some of his own brethren, who raised the question of civil rights in this debate. He had better be shocked at those Senators who were the first to raise the question of civil rights upon the floor of the United States Senate.

Mr. President, this is a memorable debate. I have conscientious convictions about what ought to be done under the circumstances. I assert that no one can fairly challenge my sincerity with respect to the position I took last evening when I made an argument on the point of order. There are other Senators who have convictions as conscientious as those of others who have spoken here, about what ought to be done and what ought not to be done.

Mr. President, I consider the vote which I shall soon cast as important as any I have cast since I have been in the United States Senate. I know of no more important issue to come before the Senate of the United States or before the Congress, since I have been in the Senate than the one before us at this particular time, unless it be the question of the reorganization of the Supreme Court, which was discussed by the Senator from Georgia a few moments ago, a proposal which the Senator from Illinois, who was at that time a Member of the House of Representatives, opposed.

Mr. President, all I can do in my humble capacity as a Senator and as majority leader in the United States Senate on all these issues, is to hope that I am right, and pray that God will give me the power to see the right.

I remind the Senator from Georgia, who talks about minority groups in the Senate being protected, that there are other minority groups involved in the issue before us, who ought also to be protected. There is not a Senator on this floor who does not know what lies behind the present debate. It cannot be hidden. I am going to talk about civil rights in this debate, and that is the issue, whether Senators like it or not. Everyone knows that is the issue.

Why all the filibuster, why all the talk by my friends from the South about civil rights, if civil rights are not involved in the Hayden-Wherry resolution? Why did they not address themselves strictly to the issue, which ostensibly was a motion to proceed to the consideration of the Hayden-Wherry resolution? Because I asked a question about civil rights I am taken to task by my friend the Senator from Georgia. He is shocked.

Perhaps it is well to shock great men once in a while, Mr. President.

There is something more in this issue than merely the amendment of the rule, or we would not have had a debate here for 10 days. Ninety-nine out of 100 motions which are made are agreed to, and the measures are taken up without any debate whatsoever. Yet for 10 days we have been struggling with a simple motion to take up Senate Resolution 15. And because our great Vice President, who has been consistent and honest from the beginning, made a ruling last night that the motion was a part of the measure, a continuous step from the time the motion is made until the consummation of action, it is said that he is all wrong.

The Senator from Michigan in referring to me said that I was being ingenious. He said we are trying to eliminate by a parliamentary device precisely what the Hayden-Wherry resolution would subsequently accomplish by due legislative process.

The Senator says this is an affront to due legislative process. Is it an affront because the Vice President disagreed with the distinguished Senator from Michigan in his ruling made last year? I undertake to say to the Senator from Georgia and the Senator from Michigan that they cannot point to a single precedent, where the facts and circumstances before the Senate were the same as those upon which the able Vice President made a ruling last night.

The able Senator from Georgia talks about what great men had to say back in 1917 when the cloture rule went into effect. Long debate took place, occupying 26 pages of the CONGRESSIONAL RECORD. Throughout all that long debate there is not a single word to suggest that any one of the 88 Senators in favor of the resolution had any belief, or any reason to believe that the rule for which they voted contained gaping loopholes, or that any of those Senators favored the rule with the understanding that it would prove to be ineffective. It was debated from beginning to end as a rule to limit debate on any matter that might come before the Senate.

George H. Haynes, in his great work, the Senate of the United States, tells us that 33 Senators—as was mentioned by the distinguished Senator from Tennessee [Mr. KEFAUVER] this afternoon—33 Senators, headed by Simmons, Robinson, Lodge, and Borah, made a public pledge in the following language, which I again quote, to show the real intention of those men who were responsible for rule XXII:

> To cooperate with each other in compelling such changes in the rules of the Senate as to terminate successful filibustering and enable the majority to fix an hour for disposing of any bill or question—
>
> Any bill or question, mind you—
>
> subject to the rule of 1 hour to each Senator for discussion before or after the hour is fixed.

Did these men know what they were doing when they wrote that provision? I would suppose they did. They signed that pledge with the understanding that it involved any question. Do Senators think Joe Robinson did not know what he was doing? No, Mr. President; the proof of the pudding is in that pledge.

This expressed intention of the supporters of the resolution is strangely at odds with the special interpretation placed upon the rule last year by the distinguished Senator from Michigan when he said:

> In the final analysis, the Senate has no effective cloture rule at all.

But, Mr. President, that was not the basis upon which the Senator from Michigan made his ruling last year. That was his conclusion. Based upon what? Based simply upon the fact that the pending measure at that time was the aviation bill, sponsored by the Senator from Maine [Mr. BREWSTER], and in his opinion he so stated; but, Mr. President, after I called attention to that fact last night, not one word did the Senator from Michigan say in his explanation to this body today as to why it was he put that issue in his opinion if it was not the real, basic, fundamental point upon which he made his decision. And he talks about somebody being ingenious in an argument. If he had wanted to make a candid explanation to the Senate in the great effort he made today, he would have explained why it was he said the following last year in his ruling:

> What is the pending measure at this moment? The pending measure is Senate bill 2644, a bill to provide for the development of civil-transport aircraft adaptable for auxiliary military service, and for other purposes. What is the purpose of the motion made by the able Senator from Nebraska, to which it is now being attempted to attach cloture? It is to create a new "pending measure." That is exactly the objective which the pending motion has in view. In the view of the Chair, in a reasonable interpretation of the English language the Chair is unable to believe otherwise than that the pending measure at this moment in the forum of the Senate is Senate bill 2644. It is not the motion of the Senator from Nebraska to proceed to the consideration of House bill 29.

That is the language of the Senator from Michigan. Why did not the Senator from Michigan, in his defense of the opinion which he rendered at that particular time, explain to Senators today, and especially to new Members of the Senate, why he wrote that into his opinion last year? Why did he not go into that subject, instead of chiding the Vice President and the Senator from Illinois for not prosecuting the appeal?

I wish to comment very briefly on one or two things which the Senator from Michigan said. He is a great parliamentarian. He made a momentous ruling last year. Many Senators who are following him now were against him last year. Many of his own colleagues on the other side of the aisle who signed their names to cloture petitions to take up the very matter which I am now discussing are now with him.

The distinguished minority leader was the Senator who presented the petition for cloture at that time, but the ruling of the Senator from Michigan has changed his view. It changed the view of the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Missouri [Mr. DONNELL], and others who were with him on that cloture petition, for some reason or other. I never understood before that the Senator had that much power; but he does have it. He has changed the view of many of his colleagues as a result of the opinion which he rendered.

I wish to comment briefly on one point. The Senator from Michigan made much of the argument that although an appeal was taken from his ruling of last August, that appeal was never pursued in the Senate, either by the Senator from Illinois, who was the Democratic whip at that time, or the then majority leader, who is now our distinguished Vice President. That appeal, he said, was never presented to the Senate for a vote. He argues from that fact that therefore his ruling was etched that much more deeply into the precedents of the Senate. He said that it was very significant that no appeal was taken, which, in my judgment, Mr. President, is anything but a kind implication.

It is perfectly true that the Senate never voted on the appeal from the ruling of the Chair in the case of the Vandenberg ruling, but the fact that no vote was taken does not add any strength whatever to the validity of that ruling, for a very simple reason. It is strange, indeed, that my distinguished friend, who made many rulings from the Chair, did not appreciate this point when he was preparing the great address which he delivered today.

Under the parliamentary situation established immediately after the ruling of the Chair, no vote on the appeal was possible. The cloture petition was filed while a motion to proceed to the consideration of the anti-poll-tax bill was being endlessly debated. A filibuster was in progress. The cloture petition was filed in an effort to end that debate. The President pro tempore ruled that the cloture petition did not apply to the motion to proceed to the consideration of the anti-poll-tax bill.

An appeal was entered by the senior Senator from Ohio [Mr. TAFT]. But, Mr. President, that appeal, just like the motion to proceed to the consideration of the anti-poll-tax bill itself, was subject in turn to unlimited debate. The only way of shutting off debate on an appeal, as we all know, is to move to lay the appeal on the table; but that is not a motion which can logically be made by those who oppose the ruling of the Chair, since if the appeal were laid on the table the Chair would be sustained. The Senator from Michigan knows that to be so.

Do Senators think that the Senator from Georgia [Mr. RUSSELL], who took an appeal from the ruling of the Chair last night is going to make a motion to lay that appeal on the table? That is exactly what the Senator from Michigan said to the then Democratic leader, Mr. BARKLEY, or the Senator from Illinois should have done last year; but that is not a motion which can logically be made by those who oppose the ruling of the Chair, since if the appeal were laid on the table the Chair would be sustained. So those who opposed the ruling of the Chair last August had no means by which they could show their

strength and avoid the ruling of the Presiding Officer.

The truth of the matter is that at that particular time the distinguished Senator from Georgia, when this question was called up, demanded the yeas and nays, and under the parliamentary situation it was impossible for the Senator from Nebraska to withdraw his motion thereafter.

Later the Republicans held a caucus and decided that they could not break the filibuster at that time in the special session, and they withdrew.

Mr. WHERRY. We moved to take up another measure.

Mr. LUCAS. They moved to take up another measure, which is the same thing as withdrawing. At any rate, they did not pursue the matter further.

In fact, when the Presiding Officer decides against the applicability of rule XXII, the majority of the Senate is helpless to reverse him or even to get a vote of the Senate, because Senators who support the ruling of the Chair are in a position, by unlimited debate, to prevent the appeal from ever being brought to a vote. A motion to lay the appeal on the table, the only way in which debate can be shut off on an appeal, is not a motion which Senators who oppose the Chair's ruling can make, because it is directed to sustaining rather than reversing the ruling of the Chair. If the motion to lay on the table is successful, the ruling of the Chair is sustained.

It seems to me, therefore, the argument that the ruling of the Senator from Michigan is a precedent which then had the backing of the Senate disappears completely under this analysis, which is strictly in accord with parliamentary law. The Senator from Michigan can find it out tomorrow if he will consult the Parliamentarian.

I think we all understand that if there had been any way to bring the appeal to a vote at that moment, the ruling of the Presiding Officer probably would have been reversed. I am sure that Senators who signed the petition for cloture at that time would have overruled the Presiding Officer at that moment, if they had had an opportunity to vote on the question; but many of the same Senators who signed their names to the petition for cloture at that time have now reversed themselves on the identical proposition, except that this question is even clearer than the issue raised on previous cloture petitions.

I have said a little about the ingeniousness, to which the Senator from Michigan referred in his argument. I think the ingenuity is all on the other side, Mr. President. When Senator Pat Harrison, to the surprise of most Members of the Senate, undertook to filibuster the Dyer antilynching bill in 1922 by the device of endlessly debating a motion to amend the Journal, he demonstrated a very extraordinary type of parliamentary ingenuity. He had to be ingenious to find his way around the plain meaning of rule XXII.

Who was being ingenious in August 1948 when an endless debate took place on a motion to proceed to the consideration of a bill, a motion which the Senate almost invariably agrees to without any debate at all?

The debate during the last 10 days shows that those who take refuge in the so-called loopholes in the rule have resorted to the most complicated devices for distorting, in my judgment, the plain meaning of the rule.

The senior Senator from Michigan [Mr. VANDENBERG] argues that the interpretation of the rule he laid down last August is the only reasonable interpretation of the rule under the precedents, and that the integrity of the Senate rules is involved here. But last year, when he made his decision when the same question was before the Senate, he never said anything about the integrity of the Senate rules being involved. Why is the integrity of the Senate rules involved today, when it was not involved a year ago? Is it because the Vice President happened to rule a little differently? Is the integrity of the rules of the Senate involved because of that?

The fact is that other Members of the Senate with an equal knowledge of parliamentary rules and with equal respect for the Senate rules are of an entirely different opinion. It was, in fact, the senior Senator from Ohio [Mr. TAFT], chairman of the Republican policy committee, and certainly a great constitutional scholar, who took the appeal from the decision of the Chair last August. How more vividly could he have demonstrated that he disagreed completely and fundamentally with the ruling of the President pro tempore at that time?

Mr. President, let all of us acknowledge that there are honest differences of opinion on this issue and on many other parliamentary issues. It does not behoove any of us to assume that his position is unanswerable, and that those who oppose him are merely being ingenious in their opposition. No Member of this body has a deeper respect for the rules of the Senate than does the Senator from Illinois.

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

Mr. LUCAS. I shall yield in a moment.

Mr. President, where do the Senate rules come from? They do not come from Mount Olympus. They do not come as edicts from on high. They come from the minds of men like ourselves. Under the Constitution, the Senate of the United States makes its own rules; and when Senators undertake to sign one cloture petition after another, we have a right to believe at least that they knew what they were doing at that time and that they were sincere in signing those cloture petitions.

Now I yield to the Senator from Florida.

Mr. PEPPER. Mr. President, the Senator from Michigan in his address today laid considerable emphasis upon the fact that last August an appeal was not prosecuted, although taken by the Senator from Ohio to the ruling of the President pro tempore. Had an appeal from what might be considered an unfavorable ruling of the Chair—that is, a ruling that rule XXII did not apply to a motion to take up—been made, is it not a fact that such an appeal would have been subject to unlimited debate?

Mr. LUCAS. The Senator from Florida is correct, and that is exactly what I said a moment ago. There can be no question at all about that. The Senator from Michigan can find that out, if he will consult the Parliamentarian upon that matter tomorrow. That is exactly the situation.

Mr. President, does anyone believe that the Senator from Georgia, who today took issue with the decision of the Chair, is going to make a motion to lay the appeal upon the table? Today we are confronted with a situation exactly the reverse of the situation which existed 7 months ago, yet the Senator from Michigan lays great stress on the point that no one made such a motion at that time. That is the most fallacious argument I have heard in a considered opinion for a long, long time.

Mr. President, let me make one or two other statements which I think should be made in the course of this debate, notwithstanding what my good friend the Senator from Georgia has said.

I believe it is high time to clear away the fog of confusion which has surrounded this debate. I am going straight to the heart of the matter. Regardless of whether anyone likes it or does not like it, I am going to be plain and honest about this situation. Some can hide it if they wish to do so, but everyone knows why this rule was brought up. Everyone knows why this filibuster is on. If the civil-rights program were not involved, there would not be any filibuster here at the present time. So why hide it? Why try to say that nothing but a rule is involved, when other Senators have talked for days on the floor of the Senate about the FEPC and the anti-poll-tax bill and the antilynching bill?

Everyone knows that the basic question we are discussing here is not simply a question of a change in the Senate rules. First, it is a question of whether we mean to breathe life into the cloture rule, so that we can get along with the business of the Senate of the United States, instead of remaining here days and nights debating a simple motion to take up this measure. How ridiculous it is, Mr. President, when one thinks about it. What a spectacle we are making in the eyes of the people of this country. Yet there are Senators who wish to have the Senate remain in continuous session for weeks; in fact, the Senator from North Dakota [Mr. LANGER] has said he wishes to have the Senate stay in session for a month or perhaps 6 weeks or more, day and night, in order to break the filibuster; and yet he does not know for certain whether he is in favor of the Hayden-Wherry resolution. Mr. President, what shall we say of that?

The question whether we mean to breathe life into the cloture rule involves the question of clearing away the legalistic interpretations of the rule which in the past have defeated its fundamental purpose. It is a question of whether parliamentary government, now

under attack all over the world, can survive in this country. So long as a determined minority can block the Senate from taking imperative action on the domestic and international fronts, to my way of thinking this matter cannot be long delayed. In my studied judgment, it is a threat to the democratic process of the Nation.

If the Senate will take the steps necessary to bring to a close the debate on this motion, Mr. President, if the Senate will sustain the ruling of the Chair which was made last night, we shall have an opportunity to prove how sincere we were when we made the civil-rights pledges in the 1948 platforms of both political parties.

It is a question of whether we are going to enact a Federal law against lynching, and a Federal law on poll taxes, and a Federal law to protect all races from discrimination by unfair restrictions in employment.

The distinguished Senators who are conducting this filibuster have made no bones about their objectives. They are fighting our motion to apply cloture because they are determined to block any consideration of civil-rights laws in this Congress. They have said it over and over again.

There is an honest division of opinion in my party over civil rights. The whole country is well aware of the fact that we had a heated argument on this question at the last Democratic National Convention. The issue was brought to a vote, and a large majority of the delegates at that convention pledged my party to action in that field. How shall we get civil-rights action if we do not get it in the Congress of the United States? How are we going to get it if Senators can filibuster forever upon a motion to take up a simple resolution? Why is it so wrong for United States Senators to talk about this issue, Mr. President, when everyone knows that that is the real basis of this situation? Why should anyone be shocked?

As I have said, there is an honest division of opinion, and the whole country is well aware of it. I completely disagree with the able southern Senators, my friends, who have refused to abide by the majority decision of the Democratic Party. However, they are entitled to the utmost respect for their deep sincerity and their tenacity in defense of their position. There cannot be any question about that. When the cloture issue comes to a vote, I am confident that my Republican friends on the other side of the aisle will demonstrate as much sincerity and strength and tenacity in upholding the Chair as the Democratic friends of mine from the South are doing in maintaining their position. We who defend a common position should all be together upon this issue. I wonder if we are?

Mr. President, many of my Republican colleagues now in the Senate have already indicated by their signatures on cloture petitions and by their votes how they stand on this issue. I want to take this opportunity of congratulating and commending every Senator on the Republican side of the aisle who has worked to obtain signatures to the petition for cloture, and who has tried to convince some of his friends that they ought to sustain the Chair in his ruling, as the first step to break up this filibuster. I pay tribute to the Senator from New York [Mr. IVES], the Senator from California [Mr. KNOWLAND], and other Senators who have worked indefatigably along with the Senator from Illinois and others in an attempt to do something to choke off the long-winded debate that has taken place on matters wholly irrelevant and immaterial to the issue before the Senate.

On February 4, 1946, 17 Republican Senators signed a cloture petition to close debate on a motion affecting the Journal, in order to proceed with a bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry. I think they will not object if I read their names into the RECORD, because many of the same men who signed that cloture petition then are now fighting to cut off this endless speechmaking and get down to the business of the United States Senate. They were the Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Oregon [Mr. CORDON], the Senator from Missouri [Mr. DONNELL], the Senator from Michigan [Mr. FERGUSON], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. KNOWLAND], the Senator from North Dakota [Mr. LANGER], the Senator from Oregon [Mr. MORSE], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. SMITH], the Senator from Ohio [Mr. TAFT], the Senator from New Hampshire [Mr. TOBEY] and the Senator from Nebraska [Mr. WHERRY]. That cloture petition was filed while the Journal was under consideration. They thought cloture was so important, they would have shut off debate on the consideration of the Journal. They are all able men, all experienced and seasoned veterans in the Senate, who signed the cloture petition at that particular time.

On August 2, 1948, 17 Republican Senators, including some who had signed before, placed their names on a petition to end debate on a motion to take up a bill outlawing poll taxes. Here are the names: The Senator from Oregon [Mr. CORDON], the Senator from Michigan [Mr. FERGUSON], the Senator from Vermont [Mr. FLANDERS], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New York [Mr. IVES], the Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from California [Mr. KNOWLAND], the Senator from Massachusetts [Mr. LODGE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Wisconsin [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. SMITH], the Senator from Ohio [Mr. TAFT], and the Senator from Nebraska [Mr. WHERRY]. Did they mean what they said at that time?

The following 24 Senators signed either one or the other of these petitions. Let me state who they are: The Senator from Vermont [Mr. AIKEN], the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Oregon [Mr. CORDON], the Senator from Missouri [Mr. DONNELL], the Senator from Michigan [Mr. FERGUSON], the Senator from Vermont [Mr. FLANDERS], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New York [Mr. IVES], the Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from California [Mr. KNOWLAND], the Senator from North Dakota [Mr. LANGER], the Senator from Massachusetts [Mr. LODGE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Wisconsin [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Kansas [Mr. REED], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. SMITH], the Senator from Ohio [Mr. TAFT], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Nebraska [Mr. WHERRY].

Now, let us compare this list of 24 with the list of Republican names on the present cloture petition. Some who signed the earlier petition have not undertaken to sign this one. Let us see who they are. I will read their names: The Senator from Nebraska [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Oregon [Mr. CORDON], the Senator from Missouri [Mr. DONNELL], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from North Dakota [Mr. LANGER], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from Nebraska [Mr. WHERRY].

Mr. President, I have tried to understand the apparent reluctance of these Senators to sign the present petition. Two interpretations of their position have been suggested to me; one is that they oppose the adoption of the Hayden-Wherry resolution and therefore are prepared to have the filibuster run on endlessly. That is their position, and obviously I shall respect it, if it is. I must regretfully conclude that they are opposed to civil-rights legislation, which cannot be enacted, as everyone knows, without an effective rule to prevent a stubborn minority from thwarting the will of the Senate.

If that interpretation is wrong, and I am eager to be convinced that it is, the only other interpretation of their position which makes sense is that while they favor the resolution to give the Senate an effective cloture rule, they are more concerned with keeping the Senate in a position where it cannot act on the resolution, or on any other legislation now crying for action.

To each of these distinguished Senators I wish to speak very frankly across party lines. Knowing them as I do, I cannot believe they are taking a cynical or hypocritical position on this matter. Have I not the right to conclude that when they signed the petitions for limitation of debate under rule XXII of the

Senate, they knew what they were doing? I am sure they were not merely making gestures for the benefit of the public. I am sure they were asking for cloture because they were honestly convinced that rule XXII could be effective in bringing debate to an end, and that we could then enact civil-rights legislation.

Before they vote on the present issues which have occupied us for so many days, I urge them to follow the logic of their actions in 1946 and 1948, when they signed cloture petitions. Surely they will not bewilder the people by declaring they were wrong in 1946 and 1948, and are now bound to take refuge in a special interpretation of the Senate rule handed down by the distinguished Senator from Michigan. He merely wanted them to make up their own minds and use their own judgment. I know they are not ostriches, that they are not sticking their heads in the sands of parliamentary interpretation. I am sure they understood the parliamentary history of rule XXII when they put their names to the petitions.

I know they do not wish to seek to avoid their personal responsibility by pleading blind loyalty to a former Presiding Officer, the great Senator from Michigan. He has already declared he does not desire any Senator to vote out of a sense of loyalty to him or out of any pride of party.

We all know when issues come to a vote in the Senate the ultimate responsibility in every case rests with each individual Senator. Members of the Senate make the rules, not the man who happens to be in the chair as their Presiding Officer. The Presiding Officer simply gives form to our decisions. We are the ones solely responsible for the rules under the Constitution. We cannot escape that grave responsibility by taking refuge in a ruling of the Presiding Officer.

We are the supreme court, Mr. President. We bow to no one in the formulation and interpretation of the rules. If the proposed enactment of the civil-rights program is one of the reasons for the filibuster, and, in view of the fact that the senior Senator from Michigan last week saw fit to quote the Democratic platform upon civil rights in the course of the debate, I think it well at this juncture that the Republican platform on civil rights should also be quoted, because no one is deluded in this debate into believing that civil rights is not the issue here. Here is what they said:

> Lynching or any other form of mob violence anywhere is a disgrace to any civilized State, and we favor the prompt enactment of legislation to end this infamy.
>
> One of the basic principles of this Republic is the equality of all individuals in their right to life, liberty, and the pursuit of happiness. This principle is enunciated in the Declaration of Independence and embodied in the Constitution of the United States; it was vindicated on the field of battle and became the cornerstone of this Republic. This right of equal opportunity to work and to advance in life should never be limited in any individual because of race, religion, color, or country of origin. We favor the enactment and just enforcement of such Federal legislation as may be necessary to maintain this right at all times in every part of this Republic.
>
> We favor the abolition of the poll tax as a requisite to voting.

That is the platform adopted unanimously by the Republicans in convention at Philadelphia. We did not get a unanimous endorsement in our convention, Mr. President, but we who favor civil-rights legislation won, just the same. I know that Republican Senators welcome the opportunity to measure up to those noble words that were expressed in that convention on the question of civil rights, and for the first time they have the opportunity to say whether or not they meant what they said by sustaining the Vice President. They cannot convince the people of the country anywhere that they rested their position on a technicality in the United States Senate.

When Senators return home the people will ask, "How did you vote? Did you vote to stop the filibuster, or did you vote to continue it?" The people will not listen to any explanation of technicalities and Jefferson's manual.

[Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries will be in order.

Mr. LUCAS. I know Senators will not tell the people that they voted to keep the filibuster going. They cannot afford to do that. Many Senators are coming up for reelection in 1950. A political issue broader than the technical issue is involved here.

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

Mr. LUCAS. I decline to yield at this time. I am afraid the Senator from New Hampshire will ask me about frogs. I cannot yield now.

I remember, Mr. President, that on one occasion I had a conversation with the great and distinguished Senator from Arizona, former Senator Ashurst, upon this very question. He said, "I have yet to meet the first man who does not permit his political opinions to be interwoven with his technical, economic, and every other kind of opinion that he expresses in the United States Senate."

No, Mr. President, I know Senators will not tell the people that they had to override a ruling of our distinguished Vice President because they were driven by motives of partisan pride. They were very eager to get a resolution to amend the rules released from the Committee on Rules and Administration. Thirty-one Senators took the very unusual step of supporting a motion in the Senate to discharge the committee from further consideration of a rules change.

Ah, Mr. President, I know of many Senators who have been cooperating with me in connection with this legislation on this side of the aisle. They have done every possible thing they could do to convince the Republican Members to go along and stop this filibuster. But they will not be successful. They will permit it to go on. Some Senators want it to go on; they do not want it stopped.

Here are the names of the Senators who voted to discharge the committee, none of whom signed the cloture petition. They were so anxious to have the rule reported from the committee, so they could get civil-rights legislation to the floor, that they tried to discharge the committee almost before it began its hearings. They are: BRICKER, BRIDGES, CAIN, CAPEHART, CORDON, GURNEY, HICKENLOOPER, MALONE, MARTIN, SCHOEPPEL, VANDENBERG, WHERRY, WILEY, WILLIAMS, and YOUNG.

Some Republican Senators told the press and the public that they were extremely anxious to obtain action on civil-rights legislation. I know that they are still eager to do so. I know that they will follow the chairman of the Republican Policy Committee, the senior Senator from Ohio, who has declared that he will vote for a change in the rules so as to assure consideration of civil-rights legislation.

Mr. President, it was the distinguished Senator from Ohio who sensed the narrow interpretation made by the Senator from Michigan of the word "measure" a year ago. I shall never forget the occasion when the Senator from Ohio rose and said, "Mr. President, I take an appeal from the decision of the Chair." Yet, the Senator from Michigan chided the Vice President and the majority leader for not anticipating the action of the Senator from Ohio.

Mr. President, the issue is now crystal clear in the eyes of the people. Our votes will be entered upon the RECORD, and the people will know whether or not we have kept our pledges. They will find out whether we mean what we say on this vote. They will find out whether or not the platforms of the Democratic Party and the Republican Party mean anything on the first opportunity we have to cast a vote.

When the people come to make their judgment in future elections, they will not ask whether we voted to sustain or repudiate a ruling of the Vice President; they will only ask, "Were you for or against ending filibusters in the United States Senate?"

Mr. President, I move to lay the appeal on the table.

Mr. WHERRY. Mr. President——

The VICE PRESIDENT. Let the Chair put the question.

The question is on the motion of the Senator from Illinois to lay on the table the appeal of the Senator from Georgia [Mr. RUSSELL] from the ruling of the Chair.

The motion is not debatable.

Mr. RUSSELL. Mr. President——

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

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Green	McCarthy
Baldwin	Gurney	McFarland
Brewster	Hayden	McGrath
Bricker	Hendrickson	McKellar
Bridges	Hickenlooper	McMahon
Butler	Hill	Magnuson
Byrd	Hoey	Malone
Cain	Holland	Maybank
Capehart	Humphrey	Miller
Chapman	Hunt	Millikin
Chavez	Ives	Morse
Connally	Jenner	Mundt
Cordon	Johnson, Colo.	Murray
Donnell	Johnson, Tex.	Myers
Douglas	Johnston, S. C.	Neely
Downey	Kefauver	O'Conor
Eastland	Kem	O'Mahoney
Ecton	Kerr	Pepper
Ellender	Kilgore	Reed
Ferguson	Knowland	Robertson
Flanders	Langer	Russell
Frear	Lodge	Saltonstall
Fulbright	Long	Schoeppel
George	Lucas	Smith, Maine
Gillette	McCarran	Smith, N. J.

Sparkman	Thomas, Utah	Wherry
Stennis	Thye	Wiley
Taft	Tydings	Withers
Taylor	Vandenberg	Young
Thomas, Okla.	Watkins	

The VICE PRESIDENT. Eighty-nine Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Illinois [Mr. LUCAS] to lay on the table the appeal taken by the Senator from Georgia [Mr. RUSSELL] from the ruling of the Chair on yesterday in regard to the filing of the cloture petition.

Mr. RUSSELL and other Senators asked for the yeas and nays, and they were ordered.

Mr. WHERRY. Mr. President, will the present occupant of the Chair, the Vice President, state for the benefit of all Senators the effect of the vote to be taken? If a Senator votes to lay the motion on the table, he votes to sustain the Vice President in his decision, does he not?

The VICE PRESIDENT. A vote to lay the appeal on the table is a vote to sustain the Chair. A vote not to lay the appeal on the table has the opposite effect.

Mr. WHERRY. That is as I understand it.

The VICE PRESIDENT. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GILLETTE (when his name was called). On this vote I have a pair with the senior Senator from New York [Mr. WAGNER], who is necessarily absent. I am advised that if he were present and voting he would vote "yea." If I were permitted to vote I should vote "nay." I withhold my vote.

Mr. MURRAY (when his name was called). On this vote I have a pair with the senior Senator from Arkansas [Mr. MCCLELLAN] who is absent by leave of the Senate on the sad mission of burying his son, whose remains have just been returned from North Africa. If the Senator from Arkansas were present he would vote "nay." If I were permitted to vote I would vote "yea." I therefore withhold my vote.

The roll call was concluded.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. ANDERSON] is paired on this vote with the Senator from Pennsylvania [Mr. MARTIN]. If present and voting, the Senator from New Mexico would vote "aye," and the Senator from Pennsylvania would vote "nay."

Mr. WHERRY. I announce that the Senator from Pennsylvania [Mr. MARTIN] is absent by leave of the Senate and is paired with the Senator from New Mexico [Mr. ANDERSON]. If present and voting, the Senator from Pennsylvania [Mr. MARTIN] would vote "nay," and the Senator from New Mexico [Mr. ANDERSON] would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] is absent on official business and is paired with the Senator from Delaware [Mr. WILLIAMS], who is absent on official business. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "yea," and the Senator from Delaware [Mr. WILLIAMS] would vote "nay."

The result was announced—yeas 41, nays 46, as follows:

YEAS—41

Aiken	Johnson, Colo.	O'Conor
Baldwin	Kefauver	O'Mahoney
Brewster	Kilgore	Pepper
Chavez	Knowland	Saltonstall
Douglas	Lodge	Smith, Maine
Downey	Lucas	Smith, N. J.
Ferguson	McCarthy	Taft
Flanders	McGrath	Taylor
Frear	McMahon	Thomas, Okla.
Green	Magnuson	Thomas, Utah
Hendrickson	Miller	Tydings
Humphrey	Morse	Wiley
Hunt	Myers	Withers
Ives	Neely	

NAYS—46

Bricker	Hayden	Maybank
Bridges	Hickenlooper	Millikin
Butler	Hill	Mundt
Byrd	Hoey	Reed
Cain	Holland	Robertson
Capehart	Jenner	Russell
Chapman	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Sparkman
Cordon	Kem	Stennis
Donnell	Kerr	Thye
Eastland	Langer	Vandenberg
Ecton	Long	Watkins
Ellender	McCarran	Wherry
Fulbright	McFarland	Young
George	McKellar	
Gurney	Malone	

NOT VOTING—8

Anderson	Martin	Wagner
Gillette	Murray	Williams
McClellan	Tobey	

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

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until——

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

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

Mr. LUCAS. I yield to the Senator from Nebraska.

Mr. WHERRY. By reason of the fact that tomorrow is Saturday, would the Senator please, if he can, announce for the Senate what his intentions are respecting the sessions for tomorrow and tomorrow night? The reason I ask that is this: As minority leader, I felt, when the debate started, that we should keep the Senate in session and attempt to bring the Wherry-Hayden resolution to a vote.

[Cries of "No!" "No!" "No!"]

The VICE PRESIDENT. The Senate will be in order.

Mr. WHERRY. I do not want to suggest a program, but I do feel it would be helpful to Senators on this side of the aisle to know what are the intentions of the majority leader.

Mr. HOLLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois give heed to the request of the Senator from Nebraska?

Mr. LUCAS. I will take it under consideration.

Mr. WHERRY. Will the Senator tell us whether——

Mr. LUCAS. I will tell the Senator the program before we finish. Some Senator asked me to yield.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The question now is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. LUCAS. On that I ask for the yeas and nays, Mr. President.

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

The yeas and nays were ordered.

Mr. RUSSELL. Mr. President, is not the question debatable?

The VICE PRESIDENT. The question on the appeal is debatable.

Mr. RUSSELL. If the distinguished Senator from Illinois desires to proceed tonight I shall claim the floor and address myself to the appeal.

The VICE PRESIDENT. The Senator from Illinois had started to make a motion to recess until some time.

Mr. LUCAS. If the Senator from Georgia will yield——

Mr. RUSSELL. I will yield, Mr. President, if it does not affect my rights to the floor.

The VICE PRESIDENT. Well, the Senator has not made a speech yet on the appeal. The Senator from Illinois.

Mr. LUCAS. I will say to the Senate that what I propose to do is to take a recess until tomorrow at 12 o'clock. I expected to make the motion to recess at the proper time. I do not expect to detain the Senate much longer tonight.

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. The Chair should state that at whatever time the Senate resumes its session after recess the appeal will be the matter before the Senate.

Mr. RUSSELL. Mr. President, upon further consideration, I am perfectly willing to proceed to a vote on the appeal at this time, if the Senate desires to vote.

SEVERAL SENATORS. Vote! Vote!

Mr. LUCAS. Let us vote and get it out of the way. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Those who favor the decision of the Chair standing as the judgment of the Senate will vote "yea." Those who oppose will vote "nay." The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GILLETTE (when his name was called). Mr. President, I make the same announcement as I did on the former vote, respecting my pair with the senior Senator from New York [Mr. WAGNER]. I am informed that if the Senator from New York were present he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

Mr. MURRAY (when his name was called). On this question I have a pair with the senior Senator from Arkansas [Mr. MCCLELLAN], who is absent by leave of the Senate on a sad mission to bury his son, whose remains have just been brought to this country from north Africa. If the Senator from Arkansas were present he would vote "nay." If I were at liberty to vote I would vote "yea." I therefore withhold my vote.

The roll call was concluded.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. ANDERSON] is paired on this vote with the Senator from Pennsylvania [Mr. MARTIN]. If present and voting, the Senator from New Mexico would vote "yea," and

the Senator from Pennsylvania would vote "nay."

Mr. WHERRY. I announce that the Senator from Pennsylvania [Mr. MARTIN] is absent by leave of the Senate and is paired with the Senator from New Mexico [Mr. ANDERSON]. If present and voting, the Senator from Pennsylvania [Mr. MARTIN] would vote "nay," and the Senator from New Mexico [Mr. ANDERSON] would vote "yea."

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The result was announced—yeas 41, nays 46, as follows:

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Flanders	McGrath	Taylor
Frear	McMahon	Thomas, Okla.
Green	Magnuson	Thomas, Utah
Hendrickson	Miller	Tydings
Humphrey	Morse	Wiley
Hunt	Myers	Withers
Ives	Neely	

NAYS—46

Bricker	Hayden	Maybank
Bridges	Hickenlooper	Millikin
Butler	Hill	Mundt
Byrd	Hoey	Reed
Cain	Holland	Robertson
Capehart	Jenner	Russell
Chapman	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Sparkman
Cordon	Kem	Stennis
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George	McKellar	
Gurney	Malone	

NOT VOTING—8

Anderson	Martin	Wagner
Gillette	Murray	Williams
McClellan	Tobey	

So the ruling of the Chair was not sustained.

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared relative to the pending question.

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

Mr. President, this debate has resulted in some very fine arguments on both sides of the issue. I have listened with profit and pleasure to such arguments. I want to briefly state my own conclusions in the matter.

1. The Senate is, of course, master of its own rule making.

2. In view of the changed geography and politics on this globe, it would appear, considering all the factors, that the word "measure" might well be interpreted to mean bill, resolution, motion, and any other legislative activity of the Senate.

3. In reaching this conclusion, I am not oblivious of the arguments made for the limited interpretation of the meaning of the word "measure."

4. Changing conditions sometimes require new rules or new interpretations. In following this suggestion, we have to make sure that we do not make rules that permit unthought-through action to damage the general welfare.

5. The legal conclusion reached by my distinguished associate, Senator VANDENBERG, no one can find fault with; and no one can find fault with the difference in opinion of the Members of this Senate. The logic or motivation or the activating factor in one mind may be dissimilar from the logic, the motive, or the activation in another human mind.

6. The important thing is that we maintain an adequate check and balance in Government and in each division of Government. The Senate itself must make sure that its rules operate equitably, but, above all, that such rules operate to the public welfare.

7. Therefore, rule XXII should be changed in accordance with Senate Resolution 15, which is ready for action, but I would amend this resolution so that there would be not only a proviso that when two-thirds of the Senate vote for closing of debate, it shall be applicable to all measures, motions, and legislative actions of the Senate but a provision that such resolution does not apply to the Senate rule. In such a case the right to filibuster shall be retained.

8. Now, what does this mean? It means that when and if two-thirds of the Senate have reached the conclusion on any such measure, motion, etc., that the debate should be closed, that a speedy vote on the measure will be had. It means further that if there should be an attempt at any time by less than two-thirds to close debate, that the rest of the Senators who will not have voted for closing debate, will not be shut off from continuing the same. It means also that if there should be an attempt at any time to change rule XXII from two-thirds to a greater or lesser number, that cloture can never be effective.

9. I feel this is a reasonable approach to this situation. The Senate must not strangle itself so that it becomes ineffective, neither must it strangle the rights of the minority. Rather, it must make sure that the rights of the majority and the rights of the minority are maintained. The principal purpose of the Senate is in the field of legislation. This does not mean simply passing measures—it means not passing faulty proposed legislation, as well as passing constructive laws.

10. It also means that the Senate is a forum for reason and logic where men of different economic, social, political, religious, racial, and geographic backgrounds will have ample opportunity to reason things out and meet on some constructive compromise basis. It means also that men with this diversity of background will have an opportunity to operate as a check and balance on each other so that neither excess nor stalemate will be the rule of this body. It means also that here is the forum for the clarification of issues, so that the people will not be confused with a lot of irrelevant matters, and that ample opportunity will be given for the clarification of every significant measure or issue pending in the Senate.

Mr. LUCAS obtained the floor.

Mr. BALDWIN. Mr. President, would the distinguished majority leader be willing to answer a question?

Mr. LUCAS. I yield for a question.

Mr. BALDWIN. I noticed from his remarks that the majority leader laid great stress upon the fact that the Republican Party was pledged to a civil-rights program in its platform, and he appeals for Republican support. The Republican Party has no mandate in this election in any way, shape, or manner. I call attention to the fact that we have been reminded of that not once, but many, many times. The question which I wish to ask the majority leader is this: Does he intend to go forward now and debate the question of the change in the rules until we have a decision on it, or is he of a mind to lay it aside and take up something else?

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

Mr. LUCAS. I do not believe that I have to give the Senator from Connecticut a quick answer on that question. We are going to meet tomorrow at noon. That ought to be satisfactory. If the Senator from Connecticut would like to meet a little earlier, I can accommodate him in that respect. I think when I get around to it I shall probably make a motion to take a recess until tomorrow at noon, as we have been doing.

Mr. CHAVEZ. Mr. President——

Mr. LUCAS. I do not think the Senator from Connecticut is critical. I hope he is not critical.

Mr. BALDWIN. Let me say to my distinguished friend that I am not critical. I have supported his position throughout.

Mr. LUCAS. I appreciate it very much.

Mr. BALDWIN. I have done so with the utmost sincerity. I have supported the ruling of the Chair in two votes. I have announced my intention, as have many other Republican Members, of supporting the change in the rules. I may say to my distinguished friend that many other Republican Members have taken the position that if they had an opportunity to do so they would vote to amend the rule. That is the position of the distinguished Senator from Michigan [Mr. VANDENBERG], and he made it crystal clear.

I merely wish to make this observation to my friend: In my mind there will be a feeling that there is an utter lack of sincerity in his position unless he now manifests his intention, or tomorrow manifests his intention, to go through with this matter until we come to a vote, if it takes night sessions all next week and the week following. That is my purpose in asking the question. I should like to know if we are going through with this thing to the end, because many of us have taken a very sincere and positive stand, and we want to see the question settled.

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

Mr. LUCAS. Mr. President, I can only say to my distinguished friend that I think he will agree with me that up to this point the Senator from Illinois, as majority leader, has done about everything that could be done within reason. We have this decision. Twenty-three Republicans voted against us. Had we had those 23 Republicans with us, we would now be much further along than we are.

Mr. BALDWIN. Mr. President, may I interrupt my friend a moment to say——

Mr. LUCAS. Just a moment——

The VICE PRESIDENT. Under the rule, the Senator can yield only for a question, not for a statement.

Mr. LUCAS. I am speaking, Mr. President.

The VICE PRESIDENT. The Senator does not have to yield; but if he yields, he can yield only for a question.

Mr. LUCAS. Mr. President, have I the floor?

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

Mr. LUCAS. I thank the Presiding Officer.

I do not know what my strategy is going to be. I do not believe that a good leader ever takes all the responsibility. I think a good leader is one who is led by his people. I intend to consult with a number of my friends on this side of the aisle. The Senator from Connecticut is very anxious, as I notice my distinguished friend the minority leader is, to get into the RECORD the statement that he wants all-night sessions. All the minority leader had to do was simply to vote with us.

Mr. WHERRY. Mr. President, my name has been mentioned. I ask the Senator to yield at this point.

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

The VICE PRESIDENT. Does the Senator yield, and if so, to whom?

Mr. LUCAS. I have not yet finished my statement.

Mr. HICKENLOOPER. Mr. President, will the Senator from Illinois yield to me? I yielded to him a while ago.

The VICE PRESIDENT. The Senator from Illinois has not yielded, and cannot be interrupted. If he yields, he can yield only for a question.

Mr. LUCAS. Please give me a chance. We were defeated on the last vote. I do not yet know exactly what we are going to do, but we are going to control the situation on this side of the aisle. If we make a move in the direction suggested by the Senator from Connecticut, I know that he will be with us day and night, for weeks and months, if necessary. I know that he will bring a cot here——

Mr. BALDWIN. Mr. President——

Mr. HICKENLOOPER. Mr. President——

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

Mr. LUCAS. I know that the Senator from Connecticut will bring his cot here and sleep for weeks and weeks in order to break up the filibuster.

Mr. HICKENLOOPER. Mr. President, I shall not speak for weeks. I merely want the Senator to yield to me for a question.

Mr. LUCAS. I yield.

Mr. HICKENLOOPER. I am delighted.

Mr. LUCAS. I yield for a question. I do not yield for a speech. I want to get the Senate away from here. The newspapermen are becoming tired.

Mr. HICKENLOOPER. I ask the Senator if his doubt about his future procedure is as firmly founded as was his question to me a while ago as to why I signed the cloture petition——

Mr. LUCAS. There is utterly no comparison between the two.

Mr. HICKENLOOPER. I am glad the Senator so anticipated me that he could answer the question before I finished asking it.

Mr. LUCAS. I am surprised that the Senator would ask such a question at this point.

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

Mr. MYERS addressed the Chair.

Mr. LUCAS. I yield to the Senator from Pennsylvania.

Mr. MYERS. Mr. President, I am sure the majority leader realizes that our sincerity has been questioned.

Mr. LUCAS. Oh, yes; I know that.

The VICE PRESIDENT. The Chair rules that the Senator from Pennsylvania cannot interrupt the Senator from Illinois to make a statement. He can only ask a question.

Mr. MYERS. Mr. President, does the Senator from Illinois recognize that many on the other side of the aisle have questioned our sincerity in this whole debate?

Mr. LUCAS. They certainly have, by implication. [Laughter.]

Mr. MYERS. Does the Senator from Illinois recall that on yesterday a question was addressed to me by the Senator from New York, during the course of which he stated that the Republican Party at its convention in Philadelphia voted unanimously for a civil-rights plank?

Mr. LUCAS. The Senator is eminently correct.

Mr. MYERS. And does the Senator from Illinois believe that the vote which was just had is the only vote we may have on civil-rights legislation?

Mr. LUCAS. I think there is a very good possibility that it is the only vote we may have.

Mr. MYERS. Does the Senator from Illinois know that 23 Republicans voted to override the Chair on that vote? I would say, then, Mr. President——

The VICE PRESIDENT. The Senator cannot make a speech; he can only ask a question.

Mr. MYERS. Does not the majority leader then think that that is the test of one's sincerity?

Mr. LUCAS. I am not going to question——

The VICE PRESIDENT. Does the Senator from Illinois renew his motion that the Senate take a recess until 12 o'clock tomorrow?

Mr. CHAVEZ. Mr. President——

Mr. LUCAS. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Does the Senator from Illinois know how many of those who have adherence to the policy of President Truman voted against sustaining the President of the Senate?

Mr. LUCAS. Quite a few.

RECESS

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

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until 12 o'clock tomorrow.

The VICE PRESIDENT. The question is on the motion of the Senator from Illinois.

Mr. WHERRY, Mr. BALDWIN, Mr. CHAVEZ, and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. WHERRY. I announce that the Senator from Pennsylvania [Mr. MARTIN] is absent by leave of the Senate, and is paired with the Senator from New Mexico [Mr. ANDERSON]. If present and voting, the Senator from Pennsylvania [Mr. MARTIN] would vote "nay," and the Senator from New Mexico [Mr. ANDERSON] would vote "yea."

The Senator from Kansas [Mr. REED] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Wisconsin [Mr. MCCARTHY] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Delaware [Mr. WILLIAMS] are absent on official business. If present and voting, the Senator from New Hampshire [Mr. TOBEY] and the Senator from Delaware [Mr. WILLIAMS] would vote "nay."

The result was announced—yeas 46, nays 38, as follows:

YEAS—46

Byrd	Hunt	Miller
Chapman	Johnson, Colo.	Murray
Connally	Johnson, Tex.	Myers
Douglas	Johnston, S. C.	O'Conor
Downey	Kefauver	O'Mahoney
Eastland	Kerr	Pepper
Eaton	Kilgore	Robertson
Ellender	Long	Russell
Frear	Lucas	Sparkman
Fulbright	McCarran	Stennis
George	McFarland	Thomas, Okla.
Green	McGrath	Thomas, Utah
Hayden	McKellar	Tydings
Hill	McMahon	Withers
Hoey	Magnuson	
Holland	Maybank	

NAYS—38

Aiken	Gurney	Mundt
Baldwin	Hendrickson	Neely
Brewster	Hickenlooper	Schoeppel
Bricker	Humphrey	Smith, Maine
Bridges	Ives	Smith, N. J.
Butler	Jenner	Taft
Cain	Kem	Taylor
Capehart	Knowland	Thye
Chavez	Langer	Vandenberg
Cordon	Lodge	Watkins
Donnell	Malone	Wherry
Ferguson	Millikin	Young
Flanders	Morse	

NOT VOTING—11

Anderson	Martin	Wagner
Gillette	Reed	Wiley
McCarthy	Saltonstall	Williams
McClellan	Tobey	

So the motion was agreed to; and (at 10 o'clock and 42 minutes p. m.) the Senate took a recess until tomorrow, Saturday, March 12, 1949, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 11, 1949

The House met at 10 o'clock a. m., and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

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

Thou who art the good Shepherd, who leads us into pastures of love by the still waters of restful quietness, waken in our waiting souls the peace of those who put their trust in Thee, who can live and serve in the midst of difficult problems.

For the facing of this hour give us a searching light that we may step fear-

lessly into the trackless ways of an unknown future. We ask not for ease, nor for the approval of men, but for Thy blessing upon every task. We pray Thee to merge our courage and our motives into Thine own will, that they may be forceful for good and uprightness. For our Redeemer's sake we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMISSIONED OFFICERS OF THE COAST AND GEODETIC SURVEY

Mr. VINSON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H. R. 2572) to extend to commissioned officers of the Coast and Geodetic Survey the provisions of the Armed Forces Leave Act of 1946 and that the bill be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. RIEHLMAN asked and was given permission to extend his remarks in the RECORD and to include two editorials and two articles relating to a statement made by the Honorable KENNETH B. KEATING with respect to social security.

Mr. MARTIN of Massachusetts asked and was given permission to extend his remarks in the RECORD and include two editorials on the reduction of excise taxes.

EXTENSION OF REMARKS

Mr. BIEMILLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a radio debate on the President's health program in which I participated. The Public Printer estimates the cost to be $230.75, but I ask that it be printed notwithstanding that fact.

The SPEAKER pro tempore. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article by George S. Benson. This is a new one on me. It is entitled "If Ever This Nation Needed an Economy-Minded Congress, It Is Now."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JAVITS asked and was given permission to extend his remarks in the RECORD and include a magazine article.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. DENTON asked and was given permission to extend his remarks in the RECORD.

Mr. PHILLIPS of Tennessee asked and was given permission to extend his remarks in the RECORD in connection with a bill he is introducing today.

Mr. NELSON asked and was given permission to extend his remarks in the RECORD and include a resolution received from the City Council of the City of Auburn, Maine.

Mr. PATTEN asked and was given permission to extend his remarks in the RECORD and include extraneous material.

Mrs. DOUGLAS asked and was given permission to extend her remarks in the RECORD in five instances and include extraneous matter.

Mr. ANGELL asked and was given permission to revise and extend the remarks he expects to make today in the Committee of the Whole and include certain correspondence.

Mr. CLEVENGER asked and was given permission to extend his remarks in the RECORD and include two excerpts from newspapers.

Mr. GAVIN asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. FERNANDEZ asked and was given permission to extend his remarks in the RECORD and include a letter from the Secretary of the Interior and a letter from the President of the United States with respect to the rehabilitation of the Navajo Reservation.

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Washington Post on the Butter Trust bill reported from the Committee on Agriculture, commonly called the oleo bill. It is not an oleo bill but a Butter Trust bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until midnight tonight to file a report on the bill (H. R. 3347) to provide additional revenue for the District of Columbia, and that members of that committee desiring to file minority views may have until the same time to file their report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMITTEE ON FOREIGN AFFAIRS

Mr. DOUGHTON. Mr. Speaker, I offer a resolution (H. Res. 46) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That JOHN KEE, of West Virginia, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Foreign Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. MULTER asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. HOFFMAN of Michigan asked and was given permission to extend his remarks in the RECORD in three instances, in each to include letters and newspaper articles.

HOUSING AND RENT CONTROL, 1949

Mr. SPENCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 1731) to extend certain provisions of the Housing and Rent Act of 1947, as amended, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 1731, with Mr. GORE in the chair.

The Clerk read the title of the bill.

Mr. WOLCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. MASON].

THE MOST POWERFUL MAN IN AMERICA TODAY

Mr. MASON. Mr. Chairman, Woodrow Wilson had his Colonel House; Herbert Hoover was big enough to be his own man; F. D. R. had a succession of advisors, only two of whom—Justice Frankfurter and Judge Rosenman—lasted throughout Roosevelt's 12-year reign; now President Truman has his Leon Keyserling, the most powerful man in America today, and the most dangerous man in America today.

Leon Keyserling, as President Truman's economic adviser, is the author of the President's so-called Fair Deal, the architect of Truman's bold new world program, and the father of the concept now dubbed the welfare state. The idea of Government owned and operated steel plants is Keyserling's, and the social-welfare program now before Congress in the form of bills to extend and liberalize social security and to establish socialized medicine is another of his brain children. This social-welfare program will cost $20,000,000,000 per year when in full operation and will involve a pay-roll tax of 15 to 20 percent.

Who is this Leon Keyserling, and upon what red meat doth he feed? Because he has a passion for anonymity and directs the administration show from behind the scenes, not one American citizen in ten thousand has ever even heard of him.

Mr. Chairman, Leon Keyserling graduated from the Harvard Law School in 1931 and was hired immediately by the New Deal as an economist. He worked for the AAA for awhile; then helped draft the NIRA, the NLRA, the Railway Retirement Act, the Social Security Act, the Wagner Act, and other laws relating to public housing and public works. He then became chief counsel for USHA and helped draft the full-employment bill. Keyserling did all this while still an inexperienced youngster right out of school, without any actual experience in either the business world or the industrial world. Mr. Keyserling is only 40 years old, yet because of his influence with President Truman he is the most powerful and the most dangerous man in America today.

Mr. WOLCOTT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Obviously a

quorum is not present. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 25]

Bailey	Hart	Poulson
Blatnik	Jennings	Powell
Bonner	Karst	Richards
Buckley, N. Y.	Kennedy	Scott, Hugh D., Jr.
Bulwinkle	Kirwan	Short
Burke	Klein	Smith, Ohio
Byrne, N. Y.	Kruse	Somers
Celler	Lucas	Staggers
Chiperfield	McMillan, S. C.	Thomas, N. J.
Coffey	Macy	Wadsworth
Cole, N. Y.	Moulder	Whitaker
Davis, Tenn.	Murphy	Wigglesworth
Dawson	Norrell	Willis
DeGraffenried	Norton	Wood
Dingell	O'Konski	
Gathings	O'Toole	
Gilmer	Pfeiffer, William L.	
Hall, Leonard W.	Phillips, Calif.	

Accordingly the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 1731), and finding itself without a quorum, he had directed the roll to be called when 378 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The SPEAKER pro tempore. The Committee will resume its sitting.

Accordingly the Committee resumed its sitting.

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. MORTON].

Mr. MORTON. Mr. Chairman, in order that I may make my position completely clear, let me state that I come from a normally democratic city and an industrial district with far more tenants than landlords. I came here 2 years ago realizing that we had to have an orderly release from rent control. I still believe that, but I cannot vote for this bill in its present form.

I should like to call attention to a few cases to illustrate just what is happening in my district.

An old colored woman, who can no longer support herself, with the aid of an FHA loan, plus her own funds, built a small home in 1945. Her payments for the home, furniture, some wiring, and so forth, amounted to $38.50 a month. Shortly after that she lost her health and could no longer support herself. First, she tried to rent the home and the OPA said, "Go ahead and rent it. When you and the tenant get together, we will come out and pass on it." She rented it for $32 a month, although her payments were $38.50. The OPA came out and cut that to $20 a month. So she was obliged to sell the property. She retained a portion of the lot next door with a garage, which she fixed up so that she and her grandchildren could live in it. She was soon forced to find some income, so she sold this lot and used the proceeds as a down payment on some rental property. She fixed up the porch on this property which she acquired so that she could live there herself. She knew nothing about the fact that the property had been registered. She furnished those rooms that had for some time been unfurnished, and rented the property. Then it was discovered some time later that the property had been registered, and the rooms that she was renting out by the week she was told she could get only $6 a month for, plus 5 percent, or $6.30. The tenants are suing her for $484, which she does not have in her possession. She left Louisville the day before yesterday with $2 of her own money and $10 which she had borrowed, in order to go to the regional office in Cleveland, Ohio, to plead her case. I hope she has had good luck.

There is a case of a 76-year-old widow, Mrs. George Phillips, of 2247 Date Street, in Louisville, Ky. Her husband died 22 years ago. She has made her living by renting a portion of her home to others. For this she received $13 per week. Everything was furnished. During the war the linens wore out. She was unable to replace them. She was required to cut the rent to $12 a week. She has never been able to get it increased.

Her budget for food today is $2.25 a week. She is a woman who has never been the object of charity and who owns her own property. Her tenants, a family of three, admit they are paying cheap rent. Her total remainder, after her direct expenses, is $28 per month for taxes, insurance, repairs, fuel, renewal of furniture, food, and all her personal requirements.

Tenants in my district are suffering under this law. Here is a picture of a property in which 22 people were living and the return to the owner of the property was $169.85 per month after direct expenses only. This is a picture of the property taken only a short time ago. The building is being torn down. The owner has leased the property. I wish I had a copy of the lease to show you, but the owner signed a 5-year lease, renting the ground, only the ground, as a parking lot, for $225 a month, while he received $169 a month for this property and gave shelter to 22 people in my community. He will get more money. He will no longer pay taxes on the building. The city is worse off, the tenants are worse off, the owner is worse off. I do not know where it leads us. It certainly is not contributing toward a healthy supply-and-demand situation when we prevent any rental vacancies from developing, by the administrative rent-control program. We have heard a lot in the last 3 or 4 months about a mandate; if it is a mandate that a colored grandmother in my district who has never been an object of charity shall now become an object of charity; that a 76-year-old woman who has been a widow for 22 years and has lived off of the income from the modest home which her husband left her, has now been reduced to $2.25 a week for her own food; if that is the mandate, so be it. If loyalty to that mandate means my continuance in this body, I can sell apples.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I yield.

Mr. MULTER. Is it not a fact that in Louisville, Ky., which I think is in the gentleman's district, 18,000 families are living doubled up; approximately 3,000 families are on an active list awaiting temporary accommodations in a project that houses only 567 families?

Mr. MORTON. Yes; I think those figures were submitted. I have some reason to doubt them. The reason for lack of vacancies, of course, is just what I have been pointing out here, that we have torn down so much of our property that we no longer have any facilities available for these people. It so happens that of the 22 who moved out of this building last week and the week before, all but one of them have found new quarters.

Mr. MULTER. In the last 12 months alone over 8,000 families have contacted your mayor's committee seeking rental accommodations in Louisville.

Mr. MORTON. That may be correct; and if the condition I have discussed continues there will not be any rental accommodations available.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I yield.

Mr. DONDERO. Not only in the case the gentleman has cited but the injustices of the rent-control law are causing the owners of property to do everything they can to get rid of their property, sell it, convert it to commercial purposes, do anything to rid themselves of the property because they cannot receive an adequate return. That is what is making the condition the gentleman from New York has just cited, in addition to what the gentleman from Kentucky has already stated. That is the condition in about every district of the United States.

Mr. MORTON. The gentleman is entirely correct, and I might add that in a local newspaper in my city 3 days ago I saw something which cheered me quite a lot, something which I had not seen for a long time. Do you remember the old days, back in the time when there were vacancies and the bait was 3 months' rent free if you took the property? Such ads are beginning to appear again in my city in spite of the affidavits before the mayor's committee.

I hope, Mr. Chairman, that this Committee will adopt the Brown amendment and others needed to assure fair treatment for all under the act. None of us want permanent rent control. Let us without emotion or partisanship amend this bill so as to assure the provision of more rental property, either by new construction or conversion. In that way we can accomplish the orderly liquidation of wartime rental control. Such an amended measure I can in good conscience support.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SPENCE. Mr. Chairman, we agreed to yield 10 minutes to the gentleman from Illinois [Mr. O'HARA]. He consumed 5 minutes of his time yesterday. I therefore yield the gentleman 5 minutes at this time.

Mr. O'HARA of Illinois. Mr. Chairman, as a new Member of this House, although in years considerably above the average age of my colleagues, I am as surprised as are the people back home by the character of the opposition to this bill. I look in the galleries and see the

owners of property who have been brought here to furnish the background for the speeches I hear from the Republican side of this House placing the sacred rights of property above human rights.

There are no rights as sacred as the right of honest men and women to have homes in which to live and in which to rear their families.

I say to my Republican colleagues that unless within the next year and a half they revise their concepts to include recognition of human rights as well as what they call the sacred rights of property the seats on their side of this Chamber in the Eighty-second Congress will be the most lonesome spots in all America.

And to my Democratic colleagues who by compromise with Republicans would lose for the plain people at home that which the plain people won by their own efforts and their votes in November of 1948, may I say that there is an end of patience.

Unless the Eighty-first Congress in the legislation which it enacts gives priority to human rights, always of course with proper respect for the legitimate rights of property, this Congress will go down in an ignomy deeper than that of the Eightieth Congress.

The plain people of America have a right to roofs over their heads. I have heard applied to them here today the term of parasites. I do not like that sort of name calling. But even if they were parasites, these decent and honest people who work hard but do want at night the security of homes in which to rest, I as a Member of this Congress would regard myself as derelict in every sense of duty if I voted to throw them with their wives and their babies from their humble homes out into the storm. A vote to end rent control means just that—and everyone in this Chamber knows it.

Unless rent controls are continued hundreds of thousands of American families, yes, millions of such families, will be left to barter, not collectively but individually, in an uncontrolled market during a time of unprecedented housing shortage.

Mr. Chairman, when every veteran organization in this country—the American Legion, the Veterans of Foreign Wars, the Disabled Veterans, all of them—has appeared before the House Committee on Banking and Currency and testified that the veterans of America are demanding a continuance of rent control, I am surprised when distinguished colleagues of mine on the Republican side of this House in contradiction of these veterans themselves say: "Oh, the veterans do not want continuance of rent control." The veterans who in my own city search in vain for homes within their means, the veterans who live doubled-up or in unsanitary temporaries, know that there is a grave housing shortage; but these Republican colleagues of mine tell us in this Chamber that there is no housing shortage and the veterans are all happy except those who own rental properties.

There are tenants back home who are not here. They thought they spoke on November 2 and they thought they sent to this Congress their representatives to speak for them here. They may not have had railroad fare, but they did have votes to give us, and we accepted those votes.

These landlords have come here, many of them mighty fine people. I met them from my home town of Chicago and some of them, I believe, honestly think they have complaints directed against the administration of this law but not the law itself. I say to those landlords in Chicago that if in the administration of this rent-control law, which I hope, trust, and believe this Congress will enact, they do not get a fair deal through its administration, I will be their champion to the extent of my humble ability. The bill is fair alike to landlords and to tenants; if there is failure in its just administration I have the faith that the President of the Fair Deal will take care of that in no uncertain way.

The members of the Banking and Currency Committee, every one of them, have had in mind a Fair Deal to these landlords.

Every member of our committee has thought to put into this enactment provisions that will adequately protect them. But if there be isolated cases, as so eloquently and graphically presented by my distinguished colleague from Kentucky, where injustice has been done, believe me, Mr. Chairman, there are thousands and thousands of other cases where tenants have suffered almost beyond human endurance when they have been left to be preyed upon and when there is no legislation to protect them. I have special reference to constituents of mine in the Second Congressional District of Illinois, thousands of mighty fine people, living in so-called apartment hotels and residential hotels. They too are entitled to a Fair Deal.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 6 minutes to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Chairman, I wish to state to the Members on both sides of the aisle that there are, and there can be no human rights without property rights. The right of possession of that which is yours, of the necessities of your body and your comfort, are property rights. Let no one disturb those.

I am aware that there are two sides to rent control. There are rent hogs who charge all and more than the traffic will bear. Then there are tenant hogs who wish to occupy, damage, and destroy other people's property for less than taxes, maintenance, and repairs—to say nothing about a reasonable profit.

Fortunately for our Nation both of these classes are in a minority. Here we are asked to assist those who wish to get that which is not theirs and in many cases needlessly and recklessly damage or destroy it. I have no brief for either of these classes. I know that the great majority of landlords and tenants are reasonable and honest.

However, I do not believe that rent control is the remedy. I do not believe that it has improved the situation. In fact as has been stated by both proponents and opponents of this bill, after 12 years of this unlawful control, the situation is worse than when we began. In fact it has become worse because owners of rental property refuse to continue to rent at a loss.

In many localities there is no great shortage of housing. In many parts of the country there is competition again in rent—competition again among landlords. There are vacant houses and vacant apartments. I realize that is not true in all localities, but we must take the law of average. In fact rent control is destroying the goose that lays the golden eggs—homes and apartments.

It has been stated on this floor, and I challenge the accuracy of those statements, that the landlords and the real-estate men are spending $3,000,000 in lobbying. Such assertions, unless proof is furnished, are misleading and dangerous. Being made on the floor here, they are taken as gospel truth by the public.

The only lobbying I have seen is through the mails by both landlords and tenants, and I am satisfied that the total expense of that lobbying on both sides would not exceed $40,000 or $50,000 throughout the Nation. That is far short of $3,000,000.

I am fully aware that witnesses appeared on both sides of this issue before the Banking and Currency Committee, but amendment 1 of the Constitution "prohibits Congress from interfering with the right of the people peacefully to assemble and to petition the Government for a redress of grievances." It depends upon whose ox is gored. Some of these landlords have a real grievance. They have been compelled to lease their property for less than taxes, maintenance, and repairs, in violation of the Constitution. Their property is in fact being confiscated.

Why should not these landlords appeal to Congress for redress? It is their property that is being taken unlawfully and unconstitutionally. Would you remain silent if the Government confiscated your home? If Congress should pass a law compelling you to take two or three families into your home would you remain silent? If by rent control you can confiscate city homes and property, then you can also through rent control confiscate farm homes and farm property. That is the Russian method, not the American. Rent control is a step in that direction.

I say without the fear of contradiction that this bill is unconstitutional. The war is over and only a person who is intellectually dishonest will deny that. Therefore, the Federal Government has no right to take property from you under the guise of a war power. The police power belongs to the States and not to the Federal Government. Amendment 10 of the Constitution says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Again it is unconstitutional under the provision in our Constitution prohibiting us from depriving a person of his liberty

or his property without due process. The fifth amendment says:

No person shall * * * be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Just compensation, if it means anything, means taxes, maintenance, repairs, and a reasonable profit. Every Member of Congress has received letters showing that in many cases the landlord has been compelled to lease his property for less than taxes, maintenance, and repairs.

Every Member of this body took an oath to uphold the Constitution and the laws made pursuant thereto. You who are so fervently for this bill should stop and square your conscience with your oath to uphold the Constitution.

If you are not concerned with the Constitution, if you have no respect for your oath—and there are some who feel there is no longer any constitutional restraint—then may I ask you to square your conscience with the commandment "Thou shalt not steal," and to help deprive other people of their property is stealing. May I also ask that you square your conscience with the commandment "Thou shalt not covet thy neighbor's house, nor his maidservant, nor his manservant, nor his ox, nor his ass nor anything that is thy neighbors." Maybe if you have no respect for the Constitution or your oath, you will respect your Bible and your religion.

I repeat that this bill is not only unconstitutional but it is mere lip service. It is not a remedy to the housing situation. Twelve years has proven that. It has prolonged the shortage of housing. If the Committee on Banking and Currency wishes to do something real to relieve the situation, then let them report H. R. 853, a bill that I introduced which makes it possible for the homeless whose incomes are in the lower brackets to either build or buy a home of their own, not only to build or buy it but to pay for it.

Under that bill the Housing Administration would loan to those who desire to buy or build a home up to $15,000 provided they match the amount they borrow by putting up 10 percent of their own money. It provides that this money would be loaned to the borrower for 40 years at 2 percent interest. That is about the average that the Government pays. There is no opposition to this bill. There is no lobby against this bill. Just why do they refuse to report that bill and to continue with make-believe legislation—rent control?

This bill further provides that the home should be tax exempt until paid by both State and Federal Governments. That would make it possible for the low-income people to pay for a home. It provides further that any payment on the home shall be deducted from his income tax. May I again ask that the committee report that or a similar bill?

The stability of our Government depends upon homes. Let us stop this lip-service stuff—rent control—and do something worth while, something befitting the great American Republic. This is long past due. This juggling back and forth, and fooling the people who want homes with rent control, is becoming obsolete.

Mr. WOLCOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER. Mr. Chairman, I am opposed to this legislation in any form and I shall vote against it. The only reason why rent-control legislation is before the Congress today is because there are more tenants than there are landlords. Tenants have a numerical superiority and therefore a greater potency at the ballot box.

There are many reasons why I am opposed to rent control in peacetime. Above all others, it is because of the violence being done to our free-enterprise system through the continuation of rent control year after year. Every time such controls are extended we push our Nation further down the road to socialism.

The real reason for rent controls has ceased to exist. Rent controls were deemed necessary in wartime when we established training centers for our fighting forces and when industrial centers mushroomed because of the influx of labor into defense plants. Aside from one or two places where the Government is building and expanding facilities for the production of fissionable materials, there is no great mushrooming of communities today.

In other words, Mr. Chairman, rent controls were a wartime expedient that has no place in the peacetime economy based on the free-enterprise system. It completely nullifies the law of supply and demand as it relates to rental housing units available.

Following this line of thought, practically all of the rental housing in America came into being before there were any rent controls. Few rental units, comparatively, have been built since we have had rent control and these have been exceeded by the number of rental units that have been withdrawn from our economy. Proof of this statement can be found by anyone who cares to read the record of the hearings. With rent ceilings based on prewar prices without regard to the increased material and labor costs, the so-called landlords have been unable to properly maintain their property. As the result, much of it is becoming shabby and run down. Eventually, it will no longer be habitable.

Let me read into the RECORD at this point a letter which I received this morning from one of these so-called landlords, a widow:

MARCH 10, 1949.

Hon. PAUL SHAFER,
Congressman, Third District of Michigan, Washington, D. C.

DEAR PAUL: In view of the many reiterations by Housing Expediter Tighe Woods that the present rent-control law provides for handling of hardships I am attaching a memoranda from the Battle Creek branch rent office.

The memorandum refers to a petition for an increase which was rejected. The letter continues:

Last year we finally asked for our first increase in rent since the law went into effect. Our rents have always been very low. The property in question is the apartment house building on the old Kingman place with which you are familiar. We were obliged to put on a new roof in 1946. It cost $932.50. While we had to pay this on completion, in the figures for the rent-control office we had to spread it over a period of 15 years and compare it with the cost of the previous roof treated in the same way, which practically canceled out, of course.

The building must be painted and the windows puttied or they will fall out. We have simply not had sufficient money from our rentals to do it. With the rent control there is no hardship until you have gone into debt.

These figures were presented before the increase in city taxes last year. We were obliged to do them all over, one set for each of the six apartments in the building. The tax for 1947 was $296.16 and for the year 1948, $371.20.

Sincerely yours,

ANNA H. CALLAHAN.

Mr. Chairman, this is just one of hundreds of letters I have received which clearly indicate to me that this legislation is all one-sided, with the landlord holding the bag. In the first place, rents were frozen arbitrarily on a given date in 1941. The ceilings which were established did not take into consideration relationships between rentals then in effect and the value of the property involved. This has caused all manner of injustices and inequities as between so-called landlords in the same community. Some have fared better than others, but all, as I stated before, are holding the bag.

Let us remember that by abolishing controls in other fields the Eightieth Congress abolished shortages. Continued rent controls, however, have made the rental situation worse. There are hundreds of thousands of rental units in the country today that are not for rent because of controls. The Government, in this legislation, seeks to gain the authority to force landlords to rent such properties. That alone should cause the defeat of this legislation.

I hold no brief for the rental industry, but I do not believe these landlords make up a class of unscrupulous, miserly, heartless group, waiting for a chance to take advantage of every tenant sheltered under their roofs, and I do not believe that tenants, as a class, are underprivileged, impoverished individuals who are incapable of exercising independent judgment and who are wholly dependent on the Federal Government for the protection of their rights. I believe the great majority of tenants are self-reliant citizens and many of them are enjoying far greater increases in income than their landlords.

If the Congress today can legally discriminate against landlords—and I do not believe there is anyone in this House today who can say that this legislation is not discriminatory—Congress might well discriminate against tenants. It is a definite possibility which the tenants should recognize.

Definitely, Mr. Chairman, we in Congress should consider the plight of the tenants in the future when the present supply of rental housing, through lack of proper upkeep or withdrawal from the rental market, has either ceased to exist or become undesirable. One only needs

to read articles that have been reprinted from the Reader's Digest and the Saturday Evening Post relative to the deplorable state of rental housing in France, which resulted from rent controls, to vision what is happening here in America. By continuing rent controls here, we are merely repeating what happened in France. Tenants should be urging Congress to protect them from being forced to live in America in the future as tenants in France are now being forced to live today.

Mr. Chairman, rent controls have prevented the construction of rental housing. This is a known fact. I am wondering if the insistent demands for continuance of rent controls is not the result of a subtle campaign on the part of the administration to put through a great, expensive Federal housing program which will further increase taxes and provide more Government jobs.

Certainly rent control has not prevented inflation, as its proponents said it was supposed to do. It has held down the cost of housing for some, but that has only been accomplished at the expense of others. It has compelled many families to go into debt and pay exorbitant prices to buy or build homes which in the majority of cases they could not afford.

Rent controls are fundamentally wrong, unfair, discriminatory, and, as I said in the beginning, would not be considered today if it were not for the fact that there are more tenants than there are landlords whose potency at the ballot box blinds Congress to obvious facts.

Mr. WOLCOTT. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, it is easy for me to understand why the Members of this body are being charged with suffering from an acute seizure of schizophrenia. To save you the time required to look that up, let me say that it is a type of psychosis characterized by loss of contact with environment and a disintegration of one's personality.

It might be a bit more charitable to let us off by just pointing out that politicians manifest a dual personality, with the inevitable overflow of double talk.

A friend of mine has pointed out that an examination of the history of human progress will show that the real achievements of a solid and enduring character have come through evolutionary growth, slow and gradual, working through methods of trial and error. Whenever we have tried planned economy, we have found ourselves involved in failures and disappointments.

Evolution has the quality of patience. Its process is almost automatic. But planned economy! Ah! It is always in a hurry, imbued with the complex of the reformer, bedeviled by the critical faculty, spurred on by an impetuosity calling for action now.

Abuses unquestionably should be corrected but planned economy, with its impulses for immediate results, has not been endowed with the constructive quality that would serve in building up a permanent system.

Mr. Chairman, in this fateful hour for the United States, almost 4 years subsequent to the cessation of major military hostilities, when the hopes of the majority of the Europeans and the fears of a loud minority alike are focused on the action of this Congress and the attitudes of our people, this great Committee on Banking and Currency reports to this House the bill under consideration.

This bill will, if approved, further promote domestic bickering and blundering. This bill will further promote class warfare, as between owner and tenant; as between owner and the administrators of this Government; as between owner and this Congress. This bill should not be on this floor at this time.

This country needs more productivity—and by this term I mean more service out of that which we now have. We need to have more living units occupied, instead of having the Congress sit here and debate a proposal which we well know will take more living units which now exist, out of use, simply because there is no law now on the books to force a citizen to sell his labor, in the form of a house, below cost.

This bill is designed to further featherbed those tenants who are receiving shelter below the cost to the owner of the property which is occupied by the tenant. To carry on such a program, to further extend such a philosophy with the approval of the Congress, naturally, and logically discourages those who have funds and who would use those funds with which to build more housing units, if the owner and builder believed the Congress was in favor of the owner receiving just a fair wage for his savings and investment in the form of a living unit.

This bill is specifically designed to discourage the private financing and building of homes and to thus prepare the way for public housing, financed by Federal funds, to be leased primarily to political pets, and below cost of the service rendered. This is an underhanded way of promoting political power and paying political debts.

Why did this great committee, why do Members of the House cringe under the propaganda barrage which continually portrays our free economy and constitutional-republic form of government as selfish, reactionary, and doomed to early collapse? Even if you and you and you do not believe this concocted and false propaganda, then why behave as if you did?

This Republic of ours, this economy of ours, this accomplishment of our individual citizens under the freedom and liberty which they have historically enjoyed may have some incidental faults: But let me remind you that it is all resting on some very basic virtues. And I for one, do not propose to throw these virtues away in exchange for a monetary —90 days or 15 months—satisfaction of the belly.

When any Member stands here and substantially argues that it is utterly impossible for us to have liberty and security at the same time; it is my firm opinion said Member engages in presenting to us the most mischievous fallacy that could possibly be spread among our good people.

This bill would promote hardened arteries of our economy.

Irrespective of to what extent Chet Bowles and his followers may argue that such proposals as are now before us are progress and liberalism, let me say to you that is only bedecking the approach with verbiage. This bill is reactionary: It is just a part of the whole scheme to further eliminate from our everyday vocabulary and life such terms as pioneering, invention, progress, opportunity, individual liberty and freedom.

Heretofore, down through our history, we have had a set of cherished and inspiring values, among which the freedom and dignity of the individual human being centered.

This totalitarian philosophy which runs rampant all through this bill calls for a further promotion of the welfare-state with the clear-cut understanding that the individual citizen who has lived simply, exercised thrift, invested his savings in the form of shelter beyond his individual needs must now, upon the adoption of this bill, become, in the realm of home renting, subservient to the police state.

Heretofore, the American ideology has held out the prospect of both plenty and freedom.

In the world's mart where the two products of Russia and the United States are now being offered, we should be bold enough to promote the sales of our own package of goods. If we cannot to some extent restore and protect the confidence of our own people in the American ideal here at home, upon what grounds, and by what line of reasoning do you expect the nationals of other countries to accept the philosophy being preached through such implementations as the Marshall plan?

If we are to continually adopt the ideology of Russia and other dictatorships as evidenced by the provisions of this bill now before us, why should others follow our leadership?

The very existence of this country, with its constitutional-republic form of government, its individual freedoms, its challenge to men to work, save, and invest are competitive forces and, within the framework of our constitutions as they have historically been interpreted, constitute the one bright social and economic light to the outside world which today struggles against dissolution.

But, Mr. Chairman, even our society must be invigorated. Adoption of this bill would destroy the faith of millions of our citizens.

This Congress has no moral or legal right to take away from one class of citizens the value of their property and give it to another class under the guise of rent control.

In the purchase of wartime or peacetime goods for the defense and use of the Federal Government, I know of no other program wherein the citizen must sell his goods below cost and thus dissipate his capital.

As politicians, dealing with this question, we have no right to impose the program here proposed, on our people.

Homes are built of the goods of commerce, such as brick, steel, lumber, cement, hardware, copper, brass, and hundreds of other items. To build or not to build is a decision to be made by the citizen. What the citizen will do is always primarily influenced by what his Government says the citizen's rights are to be. High policy of Government and top-level rights of citizens are here involved.

Mr. SPENCE. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I rise in support of rent control, real rent control.

The housing situation in Seattle has been cited as a reason for the end of rent control. I submit the facts in the Seattle housing situation present a compelling reason for adoption by this Congress of a much improved rent-control law. The legislation presented by the committee does improve upon the laws adopted by the Eightieth Congress.

Reference has been made here to figures in the Banking and Currency Committee testimony regarding Seattle, but I submit that the full facts in that testimony have not been presented.

I believe it pertinent to refer to page 661 of the hearings and quote a report of the Seattle Chamber of Commerce of January 15, 1949, which states:

> The supply—
>
> Of housing—
>
> is still short in the medium and lower income brackets both for sale and for rent.

And on January 14, 1949, Mayor Devin wrote in part:

> Progress has been made locally in the production of rental housing at rents from $85 per month upward.

But he stated further:

> It is my opinion that we still have a serious rental problem in the rent range up to, perhaps, $60 monthly, with the problem more serious as the rent gets lower. It is in this area that the real housing problem remains.

Mr. Donald C. Haas, representing the Apartment Owners' Association of Seattle, submitted a survey—pages 447 and 448—made by the Veterans of Foreign Wars, showing 502 housing units, houses, and apartments, advertised for rent in Seattle. But he did not cite that this survey really bears out the statements of Mayor Devin and the Seattle Chamber of Commerce, that housing at reasonable rentals is seriously deficient.

Of 346 apartments, furnished and unfurnished, only 78 rent for $61 or less.

Of 156 houses, single and duplex, furnished and unfurnished, only 16 rent for $61 or less, to which fuel costs must be added.

In a subsequent letter from the Veterans of Foreign Wars these additional important facts on Seattle are given that on February 18, 1949—

> The Seattle Housing Authority had an active waiting list of 944 families. For the 5 weeks preceding February 18, 1949, the authority received 120 new applications per week.

And the VFW adds:

> The afore-mentioned numbers represent veteran families only who are in need of housing and do not cover the nonveteran families seeking housing in this area.

When we consider efforts made here to indicate there is no housing shortage, it would be well to remember another Seattle survey cited by the VFW:

> In March of 1948 a survey was conducted among 2,781 families residing in temporary-housing projects of the Seattle Housing Authority. The over-all household income for these families was just a few cents below $225 per month. On this household income per family, the represented 2,781 families in the temporary projects can only afford a gross monthly rent of $45.

It is in the context of the need displayed in Seattle that we should review the strenuous efforts made to demonstrate that there is no housing shortage in the United States and that rent control is the cause rather than the consequences of the housing difficulties that confront the Nation. These demonstrations, in my opinion, affront the common sense and fly in the face of facts well known to the average family.

In the heat of controversy and debate over this problem, we sometimes forget that the welfare and comfort of human beings—of American families—are at stake. Housing is not only a commodity to be bought and sold in the market; housing is not only a field of investment and a source of income to property owners; housing is also a basic necessity which must be made available to every member of the community. Government in a civilized society cannot shut its eyes and allow people to scramble for a limited supply of shelter, with the poorest families taking the hindmost. Rent control is one aspect of the responsibility of government in a time of emergency, when the demand for housing runs far in excess of the supply.

Those who have asked for the removal of rent control on the ground that this sector of the economy should not be singled out for discriminatory treatment fail to recognize that housing fulfills a special need that cannot be deferred, that has no alternative means of satisfaction. Food and clothing and other daily necessities are infinite in their variety; high-priced as they are in most cases, at least there is some leeway to choose lower priced articles of clothing or cheaper cuts of meat. Wide consumer choice imposes some restraint on prices, and new supplies come to the shelves in a fair degree of responsiveness to demand.

With housing, it is otherwise. Housewives can go on a buyers' strike against steaks and chops, but they cannot go on a renters' strike against shelter. Families of moderate and low income have no choice today in selecting a roof over their heads.

Those who want rent control eliminated so they can charge what the traffic will bear are callous in their disregard of human welfare. They have fashioned for themselves a brutal philosophy that people will get along somehow, that the poor are always with us, and that the fruits of a free-enterprise economy are reserved for a favored part of the population. The president of the National Apartment Owners' Association expressed this brutal philosophy very clearly when he said to members of the Banking and Currency Committee during the hearings on rent-control legislation:

> I have never yet seen any time in the history of the country, so long as I have lived, when there were not some slums, when there were not some poor people, and when there were not some people sleeping in boxcars and by the side of the railroad tracks, and I see them today, sir, in this present economy, as I go from Los Angeles down to my ranch in the country, I see them sleeping alongside of the railroad tracks. They always do that. That is the kind of people they are.

It is my earnest hope that the landlords and property owners who are today confronted with the distasteful but necessary condition of continued rent control will take upon themselves a new and greater sense of responsibility in working toward the objective of more and better housing at prices that people can afford to pay. The sooner that this objective is on the way to being realized, the sooner will the necessity for rent control be removed and the less will be the interference of government.

Mr. SPENCE. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, as we come to the end of a rather long debate on a very difficult and troublesome problem, I am convinced that we face the greatest crisis in the extension of rent control that this House has ever faced since it first became necessary to have rent control.

In other words, I do not think there is a single Member in this House, and that includes gentlemen on the Republican side as well, whose vote will not be absolutely vital in determining whether rent control is killed or whether we extend it. No Member can enjoy the luxury of a vote against the bill, thinking that perhaps it is going to be passed anyway, and thus not hear from the tenants who will be dispossessed.

As this debate has progressed, it has impressed me as to the difference in thinking on the two sides of the aisle. We have had a great deal of talk from the Republican side, and I grant you they are making a very good case for the protection of American investment. If this issue were the protection of so many hundred thousand bushels of wheat or so many hundred bales of cotton or ingots of steel, I think you probably could justify almost everything they have said against rent control.

But, Mr. Chairman, we are not talking solely about investments—about people's investments in houses. We are talking about 14,350,000 homes of American citizens and American families.

My distinguished colleague from Michigan [Mr. CRAWFORD] has said the administration wants rent control to have a planned economy. I disagree. We have had rent control as a necessity because of the war, because home construction was shut off for five or six long years

while families accumulated and backed up in doubled-up housing accommodations.

So we face a condition that you could not possibly, in safety, end when the war stopped. We are not enacting rent control as a new policy in this country. We are trying to get out of rent control as fast as we can, without destroying the very basis of America itself; that is, the homes of America.

No, we are not advocating a planned economy. But, Mr. Chairman, I ask that you do not advocate planned chaos. If you pass the amendment that will be offered to this bill from the Republican side of this House today, to kill rent control after 3 months, you will get a planned chaotic condition in most of the metropolitan areas of this country.

I have heard a great deal from landlords, and I feel very sorry for many many hundreds of them. We have and have always tried to help adjust their genuine hardship cases. Less than a a thousand landlords appeared before this Congress reciting their hardship cases, but I know there are many more that should be adjusted.

I sympathize with the gentleman from Kentucky and others who have received hardship cases, but I know that all Members on both sides of the aisle have been as alert as I have to try to correct and adjust them.

But gentlemen, many hardship cases are bound to occur when you have 14,000,000 homes under rent control. There is no Solomon in the world who can make a decision that is going to please both the landlords and the tenants.

I have had a lot of complaints on these adjustments that have been made by rent-control administrators, from the tenants as well as from the landlords. In fact, every citizen who rents a home in my own community of Oklahoma City, a city of 300,000 population, had his rent raised 20 percent by the action of last year's rent bill.

That action for wholesale as well as individual adjustments is still possible in this bill. It is possible—not impossible—to get hardship adjustments made or area-wide adjustments to decontrol entire areas by local boards.

But it does not do Congress any credit at all in a callous disregard of the problem to say, "We are sick and tired of rent control."

Yes, my distinguished friend and colleague from Kansas on the Republican side said he was sick and tired of rent control. Well, Mr. Chairman, I am sick and tired of rent control; but I do not believe that earning $15,000 a year salary places me in the same need of rent control as the fellow who earns $1,500, or $2,500 a year.

Mr. Chairman, we have heard a lot of complaints, we have heard a lot of reasons, why hardship adjustments were not being taken care of properly, and this bill is designed to help correct that situation.

In the month-long hearings this Congress and this committee spent over this subject there was no real evidence that convinced me that anything had improved in the supply of housing to make possible decontrol or abolition of rent control in most areas of this country.

The best proof that killing rent control now is dangerous is furnished by the local boards, a mechanism which the Republican Congress a year ago put into operation to try to give the very best possible determination, by local citizens, of the condition and need for continuing rent controls in that area.

These local boards have been in existence over a year now. Only 2 percent of the areas were recommended by these local citizen boards for decontrol. Yet, the Members on the Republican side with 98 percent of the areas being found, apparently, by these local boards to be too dangerous to decontrol, are now all going to be decontrolled by act of Congress. You can claim, if you wish, that your Republican bill provides for a 3-month extension. It provides for killing rent control, and make no mistake about it. The only advantage that you get by this amendment that you are going to have in your motion to recommit on this 3 months' extension is that the weather is going to be a little bit warmer in July when these people are moved out on the streets from the homes of America. Do not make any mistake, eviction is one of the terrible fears of 14,000,000 people in this country. It is very important, I think, not to unsettle this economy at this time.

I do not believe there is anything socialistic about continuing a war program until it is possible to get out of it safely, and I do not believe there is anything un-American about it. I do believe that 14,000,000 people might be turned away from democracy and disappointed in their Government itself, if they are turned out on the streets without any protection here, the 1st of April, or even on the 1st of July.

These people cannot find homes. Almost half of our population must rent; many of them are in low-income groups earning less than $2,500 a year, and there is no supply of housing available into which they can move when they get that dreaded eviction notice or a notice for an increase in rents that they cannot pay.

Consider also the fact that the children of America of these people who must rent cannot find many places in which they can be admitted to live. I am not going to question the landlords' right to prevent families with children coming in. I am stating that if you kill rent control, if you take away the rights of families who now have children, living under the protection of rent control, and make it possible for their automatic eviction or the rents to be greatly increased, I do not know where families with children can move. You can read some of the very best publications in this country that have personally canvassed the situation on housing availability, where families with children need housing, and you cannot find that they can get into very many places.

Mr. Chairman, the issue is rather simple. It is not a question whether you like rent control or not. I hate rent control; I do not think it can be smoothly administered, and I know there will always be some inequities in 14,000,000 rent-control operations as between the landlord and the tenant.

But I do not believe that the thousand or 2,000 cases that have been heard by our committee and the Senate, or letters perhaps numbering 10,000 or 15,000 that you and I heard from in these hardship cases, means that rent control has failed.

If this Congress turns tail and runs because of pressure from the landlords who have protested against the hardships they have felt, we do not deserve the title of being Members of the greatest legislative body in history.

I do know that with 14,000,000 renting there must be a lot of landlords and a lot of tenants who are willing to put up with the condition and not say it is un-American and not say it is socialistic. It is important for our economy that we do not do anything at this late hour when inflation has just about run its course to start another spiral of prices and wages chasing each other clear up to the ceiling, then dropping and ultimately collapsing in a mammoth bust.

Mr. Chairman, at stake in this issue is not the question of investment. I think it is the question of protecting those 14,000,000 people in American homes who must of necessity rent. These tenants are people, Mr. Chairman, they are human beings the same as the landlords from whom they rent these places, and I think we have got to protect the human beings of this country, both the landlords and the tenants.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. TALLE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. VURSELL].

Mr. VURSELL. Mr. Chairman, the very impassioned plea made by the previous speaker with reference to 14,000,000 people being turned out without a roof over their heads if rent control is not continued is probably about as responsible a statement as the statement made by a former speaker that the landlords are spending many millions of dollars to defeat this bill.

Now, let no one be deceived or moved in the close of this debate by any emotionalism. We are dealing with a problem here that will either get more rental units or less of them for the people.

In summing up this debate as I have listened to it for hours I have come to the opinion that the new rent-control bill, vastly increasing the power of the Government to punish the people and which will hold back building construction, should be defeated by this House.

When rent control was passed as a war measure, the Congress promised that it would be taken off as soon as possible. The recent speaker, the gentleman from Oklahoma who said he was anxious to get out from under rent control as rapidly as possible, at the same time recommends 4 years after the war is over, after hostilities have ceased, a bill that greatly expands the power to recontrol units that we promised the people we would

not control as an incentive to get them to build, and brings it to this House with the plea he wants to get out of rent control by an extension for 15 months with the toughest rent-control bill that has ever been written since the first bill was enacted.

Mr. Chairman, this bill should be defeated because it is unfair, is unconstitutional; because it singles out a certain class of property owners and in fact confiscates a part of the meager profits of the owners. Regardless of any court decisions it is morally unfair, unconstitutional, and confiscates their property without redress here in the free country of America, where we protect so carefully the constitutional rights in the writing of any bill pertaining to members of the Communist Party of this country who seek the overthrow of this Government by force and violence, yet we insist on having this bill, unfair and unconstitutional as it is, placed upon the backs of the property owners of this country for the next 15 months.

Mr. Chairman, this bill should be defeated because its passage breaks the word of Congress by bringing under recontrol much property that the prior legislation promised the people should be free from rent control in the future in an effort to get them to invest their money in new rental buildings.

Mr. Chairman, it should be defeated because it will continue to dry up the construction of new rental units and defeat the very purpose of increasing the building of rental units throughout the Nation.

It should be defeated because if this bill is placed on the statute books it will most likely never be repealed and will drive this country into a constant housing shortage in the future that will put us in a position that France finds herself in today, with all of her buildings old and run down, because private capital will not continue to invest its money in the construction of rental buildings. France today is a nation of slums with inadequate housing conditions throughout the nation because that nation put on strict rent controls after World War I, and has never lifted them.

When the Eightieth Congress revised rent controls and enacted the present bill that would furnish incentive for new buildings, new rental units through private enterprise more than doubled in the 2 years of the Eightieth Congress. This action during the past year brought into new construction almost 1,000,000 new rental buildings and statistics show that under the present bill written by the Eightieth Congress more houses and rental units were built in those 2 years than in any time in the history of the Nation. It is time now for the Government to get out of rent control as quickly as possible.

Mr. Chairman, the most liberal compromise with rent control this Congress can possibly justify is to kill the proposed bill and extend the present bill for 3 months, serving notice on the various State legislatures now in session throughout the Nation that rent control must in the future be the responsibility of the States thereafter, and be operated under State law, where deemed advisable; that the Federal Government by such action serves notice on the people of the Nation and the States that the Federal Government is through with rent control. We should let rent control expire now or within 3 months.

If the proposed bill with its vastly increased power to punish the people is passed, it is estimated that it will cost the Federal Government $35,000,000 each year for its administration. It will broaden and extend the power of bureaucracy over the people and will add probably a thousand new employees to the already tax-eating Federal Government.

Mr. Chairman, this bureaucratic rent-control organization is fighting for its continuance and expansion as bureaucracy always does. The Congress has an opportunity to do away with this worse than useless bureaucratic department of Government and save to the taxpayers of the Nation approximately $35,000,000 a year. The Congress now has an opportunity to encourage and to obtain in the future constantly greater numbers of rental units and to prevent the drying up of building construction throughout the Nation by the defeat of this new proposed legislation.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman, we have just listened to the gentleman from Illinois. My mind goes back to a time only several months ago, in the Eightieth Congress, when from the lips of the gentleman and others on the Republican side came the cry of "socialism" directed against the Wagner-Ellender-Taft housing bill. Today we hear them say that more houses is the solution of the predicament that exists in the urban or city districts throughout the country. When a housing bill comes up they will be raising the same opposition against such legislation. They use that bill now to try to defeat this bill, yet when the bill came up in the last Congress they were against the provisions that would really enable housing to be constructed throughout the country. When such a bill comes up again they will be making the same arguments against it.

I have before me a news item, carried widely throughout the country, which appeared in the Boston Post. It states, "GOP seeks early rent-law death."

While that is the headline of the one on the paper who wrote it, it carries a quotation from the minority leader, that the House Republicans "overwhelmingly favor junking Federal rent controls in the near future and turning the problem over to the States."

This bill is a well-considered bill. With the Brown amendment which will be adopted, and I urge its adoption when the gentleman from Georgia [Mr. BROWN] offers it, it will be a bill that certainly meets any logical objection to the extension of rent control, having in mind the problem that exists throughout the country today.

The great majority of our landlords, particularly those owning two- or three- or four-family houses, accept rent control. Their record of compliance is outstanding and commendable. It is only from a powerful, highly organized small group with plenty of finances that we see this pressure against the passage of such legislation.

The same forces, not the same individuals but the same minds, have opposed every progressive piece of legislation. They opposed social security, they opposed the Tennessee Valley Authority, they opposed the construction of Boulder Dam, they opposed irrigation and reclamation projects, they opposed flood control, and they opposed the use for the benefit of the people of a community of power developed from flood-control projects. They were leading the fight only last year on one of the dams located in Georgia, but they did not dare to go through with it. If they had won the last election, you know what was going to happen in this Congress. They were going to complete the job all along the line.

It is estimated there are 3,000,000 families living doubled up. This means the family life of 6,000,000 families in America is adversely affected.

This unhealthy condition exists among the poor families and those in what might be termed the lower middle-income group. That is not a healthy situation, yet it exists. The lifting of rent control will aggravate that situation. I agree that the final solution will be the building of more houses, but we all know that that takes time. When that situation adjusts itself, and it will in the next 15 months, rent-control legislation thereafter will not be necessary. But until then a reasonable and proper rent-control law, such as this bill provides, is vitally necessary.

This is essentially, my colleagues, an urban or a city problem. Members from the rural districts should view the pending legislation from that angle. I realize that some of my colleagues representing rural or mainly rural districts might say, "This does not strictly or directly concern me, or the people of my district; why should I worry about it; I can vote against such legislation." That represents the local or the sectional consideration as against the over-all or national consideration.

The great majority of the Democratic Party has always represented the over-all or national consideration in all questions. There are some Republicans who do likewise, and I pay compliment to them for so doing. In referring to the Republican Party, as such, I want it understood that I separate them as individuals. But the Republican Party in the main responds to the dollar influence. That is their history, outside of Abraham Lincoln and Theodore Roosevelt. The dollar influence predominates and human values take a secondary place.

With all our weaknesses, the Democratic Party is still the party of Thomas Jefferson. We may have our internal disputes, but we are all in favor of those fundamentals that Thomas Jefferson created and gave to the American people as the foundation of the Democratic Party. With all our human weaknesses we are a party that serves the people directly, and the primary consideration in our minds in all legislation is the

human value, without destroying any economic group in our country.

The problem of rent control, as I said, is essentially an urban or city problem. It concerns the laborer, the factory worker, and the office worker; the State, city, and Federal employee, the person with a fixed income who lives in an urban or city district. It affects mainly them.

Tomorrow, or in the days to come, legislation will be considered by this body, as it has in the past, relating to rural districts or to agricultural districts. In case of a contest on such legislation, Members on both sides, and particularly my Democratic colleagues, may ask us from the urban or city districts not to view such legislation from a local or sectional angle. That argument will be sound. But, no matter what you do today, I am not going to react and obscure my national outlook. No matter what might happen on this or any other bill, I am going to do everything I can to look forward, no matter what legislation comes up. I am not going to look at a problem purely from a sectional or local angle merely because I can say it does not concern directly me or my people. I am not going to obscure the national considerations involved. That argument will be sound. It has been sound in the past and will be sound in the future. If it is sound when addressed to us by our friends from the rural or agricultural districts, then it is just as sound today for me and others to advance the argument to those who come from rural or agricultural districts.

I can remember only several days ago in this body when the fight on the steam plant for the TVA came up. Members from urban districts could easily have said, "This means nothing to us. We can vote against it." But the Democratic Members from the urban or city districts did not do that. They voted unanimously with our Democratic colleagues from the great section of the country so deeply affected. The urban Democratic Members marched through the tellers and defeated the practically solid Republican vote to prevent the appropriation that would build a steam plant at the Tennessee Valley Authority project.

What about the Tennessee Valley Authority years ago and the dramatic fights that were waged in this House? I spoke for it, as I spoke for the appropriation several days ago. I spoke for the TVA then. I spoke for Boulder Dam. I spoke for the first Bankhead Cotton Quota Act in 1933. All I knew was that our agriculture was in bad shape. Something had to be done. Whether it was the right legislation or not I did not know, but we had to experiment, and as a result of experiment and experience get proper legislative guides. That bill passed this body by six or seven votes. It was a fight between agricultural interests, Members of this body. Our urban friends then supported the South with its great economic problem in connection with cotton. In that dramatic fight I remember I took the floor and spoke for it. Other Members from city or urban districts did the same. There was a solid urban vote in support of the Bankhead Cotton Quota Act, and on all subsequent legislation, because we are imbued with the spirit of Jefferson. We view our problems nationally and not from a sectional angle.

I could go on and talk about many other bills, but the few to which I have referred are sufficient to convey to you the fact that when a bill comes up here concerning rural or agricultural districts in our country, it is my problem; it is a problem of Members from all parts of the country, and not say, "Oh, I can vote against it. Nobody in my district or very few in my district are concerned about it." That would be the wrong approach. It is the wrong approach today. One thing is certain, the great bulk of the Republicans will be against you on any bill. They will be against this bill today, and when you come in tomorrow with something else, they will have some alibi, some phony alibi, some crippling amendments which if adopted would destroy the bill.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Not now. The great bulk of them will be doing it. I can remember one of my friends on the Democratic side who had a habit of making quite a few speeches that were discomforting to me as a Democrat—bailing out the Republicans from time to time. Yet, when he had a matter of deep concern to himself, a matter of vital concern to himself and his district, when it was considered in this House only five Republicans voted with him. The rest of them voted against him. I turned to one of my colleagues then and I said, "See what happens. You can play with them all you want to, but when the time comes to support you or help you they always have a reason for not doing so."

This is an urban problem. We from the city or urban districts ask little. We freely give plenty. Rent control, I repeat, is essentially an urban or city problem. The condition is not only an economic one but it is a moral one. Fourteen million families, as the gentleman from Oklahoma said. As I have said 3,000,000 of these families live under doubled up conditions. That is not only an economic problem but it is also a moral problem. Housing is a moral problem today as well as economic. When people live under such conditions the natural operation of family life is interfered with, no matter how closely they may be related to one another; those who live together in doubled-up families, the normal family life is interfered with; and that is where the moral and spiritual aspects of it come into operation. I will agree that more housing is the answer, but we must first get through an effective housing act. Pending that situation however, we cannot let this economic condition facing over 14,000,000 families continue without some kind of control in their interest, and we cannot let this doubling up condition facing 3,000,000 families and constituting 6,000,000 altogether, continue. The least we can ask of Members who may be against the rent-control bill is that at least if one goes through is to see in good conscience that there ought to be an effective one—the least we can ask you to do is to vote against any crippling amendments that will be offered from the Republican side. You should vote for the bill. Conditions in the crowded areas of the country call for the passage of this bill; but, above all, let us look at it broadly and nationally; let my friends, particularly on the Democratic side from the rural or agricultural districts view this bill and the crippling amendments that will be offered from the Republican side in the same way that we from the urban or the city districts have supported your legislation, fighting shoulder to shoulder with you to prevent the Republicans from stopping the passage of the progressive legislation necessary to your interests.

This bill is necessary for the interests of over 14,000,000 families throughout the country. Let us pass it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired, all time available for general debate under the rule has expired.

Under the rule the Clerk will read the substitute.

The Clerk read as follows:

Be it enacted, etc. That this act may be cited as the "Housing and Rent Act of 1949."

Mr. JAVITS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, let us get this question of rent-control legislation in perspective. In the first place, the statute under which rent control is now operating, in effect in 1947 and 1948, is a statute passed by a Congress with a Republican majority, reported out by a House Banking and Currency Committee with a Republican majority. It is also very important to remember that there is no monopoly on solicitude for human rights on either side of the aisle. That point may be best demonstrated by the fact that there is a filibuster in process on the other side of the Capitol from among Democratic Members, against legislation to protect one of the most cherished human rights—the right to be free from discrimination because of color; so let us be pretty careful when any of us try to arrogate to themselves alone the mantle of liberalism. Men on both sides of the aisle are proceeding sincerely, and they include proponents as well as opponents of this very legislation.

Mr. Chairman, there is a very urgent need for the further extension and strengthening of rent-control legislation. It has been truly stated that some—the exact figure is 15,789,225—housing units are under the jurisdiction of the Housing Expediter, and that the leases, the 15-percent leases which are permitted in the present law only apply today effectively to 522,744 units. The problem is of enormous magnitude. One-third of the counties of the United States are under the jurisdiction of the Housing Expediter for rent control. They include the most populous counties in the country.

Again exact figures: Two and one-half million married couples in April 1948, were living doubled up with others, as compared with 1,846,000 in April 1940, an increase of 35 percent.

On the question of whether any people are being expropriated of their property, by rent control, let us look at the facts. The facts show that in a survey made in New York as recently as 1947 it was found that the net operating income—not gross, but net—of landlords was 9.7 percent higher in 1947 than it was in 1943. Further than that, under the law, by which rent control is now operating, and which has at least given us basic-rent control, though it has serious weaknesses, any landlord can come in and get an increase in his rental if he shows he is not doing as well in net operating income, not gross, as he did in a preceding 2-year period—any 2-year period he picks—since 1939, long before rent control was in effect. The American system is that if you are in business, you should have a fair opportunity, but you take your chances on your own management.

Mr. Chairman, it has been said, and this is an extremely important fact, that this bill affects great urban districts. These are also the unspoken words of some 70 Republican Members who came from big cities and who are not here today. Those men want to run again, they want to be elected, and I think we on our side have to give some thought to their situation. It was the basis for the enactment of the 1947 rent-control law and the 1948 rent-control law and what, in my opinion, the public interest dictates must be the 1949 law, because the problem has not been solved. Housing construction figures show this. It appears this year that housing construction starts are likely to be less than they were in 1948 and certainly less than in 1947.

With that situation we have got to continue rent control. I do not believe either side can arrogate unto itself the mantle of the protection of human rights because I have already given a very clear instance where some Democrats are derelict right now in the effort to get legislation to protect human rights.

Mr. Chairman, I think the public interest demands the enactment of this law, I am going to vote for it myself and I trust and hope that I may be joined by a sufficient number of the Members of the House to pass it and pass it today.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I was a little amused at the speech of the majority leader here. I have in mind that there are 264 members of the majority party in this House and only 171 of the minority party. Why was he worrying about the minority party?

You know, on this bill I am torn between two interests—one the public interest and the other my own personal interest. I am satisfied that if this bill is defeated, rental units will begin to come on the market very shortly. I know personally of many and I hear of more from all directions where people cannot afford to put them on the market, but they would come on the market at a reasonable price if the bill is defeated. I believe that the housing shortage would immediately be alleviated if we do not have the bane of this bill on the statute books.

On the other hand, I have a piece of real estate of my own coming on the market about the 1st of July. I am satisfied that if we continue rent control I would be able to sell it for $3,000 or $4,000 more than I can if we get rid of rent control and the housing shortage can be alleviated, as I am sure it will be.

Frankly, I intend to do my duty and vote against this bill. Housing construction has improved in the last few years. It has improved much since we got rid of the Federal housing construction program. It will continue to improve if we can stay rid of it and use what intelligence there is in the American people. I do not feel that it is possible in any way to continue this regimentation of the American people with unfair action on the part of the rent-control authorities facing us at every turn, and make any progress toward getting rid of the housing shortage in any such way as we should.

I hope that this bill will be defeated.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was amazed to hear the gentleman from New York [Mr. JAVITS] sing the praises of the rent law that was passed in 1948 by this Congress. Coming from the same city, and having the same experiences, he should know that that law has converted the office of the housing expediter of New York City into an annex of the real estate board. The office of the housing expediter has been granting increases in rents every day and in thousands of instances. The tenants have been given no protection. They are even deprived of an opportunity to come in and be heard.

To show to what extent rent increases have become a racket under existing law, I hold here an advertisement that appeared last December in the Real Estate News. It says:

RENT ADJUSTMENT SERVICE ON A WIN-OR-NO-PAY BASIS

The Rent Adjustment Service Co., of 1775 Broadway, offers members of the Greater New York Taxpayers Association an attractive proposition in connection with applications for adjustment of rents.

Without advance retainers or fees it will conduct a rental survey of a member's building, and if such study indicates a justifiable case under the hardship or inequity provisions of the rent regulations it will file all necessary applications with the Office of Housing Expediter and obtain proper increases to which the owner may be entitled.

If successful in obtaining rent increase orders from OHE, its compensation will be 50 percent of the aggregate rental increase in rents so obtained—

And so forth. This racket has been working successfully, and the rents have been going up with the cooperation of the New York office of the Housing Expediter. Now we are confronted with a tragic situation in this House with respect to the present bill. While it is somewhat of an improvement over the existing Rent Act, in that it removes the device for 15 percent increases, we are faced with the proposition of continuing many of the loopholes of the last act and also with the proposal of boring a bigger hole through rent protection by virtue of the Brown amendment to which, I understand, there is agreement. I, for one, will not support that amendment because in my considered judgment it is going to increase the number of escapes through which landlords can obtain rent increases. It will cause rent increases all along the line.

This bill offers no protection to thousands of tenants in Government subsidized housing projects who are facing evictions because of increases in their rents. Such a provision was contained in last year's rent bill. The failure to carry that provision in this bill, in the face of the existing housing shortage, will cause serious hardships to thousands of these tenants who have no place to go. The solution of this problem is more housing and not evictions.

This bill continues one of the most serious escapes which exists in the present law, the comparability escape. Through this escape a landlord does not have to show any books; all he has to establish is that the rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum-rent date. The landlord who cannot obtain any increase on the basis of hardship, when he cannot make out an equitable case on the basis of hardship, can come in under this comparability escape and obtain an increase. He does not have to present any books; he does not have to show his operations; all he has to do is make out some kind of a prima facie case that his rentals are lower compared to the rentals in the same area. On that basis, without giving the tenant an opportunity to come in and be heard, rents are increased. That is permitted by the law of 1948, and that practice will be continued under the present bill.

When you add to that the Brown amendment, providing for a reasonable return on a reasonable value, just what is going to happen to the tenants in the cities such as mine?

The gentleman from New York [Mr. JAVITS] praised the rent bill of last year, but I do not see how he can praise it in the light of how it has worked out. I am very, very apprehensive as to how this present bill is going to work out. We are confronted with the choice of having no controls at all or having this bill. We have to vote for it. However, I want to state my protest against the continuance in this bill of the loopholes of the present law, and the insertion of more loopholes.

Mr. Chairman, I have attempted to protect the interests of the tenants of my district before the Housing Expediter. My experience has been that the Real Estate Trust runs that office in New York City. Here in some detail is the story of how the rent law is administered in New York City.

The Emergency Price Control Act of 1942—Public Law 421, Seventy-seventh Congress—provided:

The Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of this act. (Sec. 2 (b)).

It shall be unlawful * * * to demand or receive any rent for any defense-area housing accommodations * * * in violation of any regulation or order under section 2 (sec. 4 (a)).

The EPCA of 1942 was amended—Public Law 383, Seventy-eighth Congress—to provide:

And he shall make adjustments for such relevant factors as he may determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs within such defense-rental area (sec. 2 (b)).

The Price Control Extension Act of 1946—Public Law 548, Seventy-ninth Congress—provided:

The Congress hereby affirms * * * (2) that unnecessary or unduly prolonged controls over prices and rents and use of subsidies would be inconsistent with the return to such a peacetime economy and would tend to repress and prevent the attainment of this and the other goals herein declared (sec. 1A (2)).

The Housing and Rent Act of 1947—Public Law 129, Eightieth Congress—provides:

The Congress hereby reaffirms the declaration in the Price Control Extension Act of 1946 that unnecessary or unduly prolonged controls over rents would be inconsistent with the return to a peacetime economy and would tend to prevent the attainment of the goals therein declared (sec. 201 (a)).

The Congress therefore declares that it is its purpose to terminate at the earliest practicable date all Federal restrictions on rents or housing accommodations. At the same time the Congress recognizes that an emergency exists and that, for the prevention of inflation and for the achievement of a reasonable stability in the general level of rents during the transition period, as well as the attainment of other salutary objectives of the above-named act, it is necessary for a limited time to impose certain restrictions upon rents charged for rental housing accommodations in defense-rental areas. Such restrictions should be administered with a view to prompt adjustments where owners of rental housing accommodations are suffering hardships because of the inadequacies of the maximum rents applicable to their housing accommodations, and under procedures designed to minimize delay in the granting of necessary adjustments (sec. 201 (b)).

The term "controlled housing accommodations" means housing accommodations in any defense-rental area, except that it does not include—

(3) any housing accommodations—

(A) the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947 * * *; or (B) which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations (sec. 202 (c)).

The Housing Expediter shall, by regulation or order make such adjustments in such maximum rents as may be necessary to correct inequities or further to carry out the purposes and provisions of this title: *And provided further*, That in any case in which a landlord and tenant, on or before December 3, 1947, voluntarily enter into a valid lease in good faith with respect to any housing accommodations for which a maximum rent is in effect under this section and such lease takes effect after the effective date of this title that expires on or after December 31, 1948, the maximum rent for such housing accommodations shall be, as of the date such lease takes effect, that which is mutually agreed between the landlord and tenant in such lease if it does not represent an increase of more than 15 percent over the maximum rent which would otherwise apply under this section (sec. 204 (b)).

The Housing Expediter is authorized to issue such regulations and orders, consistent with the provisions of this title, as he may deem necessary to carry out the provisions of this section, and section 202 (c) (sec. 204 (d)).

The Housing and Rent Act of 1948—Public Law 464, Eightieth Congress—provides:

The term "controlled housing accommodations" means housing accommodations in any defense-rental area, except that it does not include—

(3) any housing accommodations;

(A) the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947; or (B) which for any successive 24-month period during the period February 1, 1945, to the date of the enactment of the Housing and Rent Act of 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations (sec. 202 (c)).

The Housing Expediter shall, by regulation or order, make such individual and general adjustments in such maximum rents in any defense-rental area or any portion thereof, or with respect to any housing accommodations or any class of housing accommodations within such area or any portion thereof, as may be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions. Due weight shall be given the question as to whether or not the landlord is suffering a loss in the operation of the housing accommodations (sec. 204 (b)).

THE REGULATION ISSUED BY THE HOUSING EXPEDITER

Controlled housing rent regulations for New York City defense-rental area, issued pursuant to the Housing and Rent Act of 1947, Public Law 129, Eightieth Congress, provides:

SEC. 5. (a) Grounds for increase of maximum rent: Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

* * * * *

(11) Inequitable rents: The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Section 5 (a) 11 is but one of 13 grounds on which landlords may seek increases under this regulation—section 5 (a).

One of the other grounds is "substantial hardship from increase in operating expenses"—section 5 (a) 12; and another is "landlord operating at a loss"—section 5 (a) 16. Under these two subdivisions no landlord can complain of hardship, particularly under section 5 (a) 12, since the Housing Expediter will by adjustment of the rents of the tenants restore the landlord to his operating position as of the maximum rent date. The word "hardship" has a different connotation under the rent regulation than it has in common usage. Under the regulation—5-a-12—an increase will be ordered if "the landlord is suffering a substantial hardship because his present net income for the property is less than his average annual net income for a prior base period due to an unavoidable increase in operating expenses." In other words, if a landlord's net income for a prior base period was $100,000, and his net income is now $50,000 because of increased taxes, payroll, etc., an increase in rents will be ordered so as to restore landlord to his former position, that is, a net income of $100,000. Consequently, every landlord who will open his books to the OHE auditors, and can substantiate his figures, has no fear of suffering decreased net income because of rent control.

However, for those landlords whose net income has increased since rent control became effective, because of the so-called voluntary leases, changes from residential to commercial or business occupancy with consequent limitless rentals, and other means, there is no need to submit books and records disclosing increased net income—they can apply for increases in rents of remaining housing accommodations in the building under Section 5-a-11 of the regulation; and in making such an application nothing more must be done than to submit a simple statement—typed onto the form supplied by the OHE, stating in the words of the regulation:

The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

A copy of the application is then sent to the tenants who are given 5 to 15 days in which to answer the landlord's application. A proper answer should compare tenant's apartment, its facilities and equipment with (1) other apartments in the same building and (2) with other housing accommodations in the area—pointing out differences with respect to location in area, type of structure, services received, and facilities available in the various apartments.

It is a most difficult problem for even a lawyer. Tenants in tenements have a most difficult time in opposing such applications, even with the assistance of an attorney.

The landlord has made a simple unsubstantiated statement—and the area rent office does all of the work for the landlord, checking its files to find paper records of so-called comparable accommodations, and making allowances for the existence or lack of refrigerators and other equipment; and since it is the expressed policy of the Congress "to terminate at the earliest practicable date all Federal restrictions on rents on housing accommodations"—see section 201-b, Public Law 129, Eightieth Congress—the area rent director has taken advantage of this language and has readily granted increases. Generally the tenants are denied any opportunity to review these decisions.

The tenants are harried into quickly replying without adequate opportunity to obtain and correlate facts, either individually or jointly, and requests for extension of time in which to reply are now denied, although made in behalf of

the tenants of a building by their Congressman.

What has happened in some of the cases involving section 5–a–11, the so-called comparability section?

Former employees of the Office of the Housing Expediter and others are advertising for landlord clients. I have read to you the advertisement that appeared in Real Estate News, December 1948, organ of the Greater New York Taxpayers Association, an association of tenement-house owners. In the first place, the area rent office was flooded with such applications right after the 1st day of January 1948, as though by a signal. All types of structures were involved. High-rent as well as low-rent tenements were subject of applications on the ground set forth in section 5–a–11.

Landlords who were unable to justify prior applications under the hardship section 5–a–12 now came boldly forward, represented largely by former employees of the OPA or OHE, and simply demanded increases under section 5–a–11 without justification or substantiation, the area rent office supplying alleged substantiation from its files. The hush-hush attitude surrounding activities in the area rent office has resulted in a refusal to disclose factual basis for granting such applications. Why? This in and of itself warrants an investigation of the New York office of the Housing Expediter.

Under section 5-a-11, tenement rents have been increased in 1957 First Avenue, Borough of Manhattan, as follows:

Apartment 4, Tenant Walsh, $12 to $17—41 percent.

Apartment 7, Tenant Celli, $15 to $21—40 percent.

Apartment 10, Tenant Farina, $10 to $15—50 percent.

Apartment 11, Tenant Farina, $16 to $20.50—28 percent.

Apartment 12, Tenant Nardelli, $15 to $21—40 percent.

Apartment 12A, Tenant Tentine, $15 to $19—20 percent.

Apartment 15, Tenant Pilotti, $8 to $15—87 percent.

Apartment 17, Tenant Finamore, $16 to $21—25 percent.

Apartment 20, Tenant Arroyo, $8 to $14—75 percent.

Apartment 24, Tenant Quiles, $11 to $15—36 percent.

In that building, landlord and tenants were unable to negotiate voluntary leases for 10-percent increases.

In the four buildings at 1421–1431 Madison Avenue, landlord's application for an increase in rents under section 5–a–12 was denied. Landlord thereafter employed Maurice Whitebrook, Esq., former attorney for the regional office of the Housing Expediter, to file an application under section 5–a–11. The landlord's application simply stated:

This is a proceeding under section 5 (a) 11. All rents in this property (a group of four houses operated as one unit) located on Madison Avenue and Ninety-eighth Street, are substantially lower than the rents for comparable accommodations on March 1, 1943, because the property was then operated by a trustee whose sole purpose was to rent all apartments regardless of prevailing rental values. As a result, all rents are considerably below the bottom of the range for similar accommodations. Average rentals throughout this property are $8 per room. There are no rentals nearly as low as these on Madison Avenue or in the vicinity of this property.

The answer submitted in behalf of the tenants, signed by nearly all of the 78 tenants in the building, set forth in detail and under oath the following:

First. Landlord's application listed no comparables.

Second. Landlord's application misstated the facts, falsely attributing certain actions to a person now deceased.

Third. Landlord's application states that it is made under section 5 (a) 11; incorrectly stating, that rents in subject premises are lower than rents for comparable accommodations on March 1, 1943.

Fourth. Tenants' statement and supporting affidavit filed by me listed comparable premises.

Fifth. Tenants' statement and supporting affidavit described in detail the differences in services and equipment found in subject and comparable premises, showing partial lack of elevator service and complete lack of refrigerators in subject premises as compared with comparable premises, as well as general desirability of comparables as against subject premises as evidenced by successful competition waged by comparables on rent-freeze date;

Sixth. Tenants' statement and supporting affidavit described in detail the nature of the area in which subject premises are located, pointing out how that area in the vicinity of Madison Avenue, between Ninety-seventh and Ninety-eighth Streets, where subject is located, has changed in recent years and become a part of the vast slum area above Ninety-sixth Street with its prevailing overpopulated and congested houses of poor working-class families.

Seventh. Tenants' statement and supporting affidavit showed that subject could not therefore be compared with structurally similar houses located below Ninety-seventh Street or west of Madison Avenue; and

Eighth. Tenants' statement and supporting affidavit exposed the falsity of landlord's statement concerning prior management of subject premises.

The area rent office, however, increased rentals in 41 units, a total of $210 per month. In 10 units, the tenants' rentals were increased by more than 15 percent, despite the fact that landlord previously was unable to justify an increase under section 5–A–12. No reply has been received to a letter of December 11, 1948, written by me to the housing expediter in New York, asking for the data upon which such increases were granted.

The area rent office, without request from the landlord, has granted increases under section 5–A–11 where the OHE could not grant an application filed by landlord under section 5–A–12. For instance, increases were granted for premises 429 East Eightieth Street, as follows:

Apartment 1W, Tenant Lee, $20 to $25—25 percent.

Apartment 2E, Tenant Minich, $20 to $26—30 percent.

Apartment 2W, Tenant Birchman, $20 to $26—30 percent.

Apartment 3E, Tenant Zemko, $20 to $26—30 percent.

Apartment 4E, Tenant Kemmerer, $23 to $26—13 percent.

Apartment 4W, Tenant Vacant, $20 to $26—30 percent.

Apartment 5W, Tenant Baisle, $18 to $24—33⅓ percent.

Apartment 5E, Tenant Bittner, $18 to $24—33⅓ percent.

This matter was taken up with the Federal Housing Expediter. In answer to my protest to the granting of increases of 25 to 33⅓ percent in cases where landlords could not obtain increases of 10 to 15 percent, Mr. Woods advised me:

As you know, the regulations provide various grounds as a basis for adjustment in the event that landlords can qualify under any of these grounds for rent increases. Accordingly, in the event that a landlord files a petition with the area office for a rent adjustment under one specific subparagraph of section 5 (A) of the regulation, and although no relief is accorded to him under that specific provision, he is not thereby precluded from having his rent adjusted under any other applicable paragraph, provided that he actually qualifies for a rent increase.

This is the kind of deal the tenants are receiving in New York City. What I have related today merely touches on one aspect of rent control and its administration, but it is indicative of the attitude of the Housing Expediter and of the regulations promulgated by him under the act.

While the landlord's lobby shouts "Stop, thief," it is reaping huge profits at the expense of the tenants, and with the aid and assistance of the OHE. The New York Times report—March 4, 1948—of action taken by the House Banking and Currency Committee is revealing. It reports that the landlords were defeated in their efforts to substitute a fair-return provision for the comparability and hardship provisions. The landlords are very pleased with the double-barreled weapon of hardship and comparability increases which give them more than a fair return. See New York Times of March 4, 1949. Now, you are ready to give the real-estate trust the reasonable return on reasonable value provision in addition to the hardship or comparability provision. Is it any wonder that the Rent Act and regulations are still a Swiss cheese of loopholes for landlords. Here we have an opportunity to plug these holes. The emergency is still with us. The tenants must have protection. This can be done only by tightening the law. Anything less is a betrayal of the tenants' rights to the real-estate interests.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I voted for rent control during the war, as a war measure, when the population shifted and certainly was out of balance. It is now several years after the war, and I see no justifiable reason for us to begin to follow the line of least resistance and keep incorporating these invasions of property rights in the law under the heading of rent control that the American people have always enjoyed. I am opposed to this bill.

Personally, I can stand to wear a little poorer clothes, I can stand just a little more physical discomfort in my home, without some of the fixings and advantages, but I cannot stand to be without freedom.

I realize we have some bad situations, and I do not know how to correct them. Possibly if we could extend this on a temporary basis with genuine assurance that this would never become a permanent part of our economic life, we would be getting somewhere, but there is not a man within the sound of my voice who does not know that conditions in the towns of five, ten, and fifteen thousand people do not warrant this kind of legislation. But, of course, if they are eliminated, it will do away with a lot of the personnel in the Bureau.

When the Administrator forces the owners of fine homes of the kind referred to here—seven-room homes with nice baths, and with a garage—to rent them for $25 a month, the owner is not being treated fairly and the average fair-minded tenant does not advocate that kind of treatment. The Constitution protects both personal and property rights, and the invasion of one may result in either the disregard of or invasion of the other.

Mr. Chairman, if we are to legislate here, let us legislate for all the American people. One of the housing administrators told me in very frank terms, "This is a tenants' bill. We are not concerned with returns on property." If that policy is to be adhered to, then the small investor will be very reluctant to invest in rental property, which will soon bring about a worse condition than we now confront. Loans for home construction will encourage home ownership. Home ownership will relieve our present problems and contribute toward a stronger, thriftier people and a stronger America.

Now, I believe the average tenant and landlord in America wants to be fair. I believe it is dangerous to bring up a generation feeling that the Government is going to take care of them and is going to take from someone else that which is his, and give others the benefit of it. The two boys who figured in the recent train robbery, one is now in jail and the other in the hospital. Why? Because they tried to wrongfully take from someone else that to which they were not entitled and that to which the possessors were entitled. We might just as well be frank about this. One of the gentlemen who preceded me made the statement that this is an urban problem. He repeated it. He said it is essentially a city or urban problem. It is awfully difficult to cut the pattern of life in some rural districts to fit that of the big cities. The men in New York have their problems, and I would like to help them solve them. But there ought to be a better way to solve those problems than to say that the pattern or the prescription necessary for New York must be swallowed by the people who live totally different from those people in New York.

I have traveled around in Europe, and God forbid that I ever see any such illustrations of a police state over here. But if some communism or socialism must arise, I do not propose to be a party to bringing it about by legislation. It will arise through some other channels, and not by legislation to which I am a party.

Mr. CHRISTOPHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to defend the proposed legislation which will extend rent control in the United States. I shall vote for this legislation and I shall be proud when I do so, because I want it written opposite my name that I have on all occasions sought to defend the weak against the strong. I come from a rural section where rent control is not a great problem. Still, if I voted to end rent control at this time I would be ashamed to walk down the streets of Springfield, Mo., after I had taken such action. I would not want to be pointed out by the soldier boys that I know in that city of 75,000 as the man who voted for a proposition which would force them out of their homes to live in a tent—and that would happen down there in the Ozarks of Missouri if rent control is not extended. I am not going to do it.

Some of the gentlemen who have decried this legislation said that it retards the building of new housing units. New housing units, when they are completed, are not controlled, and that argument falls flat on the floor of this House of its own weight. So much for that.

The proponents of repeal told me over in my office that landlords were being driven into bankruptcy. I have no doubt whatever that there are instances where landlords are being made the goat. But it is not the fault of the law. It is not the fault of the legislation; it is the fault of the administration by their local boards. I am of the opinion that when a landlord goes to his local board with a just case he will get a fair hearing and a just settlement of his claim.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. CHRISTOPHER. I yield.

Mr. PATMAN. Under this new bill there will be a local person appointed by the local board, whose duty it will be to advise small landlords, prepare their papers for them, in order that they may get adjustments from the board. It is a forward provision that will be helpful.

Mr. CHRISTOPHER. I thank the gentleman very much for his comment. I am not sure that this law can be administered properly. But I do not want to be numbered as among those who ended rent control at this time when there are so many families that are doubled up, and so many others whose rents would be doubled or multiplied by three in many cases, because there is no way to determine the amount of hog in the human family.

This law with its adjustment provisions seeks to give a square deal to everybody.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. CHRISTOPHER] has expired.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I occupy, as usual, a unique position in regard to this debate. I owe my election to nobody who contributed money, except my own political organization. I am free to do what I think is right and just, and I want to do that today.

I think it is a mistake for this Congress to ever think of abandoning rent control until our economic situation changes. I think you are making a mistake if you do it. I am speaking to Republicans more than I am to Democrats when I say that.

Mr. FERNANDEZ. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. If I could get some more time, I would yield all afternoon.

I think it is equally bad to continue this law as it is, unless we amend it. We cannot afford to destroy property, no matter how few those are whose property is destroyed. We must protect the least of everyone who is in distress. But I believe it is the duty of this Congress to keep some program on the statute books, and it is the duty of this Congress, in doing it, to make it as just as it is possible for the human mind to conceive.

You say the war is over. It is not. I hope you will think of that when you get into the next one. When war starts in America, democracy stops. Did you not know that? You cannot walk off and leave these 14,000,000 people, who are defenseless, because you say the shooting has stopped. No peace has been signed. This situation in time will be justly dealt with, but just the moment we take it off entirely, what about the American Legion in my country, 100 percent behind keeping this program? What about the labor organizations in my country who want this? What about the Veterans of Foreign Wars who write me to keep this on? I said to them, "I will vote to keep it on provided Congress amends the law so that a man whose property is being confiscated can get into some kind of a court or hearing and have rents established that are fair and just."

Now, I do not know anything about what amendments will be offered, but if you have an amendment that looks like anything I have in mind to deal out justice to those who want to fix rents that are fair and reasonable, I will vote for it, and I will also vote for the bill.

It is not the easiest thing in the world for me to take the position of a lone wolf in a political party. I do not believe I will be the only lone wolf here on this vote, but at least I must be honest with the members of my own party, and I must be honest with the Democrats when I point out my view of the situation. The situation is serious at this time. I have had experience, and plenty of it; I remember in my State when loan companies were foreclosing farmers, were driving them out onto the highways homeless, and we had to organize ourselves to prevent it. I was called a dictator; I was called everything under the sun, but we stopped the foreclosures. And now the businessmen who could not foreclose when they wanted to say that we performed the greatest service ever performed in North Dakota, because the creditors got their money, and these men who were kept on the farms by mere force and awkwardness are rich men today. Turn loose all these people through the processes of the courts by dispossesion, and if Congress is not in

session you will have another Congress called to meet an alarming situation.

Do not defeat the bill. Make it reasonable and keep it on the books until this country can get itself out of a situation due to an aftermath of war.

Many Members on and off the floor have expressed themselves as alarmed over the spread of communism in this country. I have tried time and again to state to this House that communism never develops anywhere unless the people are in want, in distress, or suffering. Should rent controls be withdrawn and an era of dispossessions ensue, you will have men, women, and children out in the streets and alleys, with no place to go. If these dispossessed people should mount into the millions, there will be just that many people in distress, in want, and suffering. We fought this last war for the four freedoms, and one of them was freedom from want, and another freedom from fear. These freedoms—both of them—will be denied to homeless people—people who have no place to go. Such a situation, if long continued, would make more Communists in the United States than all the Red organizers have ever convinced. It seems a strange paradox, but it is, nevertheless, a historical truth, that those who complain the loudest about the development of any radical movement always do the most themselves to bring about what they do not want.

Do we want to admit that we cannot write a bill that will be fair and just to tenants and fair and just to landlords? Write an amendment in this bill giving property owners the right and privilege of having something to say about what rates of rental are fixed—write a formula that will not take private property without due process of law, and I, like a great many others among the Republican Members, will support it.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mrs. BOSONE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I come from a family of landlords; most of my friends are in the rental class. Through the last several years I have seen injustices on both sides, the landlord and the renter; I have seen in court some injustices. One case which is typical: A young husband was accused of assault and battery. He had taken his wife's shoe and with the heel had struck his wife in the stomach, and she was pregnant at the time. I took this case into chambers, and I had scarcely said a word when the young wife said: "Judge BOSONE, this is not my husband's fault; we have to live with my father and mother and my five brothers and sisters under a small roof. My husband is ordinarily a fine boy. I love him very much, but under the circumstances he is irritated beyond bounds at times, and this is the result of a housing condition."

I said, "Can you not find a place to live?"

And the young husband answered: "No; I make the average wage in Salt Lake City, and I cannot find a place to live, but," he said, "I am going out now and pitch a tent, if I have to, to make my marriage work." I told him to go out and pitch a tent—to get out from under the environment in which he was living with his young wife. That is exactly what he did.

Mr. Chairman, I am going to vote for this bill, even though my family do belong to the landlord class. They rent apartments; they rent homes and I can say that one of the homes, a four-room house, with an acre of land, is being rented for only $7 a month, which does not pay the taxes. Yet, I am voting for this bill because I see the great majority of the people in the renting class need low-income rentals, and I think it is only fair. I am going to vote for this bill with, of course, the amendment, which I understand will be introduced this afternoon.

By unanimous consent, the pro forma amendments were withdrawn.

The Clerk read as follows:

TITLE I—AMENDMENT TO TITLE I OF HOUSING AND RENT ACT OF 1947, AS AMENDED

SEC. 2. Section 4 of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"SEC. 4. (a) In order to assure preference or priority to veterans of World War II or their families—

"(1) no housing accommodations designed for single-family residence, the construction or conversion of which is completed after June 30, 1947, shall be offered for sale or resale, or sold or resold, to persons other than veterans of World War II or their families, unless such housing accommodations have been publicly offered for sale exclusively to veterans of World War II or their families (a) during the period of construction or conversion and for 30 days thereafter prior to a sale or offering for sale to such nonveterans, and (b) for a period of 7 days prior to a resale, or an offering for resale, to such nonveterans; and

"(2) no housing accommodations designed for occupancy by other than transients, the construction or conversion of which is completed after June 30, 1947, shall be offered for rent or rerent, rented or rerented to persons other than veterans of World War II or their families, unless such housing accommodations have been publicly offered for rent exclusively to veterans of World War II or their families (a) during the period of construction or conversion and for 30 days thereafter, prior to a first renting or offering for rent to such nonveterans, and (b) for a period of 7 days prior to a subsequent renting, or offering for rent, to such nonveterans; and

"(3) no housing accommodations designed for single-family residence, the construction or conversion of which is completed after June 30, 1947, shall be offered for sale or resale, or sold or resold, to any person at a price less than the price for which it had been last offered for sale to veterans of World War II or their families; and

"(4) No housing accommodations designed for occupancy by other than transients, the construction or conversion of which is completed after June 30, 1947, shall be offered for rent or rerent, or rented or rerented, to any person at a price less than the price for which it had been last offered for rent to veterans of World War II or their families.

"(b) As used in this section—

"(1) The term 'person' shall include an individual, corporation, partnership, association, or any other organized group of persons, or a representative of any of the foregoing.

"(2) The term 'housing accommodations' shall include, without limitation, any building, structure, or part thereof, or land appurtenant thereto, or any real or personal property, designed, constructed, or converted for dwelling or residential purposes, together with all privileges, services, or facilities in connection therewith; industrially made or prefabricated houses, sections, panels, or their aggregate as a 'package,' designed or constructed for dwelling or residential purposes; and a certificate, deposit, membership, stock interest, or undivided interest in real estate, under a cooperative mutual ownership or similar plan, which carries with it the right of occupancy of individual dwelling units.

"(c) The Housing Expediter is authorized to issue regulations and orders prescribing the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans of World War II or their families and such other regulations or orders as he may deem necessary in the public interest to effectuate the provisions of this section. The Housing Expediter is further authorized to grant such exceptions to the provisions of this section for hardship cases as he may deem appropriate.

"(d) Any person who willfully violates any provision of this section shall, upon conviction thereof, be subject to a fine of not more than $5,000 or to imprisonment for not more than 1 year, or to both such fine and imprisonment.

"(e) This section shall cease to be in effect at the close of June 30, 1950, or upon the date that the President proclaims that the protection to veterans of World War II or their families provided by this section is no longer needed, whichever date is the earlier."

Mr. DOLLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOLLINGER: On page 25 line 13, strike out "1950" and in place thereof substitute "1951."

Mr. DOLLINGER. Mr. Chairman, I do not think I have to burden the House more than a moment with an explanation. I seek by this amendment to change the date to June 30, 1951, instead of 1950. I feel certain that the housing shortage is not going to change within a year or 15 months. Let us be realistic about it. The fault lies with our failure to build houses. Now we are not going to correct that condition for a year or for 2 years. I hope we can correct it by June 30, 1951. If, perchance, we can do that, then the bill has sufficient protective measures; the President could, by proclamation, eliminate controls, and the Housing Expediter would have the right, and we likewise. Must we go through this same procedure every year and hold hearings on proposed legislation to extend rent control and thereby make the tenants jittery over what will happen to them? Let us not dangle a sword over their heads. Let us make them feel that they have security. Let this thing correct itself. We all want to eliminate controls. The way to do it is to give us enough time to build new houses, and I believe we will then solve the problem.

Mr. CRAWFORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, here is another argument which means, in substance, to make rent control a permanent part of our economy. The gentleman who just left the well of the House did not say that, but that is exactly what the amendment would mean; therefore I am opposed to the amendment. If I was a big,

so-called, landlord, with lots of apartments rented, or lots of houses rented, I would advocate rent control. I would advocate rent control on the basis that a fair rent should be paid to me, which means to say that I would all the time be able to charge a price for rents which gave me a fair return on my investments, whether fully occupied or not. So I can understand why people stand in the well of this House and say they are landlords and they are for rent control.

Suppose you went out here with a proposition that you would pass a law fixing it so that all grocery men could sell goods at a price above their cost sufficient to give a fair return, what grocery man would not be in favor of that? He would not have to worry about depressions. He would not have to worry about a slump in business. Why, by the sanctification of his government, he could charge his customers a price which would give him a net return on his operation.

Now, you better do some pretty good, deep economic thinking on this question. Suppose I was in charge of the so-called one-seventh of the housing units for rent in this country, which I understand was presented before the committee that brought this bill to the floor, having under my supervision 5, 10, 15, 20, 25, 50, or 100,000 apartment units in a great concentrated area, would I not be for rent control? I certainly would be if I was to be guaranteed a fair return on my investment. Of course, under those conditions, I would be for rent control. Suppose those great apartments in the metropolitan areas become inhabited by only 30, 40, 50, or 60 percent capacity, are they not going to be able to charge a rent which covers all their costs of operation, plus a little return, provided you give them a fair return on this proposition? If I undertsand the English language, and if I understand anything about economics, they would certainly be entitled to do that.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Kentucky.

Mr. SPENCE. The committee considered the amendment that the gentleman has offered.

Mr. CRAWFORD. I did not offer any amendment.

Mr. SPENCE. I mean that the gentleman from New York has offered. The committee rejected it and adopted in lieu thereof the extension of 15 months.

Mr. CRAWFORD. I think the chairman has made my case. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. JAVITS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAVITS: On page 23, line 1, after the word "nonveterans", insert the following: *"Provided, however,* That on housing accommodations constructed with the assistance of the Federal Housing Administration, or the Veterans' Administration, or on which the Federal Housing Administration, or the Veterans' Administration has insured or guaranteed loans, for 90 days thereafter, unless the seller shall offer to deliver during the aforesaid 30-day period a certificate to the purchaser that construction equals or exceeds the applicable minimum property requirements of the Federal Housing Administration or the Veterans' Administration, and that each item of material or equipment equals or exceeds that described or indicated in the application on which the appraisal of the Federal Housing Administration or the Veterans' Administration is based and such housing accommodations are as represented therein."

Mr. SPENCE. Mr. Chairman, I reserve a point of order against the amendment.

Mr. JAVITS. Mr. Chairman, title I of the bill relates not to rent control but to housing, and purports to deal with a situation affecting the veterans and the sale of property to veterans. It gives veterans a preferential right for 30 days to acquire any newly constructed housing.

I propose that the priority should be increased to 90 days unless the owner of the property—in answer to what is a crying need—gives the veteran a certificate that the materials which went into the property under construction equals or exceeds what he described in his application to the Federal Housing Administration or the Veterans' Administration from which he has gotten the loan aid in connection with the construction, and that the housing is exactly as represented in that application. An owner is required to describe to the Veterans' Administration or the Federal Housing Administration exactly what materials are going into new housing and what standards the construction will meet.

My amendment is designed to follow the terms of this bill. The most we can do under the terms of this bill, and I believe this amendment is properly inserted at this point despite the reservation of a point of order against it, is change the provision of the bill which gives the veteran 30 days priority on new housing and say to the landlord, "It is going to take longer than that to find out whether the cellar is going to fill up with water after a good rainstorm, or the walls are going to come apart"—instances of which we have had time and time again, in new construction, especially in outlying sections of New York City—"so we want you to give the veteran a preference for a longer period of time so that the house can stand a little weathering and the veteran can see whether or not this house is really going to stand up in accordance with the standards which you represented in your loan application."

A few of the facts on this are as follows:

The Housing Expediter, who has authority to receive complaints with respect to housing constructed in 1946 and early in 1947 under the veterans' emergency-housing legislation, which applies only to those periods, received 200,000 complaints of the type of difficulty, which my amendment would seek to reach. Of those 200,000 complaints, he had to dismiss 160,000 for lack of jurisdiction. Just think of it, 160,000 complaints had to be dismissed because he had no jurisdiction under the statute by which he could follow up these complaints of the veterans. In those cases in which he could retain jurisdiction he has already recovered a million dollars and is in a fair way to recover a total of $7,500,000. My amendment seeks a technique by which the Housing Expediter may gain some jurisdiction over all the complaints where an application has been made either to the FHA or the VA for loan aid, and that applies to most of the economy houses and other houses available to veterans which are being put up.

Mr. YOUNG. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. YOUNG. It appears to me that the gentleman from New York has offered a very good amendment for the welfare of all the veterans of this country.

Mr. JAVITS. I thank the gentleman and hope that the members of the committee, regardless of whether they are veterans or not, but who I know are sincerely interested in veterans' affairs, will support the amendment.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. MULTER. Would your amendment require the Housing Expediter to take jurisdiction of these complaints and pass upon them?

Mr. JAVITS. As a practical matter he could do much because he would have jurisdiction over the veterans' priority and over the certificates to be issued by builders. If the landlord wants to shorten the period of 90 days veterans' priority, he would have to submit a certificate and whatever administrative problems arise under this act, the Housing Expediter will handle. I cannot give the Housing Expediter or the Housing Administrator specific authority to go after these complaints, because that would be beyond the purview of this bill.

Mr. MULTER. This authority should be vested with the Housing Administrator, rather than the Expediter, because he is the man who services these matters in the first place and gives the permits for the construction and reviews the plans and appraises the properties. He is best qualified to pass on those complaints.

Mr. JAVITS. That may be, but giving the authority to the Housing Expediter is the next best plan and the only thing that we can effectively do because this is the bill we have before us.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. DONDERO. Under the gentleman's amendment, would taxes, interest on the mortgage, and fire-insurance premiums be suspended during that 90 days so that it will not be a complete loss to the property owner while he has to wait?

Mr. JAVITS. If the gentleman please, whether he has to wait 90 days or only 30 days is entirely up to the builder under my amendment.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. CRAWFORD. I want to see if I understand the gentleman's amendment.

Under this amendment that you now propose, do you mean that if a citizen takes his savings and builds a house for rent that he must, if the necessity arises, by reason of a veteran not showing up to purchase the house, that the citizen who built the house has to wait 90 days before he completes the transaction of selling it?

Mr. JAVITS. He must not, sir. All he has to do is to give the buyer a certificate that he is honest and that he has actually put into the house what he has represented would be put into it, and then a 30-day priority is all that is required.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SPENCE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. JAVITS].

The question was taken; and on a division (demanded by Mr. JAVITS) there were—ayes 36, noes 60.

So the amendment was rejected.

The Clerk read as follows:

TITLE II—MAXIMUM RENTS

SEC. 201. (a) Section 202 (c) of the Housing and Rent Act of 1947, as amended, is amended by striking out paragraph (1) thereof and inserting in lieu thereof the following:

"(1) any housing accommodations which on June 30, 1947, were located in transient hotels as distinguished from apartment or residental hotels; or."

(b) Section 202 (c) (2) of the Housing and Rent Act of 1947, as amended, is amended by striking out "trailer or trailer space" and inserting in lieu thereof "trailer, or trailer space, used exclusively for transient occupancy."

(c) Section 202 (c) of the Housing and Rent Act of 1947, as amended, is amended by striking out paragraph (3) thereof and inserting in lieu thereof the following:

"(3) any housing accommodations (A) the construction of which was completed on or after February 1, 1947, or which are housing accommodations created by a change from a nonhousing to a housing use on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however*, That any housing accommodations resulting from any conversion created on or after the effective date of the Housing and Rent Act of 1949 shall continue to be controlled housing accommodations unless the Housing Expediter issues an order decontrolling them, which he shall issue if he finds that the conversion resulted in additional, self-contained family units as defined by regulations issued by him: *And provided further*, That contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; or (B) the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations; or."

Mr. RAINS. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. RAINS: On page 25, strike out lines 18 to 24, inclusive.

Mr. RAINS. Mr. Chairman, by offering this amendment I do not want you to understand that I am opposed to the bill. For a great many years, as a member of the Committee on Banking and Currency, we have had before us the problem of rent control. I have voted for it in each particular instance, and, if the Brown amendment is adopted today, I will vote for it now. I voted for the Brown amendment in committee, and if that is adopted I intend to vote for the bill today.

In the committee there was great division of thinking, because you can observe the bill itself. We struck out the entire original bill and wrote a completely new bill after the enacting clause.

Among the things I think the committee failed to do was to go far enough with reference to decontrol, or I should say when the committee recontrolled hotels I think they went too far. In my judgment we are approaching the time when we will see the end of rent control. I am not one who can tell you, and I listened long to the committee hearings, that the rent-control picture is worse than it was a year ago or the year before, because the evidence before the committee does not bear out that statement. I look forward to the day when we can completely do away with rent control.

Frankly, I am of the opinion that one way to achieve that goal is to enact a fair and reasonable bill now. For that reason I offer the pending amendment. I do not believe it wise, practical, or possible to recontrol hotels that have heretofore been decontrolled. In my opinion—and I know this is true in my district, and that is the district for which I speak—the hotels today, instead of being full, are about 75 percent occupied. In the hotel business in my country the law of supply and demand is working admirably.

I want you to understand that I do not intend by this amendment to decontrol apartments. This amendment seeks only to keep the controls off of hotels, as it is under existing law. I do not believe that the adoption of this amendment will work a great hardship in any section of the country. I do say that to recontrol hotels will bring about an impossible situation, because if a man or a patron spent 1 night in a hotel, or 1 week, that would establish the rental rate under the present bill. It renders the hotel business completely and totally uncertain. If the law of supply and demand has been met in hotels, why reach out and recontrol those places?

Mr. SMATHERS. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from Florida.

Mr. SMATHERS. I would like to subscribe to what the gentleman is saying. I come from a district where we have probably more hotels proportionately than any other one district in the country. To recontrol these hotels would create a very unsettled condition and, in a sense, reverse the trend which we all hope for, to get rid of controls.

Mr. RAINS. I thank the gentleman.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield.

Mr. KUNKEL. If the gentleman's amendment is adopted, the law will remain exactly as it has been up to now?

Mr. RAINS. That is correct.

Mr. O'BRIEN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield.

Mr. O'BRIEN of Michigan. Is it not a fact that the only hotels recontrolled under this bill are apartment and residential hotels? Is not that correct?

Mr. RAINS. There is not one word in this amendment or in the old law about controlling or decontrolling anything except hotels. If an apartment hotel is a hotel, it would be decontrolled, but if it is an apartment house, it would not be decontrolled; in other words, the definition of "hotel" is what determines whether or not this amendment should be adopted.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield.

Mr. JUDD. The language which is stricken out by the gentleman's amendment comes under a clause in the present law which defines what the term "controlled housing accommodations" does not include. The statement of the gentleman from Michigan, I think, is correct, that the bill recontrols only apartment or residential hotels; it does not recontrol transient hotels.

Mr. RAINS. Oh, yes; it does if it is an apartment hotel. The old law defined "hotel." In this particular instance nothing is said defining a transient hotel. Whether a transient apartment hotel is decontrolled is not clear.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CRAWFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have asked for this time in order to clarify in my own mind the meaning of this amendment, if I may have the attention of the gentlemen from Alabama [Mr. RAINS]. As the law stands at the present time are rents in transient hotels controlled?

Mr. RAINS. No.

Mr. CRAWFORD. As the law stands at the present time are rents on apartments located in transient hotels controlled?

Mr. RAINS. As I recall it, under the regulations, if it is 50-percent transient they are not controlled under the present law.

Mr. CRAWFORD. That has to do with the regulations, however.

Mr. RAINS. That is right.

Mr. CRAWFORD. I wonder if the chairman of the committee can inform us exactly what the status of apartments located in transient hotels are under the present law?

Mr. SPENCE. It is based entirely upon service, both transient hotels and apartment hotels: If the ordinary services furnished by hotels is furnished it is decontrolled. Apartment hotels are under the same regulation under the same law: If they furnish bellboy service, maid service, telephone service, or desk service they are decontrolled. That was

the reason it was changed, because many of these apartment hotels furnished service which was entirely inadequate, yet enough to keep them under the law; and they were decontrolled. We have made it so that they must comply with the regulations of the Expediter.

Mr. CRAWFORD. I see the gentleman from Kansas [Mr. COLE] on his feet; in a minute I shall yield to him, but I want to get straightened out in my mind on certain features. In my home town of about a hundred thousand population there is a very fine first-class hotel, a transient hotel, but a hotel where a number of the older citizens of the city take apartments through the winter months; they receive maid service, they receive telephone service, they receive bellboy service just like a transient customer. I want to know from someone on the committee if the gentleman's amendment proposes to control or decontrol that kind of hotel.

Mr. COLE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Kansas.

Mr. COLE of Kansas. I refer the gentleman to Public Law 129.

Mr. CRAWFORD. Let us stick to the specific question.

Mr. COLE of Kansas. I am answering the gentleman's specific question.

Mr. CRAWFORD. All right.

Mr. COLE of Kansas. Public Law 129 has a provision in it which reads as follows:

(1) Those housing accommodations, and any establishment which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service.

Mr. CRAWFORD. So if the gentleman's amendment prevails that kind of a hotel will not be under control?

Mr. COLE of Kansas. That is right. It will be decontrolled.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. If the gentleman's amendment is not adopted, under the present language of the bill if the hotel to which the gentleman refers is more than 50 percent transient it would be decontrolled anyhow. If you except this then the standard will probably be the one applied by the regulations of the Housing Expediter prior to the time of the enactment of the law which the gentleman from Kansas just read.

Mr. CRAWFORD. May I ask the gentleman from Pennsylvania this question? If he had in his town such a hotel as I have described where the apartment occupancy is not 50 percent and he did not want the institution controlled, would he vote for the amendment now before the committee?

Mr. KUNKEL. Sure.

Mr. CRAWFORD. The gentleman would vote for the amendment now before the committee?

Mr. KUNKEL. I would.

Mr. MARTIN of Massachusetts. Mr. Chairman, I move to strike out the last word and do so in order to find out from the majority leader the program for next week.

Mr. McCORMACK. Mr. Chairman, Monday is District day and there are four District bills to be considered, namely, H. R. 3347, the sales-tax bill; H. R. 1757, rent-control bill for the District of Columbia; H. R. 2799, regulating the retent on contracts; and S. 135, involving daylight saving. Of course, I have no knowledge as to whether the chairman of the District Committee will call them up in that order or not, but those are the bills to be considered.

Mr. MARTIN of Massachusetts. You could not call a District bill up on Tuesday.

Mr. McCORMACK. Monday is District day.

Mr. MARTIN of Massachusetts. These are not all District bills?

Mr. McCORMACK. These could not go over until Tuesday. The District bills would have to be disposed of on Monday, but if the District bills are disposed of soon enough we will take up other legislation.

There is House Resolution 107, permitting the Committee on Interstate and Foreign Commerce to make investigations; H. R. 1437, involving personnel and composition of the Army and Air Force; Senate Joint Resolution 136, Arab and Jewish refugees of Palestine; House Resolution 137, permitting the Committee on the Judiciary to make investigations.

On Tuesday, of course, the first order of business will be the calling of bills on the Private Calendar.

On Wednesday we expect to call up the bill H. R. 2960, to amend the Rural Electrification Act to provide for rural telephones. If all of the above bills are not disposed of on Monday and Tuesday their consideration will go over until Wednesday.

Thursday, of course, is St. Patrick's birthday and there will be no business scheduled for that day.

On Friday the civil functions of the War Department appropriations bill will be called up for consideration.

Mr. MARTIN of Massachusetts. It is understood that if the pending bill is not finished today it will be concluded tomorrow?

Mr. McCORMACK. That is my intention. I am in hopes it will be finished today because then we can adjourn over until Monday.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Georgia.

Mr. PACE. I noticed the majority leader announced consideration of a resolution to give the Judiciary Committee investigatory powers but did not mention the one relating to the Committee on Agriculture.

Mr. McCORMACK. The one involving the Committee on Agriculture was reported out today. I did not know about it yesterday when I made up the program for next week.

Mr. O'HARA of Illinois. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Alabama [Mr. RAINS].

The Clerk read as follows:

Substitute amendment offered by Mr. O'HARA of Illinois: Amend title II, section 201, by substituting for lines 22, 23, and 24 on page 25:

"(1) Any housing accommodations in hotels, which accommodations were, on June 30, 1947, used exclusively for transient occupancy, that is for living quarters for nonresident upon a short-time basis; or."

Mr. O'HARA of Illinois. Mr. Chairman, the language used in my substitute amendment to the amendment offered by the gentleman from Alabama is the original language in the Spence bill. I, as a member of the Committee on Banking and Currency, spoke and voted for the language in the original bill. The matter came to a vote in committee, and according to the reports in the newspapers the vote was very close.

The district that I represent has many people who live in apartment and residential hotels. As a result of the decontrol by the Eightieth Congress they suffered repeated and unjustifiable increases in rent beyond their means to meet. The resultant indignation against the Eightieth Congress, which had subjected them to such a plight, contributed in no small measure to the result of the election on November 2, 1948.

The people living in those apartment and residential hotels have been pretty badly treated, some of them victims of gouging indefensible by any rule of decency. I speak now duly weighing my words and with no desire to exaggerate. The great mayor of the city of Chicago, the Honorable Martin Kennelley, who has the respect of all the men and women, I believe, in that great city, and the corporation counsel of the city of Chicago, the Honorable Benjamin S. Adamowski, and other public officials and citizens, have asked me to present to this Congress the plight that the people of Chicago would be in if the decontrol of these apartment and residential hotels were continued.

I am telling you, my colleagues, that if the amendment offered by the gentleman from Alabama prevails and these apartment and residential hotels are not recontrolled, there will be such a wave of righteous indignation in the city of Chicago that even the most reasonable person could find no word of praise for the Eighty-first Congress.

The substitute amendment that I offer places all housing accommodations used for permanent residence back under control.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to the gentleman from Texas.

Mr. PATMAN. According to the way I read this, if a transient hotel has one or a few permanent occupants it would be recontrolled?

Mr. O'HARA of Illinois. As I read it, any permanent residential unit in any hotel is recontrolled, yes; that is, under the original language of the Spence bill

which my substitute amendment seeks to restore.

Mr. PATMAN. Just the units?

Mr. O'HARA of Illinois. The units.

Mr. PATMAN. In other words, the gentleman still holds transient hotels out, except the units used for permanent residence?

Mr. O'HARA of Illinois. I thank the gentleman from Texas. Certainly. I do not wish to do anything at all to harm any honest-to-goodness transient hotel. I think it is an industry that is entitled to every support we can possibly give. But permanent residential units in transient hotels are housing accommodations and should be subject to the same controls as those elsewhere. My substitute amendment merely recontrols the housing units that were used for permanent residence.

Mr. GAMBLE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to the gentleman from New York.

Mr. GAMBLE. How does the gentleman intend to have these units that are going to be recontrolled pay back the over $2,000,000,000 that was spent redecorating and refurbishing these hotels since they were controlled? That is a pretty serious economic situation.

Mr. O'HARA of Illinois. Yes. We had a very serious situation a number of years ago when the people of Chicago from their hard-earned savings paid out money through the purchase of real-estate bonds for the building of those hotels. They did not get any of their money back, or very little of it. When we had the Republican brand of free economy, and no controls on the exercise of the sacred rights we have been hearing so much about today, some $11,000,000,000 went into the building of most of the hotels and big apartment buildings in America—from the savings of the plain people—and under Republican economy the bonds went into default. The dean of the House the gentleman from Illinois [Mr. SABATH], who worked so heroically for those impoverished bondholders, will support my words, I am sure.

As to $2,000,000,000 being spent in refurnishings since the decontrol of hotels, I am afraid the reports from the Second District of Illinois will not give any aid and comfort to the arithmetic of the gentleman from New York. Most of the reports from my district are in the minus column.

Mr. JUDD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe this amendment is good, and I rise in support of it. It presents a fair, reasonable, and workable middle ground between what the gentleman from Alabama [Mr. RAINS] is trying to accomplish on the one hand and what the language of the bill before us would do on the other hand.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Illinois.

Mr. YATES. When the gentleman says he rises in support of the amendment, he means the substitute amendment, not the amendment offered by the gentleman from Alabama?

Mr. JUDD. That is correct. I rise in support of the substitute amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from Alabama.

There are three sorts of rental accommodations in hotels and so-called apartment hotels. There are regular apartment houses that are under control on the same basis, and in my judgment should be, as houses that are rented are under control. At the other extreme are the regular transient hotels, like the Statler, the Washington, and so forth. There is no question about the propriety of their being decontrolled. Our problem here is the third group—those hotels where a considerable part of the hotel is regularly used by transient guests and the hotel provides all the services that are listed, but another section of the hotel has for years, and in many cases has always, been used by tenants who live in it on a permanent basis. They have a little kitchenette with a hot plate and perhaps a refrigerator.

I know in my district many people who have lived in such accommodations for as long as 20 years. If anybody is going to have the protection of rent control, they should have it, too. They are living in rental accommodations the same as tenants anywhere.

Under the Rains amendment we would have this kind of a situation. Here is a hotel with, say, 51 percent transients. Under the ruling the Expediter heretofore has made, that hotel would be called a transient hotel and be completely decontrolled. Even people who have lived there 10 or 20 years are decontrolled.

What do some hotels do under such conditions? Here is a sample. A retired school teacher has lived in a given small apartment for years. Her rent under control was $45 a month. The management understandably wanted to get rid of her so they could use the rooms for transient guests and get more income. So immediately when their apartments were decontrolled, they upped the rent, in this case to $145. They knew she could not pay it. The purpose was to force her to leave so that they could then take over the accommodations and use them for transients.

If you are going to recontrol for anybody, then people in such accommodations ought to have it along with the rest. But under the language of the bill, if 51 percent are transient, the whole hotel is decontrolled, whereas right across the street is another hotel where 51 percent are permanent and 49 percent transient guests, and all would be put back under control, which could bankrupt the hotel under present increased costs. I agree with the gentleman from Alabama that the language in the bill would create a completely unjust situation. The language in the committee bill actually compels injustice to someone, no matter how administered. It creates injustice either by putting the whole hotel, including transient accommodations, back under control; or, on the other hand, by taking out from control, or leaving out of control, those tenants who rent on a permanent basis. The language of the substitute amendment provides that those accommodations which were for transients shall remain decontrolled. Those accommodations which were for permanent occupancy under long-term rental terms are put back under control. It seems to me completely unreasonable to put anyone back under rent control unless we do the same for those who live in these so-called hotels on a permanent basis.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. HARRIS. May I ask the gentleman if he is familiar with this provision of the District of Columbia rent control?

Mr. JUDD. No; I am not.

Mr. HARRIS. As I understand it, for example, the Mayflower Hotel here in the District has transient rooms and also apartment units. The transient rooms, that is where an individual comes in and gets a room for the night or for several days, are not controlled. But the monthly residential apartment in that hotel is controlled. Is that exactly what is meant by the language of this bill?

Mr. JUDD. No; not of the bill. But it is precisely what the substitute amendment would do. It has worked in the District and is the best pattern for the Nation. I had prepared a similar amendment, but I was glad that the gentleman from Illinois offered it, because he is a Democratic member of the committee, and that demonstrates that this is not an attempt to be partisan or to destroy the rent-control bill.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield.

Mr. KUNKEL. Under the present law the test is whether ordinary hotel services, such as telephone, maid service, bellboy service, and things such as that are furnished. You can have a controlled apartment in a transient hotel today, but it is an apartment that was rented permanently and in which those services are not rendered.

Mr. JUDD. This changes present standards in existing legislation, by putting emphasis on the transient character of the guest.

Mr. KUNKEL. Not if the amendment offered by the gentleman from Alabama is adopted.

Mr. JUDD. No; I am opposed to the amendment offered by the gentleman from Alabama. I am in favor of the substitute amendment which gives equity to both groups in these combination hotels.

Mr. KUNKEL. Are you going to see to it, then, that the people who left the hotel on June 30, 1947, because their rents were increased are going to get their accommodations back, or are you going to give the benefit to those people who came in and took their place?

Mr. JUDD. I do not see how we could make it retroactive. They left under the law as it existed then. I do not see how you can make it retroactive to tenants that have left.

Mr. KUNKEL. If you cannot make it retroactive, then you are not protecting the people that you say you are trying to protect.

Mr. JUDD. It cannot be done completely, that is perfectly true. But we can prevent this practice from going any

further. I recognize the difficulty the gentleman mentions.

Mr. KUNKEL. All you are doing is giving some future person an advantage.

Mr. JUDD. No; most of the tenants are still where they were in 1947. If the language which is in the present bill is kept it is bound to be in litigation from now until doomsday because it says "transient hotels as distinguished from apartment or residential hotels." Now how will those three terms be defined? It will require court decisions. There will be suits brought against the rulings and the regulations issued by the Expediter. By using for the dividing line the term, "housing accommodations used exclusively for transient occupancy," we can get around the trouble. I hope you will support the substitute amendment.

Mr. COLE of Kansas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to call the attention of the gentleman from Minnesota in connection with residential hotels and transient hotels. There is a distinction, you must remember, between units occupied by permanent residents in hotels and guests who were permanent residents in a hotel.

Under the substitute amendment, I am afraid that we have not properly made this distinction. For instance, Mr. Jones lived in room 202 of the Blank Hotel under rent control and he moved. Under the substitute amendment, there arises some question as to whether or not room 202 is thereafter controlled, even though Mr. Jones does not occupy it and whether or not Mr. Smith comes in and occupies that room. It becomes a rather technical thing, and I do not believe that the substitute amendment reaches that particular situation. In connection with the recontrolling of these rents and the testimony which we had before our committee and the statement by the gentleman from Illinois [Mr. O'HARA], I want to read from page 780 of the hearings, in which the gentleman from Illinois said he has not heard any complaint from certain hotels in Chicago, but meanwhile, for instance, the faculty of the University of Chicago had not had their salaries increased and they live in that neighborhood. They might get a top salary of $5,000. Then were listed in the hearings the hotels about which complaints are made. I want to read to you a little about how much the rent in those hotels have been raised, starting on page 776. Here is a hotel where the legal maximum rent on June 30, 1947, was $10.50 a month. It has been raised $4.50 per month. Then on down the line, the next one, the legal maximum rent was $3.50 per week, and it has been raised $7 per week.

Here is another one, $9 per week, and it has been raised $5 per week.

Here is one, $13 per month, and it has been raised $4.50 per week.

Here is one, $4 per week, and it has been raised $5 per week.

I am taking them at random, whether high or low. Here is one at $6 per week, and it has been raised $2 a week.

Here is one, $50 a month, and it has been raised $40 a month.

Here is one at $57 a month and it has been raised $15 a month.

And so on down through this list of tabulation of controlled housing units.

The point I am making, referring to the statement of the gentleman from Illinois before the committee, is that these people are not suffering undue hardships by reason of these raises in rates.

We have three classes of people. Those suffering undue hardships as tenants; those suffering undue hardships as landlords; and those suffering undue hardships as the traveling public. So we must think of all of them. But I do not believe that the people who are occupying these residential hotels whose salaries are around $5,000 are suffering any undue hardship by reason of the tabulated increases shown in the testimony produced before our committee.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. COLE of Kansas. I yield.

Mr. JUDD. I wanted to comment on your distinction between accommodations that are used on a transient basis and persons who are transient guests. It seems to me the language of the O'Hara amendment is clear. It says "any housing accommodations in hotels, which accommodations were on June 30, 1947, used exclusively for transient occupancy." The emphasis is not so much on the tenants as on the basis on which the accommodations were rented. If they were rented on a transient basis they are decontrolled. If on a permanent basis they are recontrolled.

Mr. COLE of Kansas. You mean the unit itself is recontrolled, whether Mr. Jones lives in it or not?

Mr. JUDD. Yes.

Mr. COLE of Kansas. I do not agree with that. I do not believe it is sound policy of controlling accommodations in a hotel.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. COLE of Kansas. I yield.

Mr. DONDERO. It is my understanding that the average transient hotel in this country has an occupancy up to about 80 percent at this time. In those hotels are many permanent occupants. Does the gentleman think it is necessary to put those hotels back under control when they do not have 100-percent occupancy?

Mr. COLE of Kansas. No, I do not.

In closing, one thing I want this Committee to take carefully into consideration is the fact that if we adopt this amendment we will roll back prices on those hotels.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. COLE] has expired.

Mr. SABATH. Mr. Chairman, I rise in support of the substitute amendment offered by my colleague from Illinois [Mr. O'HARA].

Mr. Chairman, for many years I have been familiar with the men who control and own these large apartment buildings and hotels, not only in Chicago, as my colleague stated, but all over the United States. It is a group of men who came into possession of many of these apartment buildings and hotels during the Republican financial crash and since the crash, due to the fact that the receivers and trustees of the vicious so-called protective bondholders' committees which I then designated as scheming and thieving committees, robbed the bondholders of nearly all of their rights and interests in these buildings, acquiring the properties, either directly or indirectly, at 20 to 40 percent of their original construction costs.

Mr. Chairman, I am personally aware of the existing conditions, not because I have read of them, but through personal experience. For instance, I have lived for over 16 years in an apartment hotel having approximately 200 suites and about 25 so-called transient rooms. Shortly after decontrol the management not only increased my rent over 100 percent, but raised that of all the permanent tenants who have lived there for many years from 100 to 150 percent. This was done for the purpose of forcing the old tenants out who were unable to meet the increased rent, and the vacated apartments were reconverted into two or three transient rooms and, therefore, brought a higher return for the same space as when rented as an apartment suite. Unfortunately, it has been disclosed, in the case of some of the smaller apartment hotels where reconversion to transient rooms has taken place, that the rental of such rooms has been highly profitable—they having been rented two or three times during the course of one day. This shameful practice, I am glad to say, has not taken place in the higher class or outstanding apartment hotels.

Mr. Chairman, it is my observation that while many old tenants are being forced to vacate or suffering by being compelled to pay higher rentals, the owners of these apartment hotels and hotels are sunning themselves down in Florida and paying $30 to $40 a day for rooms, all at the expense and suffering of their tenants. Some 2 or 3 months ago I attended a luncheon at a club in Chicago and met the new owners of several apartments and apartment hotels who told me that if Congress reenacted the rent-control act they would close their premises or such units as they became vacant. I cannot help but feel that their conversation at that time was an offshoot of the Oklahoma situation, but it has given me much food for thought. It is my belief that this Congress should have a little more courage, should have more interest at heart in the people who are compelled to rent than in many of these landlord racketeers, who acquired hotel-apartment buildings and apartments, as I have stated, during the Republican-created depression at 15 or 20 cents on the dollar.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. SABATH. I will if the gentleman will not object to my having five additional minutes.

Mr. HOFFMAN of Michigan. As far as I am concerned the gentleman may have ten.

Mr. SABATH. Mr. Chairman, I have asked for this time to discuss the amendment of the gentleman from Illinois [Mr. O'HARA] to recount my personal experience and observation of the operations and activities of some of these profiteering and racketeering landlords

and owners of apartments and apartment hotels in my city, and undoubtedly their practices hold true in other large and metropolitan cities of the country. I am constrained to yield to the gentleman from Michigan to take up the time of the House in view that these distressing conditions may not exist in his district and especially in consideration of the fact that other amendments are to be offered and other Members want to be heard.

Mr. Chairman, in closing I want to refer to the solicitude of some Members for the owners of recently acquired hotels and apartment hotels who have reconverted and remodeled them at an expense of hundreds of thousands of dollars. I say to them, and it is my honest opinion, that these landlords and owners have not made these expenditures to aid or help the tenants to obtain fair and reasonable rentals but to serve as an excuse in raising rents to obtain an unconscionable profit for themselves.

Mr. Chairman, this substitute amendment deserves the support and vote of the membership, and if they have the interest of the people at heart, they will vote for it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOFFMAN of Michigan and Mr. BOGGS of Louisiana rose.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. BOGGS], a member of the committee.

Mr. BOGGS of Louisiana. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I believe that most of the Members of this body know that I have fought over a period of time for effective rent control and adequate housing legislation. As a member of the Banking and Currency Committee two years ago I opposed in that committee and on the floor of the House the so-called Fletcher amendment

The gentleman from Alabama and myself tried in every way possible to obtain effective, comprehensive legislation. So, in speaking for the amendment offered by the gentleman from Alabama and against the amendment offered by the gentleman from Illinois, I think I can speak without bias and with some little experience.

This is not a crippling amendment. It is a fair amendment and leaves the law where it is.

As I understand it, rent control is designed to protect the poor people, the people who if controls were removed would suffer terrific hardships. If controls are not maintained there will be a much larger percentage of the family income for food, clothes, and other necessities of life devoted to the payment of rents. That is why I am supporting this bill today.

In our hearings before the Banking and Currency Committee two years ago it was shown to my satisfaction, and I believe to the satisfaction of all of the members of the committee who approached this thing from an unbiased point of view, that there was little or no justification for the control of hotels, residential or otherwise. After all who, by and large, lives in these hotels? Are they streetcar motormen? Are they coal miners? My good friend from Illinois says that he had to pay $250 a month rent to live in a hotel in Chicago. Frankly, I do not think that is a terrific imposition upon the gentleman from Illinois, and I would not consider it a terrific imposition upon me. I do not know what the conditions are there, but I venture to say that it is probably a fair proposition.

The statement has been made here that people who run these hotels in our cities are racketeers, that they acquire their properties at 10 or 15 cents on the dollar, and so forth and so on. I doubt that. There may be some degree of truth in the statement, but certainly it could not be generally true. This is an industry which cooperates with practically every civil endeavor in every community in the United States. Most hotel operators are good citizens, and it is unfair to stand up here in the well of the House and talk about them as racketeers. The truth of the matter is that a hotel resident is just different from someone who lives in an apartment house or in some other accommodation because he lives in that establishment because of the services that he gets. The costs are different. The costs are adjudged on the basis of service. Everyone recognizes the fact that services have increased. Wages have increased, and necessarily so. It would be a terrible thing if the people who work in hotels, in the various and sundry employments provided therein, had a depressed wage, the same wage as that which prevailed in 1942.

What this amendment really does is roll back hotel-room accommodations not to 1947 but to 1942, because that was the level existing in 1947, when they were decontrolled. I sat on that committee, I listened to the evidence, I took part in the testimony, and at that time I could see no justification for the continuation of these controls, and certainly there can be no justification at this time.

Mr. COMBS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I yield to the gentleman from Texas.

Mr. COMBS. It has been my observation that since rent controls were removed from our hotels, by and large and with the exception of a little gouging at certain times of crowded conditions, these hotels have cooperated 100 percent in keeping their rates reasonably well down throughout the country.

Mr. BOGGS of Louisiana. I thank the gentleman for his observation. It is a very fair one.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. HOFFMAN of Michigan. I move to strike out the last word.

Mr. Chairman and Members of the House, I, too, am a little peeved at this attack on our hotel people by the gentleman from Illinois [Mr. SABATH].

When the rule was under discussion yesterday, he said that he hoped some of us would not find ourselves in the position of those who voted for the vicious real-estate lobbyists in the last session of Congress. Referring to Republicans, the gentleman further said:

> Some of them actually did intend to join us in passing a decent bill, but, unfortunately, due to the powerful influences of the great lobby that was then active here, they were forced in voting against their own desires and convictions.

That charge made yesterday—and you will find it on page 2179 of the CONGRESSIONAL RECORD—is, so far as I know, entirely without foundation.

The gentleman further said that there was an effort to kill this legislation—and again I quote—"in the interest of a few thousand owners of these big apartment buildings and hotels, most of which were acquired under distress conditions at 10, 15, and 20 cents on the dollar."

I have not seen any lobbyists. The protests which I have received against this legislation come from the owners of small homes who rent a room or two, or from the owners of small apartment houses who have difficulty paying their taxes, keeping their buildings in repair.

The gentleman from Illinois [Mr. SABATH] has had not a little to say about vicious racketeers who were in the hotel business. At one time, he said he had been around the country, and he knew all about them and some of their operations. He said he knew these people.

Now I say to the gentleman from Illinois [Mr. SABATH], he is one of the most powerful Members of the House. He is the head of the Committee on Rules. So why does he not get busy, put through a resolution and expose those whom he describes as the vicious, racketeering owners of hotels and apartment houses.

If his information, if his statements, are true and those men are exposed, public opinion will drive them out of business.

I cannot let his statements against hotel owners go without challenge. It happens that I personally know Mr. Bruce Anderson, who, representing the American Hotel Association, appeared last year before a House committee when an attempt was made by Mr. Denham, general counsel for the National Labor Relations Board, to extend the meaning of the term "interstate commerce," the term "affecting commerce."

Mr. Anderson operates the Olds Hotel at Lansing, Mich. He operates the Four Flags Hotel at Niles, Mich. It just happens that I know—and I use my words advisedly—that there is no racketeering in connection with either hotel nor are the rates of either unreasonable.

The rates of the Book-Cadillac in Detroit are undoubtedly higher than the rates of smaller hotels in other cities, giving less service, but I have been at all three of the hotels which I have named, as well as at others in cities in the Midwest, and I have found no reason to complain of the rates charged for the services rendered.

In every city in Michigan with which I am familiar a man can get the kind of accommodations he desires at a price that will fit his pocketbook.

It is most unfair and unjust—in fact, it is outrageous—to charge hotel and apartment owners and managers as a

class with charging an exorbitant price for the service they give. Perhaps the gentleman from Illinois [Mr. SABATH] had in mind some places in Florida, operated by some of his friends, who may have overcharged some of his Chicago friends.

I wish to add something else for the benefit of the gentleman from Illinois [Mr. SABATH]. In my own district—the Fourth Congressional District of Michigan—we have a hotel in the city of St. Joseph, the Whitcomb Hotel. It is a well-built, commodious, comfortable hotel, operated at rates which fill it with guests throughout the year.

That hotel has an exceptionally well-appointed regular dining room; the meals are good; the prices are reasonable. It has another very large room overlooking Lake Michigan, as does the hotel, where banquets are held; where several hundred people frequently gather for meetings and dinners. The service rendered by the hotel is excellent.

It is in a resort area. All through the summer it is difficult to obtain rooms, accommodations. If you want to be a guest there during the summer you must get your reservations in early.

And from whence come these people? From various sections of the country, but mainly from Chicago, from the gentleman's home city.

They like it so well, the service rendered is so good and the rates are so low, that many of them stay practically all summer long. The surroundings are so peaceful and so enjoyable that they come as families. They come not only with their children, but with their grandchildren.

Why are they there? They are there because they are getting more for their money than they can get at any other place in that section of the country.

Nor is that all. Through the early spring and fall—yes, through the winter—the people from Chicago live at that hotel. Is the owner a racketeer or a profiteer? Or is he even taking unfair advantage of his guests? Certainly not. They patronize his hotel; they live at his hotel, because that hotel is to them a home, and because, as just stated, they not only get their money's worth—they think they are getting a bargain when they register at the Whitcomb Hotel.

I have no doubt whatever but that many of them find that they can live at the Whitcomb Hotel in St. Joseph, Mich., and live better, that is, more comfortably and for less money, than they can live in their own homes in Chicago.

Would the gentleman from Chicago [Mr. SABATH] put that man out of business with rent control? Would he deprive people of a place where the businessman may go or send his wife and children during the summertime?

Would he ask that they stay in Chicago and freeze in the wintertime when, for less money, they may go to Michigan and live in comfort and pleasant surroundings?

You know, over in my county, the gentleman from Illinois [Mr. SABATH] has a son, or nephew, who has a farm and a big fine summer home on Dumont Lake. Are we, the people of that vicinity, gouging anybody? The gentleman's son and family and friends come over there during the summer because it is a good place to live, because the fishing is fine, and you get butter, not oleo; you get butter colored a deep, rich yellow, nutritious and all; milk and eggs and meat and bread and vegetables and fruit of all kinds for far less money than is paid in Chicago. Yes, and fish—fine, fresh eating fish—for the catching. The gentleman's son and his grandchildren—I hate to be personal about this—come over there because they get better food; better fishing; cleaner, purer air; purer water, all the things that a man likes and all he wants to enjoy, and all in pleasant, healthful, friendly surroundings for less money than can be found elsewhere. We and all our people are glad to have you come. We will take your money, give you more than you pay for, but do not kick about the price charged by Michigan hotel and apartment owners or managers.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. YATES. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman, this amendment would appear to be something that the people from the city of Chicago are particularly devoted to, this adherence and support to the substitute amendment offered by the gentleman from Illinois [Mr. O'HARA] and the opposition to the original amendment that was offered. But we, in the city of Chicago, are no different than any other community—I believe, in the entire country. I believe the apartment hotel, the so-called residential hotel, is a phenomenon of all large urban communities. Furthermore, the apartment hotel strikes me as having no greater difference than other housing facilities at this particular time, as to the needs of the people for additional housing.

I dislike very much to disagree with the gentleman from Louisiana inasmuch as I have heard much in his favor. I understand that in the past he has been the champion of housing legislation and in support of the tenants in this monopolistic housing situation in which we find ourselves.

Mr. SMATHERS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. SMATHERS. I would like to say in furtherance and on behalf of the gentleman from Louisiana that he has evidenced his good intention to do right by the tenants when they are deserving of right, but at the same time he is not so narrow-minded and bigoted that he cannot change his mind when the opportunities are presented to him to show that a change is needed.

Mr. YATES. I thank the gentleman for his contribution, and I want to state that I agree with him. None of us propose to be bigoted—our actions, of course, will show that fact best. But I want to go on further and say that I hold no brief for any argument which says the owners of these particular facilities are racketeers and such. The only argument I make is that under housing conditions as we find them today in the cities of this country the apartment hotel is just as much to be considered a permanent accommodation as any apartment building.

The very rich live in the apartment buildings just as they live in apartment hotels. The medium-class families, the so-called middle class, live in apartment buildings; so do they live in apartment hotels. The telephone operators in our large corporations, who work for a rather meager pittance these days, are gathered in these apartment hotels primarily, not because they like to get into these places and get the service about which the gentleman speaks so much, but because they cannot find other accommodations in which to live. I think that has to be considered at this time. Retired pensioners, school teachers, civil servants—certainly not a money class—live in these structures.

I think the amendment is fair. It will do away with the indecisiveness, with the evanescence of the law as it exists at the present time and to which the law would be returned in the event the substitute is defeated and the original amendment offered were voted back in the House.

I should like to read a few paragraphs from a University of Chicago Law Review article which will appear this spring. It states, and correctly so, that the definition of the present act is something which nobody can understand not even the courts, since it has been the subject of much litigation. It says:

> However, congressional failure more specifically to define the term "hotel" has raised serious doubt as to the controlled or decontrolled status of certain types of urban establishments. Urban centers are characterized by a type of multiunit dwelling, containing separate, furnished, permanent living accommodations, usually including kitchen facilities. Residents of these units receive certain special services as an element of their rental fee.
>
> Although these dwellings have become known as apartment hotels, they differ basically from the regular hotel in that they seldom accommodate any transient guests. Whether these units are hotels within the Housing and Rent Act is a problem that has affected thousands of urban dwellers and is at present a source of bitter litigation.

Furthermore, in answer to the gentleman from Louisiana, who stated that the prices will be rolled back to 1942, that the prices which were charged in 1942 took into consideration, first, the offering of the special services; and, second, that under the law that was passed in the last Congress the hardship provisions and the loss provisions should adequately take care of the increased cost.

As to the need for recontrol of these establishments, I wish further to point out the testimony that was given before the last Banking and Currency Committee. The testimony which was given to the committee was to this effect. Professor Finkelstein, a member of the New York Temporary City Housing Rent Commission, testified that increases in rents for permanent hotel units in New York City jumped from 25 to 400 percent of the former controlled rentals. That is why we want to return apartment hotels under control.

Mr. Alex Elson, chairman of the Temporary Community Housing Rent Commission of Chicago, presented figures for the period from August 1947 to February 1948, a brief period of 6 months following the decontrol, showing increases in rentals in 249 hotels in Chicago, ranging from 16 to 333 percent over former rentals. That is why we want to return apartment and residential hotels under control.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. SABATH. The substitute our colleague offered will not injure any decently conducted hotel or apartment building. They do not have to fear any danger from that amendment. In fact, the respectable hotel owners would be benefited by this amendment.

Mr. YATES. I thank the gentleman for his contribution. Yes; that is true.

Mr. MULTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we ought to try to understand precisely what is being done by this amendment and the substitute amendment. We are now dealing with the proposed definition of what will not be controlled, if this bill passes. Let us take the law as it exists at the present moment. Under existing law, any housing accommodation in any hotel, transient or otherwise, is not subject to control. The amendment as offered in the original bill—not the one before us, but as originally introduced—provided, as the substitute would provide, that housing accommodations in hotels which are used permanently, that is, permanent housing accommodations in any kind of hotel, would be subject to control. The amendment which was offered would seek to take hotels of any kind, whatsoever, transient or nontransient apartment, residential, or otherwise, out of control definitely and completely. I think the bill should be passed as presented by the committee. These amendments were considered in committee, and a majority of the committee were in favor of the provision as it now reads, which is:

> Any housing accommodation which was located in a transient hotel that was a transient hotel on June 30, 1947, should be exempt from control.

The gentleman from Florida referred to a situation in his State. In Miami Beach all dwelling accommodations in and out of hotels were decontrolled by court action. The local board recommended it. The Expediter did not go along with it, and the court ordered it.

Mr. SMATHERS. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield.

Mr. SMATHERS. I would like to mention that one Member told me that he had just come from Florida, and since the decontrol they have found prices were lower than they have ever been before, and there are more hotel rooms available. I am going to vote for the bill, but I just wanted to make that observation.

Mr. MULTER. The point I am trying to make is that where the court has decontrolled areas, as they have in Florida, this bill does not permit them to be recontrolled, under any circumstances. We set up a provision for local boards, and those local boards have the right to recommend increases in rent. They have the right to recommend decontrol of a complete area, or decontrol of a classification within an area. They can decontrol hotels in your area if hotels should be decontrolled, and if the local board's recommendation is not approved by the Expediter they can go to court and have it done by the court. You can take the bill as presented by the committee in this respect certainly and feel safe that you are losing nothing by it and that your area will not be adversely affected in any way whatsoever.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield.

Mr. JAVITS. The difference really is only whether the Expediter controls units or controls whole buildings. Did the Expediter tell the committee which he preferred administratively?

Mr. MULTER. The Expediter said that he prefers to control all permanent housing in hotels and out of hotels. He said there should be no distinction between permanent residents just because they are in a hotel. That is his view.

Mr. JAVITS. I do not know that the gentleman got my question. The difference in these amendments is that one says it will control separate units and the other says whole buildings. Which does the Expediter prefer to do? Does he prefer to control whole buildings or units?

Mr. MULTER. The Expediter proposed to control units. The amendment, as brought out by the committee, decontrols transient hotels. Permanent hotels and residential hotels are under control unless the local board or the Expediter says that that classification in the particular area should be no longer subject to control.

Mr. JAVITS. And does the Expediter prefer it that way?

Mr. MULTER. That is right.

Mr. JUDD. Then the gentleman says that the Expediter prefers the substitute amendment to the committee language?

Mr. MULTER. That is what the Expediter said to us. The majority of the committee did not agree with him, and said that hotels which were transient on June 30, 1947, should no longer be subject to control. That does not mean rolling back rents to 1942, because you have a provision, and you will get a further provision, I believe, about getting an increase of rent so as to give you a reasonable return if you are entitled to it.

The CHAIRMAN. The time of the gentleman from New York [Mr. MULTER] has expired.

Mrs. DOUGLAS. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Illinois [Mr. O'HARA].

The gentleman from New York [Mr. MULTER] has just said that the Administrator prefers the wording of the substitute amendment. I do not wonder. It seems to me that the impression has been created that what we are doing in protecting permanent residents in hotels is to protect the high-income groups who prefer to live in hotels rather than in homes. This is not true in the city of Los Angeles. For instance, we have 5,000 people living permanently in little hotels; not the Biltmore Hotel, not the Ambassador Hotel, but in little hotels.

A check was made by the city council when last year the decontrol bill—that was properly named decontrol—passed this House. You will remember that the Eightieth Congress removed all hotel quarters from rent control. These people living permanently in hotels who were taken out from under the rent-control program, found their rents were going to be raised not 10 percent, but 100, 200, and 300 percent. The city council had to act immediately in this matter in the city of Los Angeles to protect permanent residents in hotels. Rents were allowed a 25-percent increase and frozen. Those affected were not rich people. They were not young people. They were old people living on pensions, or on very small incomes, living in one little room and, as the gentleman from Minnesota [Mr. JUDD] said, cooking on a hot plate. They have barely enough to get along on as it is without 100- or 200-percent increases in rent. The city council came to their relief and put rent controls on permanent residences in hotels.

I have here a letter from a little old lady, 80 years old, and she says:

> I am so heartened to see Mr. SPENCE's bill introduced. It will protect us when the city regulation expires on March 31, 1949. We are so glad Mr. Truman was elected. We are so glad a Democratic Congress will now come to our rescue.

I do not say this to be light in the matter. I say it as a most solemn reminder. The Democrats have promised those 5,000 old people in Los Angeles living in hotels that they will come to their aid and see that controls are reinstated.

I hope the substitute amendment will be agreed to.

Mr. SABATH. Mr. Chairman, will the gentlewoman yield?

Mrs. DOUGLAS. I yield.

Mr. SABATH. I wish to say what applies to the 5,000 little hotels in the city of Los Angeles applies to about 250,000 of these small apartment buildings all over the United States that have been taken advantage of by unscrupulous owners. I do not mean that some of the owners are not decent, respectable, honest people, but there are a bunch of racketeers who came into possession of these places within the past few years that are taking advantage of these unfortunate people.

Mrs. DOUGLAS. And may I just add this. In the areas to which the gentleman from Florida referred, the Expediter has the power to remove controls. This amendment seeks to protect only permanent residents in hotels. The amendment does not affect those hotels in the country that make their money on the transient trade.

And remember, if old people are put out of hotels in Los Angeles because they can't pay higher rents, there is no place for them to go. The population of Los Angeles has doubled since the war.

The CHAIRMAN. The time of the gentlewoman from California has expired.

Mr. McKINNON. Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. McKINNON as an amendment to the substitute offered by Mr. O'HARA of Illinois: On page 1, after the word "basis", insert the following: "Provided said accommodations to be recontrolled are now occupied by the same tenants as of June 30, 1947, or."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. McKINNON. Mr. Chairman, I preface my remarks by saying I am most sympathetic with the gentlewoman from California [Mrs. DOUGLAS] and the gentleman from Illinois [Mr. O'HARA] in the conditions and problems that confront them and which they so well set forth. We realize, however, that many of the people dispossessed in 1947 will not be able to regain possession of the apartments they then occupied if these units are placed back under control.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. McKINNON. I yield.

Mr. BOGGS of Louisiana. The gentlewoman from California [Mrs. DOUGLAS] stated that the council in Los Angeles had passed regulations of its own. Is there any reason why other cities cannot do the same thing?

Mrs. DOUGLAS. They have not, and the Democrats were elected to do it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McKINNON. I yield.

Mr. YATES. I may answer with respect to the city of Chicago the city council attempted to do just that. When the Housing and Rent Act of 1947 was passed, it, in so many terms, decontrolled these units. But under the particular laws of Illinois, the supreme court of the State held the action of the council to be unconstitutional. So they cannot do it under Illinois State law.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. McKINNON. I yield.

Mr. PATMAN. Obviously they cannot do it, because only the Federal Government can abrogate a contract; the State cannot; the city cannot.

Mrs. DOUGLAS. Mr. Chairman, will the gentleman yield?

Mr. McKINNON. I yield.

Mrs. DOUGLAS. In answer to the gentleman from Florida I would say that the Democrats were elected to do certain things, one of which was to pass a rent-control act that would meet the needs of the American people.

Mr. McKINNON. The amendment to the substitute proposes simply that in recontrolling the permanent units of these hotels and returning them to the 1947 rental basis the present occupants of the units, who were not occupants in 1947 shall not benefit by this windfall; that rather than to allow them to inherit the windfall by coming in under the amendment proposed by the gentleman from Illinois [Mr. O'HARA] they would be excluded, because their condition would not be comparable to that of the people who occupied those particular units in 1947. It is simply a provision to do justice to both the hotel operator and the person who, living there today, also lived there prior to 1947 but whose rent, in the interim, has been increased.

Mr. SPENCE. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto, including the substitute and all amendments thereto, close in 10 minutes.

The motion was agreed to.

Mr. WOLCOTT. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, perhaps we can clear up in our minds what we are doing. The existing law provides that there shall be no control on housing accommodations in any establishment which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided the customary hotel services, such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bellboy service. We predicated the decontrol of all hotel units upon whether these hotel services were rendered. So in the apartment hotels, the residential hotels and in the permanent units in transient hotels which did not provide these services, those accommodations are not now nor have ever been decontrolled.

Of course, it is just as reasonable to decontrol a unit in an apartment hotel or residential hotel which provides these hotel services as to decontrol a room, transient or otherwise, in a transient hotel which is in the same situation. Rooms in transient hotels which do not get these services were not decontrolled. Rooms in apartment hotels and residential hotels which did not get these services were not decontrolled, they never have been decontrolled and they are not decontrolled now, that is the law.

Mr. JUDD. There are court decisions in my city which have interpreted the law differently than that and they are decontrolled.

Mr. WOLCOTT. There is the law and the courts are bound by the law. So far as I know all courts in the United States at least are bound by this law.

What would you do by the amendment offered by the gentleman from Alabama? You would restore existing law in that respect so that all units in all hotels, transient and apartment and residential, which gave the services would be decontrolled.

Under the amendment offered by the gentleman from Illinois [Mr. O'HARA] which you will find on page 16 of the report, which was in the bill originally introduced, you will notice that it provides:

Any housing accommodations in hotels, which accommodations were, on June 30, 1947, used exclusively for transient occupancy, that is for living quarters for nonresidents upon a short term basis.

They will go back under control. These will be the only ones which will be controlled. So what we call the permanents in transient hotels on June 30, 1947, will go back under control regardless of whether they are now being rented to transients, regardless of whether they are or are not giving the same services to these units that they may be giving to a transient unit which is not under control right across the hall from it.

The reason we took the controls off in the first instance was to legislatively remove the inequities which had not been corrected by the Administrator in respect to these cases.

If the committee amendment which is found on page 25 of the bill prevails, then you will decontrol all of the units in a transient hotel regardless of whether the services are given. I would not think that any of you who have been talking here today about continuing controls would vote for that committee amendment unless you knew how many permanent accommodations there are in transient hotels that are not getting this service, because under the language of the committee amendment you would take out from under control all of the units in a transient hotel regardless whether they were getting hotel services or not.

To sum it all up, the sensible thing to do is to leave the law just as it exists today, predicating decontrol of these units upon whether they are giving these ordinary hotel services, and that means that we should vote for the amendment offered by the gentleman from Alabama [Mr. RAINS].

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the situation as it now exists is sort of betwixt and between. We have here three proposals offered to the committee amendment. The first one we shall vote upon is the one offered by the gentleman from California [Mr. McKINNON], so far as recontrol of units specifically is concerned. The next is the one offered by the gentleman from Illinois [Mr. O'HARA], and that would, of course, recontrol units as of June 30, 1947. The other is the one offered by the gentleman from Alabama [Mr. RAINS], which would decontrol or return to the existing law.

When this matter was under discussion in the committee it was a question of going from one extreme to the other and trying to arrive at some fair and reasonable compromise whereby it would be fair both to the operators of hotels, not alone large hotels, but to those who are operators of small hotels, 25 rooms or above. While there is no solution that will satisfy the hotel owners nor the occupants, neither the permanent residents in transient hotels. Nevertheless, the committee amendment as agreed upon brings it within the shadow of reasonable fairness to as many people as possible under any provisions for recontrol. So, after very careful consideration and due deliberation of this matter, which was very carefully discussed in committee and in debate, we arrived at that particular solution in the committee amendment.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Minnesota.

Mr. JUDD. Does not the gentleman feel that the purpose of rent control, if there is to be rent control, is to protect people as contrasted with protecting one hotel against another hotel? The purpose of it is to protect people, wherever

they live, and if you want to protect people, then you have got to protect them in the permanent units in transient hotels as well as in regular apartments or individual houses that are under rent control.

Mr. BUCHANAN. We must also think in terms of protecting people who are owners and operators of small hotels. I agree that there is no reasonable solution that will satisfy all. One way or the other you are going to affect some people, you are either going to hurt the hotel owners or you are going to hurt the occupants.

Mr. JUDD. That is the difficulty with the gentleman's amendment. It is bound to hurt one side or the other in every single instance. If they are decontrolled, it hurts the tenants in the permanent units. If they are recontrolled, it hurts the owners. It could actually put out of business a lot of hotels.

Mr. BUCHANAN. By "the gentleman's amendment" does the gentleman refer to the committee amendment as adopted in committee?

Mr. JUDD. Yes, that is what it would do. I prefer the amendment offered by the gentleman from Illinois [Mr. O'HARA], which puts it on whether the unit is rented on a permanent or a transient basis rather than on whether the hotel is 51 percent of one type or 51 percent of the other type.

Mr. BUCHANAN. That is why the committee arrived at the point where it thought it would be better to recontrol the structure rather than units, applying to transient hotels with a portion of permanent residents.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Texas.

Mr. PATMAN. Is it not true that the amendment offered by the gentleman from Illinois [Mr. O'HARA], as amended by the amendment offered by the gentleman from California [Mr. McKINNON] is preferable to the amendment offered by the gentleman from Alabama [Mr. RAINS], and the Rains amendment should be defeated because the committee's bill, which should stand as it is, decontrols those permanent units in transient hotels?

Mr. BUCHANAN. That is the opinion of the committee as reported here in the committee amendment.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Is it not true that the Rains amendment neither recontrols nor decontrols any property?

Mr. BUCHANAN. The Rains amendment would continue existing law.

Mr. KUNKEL. It neither recontrols nor decontrols it?

Mr. BUCHANAN. The existing law as of June 30, 1947, decontrols transient hotels affecting permanent residents within those transient hotels.

Mr. KUNKEL. If you do not adopt the Rains amendment you are going to put yourself in the position of telling people whom you have decontrolled that you are going to go back and undo what was done earlier.

Mr. BUCHANAN. The reason for the committee's making this suggested change, of course, was to bring under the umbrella of protection those permanent residents who live as residents in transient hotels, who would otherwise have lost their protection by various devices entered into if the hotels were converted into transients.

Exclusion from control of transient hotel accommodations would, therefore, be based upon the character of a structure in its entirety, rather than, as under present law, upon units of housing accommodations within the structure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. McKINNON] to the substitute amendment offered by the gentleman from Illinois [Mr. O'HARA].

The amendment to the substitute was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois for the amendment offered by the gentleman from Alabama [Mr. RAINS].

The question was taken; and on a division (demanded by Mr. JUDD and Mr. YATES) there were—ayes 54, noes 112.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and the Chair being in doubt, the Committee divided; and there were—ayes 146, noes 83.

Mr. SPENCE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PATMAN and Mr. RAINS.

The Committee again divided; and the tellers reported there were—ayes 174, noes 98.

So the amendment was agreed to.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: Page 25, beginning in line 17, strike out all of titles II and III of the committee amendment and insert in lieu thereof the following:

"TITLE II—MAXIMUM RENTS

"SEC. 201. Subsections (a) and (f) of section 204 of the Housing and Rent Act of 1947, as amended, are each amended by striking out 'March 31, 1949' and inserting in lieu thereof 'June 30, 1949'."

The CHAIRMAN. The gentleman from Michigan [Mr. WOLCOTT] is recognized for 5 minutes in support of his amendment.

Mr. WOLCOTT. Mr. Chairman, this is the amendment about which we have had some discussion in general debate. Its purpose is to continue the existing law without any change until June 30, 1949. You will notice that it does not in any manner amend or otherwise affect title I of the bill which has to do with veterans' preferences; it does however continue existing rent-control authority until June 30, 1949.

In the law as it now exists, and in the proposed bill there is a declaration of policy which I think we should have in mind. We should have in mind that the proposed bill which is before us for consideration does not in any way change the declaration of policy. The declaration of policy in part states:

The Congress therefore declares that it is its purpose to terminate at the earliest practicable date all Federal restrictions on rents on housing accommodations. At the same time the Congress recognizes that an emergency exists and that, for the prevention of inflation and for the achievement of a reasonable stability in the general level of rents during the transition period, as well as the attainment of other salutary objectives of the above-named act, it is necessary for a limited time to impose certain restrictions upon rents charged for rental housing accommodations in defense-rental areas.

That declaration of policy was written 2 years ago, at which time we announced to the country that we believed that rent controls should continue for a short period, and we referred to this period as a transition period; we said that rent controls in this modified form in which it was proposed should continue for the reasons given, among which was the prevention of inflation. Now, you can see how inconsistent it would be if we were to adopt the bill which was reported out of the Committee on Banking and Currency in the light of that policy. We are going through some sort of economic transition period now; we must admit that there are economic changes over which we have little or no control going on at the present time. I called attention in general debate to the fact that the Federal Reserve Board had taken cognizance of a decline in demand for goods in many lines by easing credit requirements. We must take cognizance of the fact that in many lines we have overproduced. The pipe lines are full to overflowing of certain commodities, especially in textiles, in leather, and some machinery. We have not only seen this production effort of ours fill the demand but it has been so great that it has created, even in the face of the high purchasing power and high demand, surpluses which are causing certain cutbacks of production and certain cutbacks in the use of labor.

So, summing all this up, there is a decline in national income, and let me repeat what I said in general debate, it is axiomatic that vacancies in rental properties increase almost proportionately as national income decreases. We do not have to be too old to remember that during these fluctuations how the vacancies of rental property increased and decreased as the economic line fluctuated. Even as late as a few days ago it was reported in the press, and I think he is absolutely correct in recommending it, that the gentleman from Texas [Mr. PATMAN] took cognizance of the fact that investment capital was not coming into the market, that investment capital was being frozen to a certain extent by what he alleged were excessively large margin requirements on stock transactions. As I understand the press reports, he advocates the reduction of marginal requirements from 75 to 50 percent, which is a further recognition of the fact that we

are going through this transition period and we ought to stop, look, and listen to what is happening in America before we continue any of these controls.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

Mr. Chairman, let us not deceive ourselves. This is an amendment to kill the bill. It seems many members would not dare kill it by direction but would kill it by indirection. We know the conditions which exist now with reference to housing. We know that housing is not like other commodities. It takes a long time to produce houses. We know today as well as we will know 90 days from now that housing at that time will be inadequate.

What advantage is there in continuing this for 90 days except to cast turmoil and trouble on all the people, landlord and tenant alike. There will be no stability of relationship, we will not know what the result will be and nobody can know the result.

The gentleman from Michigan stated that as national income decreases vacancies increase. Why is it that vacancies decrease when the supply of housing will not meet the demand? It is because the people of America have to double up with their in-laws or live in tents. It has no relation to the supply of houses. That statement of the gentleman clearly indicates what might happen. There might be vacancies if rent control were removed and rents were so high that the majority of the people could not pay them, but it would only mean discomfort and trouble to all people who desire houses at this time. I cannot see any purpose in the world in continuing rent control for only 90 days. Rent control ought to be considered by the committee after adequate hearings, and we ought to know what we are doing. We have held long hearings. We do know the conditions that exist now, and the evidence showed conclusively that housing is entirely inadequate, and that housing, by reason of the very nature of the thing, cannot meet that demand in 90 days or in a year. This is but a measure to kill the bill. Rent control was one of the issues in the last campaign, and this is an issue that is now important to the American people. Is it important that we should have a cohesive Democratic Party which should stand by the principles it advocates? Is it important that we should stand together, as the opponents on the other side of the aisle stand together, or must we be a discordant party affected by factions and discord?

I hope that we will in this vital time, in this great issue that confronts our people, stand together and vote down this amendment which would mean the destruction of all rent control and the betrayal of the pledges that we made to the people in the last election. Let not that happen.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, when I made my remarks earlier in the day, this was one of the amendments that I had particularly in mind. I recognize that there is merit to the amendment offered by the gentleman from Alabama [Mr. RAINS] although I would not have gone as far as that. And, while I voted against that amendment, I want it understood that I did not consider that to be a crippling amendment, and I know the gentleman from Alabama did not offer it from that angle. So, I want to draw clearly the line of demarcation between that amendment and the present one.

I made some remarks earlier today that I feel very strongly about. I thought them out carefully. I sat down last night and I reflected, and I reduced some of my thoughts to writing. Most of you know that I am an extemporaneous talker, and I try to express thoughts that are well developed in my own mind. But, I wanted to be careful about what I said.

This is a crippling amendment to this bill. The gentleman from Michigan admits that there is necessity for extension of rent control by his very amendment, extending it 3 months. That is an admission. Well, if that is so, why should not we, the Democrats, and those on the Republican side who believe in effective rent control, accept the extension of 15 months? Fifteen months is a compromise. The recommendation was 2 years, and this was a compromise, and the reason 15 months was adopted in the committee was to bring it to the end of the fiscal year rather than have the year end in March of next year. That is the reason why 15 months was adopted by the committee, but as a compromise over the 2-year recommendation.

Mr. SADLAK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Connecticut.

Mr. SADLAK. Does the gentleman deny that there is no growing unemployment in the United States today, and particularly in Connecticut and New England?

Mr. McCORMACK. What does the gentleman mean, do I deny? There is seasonal unemployment, and that happens every year. But, there is no unemployment due to any basic disturbance of our economic system.

Mr. SADLAK. There are over 250,000 unemployed in the New England States. That is not seasonal.

Mr. McCORMACK. We have seasonal unemployment there and throughout the country, and the gentleman from Connecticut knows it just as well as I do.

Is the gentleman in favor of this amendment?

Mr. SADLAK. I know the facts.

Mr. McCORMACK. Is the gentleman in favor of this amendment?

Mr. SADLAK. Yes, I am.

Mr. McCORMACK. All right. We will place this gentleman on record anyway. He comes from Connecticut. That places him on record. One Republican goes on record, anyway. The gentleman has admitted his state of mind.

Mr. Chairman, this is one of the crippling amendments I had in mind when I made my remarks this morning. I hope the amendment will be defeated.

Mr. MONRONEY. Mr. Chairman, I move to strike out the last three words, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONRONEY. Mr. Chairman, I rise in opposition to the Wolcott warm-weather amendment, because, make no mistake about it, when you vote this amendment in the bill you have done the equivalent of striking out the enacting clause, or voting to kill rent control.

I should like to address the Members on my side of the aisle on this matter. I think if we are going to kill rent control, we ought to do it in an honest, above-the-board way, and not do it in such a way that we will try to destroy or hide the evidence.

I do not think we should give the members of the Republican Party the right to do as they did under OPA, kill OPA and then shift the blame to the Democratic Party for its loss. I plead with you today, as we have this amendment up, which, believe me, is destructive and destroys completely all hope of any continuation of rent control, to vote down this amendment. If you must vote against rent control, do it in an honest and forthright way, and stand up and be counted so that the people who are against rent control will know exactly how you stand, and the millions of tenants will also know exactly where you stand.

There is no sense in allowing this 90-day reprieve on the life of rent control unless it is to have warmer weather for people to be dispossessed in, and there is no excuse for continuing the expense of rent control for 90 days if you intend to kill it on June 30.

I have listened very carefully to the remarks of the gentleman from Michigan in general debate and I have listened to him just now.

If he would come out and say in a forthright way that he is against rent control, that he intends for it to expire on June 30, then I believe the members of the Democratic Party who might want to vote with him on this amendment might say there has been a forthright statement that rent control will die on June 30, but I have not been able to detect in his remarks to date on the floor whether he intends to let rent control die on June 30, and that, I think, will be in the RECORD.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman to clarify that subject.

Mr. WOLCOTT. I will be very glad to clarify it because the gentleman calls my attention to the fact that I had not made it clear in my statement. I stated that we are in no position today to determine whether we should continue rent control beyond June 30, 1949, because we do not know where we are going to be at the end of this economic-transition period. We will know in the next 90 days whether this depression or recession, or whatever you might call it, is a flash in the pan or whether it is going to be more or less permanent. At that time we can take another look at

rent control to determine whether we want to continue it. If we do continue it, we can write the standards into the law to fit any charges that have taken place in the meantime.

Mr. MONRONEY. I thank the gentleman for those remarks, because they are completely contrary to the published statements of the position of the Republican Party on the extension of rent control, which was that they were out to kill rent control by a 90-day extension.

You Democrats have heard this explanation. You know that if you vote for this amendment that that will be the excuse, that they were extending it for a 90-day look-see period.

Everyone within the sound of my voice knows that to vote for this amendment means to vote to kill rent control and end it forever. I cannot go along on the theory that simply because there has been some slight dropping off of employment and a slight recession in prices that we should throw our hats up in the air and say "Hurrah! there is a depression on the way and we do not need to face up to this hard proposition of extending rent control."

Mr. CHRISTOPHER. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. CHRISTOPHER. If we are starting in on a depression, then this is the time that we need to continue rent control. The less income a worker has, the less capacity he has to pay high rent.

Mr. MONRONEY. If, as my distinguished colleague the gentleman from Michigan [Mr. WOLCOTT] has said, it is axiomatic that the lower the income drops the less crowded housing conditions become, I wonder how he explains away the fact that our national housing plant in the Nation today was built to accommodate about a $100,000,000,000 income, while today the national income is about $225,000,000,000. I, for one, do not hope to see and do not believe that we will see the national income drop to $100,000,000,000 a year to the point where we will put our population and its income back into a housing plant which was designed to accommodate only $100,000,000,000 a year.

This housing situation will be just as tough in 90 days from now. If you pass up this chance to extend rent control, you are actually killing rent control by this vote, but you are destroying the evidence of the responsibility of those who are guilty of doing the act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, now that we have heard three of the distinguished Members on the other side crack the party whip, permit me to say that I am pretty discouraged about this whole business. I do not think it is quite cricket to tell us that just because this amendment was offered, it is a Republican move to kill rent control. I do not know what the Republican organization wants to do or intends to do. I only know that as one Republican, I have been listening. I have wanted to compromise and go along if I could. I have never been for rent control and I am not for rent control now. But I am willing to try to take a little dose of it out of courtesy to you gentlemen, thinking that you might know more about the subject than I do. I was willing to just go along a little way if I could find some good reason and when some say they are willing to vote to extend it to June 1949, then you say, "Why, that is an underhanded business. You just want to kill the whole thing." That grieves some—that hurts, that is unkind—and I think untrue.

The gentleman from Massachusetts [Mr. MCCORMACK] said that the offering of the amendment by the gentleman from Michigan [Mr. WOLCOTT] was an admission that we must have rent control. Therefore we should take 15 months of it. As I get it, it is the purpose of the gentleman from Michigan [Mr. WOLCOTT] to take a look at it, as he said, and see what happens, where we are in June, and what is going to happen after June next. The gentleman from Massachusetts [Mr. MCCORMACK], in his argument, said if it is a good thing, why not take it for 15 months? Here is one answer: Any Member of the House might be willing to take one little drink of good liquor, but nobody—well not very many—want to take 15. Do you see the point? Even a little of a good thing may be enough to take at one time. When we, on this side, try to compromise you rebuff us and charge us with underhand practices. That is discouraging—very, very discouraging.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CROOK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have been observing this discussion very carefully this afternoon. I have seen an atrocious attempt made, as many of my colleagues have said, to deliberately kill rent control. I listened to the distinguished gentleman from Michigan [Mr. WOLCOTT] as he brought out the reasons why this should be extended for a 90-day period. I was just wondering where the distinguished gentleman got his philosophy. But on reflecting over the past few years, I have found some traces of the Hoover fever that yet prevails.

During Hoover's administration we were peeping around the corner. Yes. Looking for two cars in every garage. What did we get? Two families in every garage. We were looking for a chicken in every pot. What did we get? Not even a pot to cook our beans in.

I happen to be a carpenter by trade myself. How much can you build in 90 days? What can you do in that period? I recall when Franklin D. Roosevelt was first elected they were saying that grass would grow in the streets of New York. You cannot face your constituents in this battle after voting for this 90 days' extension. Your actions will rise to haunt you as sure as you are seated in this august assembly room.

Looking back into my own territory, in the last year we could not even buy a sack of cement to patch a piece of sidewalk or fix a foundation under a house. Why? Because the materials that go into the building of our homes were being purchased by speculators. When you drive through this community and see the great pieces of construction work going on and you look in the papers and see the prices of those homes from fifteen to sixty-five thousand dollars, I can readily see why the common man has not been able to buy a piece of real estate or to build within the reach of his ability to pay.

The people of this Nation will never stand for a discontinuation of this rent control, or allowing this 90-day period, which will allow them to be pushed out under the hot rays of the sun and make them think they are living in the comforts of well supplied homes.

You must not forget what you are doing today. I remind you, lest ye forget. Lest ye forget!

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CROOK] has expired.

Mr. SPENCE. Mr. Chairman, I wonder if we cannot agree on time to conclude the debate on this amendment.

I ask unanimous consent, Mr. Chairman, that all debate on this amendment and amendments thereto close in 20 minutes, the last 5 minutes to be reserved for the Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. SPENCE]?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FULTON] is recognized for a minute and a half.

Mr. JENSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JENSEN. How much time does this leave for each Member?

The CHAIRMAN. This will give a minute and a half to each Member whose name was called with 5 minutes reserved to the Committee to close the debate.

Mr. JENSEN. Mr. Chairman, I will yield back my time and withdraw my name from the list. This will give more time to the others.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FULTON] is recognized for 2 minutes.

Mr. FULTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we may as well face the fact that rent control is necessary in the country today. This issue has been a bipartisan one, the Republicans as well as the Democrats voted for instituting rent control because of the necessity in this country. We all admit that as of this moment rent control should be continued because it is necessary. If it be necessary it should not have tenants hanging on to the edge of a 90-day precipice not knowing where they stand.

This issue does not divide the Congress by party, and I was certainly surprised to see such a raft of Democrats vote on the last amendment trying to obtain decontrol. This is a case where it goes by where you live, this goes by the wing of the party you are in. I am very proud that I am in the Republican Party and represent one of the largest industrial areas of the country, the southern part of the city of Pittsburgh, Pa. I represent steelworkers, miners, shipbuilders, and

white-collar people who work in heavy industry. We in Pittsburgh know that rent control is needed; we know that we need not less rent control and more evictions, but more and better housing, and we need the time to do it.

On the proposition that this problem should be returned to the States in 90 days, everybody in this House knows that 90 days is not time enough within which 48 States can make separate provisions to deal with the situation in the various States. They will have to make surveys to find what is the real housing need, and they cannot do that within such a short period. Therefore, as a Republican, I am going to support this proposed extension of rent control.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The gentleman from New York [Mr. McGRATH] is recognized for 2 minutes.

Mr. McGRATH. Mr. Chairman, I thought that, being a first-year Member, I would be absolutely silent for the first year, but I recognize that this problem is so important that one must not be silent.

Mr. Chairman, I sat upon the bench of the City of New York for 13 years, and in the last six passed upon nothing but cases involving landlord and tenant problems, ex contractu and tort actions were forgotten. We turned our court into a welfare court.

There is no answer to this housing problem except more housing. This rent control bill is merely an effort to hold things in abeyance until more houses are constructed. The adoption of this amendment would destroy rent control. The whole housing problem is not a political one but it is an economic one and a moral one. I have heard people say in court: "We cannot have a family; we have no place in which to live." If you are going to say to those people already doubled up with other families, that they will have to go on the streets to live, then instead of having it said that grass will grow in the streets of New York, we shall see clothing and household effects piled up on our streets.

If you adopt this ninety-day amendment you destroy effectively and you destroy in toto the protection that you are giving now to the people of our city. I ask you to approach this problem not as Democrats—and I do not speak here, Mr. Chairman, as a Democrat—this is a problem that strikes at the heart of every home; and when you strike at the home you strike at the family, and the family according to my philosophy is the basic unit of all civilization.

I hope the amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS. Mr. Chairman, each of us has a right to his opinion and I express mine at this opportunity for what, if anything, it might be worth. I believe we ought to vote down this amendment. I intend to vote against the entire bill unless a certain amendment is adopted which will permit local units and the States to decontrol. I voted against Federal rent control in the last Congress. I think that if rent control is now justified at all it ought to be at the State level and not at the national level. However, I believe an amendment will be adopted, I hope it will be, to pretty well accomplish that particular purpose.

If that amendment is adopted I believe that I can vote for the bill. If it is not, I think I will vote against it. That is my present thought.

All of us, every one of us, ought to have courage in this House and we ought to welcome the proposition of going on record as to our positions. I do not think we ought to try to kill this bill by indirection or by any other than a direct method. We ought to stand up here and vote against the bill if we are disposed to vote against it, and conscientiously think we ought to vote against it, instead of voting for an amendment here which would have the effect of killing the bill by an indirect method.

I do not impugn the motives of the author of this amendment. I suppose he is as good a man as I am. I do not impugn the motives of any one or any group, but I think to adopt this amendment would be bad legislation and I do not think we ought to accept it. As I say, I do not challenge anyone's motives, yet I think it would be bad legislation to adopt it.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Chairman, we are told that a democracy has within itself the seeds for its own destruction. We are told that when the liberties it cherishes and protects are permitted to become license, the exercise of those liberties themselves at such a time can destroy democracy. We have in the particular amendment before us an illustration of that situation.

We know there is a national emergency in connection with the shortage of housing accommodations and therefore in connection with rents. If we have not within our democracy the organic strength and the organic flexibility to deal with that emergency, and to deal with it without fear, knowing we are not going to sacrifice our essential liberties in the process, indeed the foundations of American freedom are in danger.

I believe the pending amendment must be defeated and it must be defeated on this very clear ground: Either the House wants rent control or it does not. Possible changes in economic conditions in 3 months have little to do with it. It is housing conditions and the housing shortage we are talking about here. If the committee wants to give this power of rent control back to the States and municipalities, a course with which I disagree, then face it firmly. But let us not make a mockery of our democracy and the democratic process by saying we are doing one thing—continuing rent control—and doing at the same time another—ending rent control.

I believe that the pending amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, the Committee on Banking and Currency for more than 4 weeks very carefully took a look at the rent situation in this Nation. We had under consideration a bill to extend rent control for 2 years. We felt that the period of 2 years was too long, that it did not bring the termination date as of the close of a fiscal year; therefore I personally in committee offered the amendment to curtail the time to 15 months, which amendment was adopted by the committee.

We did it for a dual purpose: First, to take a look at the work of the Housing Expediter in the more than approximately 600 areas under control in the country wherein there have been some very rapid shifts in population over the last 2½ to 3 years. We felt that in some of the rural and small town areas that these areas should have been decontrolled. I must compliment the members of the Committee on Banking and Currency, because when we go behind closed doors in executive session I believe that that committee makes an attempt to analyze and to weigh all factors, and many times we split so far as partisan party lines are concerned.

The committee has been most considerate in recommending an extension of 15 months.

If this amendment is adopted—then just write off any rent control so far as this Congress is concerned.

I ask that it be voted down. This is the test.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. SADLAK].

Mr. SADLAK. Mr. Chairman, I am sure that the membership of the House is familiar with my desire, in connection with the first deficiency appropriation bill, to obtain sufficient funds to be sent back by us to the respective States to provide sufficient funds to hire personnel to handle the growing number of unemployment claims. I want to state now, as I have on previous occasions that I hope that the growing unemployment in the United States will very shortly reach its peak.

I would like to take the facts as they are reported to me, and I have particular reference to my own State of Connecticut. I would like to take the report of the commissioner of labor, who is the responsible authority for keeping his fingers on this situation. He has indicated in an article in the New Haven Evening Register of March 9 that there are now in Connecticut 60,239 claims for idle pay filed in the State. He reports a rise of 180 percent since the job drop began in mid-October. There is no tapering off of this unemployment. It seems to be on the upgrade, and as long as we have that situation I am convinced that we ought to adopt the Wolcott amendment. This procedure will enable us to determine more accurately the action to be taken as we shall then better know the extent of the developments, improbabilities and uncertainties that face us presently due to the serious fluctuation of our economy which is certified by the continued growth of unemployment.

A continuation of the newspaper article from which I read a few moments ago follows:

SIXTY THOUSAND TWO HUNDRED AND THIRTY-NINE CLAIMS FOR IDLE PAY FILED IN STATE—EGAN REPORTS RISE OF 180 PERCENT SINCE JOB DROP BEGAN IN MID-OCTOBER

HARTFORD, March 9.—State Labor Commissioner John J. Egan reported today that claims for unemployment compensation in Connecticut have increased 180 percent since mid-October.

Egan said that idle pay benefits were asked by 60,239 during the week which ended March 5, as compared with 21,485 during the second week of October when the present rise in unemployment started.

During the week which ended February 26, he said, 56,120 persons asked for unemployment compensation.

New claims filed last week totaled 7,909, the labor commissioner added, as compared with 2,649 filed during the same week a year ago.

MANY PLANTS SLACKEN

Lack of work, Egan said, resulted in layoffs of from 100 to 350 in textile, hat, bearings, brass products, machinery, plastics, and electrical products plants.

Lay-offs of from 50 to 100 occurred in chain, silver products and rubber footwear factories for the same reason, he added.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, I am not going to challenge the good faith of the gentleman who offered the amendment, which is not a crippling amendment; it is a destructive amendment. I am going to challenge the good faith of the Republican Party as to whether or not they want rent control extended. The only excuse offered for a 90-day extension is that they may want to look at the situation again in 90 days. Now, do not salve your conscience by the fact that this particular amendment does not apply to title I, which concerns itself with veteran preferences. Title II, which is affected by this amendment, concerns itself with veterans and with everybody in this country, who lives in rented dwelling accommodations.

If you must look at this situation 90 days from now you can do it without this amendment. There are three ways to do it. Everybody must admit there is no excuse for extending this law for 1 day unless we have a housing shortage. If there is a housing shortage today which will warrant us in extending this law, you cannot cure that housing shortage in 90 days. You will cure it only when you create more housing, and you are not going to do it in 90 days.

What are the provisions for looking at this situation 90 days from now if you should extend this law even for 2 years, and all we are asking for in this bill is 15 months?

There are two methods provided in the bill for examining the situation at any time within the 15 months, whether it be 30 days, 60 days, or 90 days from now. Look at the provisions of the bill.

The President by proclamation may say the emergency is ended and bring the law to an end. I know there are those of you here who will not trust the President, but surely you will trust yourselves. The second way to look at the situation is, by at any time offering a bill by which this House will act concurrently with the Senate and declare that the emergency is ended, and thus bring the controls to an end.

If you do not trust yourselves, maybe you will trust the United States Supreme Court. Anybody at any time from today on, even under the existing law as well as under the law that we will pass if we pass this bill, can go to the Court and adduce facts showing that there is no emergency, there is no housing shortage, and the Court, perforce, will be compelled to say that the emergency no longer exists as a matter of fact and, therefore, as a matter of law controls must end.

I have before me the decision of the United States Supreme Court in Brown against Feldman, reported in volume 256. There are any number of other decisions to the same effect by the Supreme Court, and this principle of law cannot be gainsaid:

If the prediction—

That is what we are doing now, we are predicting that this emergency will continue—

If the prediction does not square with the facts as they develop in the future, the courts can grant relief even if the legislature should neglect to do so.

That is the law of this land. You can do your looking now and give us this extension now. If you give us a 90-day extension instead of the 15 months extension you are hiding under a bushel. If you really want a test on this and dare to record yourselves, then I challenge the Republican Party to offer this amendment for a 90-day extension by way of a motion to recommit, and let us have a roll call on it. We will then see if you have the courage to kill this bill with a 90-day extension. This bill should be extended for 15 months. Give us a chance to perfect this bill now on the floor, and then offer your 90-day amendment on a motion to recommit, and be recorded, if you dare.

Mr. Chairman, I trust the amendment will be defeated.

Mr. MONRONEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONRONEY. Mr. Chairman, if the Wolcott amendment is adopted, the bill will be considered as having been read and no further amendments will be in order to the bill, including the Brown amendment; is that true? The Committee will then rise?

The CHAIRMAN. The gentleman from Georgia [Mr. BROWN] has not offered an amendment, and the Chair is not advised as to the place at which it would apply. However, the Chair may answer the inquiry of the gentleman by pointing out that the Wolcott amendment strikes out both titles II and III and, therefore, if it is adopted, no amendments which would apply to titles II and III of the bill would be in order, because those titles would be stricken out.

The Chair may say also that this is in the nature of a substitute, and amendments perfecting the language of the bill can be offered now, but if this amendment is adopted no amendments will be in order because titles II and III will be stricken.

Mr. MONRONEY. Further, Mr. Chairman, time for debate on this amendment has expired, so even though the Brown amendment were offered at this time no debate would be allowed on it?

The CHAIRMAN. The unanimous-consent request that was granted applied only to this amendment.

The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were—ayes 165, noes 161.

Mr. SPENCE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BUCHANAN and Mr. WOLCOTT.

The Committee again divided; and the tellers reported that there were—ayes 163, noes 178.

So the amendment was rejected.

The Clerk read as follows:

SEC. 202. Section 203 (b) of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"(b) On the termination of rent control under this title all records and other data (and the cabinets or containers holding such records and data) used or held in connection with the establishment and maintenance of maximum rents by the Housing Expediter, and all predecessor agencies, shall, on request, be transferred without reimbursement to the proper officials of any State or local subdivision of government that may be charged with the duty of administering a rent-control program in any State or local subdivision of government to which such records and data may be applicable: *Provided, however,* That any such records or data (and the cabinets or containers holding such records or data) shall be so made available subject to recall for use in carrying out the purposes of this title."

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, running through this debate one sees a distinct cleavage between the city and the country, between the urban Representatives and the rural area Representatives. This should not be.

There is no such thing as a rural economy unattached to city economy, nor vice versa. No part of the country can live in a vacuum. All parts of the country must be considered as a whole.

There is an emergency beyond question. Every hamlet has it, every village has it, every city has it. It may be that in certain farm areas there is no such thing as a housing emergency, but in order to have a proper economy in this land of ours we must have a balanced economy. One part of the country cannot go forward to the disadvantage of another part of the country. We all share the blessings of this land, we must all strive in sort of a brotherhood to solve the problems that affect the whole country. We all share the country's benefits. Why should we not share the solution of our difficulties? We in the

cities ask the support of those in the interior. The city problems, the question of housing shortage, slum clearance, the difficulty in finding homes for veterans, are problems for all of us and not merely problems for Representatives of the city.

Mr. Chairman, there is no such thing as a natural law of supply and demand with reference to housing units just because there are involved human relationships and when human relationships are involved you cannot have a law of supply and demand applying as you would with shoes, or ships, or sealing wax. There is a great deal of misery and a great deal of suffering because of this dislocation due to lack of housing and rental units. Those who suffer cannot wait until supply catches up with demand. Human suffering cannot wait.

There is no such thing as freedom of contract as to rental units and, therefore, the legislature must step in to create some sort of equality. That is what this bill does. There is no acceleration, and there has been no appreciable acceleration of building rental units for the ordinary wage earner, there has been no real building of apartments, no real building of tenements. Oh, yes, housing and building supplies have been used for the erection of houses, complete units, but most of them unfortunately for us are away beyond the purse of the average wage earner. Most of the homes that have been built were of the expensive type.

Where are the three-, the four-, and the five-family apartments that the average family must have. They do not want an entire house, these wage earners in my district and in yours. They want an honest-to-goodness apartment. My mail contains daily, prayerful, pleading letters anxiously asking for apartments, particularly for the veterans. We are told there are 7,000,000 veteran heads of families in rental units now under control. It would be catastrophic for those veteran heads of families if we decontrolled the units they occupy, as would happen if the amendment that was just voted down had prevailed. Any other similar crippling amendment would have a very disastrous effect upon the fortunes of those veterans.

I fear, and I am sure you fear if you know the facts, there will be great disturbances, particularly in the cities and in the congested areas if there is no rent control. Landlords would have a field day if they were permitted to elevate the rents without hindrance. Decontrol, I want to warn you, carries with it the threat of tenant strikes. Those facing dispossession because of inability to pay more rent or because of inability of finding other quarters would, with aid of neighbors, barricade themselves in their apartments. City marshals armed with writs of dispossession would be sorely put to it. The tenants sought to be ousted would fight to keep roof over the heads of their families, their dear ones.

In congested areas in cities like New York, Philadelphia, Chicago, and the like the situation might be freighted with much danger. Why court that danger?

I deprecate violence. I would punish violence, but I would deeply sympathize with those whose homes would be taken, whose hearths would be invaded so ruthlessly.

And I assure you many thousands would suffer—suffer immeasurably—if this bill fails or if it be emasculated by amendments.

We must therefore do all we can to prevent the causes of violence or threatened violence.

Defeat of this bill would be catastrophic. Removal of rent control is unthinkable.

Agitators and demagogs would relish decontrol. They thrive upon the discord and disorder and violence decontrol would usher in.

The bill as presented is fair and equitable. Landlords are not compelled to operate at a loss. There are hardship clauses that would rescue landlords suffering losses.

The bill is just to tenant and landlord—to the landlord there is security of occupancy while to the tenant there is provision of adjustment of maximum rents if found unjust.

There is continuation of local rent advisory boards to recommend increases under fair conditions with the approval of the Expediter. There are provisions for elimination of hardships and inequities.

I shall oppose the so-called Brown amendment for fair and reasonable return upon fair and reasonable investment. Such amendment sounds proper but it would be most upsetting. Under the formula there would spring up millions of proceedings to revamp and readjust rentals. Confusion would result. The present formula is adequate. No landlord under the present formula of rent adjustment has gone into bankruptcy. Under the Brown amendment much chicanery and deceit are possible. Clever lawyers and accountants could present figures in such a way as to greatly enrich the landlord at the expense of and misery of the tenant. If the Brown amendment prevails it must be voted down.

Finally I quote from the committee report:

The Housing Expediter testified that there appears to be a growing black market in overceiling rents. He cited a study which the Bureau of Labor Statistics recently made at his request, of a comparison of actual rents and legal rents in Philadelphia, Pa. An overceiling rent was found for one out of every four units compared. The average overcharge was 34 percent above the legal rent. The actual rents were those reported in the Bureau's regular November 1948 survey. These rents in this representative sample were compared by the Bureau of Labor Statistics with maximum legal rents on record in the area rent office of the Housing Expediter. A similar study made by the Bureau of Labor Statistics in March 1946 showed overcharges for less than 1 out of every 12 units compared.

The committee believes that to have effective Federal rent control it is necessary to have strong eviction controls and adequate enforcement sanctions in the office charged with the administration of the law.

While the present law permits tenants to bring suits for overcharges and to defend themselves in local courts against illegal evictions, the facts are that these provisions have proven totally inadequate to secure reasonable compliance with the law. It is evident that tenants are paying overcharges without resort to court actions. Tenants are reluctant to report violations to area rent offices because of their fear of eviction. Despite widespread violations, the number of tenants' complaints filed and compliance actions started under the 1947 and 1948 acts is far less than the corresponding figures for the previous 12 months. Thus, the average number of tenants' complaints filed each month since July 1, 1947, was 34,000 as compared with a monthly average of 52,000 during the preceding 12 months. Similarly, the number of compliance actions averaged 17,600 per month since July 1, 1947, as compared with a monthly average of 49,300 during the preceding year. In surveys of military establishments, where violations were definitely established in interviews, 55 percent of the tenants refused to file a complaint and 60 percent of these gave fear of eviction as the reason. This is also the principal explanation given by tenants who refuse to supply area rent offices with evidence upon which action could be taken. The record reflects that many tenants have acceded to landlords' demands because of eviction fears. Given the alternative of paying black-market rents or being evicted, tenants choose to pay the overcharge without complaint. In some instances, of course, such fears may well be unfounded because the tenant could have successfully defended himself against illegal eviction in the local courts. Nevertheless, many tenants will not run this risk. In other words, the present system just has not worked. The result is a gradual break of the legal ceiling. The committee amendment would give the Housing Expediter authority to issue regulations governing the eviction of tenants from controlled housing accommodations. This will permit uniformity in the operation of eviction provisions. Such is not the case under existing law, and the variation between local courts in applying the provisions of the present law result in actions that are discriminatory as between tenants in different local court jurisdictions. As long as rent control is a national problem, the application of restrictions on evictions should be the same in every locality.

Existing law gives a tenant the right to sue for treble damages for rent overcharges in excess of the maximum rent within 1 year after the date of such violation. Provision would be made in the committee amendment that if the tenant fails to institute such action within 30 days from the occurrence of the violation, the United States may institute such action and thereafter the tenant would be barred from bringing an action for the same violation. The committee believes that such right to the United States in connection with suits on rent overcharges will be an effective deterrent to the growing black market in overceiling rents.

Mr. COLE of Kansas. Mr. Chairman, I ask unanimous consent that the committee may return to the consideration of section 201.

Mr. SPENCE. I object, Mr. Chairman.

Mr. WOLCOTT. Will the gentleman reserve his right to object for a moment?

Mr. SPENCE. I will.

Mr. WOLCOTT. We want to get along here just as rapidly as we can. The gentleman will have to admit that immediately after the teller vote there was a great deal of confusion. The gentleman from Kansas had been sitting here and had his amendment all prepared to offer to section 201 and the Clerk started reading section 202 before the confusion had subsided sufficiently so that the gentleman understood that he had not finished section 201. I wish the gentleman would not object to it. That is a very fair request.

Mr. LESINSKI. I object, Mr. Chairman.

Mr. WOLCOTT. I might say to the gentleman, if that is the way we are going to operate here this afternoon, that from now on it will be in accordance with the rules of the House strictly.

Mrs. DOUGLAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. DOUGLAS: On page 26, line 12, strike out beginning with the comma down through the word "further" in line 22, and insert——

Mr. COLE of Kansas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. COLE of Kansas. We have passed page 26, line 12.

The CHAIRMAN. The point of order is well taken. The amendment applies to section 201.

The Clerk will read.

The Clerk read as follows:

SEC. 203. (a) Section 204 (a) of the Housing and Rent Act of 1947, as amended, is amended by striking out "March 31, 1949" and inserting in lieu thereof "June 30, 1950."

(b) Section 204 (b) of such act, as amended, is amended to read as follows:

"(b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, during the period beginning on the effective date of this title and ending on the date this title ceases to be in effect, no person shall demand, accept, or receive any rent for the use or occupancy of any controlled housing accommodations greater than the maximum rent established under the authority of the Emergency Price Control Act of 1942, as amended, and in effect with respect thereto on June 30, 1947: *Provided, however,* That the Housing Expediter shall, by regulation or order, make such individual and general adjustments in such maximum rents in any defense-rental area or any portion thereof, or with respect to any housing accommodations or any class of housing accommodations within any such area or any portion thereof, as may be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title. In the making of adjustments to remove hardships, due weight shall be given to the question as to whether or not the landlord is suffering a loss in the operation of the housing accommodations.

"(2) In any case in which a valid written lease with respect to any housing accommodations was entered into and filed in accordance with the provisions of this subsection (b) as then in effect, and such lease was in effect on the effective date of the Housing and Rent Act of 1949, such housing accommodations shall be subject to the provisions of this title and, until such lease is terminated or expires, the maximum rent for said accommodations shall be the rent set forth in said lease.

"(3) In any case in which a valid written lease with respect to any housing accommodations was entered into and filed in accordance with the provisions of this subsection (b) as then in effect, and such lease has heretofore terminated or expired or hereafter terminates or expires, such housing accommodations shall be subject to the provisions of this title and the maximum rent for said accommodations shall be the rent set forth in said lease, plus or minus applicable individual adjustments: *Provided, however,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be said lease rent plus or minus applicable individual adjustments, or the maximum rent in the absence of a lease, whichever is higher.

"(4) If a lease entered into under this subsection has heretofore terminated or hereafter terminates, prior to the expiration date of such lease, the landlord shall file with the Housing Expediter a report of the termination of such lease, unless a report of such termination was filed with the Housing Expediter prior to the effective date of the Housing and Rent Act of 1949. Such report shall be filed within 15 days after the date of such termination or 15 days after the effective date of the Housing and Rent Act of 1949, whichever is the later date.

"(5) In order to help assure fair adjustments for tenants and small landlords the Housing Expediter is authorized and directed to designate for every defense-rental area an officer whose function shall be to assist tenants and small landlords by—

"(A) informing them concerning the conditions under which rent adjustments may be obtained;

"(B) helping in the preparation of applications for rent adjustments; and

"(C) providing them with such other information and services as may be necessary and appropriate."

(c) (1) Section 204 (e) (2) of such act, as amended, is amended by striking out the word "and" immediately preceding the words "stenographic assistance" and inserting a comma in lieu thereof and by inserting, immediately following the words "stenographic assistance", the following: "and reporting services for public hearings (including attendance fees)."

(2) Section 204 (e) (3) of such act, as amended, is amended by adding to the end thereof the following new sentence: "If the Housing Expediter disapproves any recommendation of a local board he shall promptly notify the local board in writing of such disapproval."

(3) Section 204 (e) (4) (A) of such act, as amended, is amended by striking out "interpleader" and inserting in lieu thereof "pleadings."

(d) The paragraph immediately following section 204 (e) (4) (E) of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"If the Housing Expediter, within 30 days after the date of his receipt of such recommendation, either disapproves or fails to approve such recommendation, the local board may file a complaint with the Emergency Court of Appeals. Such complaint shall be filed within 30 days after the date on which the Housing Expediter notifies the local board of his disapproval, or the date of the expiration of such 30-day period, as the case may be. The clerk of the Emergency Court of Appeals shall notify the Housing Expediter in writing of the filing of any such complaint promptly after it has been so filed. Within 15 days after the receipt of such notice by the Housing Expediter, the Housing Expediter shall file such recommendation in the Emergency Court of Appeals, together with the record and statement of findings of the local board and such statement as the Housing Expediter may desire to make as to his views on the matter. The statement of the Housing Expediter may be accompanied by such supporting information as the Housing Expediter deems appropriate. Thereupon, the Emergency Court of Appeals shall have jurisdiction to enter, within 60 days after the date of its receipt of such recommendation from the Housing Expediter (or within such additional period of not more than 30 days as the court may find necessary in exceptional cases), an order approving or disapproving the recommendation of the local board. The recommendation, record, and statement of findings of the local board, together with the statement and supporting information filed by the Housing Expediter, shall constitute the record before the court. If the court determines that the recommendation is not in accordance with law, or that the evidence in the record before the court, including such additional evidence as may be adduced before the court, is not of sufficient weight to justify such recommendation, the court shall enter an order disapproving such recommendation; otherwise it shall enter an order approving such recommendation. The judgment and decree of the court shall be final. The powers heretofore granted by law to the Emergency Court of Appeals are hereby continued for purposes of exercise of the jurisdiction granted by this subsection. The court shall prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction, under this paragraph. The Housing Expediter, the local board, and representatives of the State or States involved shall be granted, to the extent determined by the court, an opportunity to be heard, by pleadings or otherwise, with right to be represented by counsel."

(e) (1) The proviso contained in section 204 (e) (5) (A) of such act, as amended, is amended by striking out "provisions of section 209" and inserting in lieu thereof "regulations and orders with respect to practices relating to the recovery of possession of housing accommodations issued under section 209."

(2) The first sentence of section 204 (e) (6) of such act, as amended, is amended by inserting a period immediately after the word "subsection" and by striking out the remainder of the sentence.

(f) Section 204 (f) of such act, as amended, is amended to read as follows:

"(f) The provisions of this title shall cease to be in effect at the close of June 30, 1950, or upon the date of a proclamation by the President or upon the date specified in a concurrent resolution by the two Houses of the Congress declaring that the further continuance of the authority granted by this act is not necessary because of the existence of an emergency, whichever date is the earlier; except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this act and such regulations, orders, and requirements shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense."

(g) Section 204 of such act, as amended, is amended by adding at the end thereof the following new subsections:

"(h) For controlled housing accommodations which were not included within the definition of 'controlled housing accommodations' as such definition read prior to the effective date of the Housing and Rent Act of 1949, the maximum rent shall be the maximum rent last in effect for such housing accommodations under Federal rent control, plus or minus applicable adjustments; or, if no maximum rent was ever in effect for such housing accommodations, the maximum rent shall be the rent generally prevailing in the defense-rental area for comparable controlled housing accommodations within such area, plus or minus applicable adjustments.

"(i) Whenever in the judgment of the Housing Expediter such action is necessary or proper in order to effectuate the purposes of this title, he may by regulation or order establish maximum rents for any or all controlled housing accommodations in any defense-rental area, notwithstanding any administrative decontrol action taken since June 30, 1947, or hereafter taken, under this title: *Provided, however,* That he may not establish maximum rents for any housing accommodations in the case of which maximum rents have been heretofore or are hereafter removed as the result of approval by the Emergency Court of Appeals of a recommen-

dation of a local advisory board. In the case of housing accommodations for which a maximum rent is established pursuant to this subsection, the maximum rent shall be the maximum rent last in effect for such housing accommodations under Federal rent control, plus or minus applicable adjustments; or, if no maximum rent was ever in effect for such housing accommodations, the maximum rent shall be the rent generally prevailing in the defense-rental area for comparable controlled housing accommodations within such area, plus or minus applicable adjustments."

Mr. CASE of South Dakota (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that section 201 may be returned to with permission to the gentlewoman from California [Mrs. DOUGLAS] to offer her amendment, and with permission to the gentleman from Kansas [Mr. COLE] to offer his amendment.

Mr. GREEN. I object, Mr. Chairman.

Mr. LESINSKI. I object, Mr. Chairman.

Mr. DOLLINGER. Mr. Chairman, I ask for consideration of an amendment which has been up at the desk.

The Clerk read as follows:

Amendment offered by Mr. DOLLINGER: On page 26, strike out——

The CHAIRMAN. We have passed section 201. We are now considering section 202.

Mr. DOLLINGER. This is to section 202, Mr. Chairman.

The CHAIRMAN. The Chair will state to the gentleman that section 202 begins on line 9, page 27. The gentleman is evidently confusing a subsection on line 5, page 26.

Mr. DOLLINGER. Mr. Chairman, that amendment has been on the desk, and I had asked for the floor, but the Chair recognized another Member.

The CHAIRMAN. The Chair will state to the gentleman the fact that an amendment has been on the desk gives no parliamentary recognition at all. The gentleman may only offer an amendment when he is recognized to do so.

Mr. NICHOLSON. Mr. Chairman, I ask unanimous consent to allow the member of the committee to present his amendment.

Mr. WOLCOTT. Mr. Chairman, reserving the right to object——

Mr. KELLEY. I object.

The CHAIRMAN. Objection is heard.

Mr. MARTIN of Massachusetts. Mr. Chairman, I did not hear anybody objecting.

Mr. WOLCOTT. I do not want the RECORD to show I objected, Mr. Chairman, because I reserved the right to object.

Mr. KELLEY. I object, Mr. Chairman.

Mr. GAMBLE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GAMBLE. Where will the Clerk begin to read when he reads?

The CHAIRMAN. When the Clerk begins to read he will begin to read section 203, page 27, line 25.

Mr. GAMBLE. I thank the Chairman.

Mr. BROWN of Georgia. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Georgia: Page 28, line 22, strike out beginning with the word "In" down through the period in line 25, and insert the following sentences: "In making and recommending individual and general adjustments to remove hardships or to correct other inequities, the Housing Expediter and the local boards shall observe the principle of maintaining maximum rents for controlled-housing accommodations, so far as is practicable, at levels which will yield to landlords a reasonable return (but not in excess of a reasonable return) on the reasonable value of such housing accommodations. In determining whether the maximum rent for controlled-housing accommodations yields a reasonable return on the reasonable value of such housing accommodations, due consideration shall be given to the following, among other relevant factors: (A) Increases in property taxes, (B) unavoidable increases in operating and maintenance expenses, (C) major capital improvement of the housing accommodations as distinguished from ordinary repair, replacement, and maintenance, (D) increases or decreases in living space, services, furniture, furnishings, or equipment, and (E) substantial deterioration of the housing accommodations, other than ordinary wear and tear, or failure to perform ordinary repair, replacement, or maintenance."

Mr. BROWN of Georgia. Mr. Chairman, as I said yesterday, in the large cities of this country there is still some need for rent control. Rent control is to protect tenants from that class of landlords who are selfish. We must protect the other 90 percent of landlords who are not selfish.

I have endeavored by this amendment to give equal rights to tenants and landlords—to protect both. If my amendment is adopted, the landlords of this country are entitled, under the law, to a reasonable return on the reasonable value of their property.

This is just one more factor added to the hardship cases. Under the present law the Expediter has given in many cases only enough for the landlords to come out about even, without any return on their investment.

Mr. CARROLL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. CARROLL. I appreciate how hard the gentleman has worked on this to try to bring out an equitable solution of this problem of hardship and inequity which confronts the landlords. However, is it not true that there is ample evidence before your committee that as a result of the lack of staff, the administration of the rent-control program was brought into sharp criticism? I am wondering, under your standards, assuming that your amendment is passed by this body, I am wondering what action will be taken by the Congress to implement the staffs so that they can make a proper estimate of reasonable return upon reasonable value. I think it is a very important question as to what this Congress is going to do to give them a proper staff.

Mr. BROWN of Georgia. I will promise the distinguished gentleman from Colorado that at every avenue, at every turn, I am going to do my utmost to get a fair return for the landlords and the tenants of this country, but not more than that so there will be no hardship on tenants or landlords. That is what I am trying to do.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield to the gentleman from Kentucky.

Mr. SPENCE. I may say that personally I am not opposed to the gentleman's amendment, and I am confident that a majority of the Committee on Banking and Currency are not opposed to the gentleman's amendment.

Mr. O'BRIEN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. O'BRIEN of Michigan. In place of the phrases "reasonable return" and "reasonable value" would the gentleman be willing to substitute the phrase "just and reasonable rent"?

Mr. BROWN of Georgia. No; I am sorry I cannot consent to it. There has been but one change made in this amendment and that was to change the phrase "fair return" to "reasonable return" at the request of one of the attorneys who studied the bill and thought perhaps that would be better; but personally I see no difference between "reasonable return" and "fair return," because to be fair it has to be reasonable.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. JAVITS. I ask unanimous consent, Mr. Chairman, that the gentleman may have five additional minutes and then ask the gentleman if he will yield to me.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WOLCOTT. Mr. Chairman, I object.

Mr. JAVITS. Mr. Chairman, will the gentleman yield briefly?

Mr. BROWN of Georgia. I yield.

Mr. JAVITS. I understand by reading the testimony that the Expediter says he has the power now to include in his regulations the very thing the gentleman wishes to include. Will the gentleman, then, explain to the Committee why he desires to spell it out specifically?

Mr. BROWN of Georgia. I think the best evidence is the Expediter's own words. His testimony appears at page 93.

This is a part of the statement of Mr. Woods, the Housing Expediter:

Mr. WOODS. In discussing certain points raised yesterday about rent adjustments, which take into account the financial position of landlords, I neglected to make absolutely clear the distinction between the three different types of adjustments which were discussed.

I have written a statement on these and should like to read it so that there may be no misunderstanding.

The first type of adjustment is for financial hardship. The second type is for operating loss. The third is for fair return on fair value.

The first two types, hardship and operating loss, are now in our regulation. We have not been able to place the third, fair return, in our regulation because we have found no equitable and practicable method for such a provision.

Mr. Woods and everybody else realizes that you cannot justify this rent control bill without a reasonable return to the landlord based on reasonable value of his property.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BROWN of Georgia. Mr. Chairman, I ask unanimous consent that I may proceed for five additional minutes.

Mr. COLE of Kansas. Mr. Chairman, reserving the right to object, in deference to my good friend from Georgia I will not press my objection this time, although I will say that I have not been treated too well by some of his colleagues.

Mr. BROWN of Georgia. In deference to my friend I may say that I think everybody understands this amendment.

Mr. WOLCOTT. Mr. Chairman, reserving the right to object, I think, under the circumstances, it would not be fair and in keeping with precedents which have been established here this afternoon in the last half hour, much as all of us respect the gentleman from Georgia and respect his position in this matter, to grant a request for continuing his time beyond the 5-minute period. The courtesy was not even shown a member of this Committee on the Minority side to offer an amendment in good faith to this bill, and I made a statement at that time that if that was the way we were going to operate here then we would operate in accordance with the rules of the House, and the rules of the House give a Member offering an amendment 5 minutes to debate it. For that reason I will have to object until there is some arrangement worked out whereby we may discuss the bill.

The CHAIRMAN. Objection is heard.

Mr. BROWN of Georgia. I have covered the principal point of the amendment, anyway.

Mr. HAYS of Arkansas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall be pleased to yield to the gentleman from Georgia since he has worked so arduously on this amendment and I feel that the House is entitled to the benefit of his knowledge on the subject.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Arkansas. I shall be pleased to yield, but first I wish to say that I was happy to hear the gentleman from Kentucky, the chairman of our committee, state that he had no objection to its inclusion in the bill. I hope very much that the amendment will be adopted; I think it does strengthen the bill.

Mr. Chairman, I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. I introduced this amendment in the committee on the first day of the executive session. Every member had a copy of it, the Expediter knew what it was, everybody knew what it was. During the hearing I told them in substance what I was going to introduce. Everybody agreed that there should be a reasonable return to the landlords on a reasonable value. Nobody has offered anything else.

The only objection has been that the Expediter said he agreed with the principle of my amendment but that it might be difficult to enforce. That is the reason some of the members voted against the amendment, as I understand now.

Later on I had a talk with the attorney for the Expediter and I said, "Do you realize that we cannot have any rent-control law unless it is during war or an emergency and that emergency must be set out in the bill?" That is what we have done. You cannot enforce this law unless we declare in the bill there is an emergency. If the amendment is adopted the courts will uphold this amendment and certain other provisions of the bill in peacetime which they could not do unless the bill contained the emergency clause. The attorney for the Expediter told me, "From that viewpoint, I will have to agree with you. It will be legal and we can enforce it."

After this statement many members of the committee stated they did not understand it, but if it could be enforced they wanted to support it. I think we have found the main remedy to correct the injustice. The amendment may not be perfect but I think it is helpful and it is the only remedy offered that will improve the bill if it is adopted.

Mr. HAYS of Arkansas. I agree with the gentleman from Georgia. I am not sure how the political cards would fall in this case. It is rather difficult for me to appear in support of rent control and plead for its extension for a 15-month period. Many of my people have felt its restrictions strongly and have resented them. I have been rather sympathetic with many of the complaints that have come out of my district. As a matter of fact, the rural areas generally, as has been suggested, do not have an immediate stake in the extension of rent control, but I came to the conclusion after hearing the testimony before our committee that it would be disastrous not only to the metropolitan areas for controls to be lifted at this time but because of the repercussions in our economy generally. It would be disastrous ultimately to the rural areas. Surely by this time we are convinced that our economic life is all bound up together.

I was very much impressed, as I am sure the members of the committee were, with the statements of Mr. Russell, for example, who appeared on behalf of property owners of New York City. He agreed under questioning that some controls are necessary and should be extended.

The committee has not done a perfect job, but we have greatly improved the legislation in the light of our experience. If we can have a 15-month control with the improvements that have been made in the committee bill and by the inclusion of the Brown amendment, to which no one should object, I believe the administration of rent control will be much more satisfactory in the remaining period. We must live with it for a little while longer. My conscience does not rest when I think of the results of abruptly ending OPA. It was unfair to let rental property owners' costs go up and not give them some relief. But we had to make that decision and the Congress made it. Now we have another one to make and it is like a decision of General Eisenhower in choosing between regiments as to which to send into battle. It meant casualties in either event.

At this stage, recognizing that the emergency is still on, it is necessary for us to have for a limited period some rent controls. I agree that we cannot live with them forever. We cannot limit the income of one group nor control rigidly one area of the economy for an indefinite period and leave the rest of our economy uncontrolled. I am sure of that, but the thought comes to my mind that it was the Congress not the States or the localities which declared that we were involved in war. That was our responsibility, and we must meet our responsibility now by dealing with conditions which the war produced.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WOLCOTT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Georgia [Mr. BROWN].

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT to the Brown of Georgia amendment; Strike out the words "so far as is practicable."

Mr. WOLCOTT. Mr. Chairman, I think we better commune with ourselves and see how serious we are in wanting to give the landlords a reasonable return on fair values. You know that so long as it is left to the discretion of the Expediter they are not going to do anything of the kind. Under existing law the Expediter is mandated in this respect. The law provides:

That the Housing Expediter shall, by regulation or order make such individual and general adjustments in such maximum rents in any defense-rental area or any portion thereof, or with respect to any housing accommodations or any class of housing accommodations within any such area or any portion thereof, as may be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title. In the making of adjustments to remove hardships due weight shall be given to the question as to whether or not the landlord is suffering a loss in the operation of the housing accommodations.

When the Expediter appeared before the committee he admitted that he had not been following that mandate. He, in substance, said that if a landlord was starving to death in 1942, he is no worse off now, and he must continue to starve to death. I refer you to the language on page 488 of the hearings. You can see for yourselves how the Expediter has defied the mandate of Congress to correct inequities and to prevent hardships, and has not taken into consideration costs. So long as it is left to the Expediter to determine whether it is practical or not to do it, this language in the Brown amendment is mere weasel words.

On page 93 of the hearings, after Mr. Woods had reviewed some of their problems, and in speaking on this question of fair return on reasonable value, he said:

We have not been able to place the third (category) fair return, in our regulation because we have found no equitable and practicable method for such a provision.

In other words, he forewarns us that he is going to find that this is imprac-

tical, and he is not going to put it into operation.

The former Rent Administrator, the Governor of Connecticut, appearing before the Senate committee, allegedly had this to say, and it is reported in the paper by a very responsible reporter. We have a right to assume that he is correctly quoted. Mr. Bowles had this to say, and I will quote from the paper: "Trying to fix a reasonable return on the fair value of the landlord's property could only result in administrative chaos."

Now, I think that we better be fair with ourselves; we, at least, should be honest with our constituents, and I know that this amendment right now is thrown out to many of you as bait to induce you to vote for this bill. You are led to believe that if this amendment is adopted you have done something for your landlords. The language appears in substance in existing law, mandating him to do identically the same thing, and it has not been done. Do not write any letters to your constituents telling them that you have voted them a reasonable return on fair value so long as you leave these words in here which leaves it to the discretion of the Administrator to determine whether it is practical or not, because he says it is impracticable. The former Administrator, Governor Bowles, says that it would result in administrative chaos.

I might say that one of the other objections to it was that it was impractical because you have to hire so many people, so many experts on land values to administer the law or to help the administration of the law, that the Committee on Appropriations probably would hesitate to give the amount of money to these appraisers, because of the short continuance of rent control, that would be necessary to do the job. So it is not holding out any hope whatsoever for anybody. Have that in mind when you write your constituents about it.

Mr. DOLLINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment, and likewise I am opposed to the substitute amendment because I think the substitute amendment is interposed only for the purpose of crippling rent control. I think both amendments will have that effect.

I had intended to offer an amendment to correct the hardship evil, because hardship cases are granted not as a result of an actual monetary loss but to give to a landlord the right to increase his profits. The landlord can pick his two best years, and if his current profits do not equal that period he will be granted an increase which will allow him the difference. These are emergency times. We must protect the tenant because of the emergency.

First of all I am opposed to this amendment because the enemies of rent control want this amendment to prevail. Suppose we adopt the amendment, what will be a reasonable return? Will the Expediter consider it on the original cost? Will he consider it on replacement value? Will he consider it on the sales price or on the assessed valuation? How will the Expediter fix a reasonable return? Will he consider present business conditions? Will he consider the earning power of the wage earner? Will he decide that a reasonable return in a period of emergency should be less than in normal times? Suppose the Expediter fixed a figure and he was in error, how would we correct it? We do not have the right of court review. Do you not think the tenant in a situation such as this should have the right to go before a court and jury to determine this very important matter?

Now is not the time to pass such legislation. After practically every landlord has applied for relief because of hardship or inequity or has received the so-called 15 percent voluntary increase, and every tenant in the country has in one form or another paid an increase, are we now to determine that because of some other angle or some other hocus-pocus theory we are to pay an additional rent increase on an over-all scale to the extent where the tenant will suffer extreme hardship?

We must realize now that the wage earner is not making as much as he made before. We are in no position to say to him, "You must pay more than you can afford to pay," and take away from him and from his family, out of their very mouths, the food and the other necessities of life. He cannot move from this apartment if the rent is too high. Yes, he can go without food, he can use some substitutes, but there is no substitute for housing. Let me conclude by saying that if we adopt this amendment there will be a backlog in the Administrator's office because every landlord will make an application. Every landlord thinks he is not getting enough. When those applications come before the Administrator, who will pay the cost of administration? Why not use that money for low-cost housing?

Let us be fair about it. You are going to cripple rent control. You know now that rent control is essential. Let us try to build houses and eliminate the shortage. Let us do away with rent controls in proper fashion, but let us not cripple it in this way.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DOLLINGER. I yield.

Mr. CASE of South Dakota. In view of what the gentleman has said about the impracticability of the proposed amendment, does the gentleman believe that if the House should approve this amendment it would remain in the bill when it goes to the President for signature?

Mr. DOLLINGER. Will it remain in the bill? If the House approves it, how can it get out of the bill?

Mr. CASE of South Dakota. There is another body to be considered; and then there is a possible conference on the bill.

Mr. DOLLINGER. I think we are only responsible for our own body. Let us legislate for our own body. Let us give to the people real, honest-to-goodness legislation and tell them we mean it until this emergency is over.

Mr. MONRONEY. Mr. Chairman, I move to strike out the last three words.

Mr. MONRONEY. Mr. Chairman, I rise in opposition to the Wolcott substitute and in support of the Brown amendment. During the 7 years that we have had rent control under consideration by the Committee on Banking and Currency, I know of no amendment that has been studied as carefully or as long, nor with the diligence that this so-called Brown amendment has been studied. I pay my respects to the distinguished gentleman from Georgia. He has consistently fought to get a good amendment which would be workable and which would help us in Congress to give a mandate to the Housing Expediter that he must adjust these hardship cases and give a reasonable return to the people who own property. When we heard testimony on rent control before our committee we did not hear evidence on the need for extending rent control. That only came up very, very occasionally.

Most of the time in those long sessions, some extending until 11 o'clock at night, was devoted to complaints by the dozens of hardship cases.

The amendment offered by the gentleman from Georgia [Mr. BROWN] strikes at the very heart of the question of adjustment of these hardship cases in a way which I am sure the Housing Expediter now realizes, after careful study, and after only slight modification, that this amendment will direct him to make these reasonable hardship adjustments. For whom?—for the small landlord who, to this good hour, has not been able to be properly represented in securing hardship adjustments.

It gives him a formula to work on which will help us to render this substantial equity which we want to give to the small individual property owner.

I yield to the distinguished author of the amendment.

Mr. BROWN of Georgia. This provision was in the bill when it was introduced. It was in it when it was considered and was voted on by the members of the committee.

Mr. MONRONEY. I thank the gentleman. I think for 7 years the gentleman from Michigan has been approving this provision reading so far as practicable on all hardship adjustment cases and now at this late hour we are being asked to strike it out.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield.

Mr. McCORMACK. In relation to the remarks made by the gentleman from Michigan [Mr. WOLCOTT], I think that we, who have served with the gentleman from Georgia [Mr. BROWN], know that he is not the type who uses mere weasel words. The gentleman from Georgia [Mr. BROWN] is not the type who throws out bait for votes. I know something about this amendment. I know the amendment has been very carefully worked out. It has a proper place in the bill. I do not think the remarks of the gentleman from Michigan [Mr. WOLCOTT] about weasel words and that the amendment is being offered as bait will have any influence on Members of the House, particularly on the Democratic side.

Mr. MONRONEY. I agree completely with the distinguished majority leader.

Mr. Chairman, if you want to give this relief to those individual cases—bear in mind that the big people are getting it, because they can hire attorneys—there are corps of attorneys taking these cases on contingent fees of 33⅓ percent or 50 percent in the big cities on 1,000-unit apartments and managing to prove their cases under the present hardship provision. The ones who are not getting these adjustments are the little people of America, who own one or two houses. As I say, if you want to give this relief to such people, they are the ones that Mr. Brown's amendment is designed to help.

I firmly believe if you strike out the words "so far as practicable" you make it possible for the courts to strike out the entire Brown amendment and you will therefore be defeating the entire purpose which is to give this reasonable return. The gentleman from Georgia [Mr. BROWN], is seeking to do something which is very important. This amendment is properly drawn and should be included in the bill.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. MONRONEY. I yield to the distinguished chairman of the committee.

Mr. SPENCE. It seems to me that the words "so far as practicable" take care of the possibility of human error. It is impossible to attain exact justice. The Supreme Court knows that, and over the facade of the Supreme Court Building is written "Equal Justice Under the Law." That is all that can be attained. If you make it obligatory on the Expediter to attain exact justice and to ascertain a reasonable return on a reasonable value, it would be impossible for him to do so. The provision "so far as practicable" permits him to render justice as far as it is humanly possible to do so.

Mr. MONRONEY. You might have to calculate the value of the house down to the last screw or the last nail if you strike this out. It would nullify exactly what is needed in this bill; that is, adequate hardship adjustment.

Mr. BROWN of Georgia. The most outstanding lawyer that represents Congress, I think, and who knows little and cares less about politics, drew this amendment for me. He knew my idea and suggested the word "practicable," realizing the bill probably would not be workable without it. No one connected with the committee had anything to do with it except myself. The amendment states "a reasonable return but not beyond a reasonable return." He said that without the word "practicable" you might lack 1 cent of giving enough and that might involve endless litigation. Therefore, as he explained, you must have a little discretion for someone.

Mr. MONRONEY. Bear in mind you are dealing with 14,000,000 rents and not just 10 or 12. So you need this language.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. MONRONEY], has expired.

Mr. JENNINGS. Mr. Chairman, I entertain the highest esteem for both the distinguished gentleman from Georgia [Mr. BROWN] and for the able gentleman from Michigan [Mr. WOLCOTT].

The gentleman from Georgia [Mr. BROWN] has offered the following amendment to the bill we are now considering:

> In making and recommending individual and general adjustments to remove hardships or to correct other inequities, the Housing Expediter and the local boards shall observe the principle of maintaining maximum rents for controlled-housing accommodations, so far as is practicable, at levels which will yield to landlords a reasonable return (but not in excess of a reasonable return) on the reasonable value of such housing accommodations. In determining whether the maximum rent for controlled-housing accommodations yields a reasonable return on the reasonable value of such housing accommodations, due consideration shall be given to the following, among other relevant factors: (A) Increases in property taxes; (B) unavoidable increases in operating and maintenance expenses; (C) major capital improvement of the housing accommodations as distinguished from ordinary repair, replacement, and maintenance; (D) increases or decreases in living space, services, furniture, furnishings, or equipment; and (E) substantial deterioration of the housing accommodations, other than ordinary wear and tear, or failure to perform ordinary repair, replacement, or maintenance.

The gentleman from Michigan has offered an amendment to strike from the Brown amendment, the words "so far as is practicable."

I favor the Wolcott amendment. Unless Congress puts a legal bridle on Tighe Woods, the Housing Expediter and rent-control dictator, and unless we put a curb bit in his mouth, he will continue to violate the law this Congress writes. During the hearings on this bill Woods served notice on Congress that he has no intention to allow owners of controlled rental property a reasonable rent on their property. I quote his words:

> We have not been able to place the third, fair return, in our regulation because we found no equitable and practicable method for such a provision.

I favor the Wolcott amendment to strike out the provision that Mr. Tighe Woods shall not allow the owner of rented property a reasonable return on the reasonable value of his property, unless he, Woods, finds that it is practicable for him to do so. Woods tells us in advance that he has not allowed and will not allow the owner a reasonable rent on the reasonable value of his property.

If you were about to loan a person $100 and he offered you a note, promising to pay the loan on a given date provided it were practicable for him to do so, you, of course, would not let him have your money on a note like that.

It is a simple and easy thing for any honest man of ordinary intelligence to ascertain the fair and reasonable value of a room, an apartment or a house, and the services furnished by the owner to a renter, and upon the facts to set a reasonable and fair rental value on such property.

To do this is easy if you want to do right. Every lawyer who ever tried a lawsuit knows how to go about proving the reasonable rental value of a room, an apartment, or a house.

If the Brown amendment is amended by the Wolcott amendment, then you will have said to Mr. Tighe Woods, "You must quit robbing Peter to pay Paul; you shall no longer make fish out of one citizen and fowl out of another."

It is of small concern what the Supreme Court may have held during the war in upholding rent control as an emergency war measure. The war ended almost 4 years ago. We are now at peace.

The Federal Government has neither the moral nor the legal right to take the property of one citizen for the use of another. The Government is denied this power by the fifth amendment to the Constitution:

> No person shall be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

The founding fathers guarded as jealously the right of a citizen to own, enjoy, and bequeath property as they safeguarded his liberty and his life. They knew that our ancestors were never free until they wrung from their rulers the right to own and enjoy property. When your ancestors and mine first marked out a boundary of land, built upon it a home, claimed it as their own, and their title to it was recognized by their neighbors and by their Government, they began the journey to liberty and civilization. The right to own property is the time-honored badge of a freeman.

There is no such thing as a property right disassociated from a human right. If there were no human beings, there would be no property right. A property right is a human right.

This proposed measure is drawn with devilish cunning and had its origin in the minds of men who hate our free institutions. It is shrewdly drafted and designed to give the Government power over the property of our citizens, and thereby give it power over the lives of our people.

It is violative of the fourth amendment to the Constitution which provides that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure shall not be violated.

The Housing Expediter and dictator set up under this act either himself, or through his minions, may by the power of subpena search, seize and ransack your place of business, your books, papers and effects, and hale you before himself or one of his satellites and may, if he has his will, burden you with a fine of $5,000 and a possible year in jail, all because you have been guilty of the crime of success and incur his ill will.

This measure erects a multitude of new offices and turns loose upon the people swarms of officers to harass our people and eat out their substance.

This is not all. If the tenant neglects or refuses to bring suit against a home owner whose premises he has occupied as a renter for an alleged violation not only of this act but of some rule or regulation promulgated by Mr. Tighe Woods, Woods himself, or one of his satellites at his direction, may sue you, Mr. or Mrs.

Citizen, for triple damages in the courts of the United States.

The act is more Russian than it is American. In Russia, which is a Communist, totalitarian, and police state, the government owns and controls all the houses, all the farms, all the railroads, every form of property, and controls human life from the cradle to the grave. This act is a step toward such a condition in this country.

Be not mistaken; be not deceived; the men back of this measure intend to rivet rent control forever upon the people of this country.

Chester Bowles, former head of the OPA, now Governor of Connecticut, stated publicly this week that we must have rent control from now on and also said that if this measure is not passed there will be riots and bloodshed in this country.

Let me read you a letter written me by a retired fireman of the city of Knoxville, 67 years of age, whose wife is 66, and who are being robbed of the proceeds of their life earnings by the law now administered by Tighe Woods and which is not as vicious as this proposed measure:

KNOXVILLE, TENN.

Hon. JOHN JENNINGS, Jr.,
House of Representatives,
Congress of the United States,
Washington, D. C.

DEAR CONGRESSMAN JENNINGS: I am a retired city fireman, 67 years old and my wife is 66 years old.

During my years of service to the city we have tried to be frugal and have managed to accumulate a small piece of property, located at 909½ Market Street, from which we had hoped to have an income for our old age.

We live at 2219 Highland Avenue, which we also own.

I want to take up with you the matter of the two apartments at 909½ Market Street, which are controlled by the OPA. In this building, there are three apartments, the third being the one which my wife and I occupied until March 2 years ago and which does not come under rent control.

The two apartments are as follows:

One three-room apartment with porch. Bedroom, dining room, and kitchen. These are furnished comfortable, with kitchen furnished with a $289 electric refrigerator (new), gas stove, and dinette equipment.

The two-room apartment (with porch) is similarly furnished.

For the three-room apartment I am allowed $35 per month, and furnish water (cold and hot) and stoker heat.

For the two-room apartment I am allowed $27.50 per month and furnish water (cold and hot) and stoker heat.

When the OPA went into effect coal was $6 per ton. I am now paying $12.75 per ton for the same coal—14 tons for each season for the three apartments.

I have asked for an increase but can get no reply from the local rent-control office.

I understand that the matter of the new rent-control laws will shortly come up before Congress.

With increased costs in maintenance, repairs, taxes, I will appreciate your help not only in my behalf but for every other property owner in the country who is faced with situations which may destroy much that persons may have accumulated for their old age.

Respectfully yours,

E. L. MAPLES.

It is thus seen that these two decent American citizens can obtain from their property, under the present law, only $62.50 per month. The result is that when they have kept up the repairs, furnished these facilities, and paid the taxes, they do not have a dime income left for the support of themselves.

The pretense that this measure will aid the veterans is a delusion and a snare. It freezes the present renters in the property they now occupy to the exclusion of the veterans. It prevents people who otherwise would build new houses from building. There have always been those "who would steal the livery of heaven to serve the Devil in." And the effort made in this measure to use the veteran as a front will not fool anyone.

Not so long ago, a brokenhearted Gold Star Mother of my district called on me and related the heart-breaking abuse to which she had been subjected by the rent-control authorities of the Knoxville area. She put her complaint in affidavit form. Her son, Charles O. Irwin, while a member of the armed forces of the United States, in order to be permitted to go with his outfit, the Nineteenth Engineers, for combat service to Europe, submitted to a major surgical operation. This brave mother was an invalid who had been under the surgeon's knife a half dozen times in order that she might live. This brave boy stated to his mother, "I wish to be worthy of you. If you can undergo a surgical operation I intend to do so."

His operation was successful. He went with his comrades to Italy and was killed in battle in southern Italy on October 11, 1944. His mother purchased a home in Maryville, Tenn., for the sum of $4,500. After having repaired it and decorated it, she rented it for the sum of $40 per month, the rate fixed by the OPA. She purchased it for rental purposes upon the assurance from the OPA that she could rent it for $40 per month. Most of the money with which she purchased this house was money she received from insurance for the death of her son, and money he had sent to her while he was in the Army. The OPA reduced the rent on this property, which she purchased with the blood-soaked money of her hero soldier boy, to $22.50 per month. This was an eight-room house, with two baths, and is located on a paved street in the business district of Maryville, a city of more than 10,000 people.

There should be some precincts in this country too sacred for the foot of a small-bore Federal bureaucrat to enter. Mrs. Irwin, in her anguished statement to me, asked "Where is the liberty for which my boy died—and when will they bring him back to me?"

They can bring back his ashes—they cannot bring him back. But by abusing this invalid mother, they may send her to him sooner than she otherwise would have gone.

Our people are tired of this sort of thing. It is un-American. It is everlastingly wrong. I shall vote against this bill, even though it be amended in the particulars sought by my good friend from Georgia [Mr. BROWN], and my good friend from Michigan [Mr. WOLCOTT]. The statement of Chester Bowles that we must continue rent control from now on in this country, and that if this Congress abolishes it we will have riots and bloodshed, is a slander on the people of this country and the people of Connecticut. Let us amend the bill in the particulars sought by these amendments and then vote it down when it comes up for final passage.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. COX. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. COX. Mr. Chairman, in the discussion of this question we ought to be at least intellectually candid. I am going to vote for the Brown amendment with or without the Wolcott amendment. But we fool ourselves if we have even the inkling of a suspicion that there is anything in that amendment that protects the right of the landlord. The amendment, insofar as its promising a sort of protection, justice, or equity to the landlords, is not worth the paper upon which it is written. It seeks to lay down a rule to govern the determination of the question as to what constitutes a fair return, and then immediately by these three words which the Wolcott amendment seeks to eliminate cancels it all out by putting complete discretion in the Expediter.

Let me say, Mr. Chairman, that it is my profound conviction that rent control is an attack upon the spirit of the Constitution, upon the institution of private property and the contractual rights of members of a free society. It does not represent a legitimate political undertaking. It penalizes thrift and frugality. It is unjust. It takes from the citizen that which is his, not for the support of the State, but for the benefit of others who have contributed nothing to its development or creation.

I shall support the Wolcott amendment and I think, and if anything that this Congress might say in the use of language that would be a binding force upon the Expediter, it should be adopted. The law, from its very inception, has been administered in an atmosphere of mean and angry hostility to private ownership. Unless it is so written as to be binding upon the Expediter it will continue to be administered in that sort of manner. I believe that it is well to accept the amendment offered by the gentleman from Michigan [Mr. WOLCOTT] and the amendment offered by the gentleman from Georgia [Mr. BROWN], and when we come to vote on the bill as amended to cast it down. A free society cannot live under this kind of treatment of public questions, and so important a segment of our whole economy, as that with which we deal, should not be frozen into this pattern of state socialism.

Mr. HALLECK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, with respect to the pending amendment, if it is to mean

anything at all certainly the Wolcott amendment to the amendment offered by the gentleman from Georgia [Mr. BROWN] should be adopted. If we are to put any responsibility on the Administrator to provide for a reasonable return then the language of the statute should say just that because the word "reasonableness" itself admits of a wide area of discretion.

Now, beyond that, a little while ago the very estimable majority leader referred to the matter of bait for votes. This morning in one of the local papers this story appeared and I hope the chairman of the Committee on Banking and Currency will pay attention to what I am about to read because I want him to say whether or not this story speaks the truth. It is written flat, as the newspaper people would say. The story is as follows:

> A confidential list of counties in 30 States which Rent Control Administrator Tighe E. Woods has promised to decontrol if rent control is extended was being circulated on both sides of the Capitol yesterday.
>
> Hard-pressed administration Democrats, fighting to push through rent-control extension before the March 31 expiration date of the present law, believed circulation of the list has swung enough votes to put over a 15-month extension in the House.

I would like to ask the gentleman if there has been any such list as that circulated?

Mr. SPENCE. As far as I know, there has not been. I know nothing about it. I want to say further that I have not used improper methods of any kind.

Mr. HALLECK. The gentleman has answered the question. He says he knows nothing about it. I may say, however, that the wire services are carrying a similar story and I just do not believe that reputable newspaper people here in Washington would write that in that fashion if it were not true.

Now, who is talking about bait for votes? What sort of operation is this? What sort of appeal to political expediency is this? To what depth of cynicism will the administration go to further its program?

Mr. SPENCE. I know nothing about it.

Mr. HALLECK. The gentleman has answered the question I asked him and I refuse to yield further.

Mr. Chairman, if that story is true, and I have no reason to believe it is not true because no one has risen here to deny it, it can only mean first, that it is a bait for votes by circulating a confidential memorandum to certain people whose areas would be affected and not showing it to others. Why was it not made public before the committee? Why are not all of us permitted to know about it?

Secondly, and as the gentleman from Georgia, [Mr. Cox] just pointed out, what sort of administration can we expect from an agency that comes up here in this fashion to get votes for this measure? Why did they not decontrol these areas if they say they should now be decontrolled? Why have they not decontrolled them heretofore? What sort of business is it? They come here now in an effort to garner votes for this measure and say secretly to certain Members whose votes may be in doubt, "Oh, do not worry; if you will just give us this rent-control bill why we will see to it that your area is decontrolled."

The story goes on further, talking about votes and bait for votes. We all know that the committee voted against the Brown amendment. Now what do we see? Why, they are in here doing a complete flip-flop saying, "We are going to support the Brown amendment."

The writer of this story was smart enough to diagnose the situation by saying:

> Another factor in what House Democrats believe is the swing back of some 35 votes into their column—just enough to put the rent-control extension bill over—is a compromise on the return allowed the landlord.

Now, of course you on the majority side have been hard put. I have no doubt in my mind that except for these maneuvers, certainly in respect to the first one of circulating this confidential list which was reprehensible to say the least, the Wolcott amendment for a 90-day extension would not have been defeated. A handful of votes would have changed the result.

Let me say for myself in connection with this matter that I have been here through all of the time we have had rent control. I have supported all of the rent-control measures up to this time.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SPENCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman who has just spoken does not require much evidence to come to a conclusion. I know nothing about the report that was circulated as to the decontrolling of certain areas or certain properties, and I think the gentleman knows nothing about it except what he has seen in the papers. It does not take very much evidence for the gentlemen on the other side to accuse and convict the Democratic administration. He talks about the flip-flop in the committee. I only wish that our party was subject to the discipline and control that his party is. I have seen time and time again bills either defeated or voted up, and after the returns were about to be announced, 15 or 20 Republican Members under the party lash marched down the aisle and changed their votes. This frequently happens. When he talks about flip-flops I think he ought to consider his own condition. I think he ought to consider what they have been doing. They do not seem to get over the wounds that have been inflicted upon them. They talk all the time about the last election. Now, they talk about the last vote; that they would have won the last vote if this thing had not been circulated. They are very unfortunate, but they have not the philosophy to stand the gaff, and it is just too bad. I hate to see them suffer so much.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Would the gentleman state whether he has flip-flopped on the Brown amendment himself?

Mr. SPENCE. I have not stated anything about what happened in the committee, and you do not know anything about it. Whatever was done was in executive session. You on the minority side have all been advocating this Brown amendment right along. You all said you wanted it until we said we did not object to it, that we wanted it, and then you changed your opinion. I think that the amendment will be adopted and the bill will pass notwithstanding.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I might say to the gentleman from Indiana that on page 7 of the report on this particular bill there is this language, if he will read very carefully and follow with me the report concerning the so-called fringe portions of defense-rental areas.

> Existing law denies the Housing Expediter the right to recontrol any housing accommodations in any defense-rental area or portion thereof, or housing accommodations of a class, in the case of which maximum rent controls have been removed by administrative action. In taking decontrol actions, the Housing Expediter after making appropriate surveys must judge that the need for continuing maximum rents in these areas or class of accommodations no longer exists, due to sufficient construction of new housing accommodations or that the demand for rental-housing accommodations has been otherwise reasonably met. The Housing Expediter informed the committee that as a result of his surveys he believed that in many fringe portions of defense-rental areas, decontrol might be undertaken at this time if he had the power to step in and order recontrol should pressures for unreasonable rent increases threaten to again spill over into such portions of defense-rental areas.

There was continued interrogation of the representatives of the Housing Expediter's office by telephone and by conversation as to just what these particular fringe areas were. Of course, a list was compiled by the people interested. If there is any list circulating, I want to take the responsibility for being the author of such a list, because it was a compilation with those members who have talked with the various members of the Housing Expediter's office. So this is not any official list; it is not of a confidential nature. The answer is that we have a right to know just what the areas are and why the Housing Expediter asked for the right to recontrol particular areas.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. I think things have come to a pretty pass in this Chamber when the former majority leader comes into the well of the House and practically accuses 30 Members of this body of subjecting themselves to what may be termed a bribe in order to vote for this bill, because to my mind that is what he intimated when he was on the floor of this House and said 30 Members practically changed their vote because they were assured their areas would be decontrolled. I say it is a shame that the former majority leader would make such a statement on the floor of this Chamber.

Mr. BUCHANAN. I thank the gentleman for his observation.

Mr. COLE of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. COLE of Kansas. Does the gentleman know of such a list?

Mr. BUCHANAN. I believe I have made that statement very clear, that if there has been a compilation of any list——

Mr. COLE of Kansas. I did not ask that. I said, does the gentleman know if there is such a list?

Mr. BUCHANAN. If the gentleman followed my remarks very carefully, I stated that in the compilation of various conversations of members of the committee who were interested——

Mr. COLE of Kansas. I do not believe I asked that question. I said, does the gentleman know if there is such a list? That can be answered "Yes" or "No."

Mr. BUCHANAN. If the list exists——

Mr. COLE of Kansas. Does the gentleman know?

Mr. BUCHANAN. If the list exists, then it was compiled by the gentleman speaking.

Mr. COLE of Kansas. Yes or no? The gentleman knows, or he does not know.

Mr. BUCHANAN. I think I made myself clear.

Mr. COLE of Kansas. Is there such a list?

Mr. BUCHANAN. I do not believe I can make it any clearer to the gentleman.

Mr. SCRIVNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time only to ask the author of the amendment, the gentleman from Georgia [Mr. BROWN], by whom and how will "reasonable" be defined and determined as it relates to return and to value?

Mr. BROWN of Georgia. I stated a minute ago that this is one more factor in regard to hardship cases. The local boards will obtain their evidence. They can go to the tax returns. If the tax returns are too low in that particular county or locality, they can go to the real-estate people and get at the true facts, just as the assessor does when a man returns this property for taxation. The law says he must return it at the reasonable value. Some people may not do that. The assessors have the right to find the facts, just as the Expediter does here. They must ascertain the real facts. It is analogous to the situation of the Expediter who through the local board will go into all the factors to establish the value or reasonable value of the property in the particular locality involved. One section of the bill says there is an emergency existing, and, therefore, you can go thoroughly into all the elements establishing a reasonable value of the property. The board can go into all the factors under this emergency section which will be held legal under the emergency provision of this bill.

Mr. SCRIVNER. That might answer in part the question as to value, but who is going to determine what is a reasonable return? Can you fix any percentage?

Mr. BROWN of Georgia. Percentages vary. Some would say 6 percent or 8 percent or 10 percent. In some sections of the country like New York, where they have many millionaires, a man making 2 percent or 3 percent on a million dollars thinks he is getting a pretty good return. In my section of the country where we have cities of only 5,000 or 10,000 population, it might be small. Therefore it is difficult to set a particular standard for every community in the United States. You must go into that on a local basis to arrive at the proper value and reasonable return for each community.

Mr. SCRIVNER. Who is going to determine that?

Mr. BROWN of Georgia. This thing was looked into by many, many prominent lawyers. We came to the conclusion that this is the only way that we can get anything like a reasonable return for the landlords of this country.

Mr. SCRIVNER. I am not a prominent lawyer. I was going along with your amendment. I am trying to get some information. Who is going to make that determination?

Mr. BROWN of Georgia. The committees in the localities get the information.

Mr. SCRIVNER. Why do you not say so in your amendment?

Mr. BROWN of Georgia. I do say so. You will find it if you read the amendment.

Mr. PATMAN. Mr. Chairman, I move to strike out the last word.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. SPENCE. I ask unanimous consent that debate on this amendment and all amendments thereto close in 35 minutes, with 5 minutes reserved to the committee to close the debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. SPENCE]?

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. Was the unanimous-consent request with reference to this amendment and all amendments thereto or to the section?

The CHAIRMAN. It was with reference to this amendment and all amendments thereto.

The gentleman from Texas [Mr. PATMAN] is recognized for 5 minutes.

Mr. PATMAN. Mr. Chairman, when the Housing Expediter came before our committee he asked for this unusual power to recontrol an area or a portion of an area that had been decontrolled. He had never had that power before. Many of us were curious about it. I was inclined to be against it, as I had been in the past. He said that if he had the power he could decontrol immediately one or two hundred places in the United States, because they were on the fringe, and he was not sure whether controls should be kept on or not, but he was afraid to take them off because he was afraid they would get out of control. Not having the right to recontrol them, he was reluctant to decontrol these one or two hundred places. So when he said that, the committee seemed to be favorable to it. I was favorable to it. It induces him to more quickly and more expeditiously decontrol an area. Then there is some responsibility on the people in that area—on the landlords. They know that if they do not treat the tenants fairly they can be recontrolled. So it is a fine thing, and it should be in this bill.

Now, with reference to lists: I called up Mr. Woods' office. I said there are places in Texas you could take controls off immediately, and he named them over to me. A number of Members did the same thing. Naturally there are several people who have lists of their own States. But that is all they have. There will probably be two or three times that many decontrolled when an investigation can be made and when they feel that they can safely let them go, with the understanding that they can be put back on if they do not act right.

Now, not so long ago the Republican Members had a conference, and the newspapers stated that the Republican leaders announced that they were for the Brown amendment. They were for the Brown amendment. The Democrat Members then commenced to have meetings, and for a week, night and day, we discussed the Brown amendment with the attorneys in the office of the Housing Expediter, and we finally agreed that we would be for the Brown amendment also. Now, when we come out for the Brown amendment the Republicans say there must be something wrong about it, and they do not want it. They want to strike out the phrase "insofar as practicable." That is an elastic phrase. We need it. We cannot do exact justice, as the chairman said. No one expects exact justice. We can only expect equal justice under the law. If you were to put the Housing Expediter in a strait-jacket and say that he had to administer exact justice, it would be absolutely impossible, and the law would be no good. So that phrase is very useful, as an elastic phrase, so that equal justice is done to everyone. As far as exact justice is concerned, take the 100-pound man, he stills pays the same fare on a railroad passenger train as the man who weighs 300 pounds. That is not exact justice. The person who buys a number 6 shoe pays the same price as the fellow who buys a number 12 shoe. That is not exact justice. It is not expected to be. The baldheaded man still pays full price for a hair cut. It is just absolutely impossible to administer exact justice. So we need that phrase, "insofar as practicable," which the gentleman from Michigan [Mr. WOLCOTT] wants to strike out.

So I hope that the committee will vote down the amendment offered by the gentleman from Michigan [Mr. WOLCOTT], and then after voting down that amendment I hope they will vote for the Brown amendment. Then I hope they vote down all other crippling amendments that are proposed here, and that they will vote for this bill, because rent control will expire March 31, unless we do something now.

The CHAIRMAN. The gentleman from New York [Mr. MARCANTONIO] is recognized.

Mr. MARCANTONIO. Mr. Chairman, I oppose the Brown amendment as well as the Wolcott amendment. I think I can safely state that with the adoption of the Brown amendment you are opening rent control so wide that within a few months the Members of this House will be informed of hundreds of thousands of complaints from the tenants of this Nation. As the law stands now, as it is being interpreted in New York City by the Office of the Housing Expediter, there exist eleven provisions under which a landlord can obtain rent increases; this adds the twelfth.

We are not dealing here with reasonable rent. It is significant that the author of the amendment asks for reasonable return; he will not accept the phrase "reasonable rent," and there you have the machinery which is going to put the tenants of this country into a tight squeeze by the real-estate interests. "Reasonable return" is going to mean that landlords will receive increases all along the line. This amendment will not establish reasonable rents, but will force the tenants to insure a reasonable return to the landlords. Do you see the difference?

It is likewise significant, may I say to the friends of rent control, that every enemy of rent control in this House is for the Brown amendment; bear that in mind. The enemies of rent control are making a tremendous advance by the adoption of this amendment. It is very bad policy for the friends of rent control to accept this amendment. It is this type of appeasement which is going to bring about the nullification of rent control.

As things stand now, the office of the Housing Expediter in New York City is an annex of the real-estate board. With this Brown amendment the partition is going to be knocked down and the real-estate crowd is going to take over completely. If you really believe in rent control, then you have no choice but to defeat both the Brown and Wolcott amendments.

The CHAIRMAN. The time of the gentleman from New York has expired.

The gentlewoman from California [Mrs. DOUGLAS] is recognized.

Mrs. DOUGLAS. Mr. Chairman, I think the impression has been created today that nothing has been done for the landlords this last year. I wish to correct that impression. According to the Expediter, Mr. Woods, in testimony before the Banking and Currency Committee, more than one-half million individual petitions have been granted since July 1947, with an average rent increase of about 20 percent. He stated that he had granted about 73 percent of all landlord petitions filed.

This last year 35 different areas or parts of areas were decontrolled by the Expediter; 25 areas were given area-wide rent increases recommended by the local boards. They varied anywhere from 2 to 20 percent. We had a great number of houses—I have not been able to get the exact number, but it goes into very large figures—where the rent was increased 15 percent; there are the new houses that have no rent control at all; there are the thousands upon thousands of apartments decontrolled under the heading of conversions.

The Eightieth Congress decontrolled conversions last year as a ready solution to the housing crisis. This business of conversions has become a sordid chapter in the history of housing in this country. Families by the thousands have been evicted so that a four- or five-room unit could undergo some sort of alteration—in all too many cases a mere subterfuge for evading the law—and the space be rerented at excessive rents as one- or two-room units, inadequate for normal family life. It has not been Park Avenue 10-room apartments that have undergone these conversions.

Mr. Woods testified that many of these conversions have been phonies and asked for more authority so he could sort out the real conversions from the phonies.

We no longer ought to permit apartments to be taken out from under the rent-control program under the conversion provision.

Family life in America has already received a severe blow. Remember, it has been families with children that have been the first to be evicted. What we ought to be considering today is a rent-control bill that faces squarely the fact that we have not enough housing to meet family needs. We ought to be strengthening the rent-control bill that has been brought before us, not weakening it.

Any realistic survey of the housing situation shows that we are going to need rent control for another 2 years. If we are going to need a rent-control program for another 2 years, it must be equitable for landlords and tenants alike. The bill before us today is not such a bill.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, there seems to be some doubt as to the existence of a list of areas which could be and might be decontrolled by the Expediter. Certainly the RECORD should be clear as to the facts. I want to read from a United Press dispatch that was issued at 11:08 this morning with reference to a list of 107 areas which the Expediter could and might move from rent control. This states:

> Rent Director Woods disclosed a list of 107 areas which he could—and might—remove from rent controls provided he can clamp restrictions on again if rents skyrocket.

Then there is this significant sentence from the dispatch of a reputable news agency:

> The list apparently was another move to obtain votes for rent-control extension.

The rest of the dispatch is as follows:

> Woods emphasized that he did not mean he would decontrol rents in the 107 areas. He said these areas were on his so-called doubtful list. But he indicated he would take such decontrol action in the areas, if he could restore controls.
>
> At present the rent administrator has no power to restore controls once they have been removed. He pointed out that rents might zoom upward unreasonably in the doubtful areas if the controls are ended. For this reason, he said, he should have power to recontrol such areas.

Because I had been asked to find out if any of those areas were located in New England, I immediately called the Expediter's office and talked with Mr. Montoux. He advised me that the list did not contain any communities in New England. He gave me the names of the 25 States on the list now in the Expediter's office. These States are as follows:

Arkansas, Arizona, California, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia.

I asked if there had been a press release containing the communities on that list. I was advised there was no press release as such but that there is a single copy of such a list in the Expediter's office. I understand the list of communities is a lengthy one.

In any event, there are no communities in 23 States on this list. The States omitted are:

Alabama, Colorado, Connecticut, Delaware, Idaho, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Utah, Vermont, Washington, Wisconsin, Wyoming.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield to the gentleman from Indiana.

Mr. HALLECK. Of course, the story to which the gentleman refers is clear evidence of the fact and substantiates the story that was contained in the press this morning that such a list has been in circulation. Undoubtedly the release has been made and the whole thing made public after it appeared in the press.

The CHAIRMAN. The gentleman from California [Mr. JACKSON] is recognized.

Mr. JACKSON of California. Mr. Chairman, I have an amendment to the amendment at the Clerk's desk.

The CHAIRMAN. Does the gentleman desire to offer it?

Mr. JACKSON of California. Yes, I should like to offer it at this time.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. JACKSON of California. It is an amendment to the amendment.

The CHAIRMAN. The gentleman cannot offer that until the Wolcott amendment has been acted upon.

Mr. JACKSON of California. Mr. Chairman, in light of the fact that I cannot offer at this time an amendment to the amendment that has been offered by the gentleman from Georgia, I will take this opportunity to explain it so far as time permits.

I think I have made it very clear on the floor of the House that I am opposed to the principle of rent control; however, that does not foreclose in any way my desire nor my right to try to write into the measure and try to put into the measure such things as will make it a better bill to my way of thinking than it would be without them.

For that reason I should like to ask the gentleman from Georgia whether or not there would be any considerable objection on his part to an amendment to his amendment. His amendment, as I understand it, indicates five criteria which are to be used by the Housing Administration which it must use as a criteria in deciding a reasonable return upon a fair value. May I ask the gentleman whether or not he would accept or would be very much opposed to the inclusion of a sixth, which would be lettered (f) saying: "The assessed valuation of the property in question." It seems to me that is a definite figure from which you can take a position, and I offer it in all good faith.

Mr. BROWN of Georgia. In some sections of the country property is assessed on 40 to 50 percent of its value and in other sections of the country it is assessed at 100 percent. Therefore you cannot enforce that provision.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I wish to express my support of the Brown and the Wolcott amendments at this time to provide that landlords are entitled to a reasonable return on a reasonable valuation of their property.

May I also bespeak my confidence in the Congressman from Allegheny County, Pa., my colleague, Mr. FRANK BUCHANAN. While it has been stated there is such a list of proposed decontrol areas in existence, I know that he is of the highest integrity and used it for only the legitimate committee purposes which he stated on the floor.

While some persons may or may not have misused the list for certain purposes, as a fellow Congressman of a different party in Pittsburgh, I know that he had no part in it and would have no such part in such misuse. I wanted to make sure that the House knew that on the Republican side there are many that have full confidence in the gentleman from Pennsylvania [Congressman BUCHANAN], and it is a pleasure to express such friendship and confidence, when a question such as this has arisen.

We must include a reasonable return in this bill for landlords, which is only fair under our economic system. If we do not have a reasonable return on investment, we have socialized housing. You cannot have one group profit at the expense of another group in this country. You have to have a balance between groups, between landlords and tenants, in an emergency as well as in ordinary times. Once the emergency exists, you need controlled housing. When you have controlled housing, Congress must see that there is protection given to both groups.

Congress should adopt the amendment to strike out the "as far as practicable" provision, because it does not define in the bill what that means. You cannot tell from reading the bill whether it is to be "as far as practicable" under the local circumstances outside of the local board's or the Expediter's office, or within the office, based just on practicability as to personnel and management. There is no way by which you can tell how the particular person to make the decisions on reasonableness will react on the outside practicability. If you, as someone said here, are going to retain the provision to avoid getting exact justice, you would then get inexact justice. So, in order to have exact justice you must do as the gentleman from Michigan [Mr. WOLCOTT] says, and that is strike out the words "as far as practicable" and make it incumbent on the Administrator or the Expediter to make a reasonable decision.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. FURCOLO].

Mr. FURCOLO. Mr. Chairman, this amendment, regardless of the motive of those who offer it, unquestionably is going to have one result. It will result in an increase in rents throughout the entire country.

What is reasonable value? What is reasonable return? Does anyone here know one single landlord who feels that he gets a reasonable return on the reasonable value of his property? Who is going to determine it? You are going to find out that instead of having a Government of laws under this amendment you will have a Government by men, the men who administer it. You will find that for the most part the philosophy of those men will be in line with the philosophy of those who oppose the rent-control situation all the way through.

If we are going to have rent control, we ought to have it. With this amendment, you will have landlord after landlord going before the proper authorities and establishing beyond question that they do not get a reasonable return on their property. That may be fair or unfair, it may be just or unjust, but in this situation you cannot have justice for all. It comes to a determination of whether you are going to have justice based upon property rights, which in this instance is the landlord, or whether you are going to have justice based upon human rights, which in this instance is the tenant. And remember, there is not only 1 tenant but the 14,000,000 families that have been referred to many times.

So the choice is plain. If you want to see a rent increase throughout the country you will vote for this amendment. If you do not want to see rents increased, you will vote to defeat this amendment. That is why I am voting to defeat this amendment.

I do not like to go against the majority leader of my own party, who has asked us to vote in favor of this amendment. I do not like to go against the committee of my own party. But as between the tenants of this country and them, I have to stand by the tenants of this country. I can do that only by voting to defeat the amendment.

If the amendment passes, the administrative burdens of the act will be burdensome beyond measure.

Secondly, rents will be increased all over the country—increased beyond all fairness and justice. Not just hardship cases will be increased—all rents will be increased.

I cannot in good conscience support such an amendment even though it is endorsed by almost all the Members present of both parties.

And, incidentally, let me point out that it is significant that this Democratic amendment is supported by the very same Republican members who have gone on record as opposed to rent control, and who have sponsored amendments crippling rent control. They are not changing their position. They are consistent in their attempts to kill or cripple rent control. If we are to be consistent in our attempts to have rent control, we must defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, I shall vote for both the Brown and the Wolcott amendments, and I shall accept the Brown amendment either with or without the Wolcott amendment because I think it is fair. However, if this bill is going to be administered in the same spirit as the present rent-control law is administered, I fear all the good the gentleman from Georgia seeks to do, and I know he offers his amendment in good faith, will be completely nullified.

This afternoon not too many paid much attention to the statement made by the gentleman from North Carolina [Mr. BARDEN] when he quoted the Housing Expediter as saying, "This is a tenants' bill. We are not interested in return on investment." If that spirit is to prevail in the administration of this bill, if it becomes law, everything the gentleman from Georgia seeks to do, to obtain justice for the property owners of the country, who own rental units, will be completely nullified.

As some evidence of how rent control is administered in the Detroit area, let me give you an instance. Here are five houses appraised at a total value of $54,000. This comes from the owner's income-tax return to the Government for last year. The net income after repairs, taxes, and depreciation were taken out was $165 on the total of the five houses, or $2.75 per month on each house. That is the kind of thing that is bringing rent control into disrepute and forcing the 8,000,000 little property owners of the country to subsidize the tenants, thus taking away from our thrifty people by law what we put people in jail for doing if they stick a gun in your face.

Mr. Chairman, I am for the Brown amendment, and I hope it becomes part of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. NICHOLSON].

Mr. NICHOLSON. Mr. Chairman, I am willing to give what little time I have to the gentleman from Georgia [Mr. BROWN], if he wants to ask a question. But everyone who appeared before our committee and I think I was there at every session, agreed that we should have some formula to give a fair return to a man who owns a piece of property. The Expediter does not want to write that formula. As a matter of fact, Mr. Chairman, I do not think he can write it, because when he was asked the question, Is a man allowed 1 percent return on his investment? he said, " I do not know." When he was asked if it was 2 or 3 or 4

percent, he said he did not know, and he has absolutely refused to write any formula to carry out a rent-control law. The gentleman from Georgia has put in something that they can hang their hat on. I believe, Mr. Chairman, and everybody else believes, that if a man has to pay his taxes, let us say $200, and he has to pay insurance and furnish heat and so forth, it all enters into the cost of operating the property and that would give us the amount as to how much he received.

I think the Expediter ought to do it himself instead of having the Congress do his work for him. Mr. Chairman, the people who appeared before our committee did not have too much confidence in the Expediter. They said everything would be all right if he knew how to administer it. I do not say whether he has administered it properly, or whether he is not administering it properly. But I think if we do accept the amendment offered by the gentleman from Michigan, the ranking minority member of the committee, it makes it a little clearer. Whether somebody has flip-flopped or not does not make any difference to me. Everybody has a right to see the light of day.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GAMBLE].

Mr. GAMBLE. Mr. Chairman, as I said yesterday, I voted for the Brown amendment when it was considered by the Banking and Currency Committee in committee, and I expect to support it today either with or without the Wolcott amendment. If a good many of those members of the Committee on Banking and Currency who have been extolling the virtues of the so-called Brown amendment this afternoon had voted for the amendment in the committee, we would not have had to spend 2 hours on it today.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. GAMBLE. I yield.

Mr. COUDERT. Mr. Chairman, I wonder how many Members of the House have in mind at this moment the provisions of the fifth amendment of the Constitution of the United States. Let me call it to your attention again: "Nor shall private property be taken for public use without just compensation."

There is not anything in that article of the Constitution about "so far as practicable." There is no limiting language. It fixes a firm and proper principle and imposes an obligation. If we mean business in this committee in the matter of affording landlords a fair and reasonable compensation, then we should certainly strike out the limiting language and leave the obligation one of fair and reasonable compensation without that limiting, restricting language, which the gentleman from Michigan would strike out by his amendment.

Mr. GAMBLE. Mr. Chairman, perhaps we ought to add to the amendment "a fair and reasonable Housing Expediter."

Mr. CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield my time to the gentleman from New York [Mr. MULTER].

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, I am one of those Members of the House who wants to protect tenants and at the same time dares say that the landlord, too, has some rights. This amendment is intended to safeguard the rights of the tenant and to keep a roof over his head and at the same time protect those landlords who are protesting that there is nothing in the law under which their rights, too, can be protected.

Only today I received a telegram from one of the tenants in my district. He wires me:

> Ask that you do something to prevent rent control from being talked to death. Landlord of our building already rubbing his hands in glee over the death knell of rent control.

Let us disappoint that landlord and all other landlords who want to ring the death knell on rent control. At the same time, by this Brown amendment let us give them a fair deal. We are not looking to prefer one over the other, but we must protect the tenants against extortionate owners who seek to get oppressive rent from a man who has no place else to go.

At this time let us dispel all this mystery that has been injected here about a newspaper item referring to lists of areas that might be decontrolled. Tighe Woods, the Expediter, is painted as a terrible man. According to the landlords, he is the tenants' friend, and according to the tenants, he is the landlords' friend. He is a bad man to everybody.

He proved to our committee that he was trying to do a good job and an honest job. He frankly told us in committee that there were some hundred areas that he had surveyed and that he was ready to decontrol them. He did not dare do it unless he knew that if the landlords in those areas sought to extort oppressive rents, he could then come in and recontrol those areas. There is no secret about where those areas are. Any Member can get on the telephone and ask him.

When he was before the committee he said this:

> I urge that those who criticize our machinery suggest practical, workable improvements for our consideration.

The Brown amendment, without the Wolcott amendment which deletes part of it, is the amendment which we considered in principle in committee. It suggests a workable and practical method which the Expediter says he can use. He said to us in committee: "Give us a formula that we can use." This is the formula which the Expediter's office says they can follow and do justice to all, in accordance with the dictates of conscience and the dictates of the needs of the landlords as well as the requirements of the tenants. Give him what he is asking for. Give him what the majority of the committee feels he can use. Let us not take out these words, "insofar as practicable." A reasonable return upon a reasonable value as far as practicable is all you can ask for. No landlord has a right to ask for more and no tenant has a right to expect less. That is what we are trying to do here. That is what you should do.

Let me correct one statement that was erroneously made to you by the gentleman from Michigan who offered the amendment to the amendment. He said that the Expediter, in order to determine whether or not there is a loss, takes the worst year, and if there was a loss you cannot do better than bring yourself up to the point where you make up the excess cost even though you still suffer a loss and do not break even. That is not the regulation that was issued by the Expediter under existing law, and it is not what he is trying to do. But he says in addition to that, "If you will give me something like this, I can do a better job."

Mr. WOLCOTT. I may say to the gentleman that in the committee I read the law. I did not read the regulation.

Mr. MULTER. Then I misunderstood you. I thought you said that under the law he indicated he could not do anything on the subject. He has issued a regulation under that law which I think is proper. He has tried to do a good job, and I am sure if we pass this amendment as proposed by the gentleman from Georgia [Mr. BROWN] we will get a good, workable rent-control law.

The CHAIRMAN. The time of the gentleman from New York [Mr. MULTER] has expired.

All time for debate on this amendment and all amendments thereto having expired, the question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT] to the amendment offered by the gentleman from Georgia [Mr. BROWN].

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were—ayes 126, noes 132.

Mr. WOLCOTT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. WOLCOTT and Mr. BROWN of Georgia.

The Committee again divided, and the tellers reported that there were—ayes 154, noes 158.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BROWN].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 226, noes 31.

So the amendment was agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. COLE of Kansas) there were—ayes 167, noes 70.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCCORMACK] having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 1731) to extend certain provisions of the Housing and Rent Act of 1947, as amended, and for other purposes, had come to no resolution thereon.

THE LATE WASHINGTON J. McCORMICK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montana [Mr. D'EWART].

Mr. D'EWART. Mr. Speaker, I rise to announce the death of a former Member of this House, Washington J. McCormick, 65, a former Montana Representative in Congress, son of western Montana pioneers, who died March 7 at a hospital after a long illness.

Mr. McCormick was born in Missoula January 4, 1884, and served in the State legislature from 1919 to 1921. He was a Representative in Congress from 1921 to 1923. He attended Montana State University and the University of Notre Dame, and received law degrees from Harvard and Columbia Universities. He was commandant of cadets at Montana State University during World War I and was an expediter in a California shipyard during World War II. He announced as Republican candidate for Governor in 1948, but withdrew.

He is survived by his widow, two daughters, a sister, and two nieces. The daughters are Angela, of Missoula, and Mrs. John Vance, Jr., of Chevy Chase, Md. The sister is Mrs. William Fitzgerald, of Missoula.

Mr. McCormick was a member of the New York and Montana bar associations, was the author of several books of poetry and historical articles. In recent years he made his home at the family ranch near Fort Owen at Stevensville. Because of his writings he was often referred to as the "Bard of the Bitterroots."

Mr. Speaker, I extend my own sympathy and, I am sure, also that of the House to Mr. McCormick's family in their loss of a loving husband and father. He was for years and until the time of his death an honored and outstanding citizen of the State of Montana. We of that State mourn his passing.

ADJOURNMENT OVER

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

EXTENSION OF REMARKS

Mr. MURDOCK and Mr. DAVENPORT asked and were given permission to extend their remarks in the RECORD.

Mr. LUCAS asked and was given permission to extend his remarks in the RECORD and include two letters which he received from a tenant on the subject of rent control.

Mr. JENNINGS asked and was given permission to revise and extend the remarks he made in the Committee of the Whole today and include a letter and other excerpts.

Mr. SADLAK asked and was given permission to revise and extend the remarks he made in the Committee of the Whole this afternoon and include a newspaper editorial, and also to extend his remarks in the RECORD and include a proclamation reporting the vote of the people of the State of Connecticut in the recent elections on the World Government Referendum.

Mr. KELLEY asked and was given permission to extend his remarks in the RECORD and include two resolutions.

Mr. GORSKI of Illinois asked and was given permission to extend his remarks in the RECORD and include a speech made by a Lithuanian consul.

Mr. CANFIELD asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. BLATNIK (at the request of Mr. MARSHALL) was given permission to extend his remarks in the RECORD.

Mr. McCULLOCH asked and was given permission to extend his remarks in the RECORD and include an editorial from the Cleveland Plain Dealer.

Mr. FULTON asked and was given permission to extend his remarks in the RECORD and include an article on the steel industry.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in three instances, in each to include an article.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. DONDERO] is recognized for 20 minutes.

COMMUNIST ART IN GOVERNMENT HOSPITALS

Mr. DONDERO. Mr. Speaker, most of the Members of Congress will readily remember the world-wide junket of left wing art which the State Department fostered in 1947. It was commonly reported that the State Department purchased 79 paintings of so-called contemporary and modern art for $55,000 of the taxpayers' money. These paintings were started on a tour through Latin America and Europe, and after being shown in Haiti and Prague the junket was stopped by Secretary Marshall because of the unfavorable publicity which the whole project received in American newspapers and other publications.

It has been revealed that the War Assets Administration subsequently sold these paintings of left wingers for the sum of $5,544.45, that is, the Government recovered about 10 cents on the dollar for its investment of the taxpayers' money. They did not recover any of the expenses incurred in financing the junket as far as it went.

The Members of Congress and the American public, recalling the positive action of Secretary of State Marshall in putting an abrupt stop to the State Department's venture into radical art, may be warranted in concluding that that was the end of the matter, but such is far from the truth. The Members of Congress should accept this basic truth—that radical, left wing art cannot survive of itself. It does not have merit, and its creators do not have the real talent to cause sufficient demand for their product from the public. If they had to live on what they can earn from their work, they would cease very soon to be a menace to some of our dearest traditions. The members of this left wing art movement are constantly scheming to get their hands on public funds, and even private philanthropies, in order to grow.

I want to call to the attention of the Members an article which appeared in the issue of the Art Digest, dated January 15, 1949. This will be found on page 16, under the heading "Gallery-on-Wheels":

> The United States naval hospital at St. Albans, N. Y., has an interesting innovation in its art program for the patients. The hospital fine arts exhibition, through its fine arts committee headed by Carroll Aument, of the Museum of Modern Art, is holding an exhibition in the ship's library. Many of the patients are unable to go to museums and galleries and some cannot even make the library. For the latter, works of art are brought to them in the wards on roller galleries. A new group will be shown each day with a different participating artist accompanying the gallery-on-wheels to explain the difference between the aims of the painters following the classical and modern trends of thought.
>
> Capt. William H. H. Turville, United States Navy, commanding officer of the hospital, feels that the patients will derive valuable educational and therapeutic benefits from the exhibit. He has great faith in the morale-building results derived through awenkening a self-creative urge in his patients, and he expects this activity will be a valuable supplement to the art program already under successful progress at the hospital.
>
> Twenty-eight well-known contemporary artists are contributing their services, including Xavier Gonzalez, Yasuo Kuniyoshi, Jean Liberte, Ben Shahn, Jack Levine, Eugene Berman, Abraham Rattner, Reginald Marsh, Matta Echuarren, I. Rice Pereira, Louis Bosa, George L. K. Morris, Joseph Hirsch, Max Weber, Rufine Tamayo, Alexander Brook, and Arthur Osver.
>
> The exhibition begins January 17 and continues for 2 weeks. If the show proves to be as stimulating as is hoped, the art committee will take it to every large Government hospital in the country.

Now, this article would seem to refer to a project predicated on a kindly desire to do something for our disabled heroes, who may not be able to leave their beds. These artists are taking their art right to the bedside of the veteran. The artists are explaining to him in person, according to this article, their aims when they produced their paintings, that is, what they had in mind and what they wanted to show. Let us look with a little care, and see what this "gallery-on-wheels" exhibit really signifies. According to the article, 28 well known contemporary artists contributed their services, but only 17 of them are mentioned by name. Of these 17, 9 were among those from whom the State Department bought 79 creations for $55,000. Nine of these 17 were "junketeers." Of the 17, nearly all are individuals of known radical affiliation. Let me give you a little information about them, where I have no facts, I shall be frank to so state:

Xavier Gonzalez, Mexican: Article in New Masses, December 19, 1944; Picasso, written by Gonzalez.

Yasuo Kuniyoshi: Artists' Union; American Artists' Congress; American Group, Inc.; Artists' League of America; New Masses art auction, June 20, 1944; Artists League of America; New Masses art auction, June 26, 1944; keep-Wallace-on-the-air auction, October 17, 1948; State Department show.

Jean Liberte: Artists' Union; American Artists' Congress; Artists' League of America; State Department show.

Ben Shahn: John Reed Club; American Artists' Congress; Artists' Union; State Department show; ACA; New Masses art auction, March 24, 1942; National Council Arts and Sciences; Professions, We Are for Wallace, New York Times, October 20, 1948; assistant to Diego Rivera on Radio City mural later destroyed because of Lenin's figure.

Jack Levine: Illustrator for New Masses, examples, June 4, 1946, August 20, 1946; National Council Arts, Sciences, and Professions; sponsor for Wallace; State Department show.

Eugene Berman.

Abraham Rattner; New Masses plug review, January 26, 1945; keep-Wallace-on-the-air auction; State Department show.

Reginald Marsh: John Reed Club; cartoonist, New Masses, example, June 12, 1934; State Department show.

Matta Echuarren, Chile.

I. Rice Pereira: American Artists Congress; ACA; Artists Gallery, and Artists League of America; Protestant magazine auction; State Department show.

Louis Bosa: Plug review New Masses, November 7, 1944; keep-Wallace-on-the-air auction.

George L. K. Morris: Illustrator, New Masses, April 1, 1947; editor, Partisan Review; State Department show.

Joseph Hirsch: ACA; American Group, Inc.; sponsor, New Masses cultural award, January 9, 1945; cover, New Masses, August 27, 1946; Protestant auction.

Max Weber: American Artists Congress; ACA; Winner, New Masses cultural award, January 23, 1945; sponsor, New Masses, cultural award, January 9, 1945; New Masses permanent auction committee, Art Digest, February 15, 1947; Protestant auction; sponsor, National Council of American-Soviet Friendship; chairman, Committee on Manhattan Artists for Wallace, 23 West Twenty-sixth Street; State Department show.

Rufine Tamayo: Artists Union; ACA.

Alexander Brook: American Artists Congress; permanent auction committee of New Masses, Art Digest, February 15, 1947.

Arthur Osver: Very favorably reviewed in New Masses, February 18, 1947; Gallery-on-Wheels; Art Digest, January 15, 1949, page 16.

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New Masses; former Communist cultural magazine.

Artists Union, American Artists Congress, Artists League of America, American Group, Inc.: Communist's fronts, see page 6892, CONGRESSIONAL RECORD, June 30, 1943.

John Reed Club: Revolutionary artists' and writers' club.

Protestant magazine: Robert Stribling said:

> We have seen publications cloaked in such disarming names as the Protestant become echoes of the Daily Worker.

Partisan Review: Red magazine, was started by John Reed Club, page 256, Un-American propaganda activities. H. S. 272.

National Council of American-Soviet Friendship, Inc.: Termed "Communist and subversive," Justice Department.

National Council of the Arts, Sciences, and Professions: Communist controlled, according to World-Telegram, February 28, 1949, page 3.

ACA Gallery: A definitely communistic place, 61–63 East Fifty-seventh Street. American Artists Congress was formed in ACA Gallery.

Interesting note: Nine of these artists were included in ill-fated State Department art show—9 out of 17. The NCASP is an outgrowth of Independent Citizens' Communist Association and was formed in the office of Budenz when he was editor of Daily Worker, September 18, 1948.

Now that I have shown the true affiliation of these persons who exhibited their art to the bedridden veterans in St. Albans Hospital, and who explained what they had in mind when they created their paintings, do you have any doubt that a great deal of explanation was necessary before anyone could understand why these paintings were produced at all? I do not know what explanation these left-wingers made, but I do know that these individuals—radicals all—spending 2 weeks in an important naval hospital explaining their theories to an audience who could not get away from them, had a great opportunity not only to spread their propaganda, but to engage in espionage, if they were inclined to do so. Furthermore, I cannot for 1 minute believe that they devoted all this time and energy as a pure philanthropy, and I would like to know how much they were paid, and by whom they were paid to put across this propaganda undertaking in a Government institution.

Is this only an isolated example of what these ex-State Department junketeers are doing? Certainly not. The article which I have quoted states very frankly: "If the show proves to be as stimulating as is hoped, the art committee will take it to every large Government hospital in the country." What the article does not show is that the "gallery-on-wheels" will be taken at the taxpayers' expense, or how much is being paid to spread this propaganda on a national scale. I am very anxious to find out how this group of radicals was able to put across this program on the Navy Department and, as they include all Government hospitals, on the Army and possibly the Veterans' Administration. How can these subversives keep lifting up their heads in our Government departments? Who gets them in, and why are not Government officials and Army and Navy officers more watchful and careful—so that these things cannot happen.

The Congress has been most liberal in making large appropriations to the armed forces. The Navy and the Army and the Air Corps have active intelligence units, and they have experienced intelligence agents in their respective Reserves. These intelligence officers are well-informed, in general, on the activities of subversive groups and Communist-front organizations throughout the United States. They are all in liaison with the Federal Bureau of Investigation of the Department of Justice. From these established intelligence groups any Government official or high officer of our armed forces can quickly and accurately ascertain the true character of any subversive group in the United States. Why was this not done by the authorities at St. Albans Hospital, and if this resurgence of radical State Department art junketeers on a national scale, to be paid for out of taxpayers' money, was authorized by the higher-ups, let us find out who they are.

Far from exaggerating the extent of infiltration of Communists and Communist sympathizers into our Government and into our public institutions, we have been too complacent for too long, and the Congress and the public does not yet realize the extent to which our prized inheritances and institutions are being undermined. In the arts and sciences the facts are startling, and I propose at an early date to give you additional facts, which I think will arouse your indignation, as they have aroused mine, and instill in you an enlarged determination to see that these subversive movements are thwarted, and that Americanism is permitted to continue its healthy growth.

Mr. CANFIELD. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. CANFIELD. Does the gentleman know, perchance, that one of those pictures was a picture of a red herring?

Mr. DONDERO. I am not too familiar with the subject of red herrings.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.), under its previous order, the House adjourned until Monday, March 14, 1949, at 12 o'clock noon.

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. SMITH of Virginia: Committee on the District of Columbia. H. R. 3347. A bill to provide additional revenue for the District of Columbia; with an amendment (Rept. No. 257). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. PETERSON: Committee on Public Lands. H. R. 2812. A bill to direct the Secretary of the Interior to sell certain land at South Naknek to the Russian Orthodox Greek Catholic Church of North America; with an amendment (Rept. No. 256). 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. BENNETT of Michigan:

H. R. 3472. A bill to provide additional income-tax relief for supporting blind or

aged dependents; to the Committee on Ways and Means.

By Mr. CLEMENTE:

H. R. 3473. A bill to provide reduced annuities at age 55 after 15 years of civilian service for persons involuntarily separated from the Federal Service not by removal for cause; to the Committee on Post Office and Civil Service.

By Mr. DOLLINGER:

H. R. 3474. A bill to restore the citizenship of persons who fought in Palestine, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBBS:

H. R. 3475. A bill to provide for the recording of the proceedings in one of the courtrooms of the United States District Court for the District of Columbia by sound-recording equipment; and for the reproduction of the sounds of such proceedings, in whole or in part, in the United States Court of Appeals for the District of Columbia and in the Supreme Court of the United States upon the review of any such case; to the Committee on the Judiciary.

By Mr. MORRIS:

H. R. 3476. A bill to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and the better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes; to the Committee on Public Lands.

By Mr. PHILLIPS of Tennessee:

H. R. 3477. A bill to provide for the issuance of a special postage stamp in honor of Greeneville, Tenn.; to the Committee on Post Office and Civil Service.

By Mr. PRICE:

H. R. 3478. A bill to extend the time for completing the construction of a bridge across the Mississippi River at or near a point between Delmar Boulevard and Cole Street in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; to the Committee on Public Works.

By Mr. RIVERS:

H. R. 3479. A bill to revise the law with relation to the Dental Corps of the Army and to amend certain laws herein named; to the Committee on Armed Services.

By Mr. WHITAKER:

H. R. 3480. A bill to authorize the Commonwealth of Kentucky to use for certain educational purposes lands granted by the United States to such Commonwealth for State-park purposes exclusively; to the Committee on Public Lands.

By Mrs. WOODHOUSE:

H. R. 3481. A bill to provide for the issuance of a postage stamp in commemoration of the three hundredth anniversary of the founding of Stonington, Conn.; to the Committee on Post Office and Civil Service.

By Mr. WORLEY:

H. R. 3482. A bill granting the consent of the Congress to the negotiation of a compact relating to the waters of the Canadian River by the States of Oklahoma, Texas, and New Mexico; to the Committee on Public Lands.

By Mr. DENTON:

H. R. 3483. A bill to facilitate the admission of certain alien minor children adopted by United States citizens; to the Committee on the Judiciary.

By Mr. SCUDDER:

H. R. 3484. A bill to confirm and establish the titles of the State to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

By Mr. SMATHERS:

H. R. 3485. A bill to amend National Service Life Insurance Act to allow lump-sum payments to beneficiaries; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H. R. 3486. A bill to provide that the Secretary of Agriculture be included as a member of the Advisory Board of the Export-Import Bank of Washington and as a member of the National Advisory Council of the International Bank for Reconstruction and Development; to the Committee on Banking and Currency.

By Mr. CURTIS:

H. R. 3487. A bill to authorize Federal aid for the construction of additional school facilities to school districts overburdened with school enrollments brought about by Government construction and defense programs; to the Committee on Education and Labor.

By Mr. DINGELL:

H. R. 3488. A bill to reduce to prewar levels the excise taxes on automotive transportation; to the Committee on Ways and Means.

By Mr. PATTEN:

H. R. 3489. A bill to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and the better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes; to the Committee on Public Lands.

By Mr. TOLLEFSON:

H. R. 3490. A bill to establish a Federal Commission on Services for the Physically Handicapped, to define its duties, and for other purposes; to the Committee on Education and Labor.

By Mr. BOLTON of Maryland:

H. R. 3491. A bill to provide for a preliminary examination and survey for the construction of a channel from the yacht basin at Havre de Grace to connect with the Oakington Channel; to the Committee on Public Works.

By Mr. LARCADE:

H. R. 3492. A bill to amend the River and Harbor Act of 1948 to provide for reports by the Chief of Engineers with respect to national defense values of river, harbor, and waterway improvements; to the Committee on Public Works.

By Mr. THOMPSON:

H. Res. 147. Resolution requesting the Secretary of State to investigate the domestic fishing industry; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of North Dakota, memorializing the President and the Congress of the United States to enact legislation providing for the maintenance by the Government of the Garrison Dam area; to the Committee on Public Lands.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BARRETT of Pennsylvania:

H. R. 3493. A bill for the relief of Anne Robinson Norwood; to the Committee on the Judiciary.

By Mr. BARTLETT:

H. R. 3494. A bill to authorize the Secretary of the Interior to transfer a building in Juneau, Alaska, to the Alaska Native Brotherhood and/or Sisterhood, Juneau, Alaska, Camp; to the Committee on Public Lands.

By Mr. CAMP:

H. R. 3495. A bill for the relief of Theodore Robert Fears; to the Committee on the Judiciary.

By Mr. CARROLL (by request):

H. R. 3496. A bill for the relief of A. W. Estabrook; to the Committee on the Judiciary.

By Mr. CARROLL:

H. R. 3497. A bill conferring United States citizenship posthumously upon Vaso B. Benderach; to the Committee on the Judiciary.

By Mr. COUDERT:

H. R. 3498. A bill for the relief of the Gluckin Corp.; to the Committee on the Judiciary.

By Mr. DOYLE:

H. R. 3499. A bill for the relief of Mabel Colliver; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 3500. A bill for the relief of Karl Weyrauch; to the Committee on the Judiciary.

By Mr. HAND:

H. R. 3501. A bill for the relief of Nelson Bell; to the Committee on the Judiciary.

By Mr. JOHNSON:

H. R. 3502. A bill for the relief of Severino Juanarena-Ituralde; to the Committee on the Judiciary.

H. R. 3503. A bill for the relief of Sabino Gonzalez-Baron; to the Committee on the Judiciary.

By Mr. KING:

H. R. 3504. A bill for the relief of Andrija Artukovic and family; to the Committee on the Judiciary.

H. R. 3505. A bill for the relief of Mary Arnovick; to the Committee on the Judiciary.

By Mr. REGAN:

H. R. 3506. A bill for the relief of Luis P. Murphy, United States immigrant inspector, El Paso, Tex.; to the Committee on the Judiciary.

By Mr. SPENCE:

H. R. 3507. A bill for the relief of William Luttrell; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H. R. 3508. A bill conferring jurisdiction upon the United States District Court for the Western District of Washington to hear, determine, and render judgment upon any claim arising out of personal injuries sustained by Carl J. Freund and Pauline H. Freund, his wife, of Seattle, Wash.; to the Committee on the Judiciary.

PETITIONS, ETC.

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

200. By Mr. BURDICK: Memorial of the Legislative Assembly of the State of North Dakota, petitioning Congress to continue adequate appropriations to the Farmers Home Administration; to the Committee on Appropriations.

201. By Mr. CANFIELD: Memorial of the city council of the city of Clifton, N. J., memorializing the Congress to pass and the President to approve the General Pulaski Memorial Day resolution; to the Committee on the Judiciary.

202. By Mr. CARROLL: Memorial of the Colorado State Legislature, memorializing the Congress of the United States to provide for the completion of the Leadville drainage tunnel; to the Committee on Appropriations.

203. By Mr. HOLMES: Memorial of the Senate and House of Representatives of the State of Washington, urging legislation covering shipments of cigarettes between States having different taxation laws; to the Committee on Ways and Means.

204. By Mr. O'TOOLE: Petition, consisting of 1,092 separate and individual protests, forwarded by the Ninth Assembly District Regular Democratic Organization, Brooklyn, N. Y., requesting an official and public denunciation by our Government of the unjust persecution of Josef Cardinal Mindszenty and requesting that he be liberated by requesting our delegates to the United Nations Security Council to present his case to that body; to the Committee on Foreign Affairs.

205. By Mrs. ROGERS of Massachusetts: Memorial of the General Court of Massachusetts, relative to the National Guard of the

United States and of the several States; to the Committee on Armed Services.

206. By the SPEAKER: Petition of E. J. Minges, president, Friendship Townsend Club, No. 1, Miami, Fla., petitioning consideration of their resolution with reference to taking immediate action on the consideration and enactment of H. R. 2136, known as the Townsend plan; to the Committee on Ways and Means.

207. Also, petition of Mrs. Nellie Welch and others, Palm Beach, Fla., petitioning consideration of their resolution with reference to taking immediate action on the consideration and enactment of H. R. 2136, known as the Townsend plan; to the Committee on Ways and Means.

208. Also, petition of Mrs. Hattie Erdman and others, Miami, Fla., petitioning consideration of their resolution with reference to taking immediate action on the consideration and enactment of H. R. 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

SATURDAY, MARCH 12, 1949

(Legislative day of Monday, February 21, 1949)

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:

Our Father God, we turn to Thee from the perplexities and uncertainties which daily beset us. We are bewildered by the confusion of the world. Often we lose the way of certitude and self-control.

Deliver us, we beseech Thee, from the inclinations of our own hearts to self-deceit. Drive from them all equivocation and pretense. Make us true servants of Thy will in this troubled time. We ask it in the spirit of Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 10, 1949, the President had approved and signed the following acts:

S. 198. An act for the relief of the city and county of San Francisco;

S. 279. An act to authorize the advance on the retired list of Lt. John T. McDermott, United States Navy (retired), to the grade of lieutenant commander; and

S. 307. An act for the relief of Engebert Axer.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF SECRETARY OF THE ARMY

A letter from the Secretary of Defense, transmitting, pursuant to law, a report of the Secretary of the Army, 1948 (with an accompanying report); to the Committee on Armed Services.

REPORT ON CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE, UNITED STATES AND MEXICO

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a report on cooperation of the United States with Mexico in the control and eradication of foot-and-mouth disease, for the month of January 1949 (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF COMMISSION ON ORGANIZATION OF EXECUTIVE BRANCH OF GOVERNMENT

A letter from the Chairman of the Commission on Organization of the Executive Branch of the Government, transmitting pursuant to law, a report on regulatory commissions (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

EXTENSION TO AND REMODELING OF BUILDING IN THE DISTRICT OF COLUMBIA

A letter from the Administrator of the Federal Works Agency, transmitting a draft of proposed legislation to authorize the construction of an extension to and the remodeling of the building located at Twenty-first Street and Virginia Avenue NW., in the District of Columbia (with an accompanying paper); to the Committee on Public Works.

RATIFICATION OF PROPOSED AMENDMENT TO CONSTITUTION RELATING TO TERM OF OFFICE OF PRESIDENT

The VICE PRESIDENT laid before the Senate a certified copy of a joint resolution of the Legislature of the State of North Dakota ratifying the proposed amendment to the Constitution of the United States relating to the term of the office of the President, which was ordered to lie on the table.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A joint memorial of the Legislature of the State of Colorado; to the Committee on Labor and Public Welfare:

"House Joint Memorial 8

"Memorializing the Congress of the United States to protest the order of the Administrator of Veterans' Affairs providing for the discontinuance of the Veterans' Administration hospital at Fort Logan, Colo.

"Whereas the Administrator of Veterans' Affairs of the United States Government, the Hon. Carl R. Gray, Jr., has issued an order to the effect that upon the completion of the veterans' hospital now being constructed in the vicinity of Ninth and Clermont Streets in East Denver, Colo., the Veterans' Administration hospital at Fort Logan, Colo., shall be discontinued; and

"Whereas there is great need for the continuance of the Fort Logan hospital, particularly for convalescent veterans afflicted with tuberculosis, for domiciliary care and as a rehabilitation center, inasmuch as other veterans' hospitals in and around Colorado and the Western States cannot provide the necessary facilities for those veterans requiring long periods of time to be restored to health; and

"Whereas veterans' organizations in Colorado are greatly concerned over the order of the Administrator of Veterans' Affairs to discontinue the Fort Logan hospital, and believe it to be an unwise and unnecessary move: Now, therefore, be it

"Resolved by the house of representatives of the thirty-seventh general assembly (the senate concurring therein), That the Congress of the United States is hereby respectfully memorialized to protest the order of Carl R. Gray, Jr., Administrator of Veterans' Affairs, providing for the discontinuance of the Veterans' Administration hospital at Fort Logan, Colo., upon the completion of the veterans' hospital now being constructed in Denver, Colo., in the vicinity of Ninth and Clermont Streets, and to do all in its power to have such order rescinded; and be it further

"Resolved, That copies of this memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Senators and Congressmen from the State of Colorado in the Congress, and to the Administrator of Veterans' Affairs, the Hon. Carl R. Gray, Jr."

A concurrent resolution of the Legislature of the State of Michigan (with an accompanying paper); to the Committee on Expenditures in the Executive Departments:

"House Concurrent Resolution 22

"Concurrent resolution requesting the clerk of the house and the secretary of the senate to forward copies of the Detroit Free Press editorial 'Our Greatest Danger: Financial Rocks Ahead' to the President of the United States, the President of the Senate and Speaker of the House of Representatives in Congress, to the Members of the Congress, and to the governors of the several States of the Union

"Resolved by the house of representatives (the senate concurring), That the clerk of the house of representatives is hereby requested to send to the President of the United States, the Speaker of the House of Representatives and the Members of the House of Representatives in Congress, and the governors of the several States of the Union, and the secretary of the senate is hereby requested to send to the President of the Senate and the Members of the Senate of the Congress of the United States a copy of the Detroit Free Press editorial of February 23, 1949, 'Our Greatest Danger: Financial Rocks Ahead.'

"Adopted by the house March 7, 1949.

"Adopted by the senate March 8, 1949."

A concurrent resolution of the Legislature of the State of North Dakota, protesting against the enactment of legislation affecting the Rural Electrification Administration; to the Committee on Agriculture and Forestry.

(See text of concurrent resolution printed in full when presented by Mr. LANGER on March 11, 1949, p. 2217, CONGRESSIONAL RECORD.)

A concurrent resolution of the Legislature of the State of North Dakota, favoring the appropriation of funds in the form of grants in aid to the counties of North Dakota for constructing works for the prevention of floods; to the Committee on Appropriations.

(See text of concurrent resolution printed in full when presented by Mr. LANGER on March 11, 1949, p. 2217, CONGRESSIONAL RECORD.)

A concurrent resolution of the Legislature of the State of North Dakota, favoring the appropriation of funds for the planning and construction of means to prevent the destruction of wildlife; to the Committee on Appropriations.

(See text of concurrent resolution printed in full when presented by Mr. LANGER on March 11, 1949, p. 2217, CONGRESSIONAL RECORD.)

A concurrent resolution of the Legislature of the State of North Dakota, favoring the enactment of legislation providing for payment by the Federal Government of certain taxes, in lieu of local taxes; to the Committee on Interior and Insular Affairs.

(See text of concurrent resolution printed in full when presented by Mr. LANGER on March 11, 1949, p. 2216, CONGRESSIONAL RECORD.)

Resolutions of the General Court of the Commonwealth of Massachusetts, relating to the National Guard of the United States and of the several States; to the Committee on Armed Services.

(See text of resolutions printed in full when presented by Mr. LODGE (for himself and Mr. SALTONSTALL) on March 11, 1949, p. 2215, CONGRESSIONAL RECORD.)

A letter in the nature of a petition, signed by William T. White, president, Home Owners League, Inc., Schenectady, N. Y., relating