within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries; without amendment (Rept. No. 2078). 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. BYRNE of New York: Committee on the Judiciary. S. 947. An act for the relief of the Baggett Transportation Co., Inc.; without amendment (Rept. No. 2062). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1423. An act for the relief of Alex Morningstar; without amendment (Rept. No. 2063). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1510. An act for the relief of James I. Bartley; without amendment (Rept. No. 2064). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 1863. An act for the relief of Fremont Rider; without amendment (Rept. No. 2065). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 2070. An act for the relief of the Clark Funeral Home; without amendment (Rept. No. 2066). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on the Judiciary. S. 2339. An act for the relief of the Davis Grocery Co., of Oneida, Tenn.; without amendment (Rept. No. 2067). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. S. 2385. An act for the relief of Edward C. Ritche; without amendment (Rept. No. 2068). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 1022. A bill for the relief of Alvin Smith; with amendment (Rept. No. 2069). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on the Judiciary. H. R. 2808. A bill for the relief of Grace G. Walker; with amendment (Rept. No. 2070). Referred to the Committee of the Whole House.

Mr. KEATING: Committee on the Judiciary. H. R. 4528. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Louis J. Marx; without amendment (Rept. No. 2071). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5109. A bill for the relief of Thomas Clayton Smith; with amendment (Rept. No. 2072). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 5157. A bill for the relief of the legal guardian of Anthony Albanese, a minor; with amendment (Rept. No. 2073). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 6458. A bill for the relief of Maj. Roy E. Bevel; with amendment (Rept. No. 2074). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H. R. 7046. A bill for the relief of C. W. Jacobs; without amendment (Rept. No. 2075). 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. BEALL:

H. R. 8534. A bill to authorize the acceptance of donations of land to supplement present parkway lands along the line of the Chesapeake & Ohio Canal between Great Falls and Cumberland, Md.; to the Committee on Public Lands.

By Mr. CAMP:

H. R. 8535. A bill relating to the redemption of stock to pay death taxes; to the Committee on Ways and Means.

By Mr. CROSSER:

H. R. 8536. A bill to promote the development of improved commercial transport aircraft by providing for the operation, testing, and modification thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. HUBER (by request):

H. R. 8537. A bill to provide a permanent secondary market for home mortgages insured or guaranteed by the Veterans' Administration, and for other purposes; to the Committee on Banking and Currency.

By Mrs. DOUGLAS:

H. J. Res. 472. Joint resolution designating the period beginning July 25 and ending July 31 as National Inventors' Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BATTLE:

H. R. 8538. A bill for the relief of the families of certain merchant seamen who lost their lives in an airplane crash; to the Committee on the Judiciary.

By Mr. BEALL:

H. R. 8539. A bill for the relief of Daniel B. Fogle; to the Committee on the Judiciary.

SENATE

THURSDAY, MAY 18, 1950

(Legislative day of Wednesday, March 29, 1950)

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:

Most gracious Lord, Thy mercy is over all Thy works, and new mercies, each returning day, hover around us while we pray. As, when curtains are lifted, through the smallest window streams the light of a vast and distant sun, so Thou, whose light fills all the universe, illuminate the rooms of our being which are darkened only because we shut Thee out. And not only for ourselves, but for our Nation, we pray: that it may not miss the true path, amid the world's confusion. In such a day, as stewards of the future, give us, O Lord, an undimmed faith, a firm hope, a fervent charity, and a will to labor valiantly for the things for which we pray. We ask it in the name that is above every name. Amen.

THE JOURNAL

On request of Mr. MAYBANK, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 17, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

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 May 17, 1950, the President had approved and signed the joint resolution (S. J. Res. 176) to suspend the application of certain Federal laws with respect to attorneys employed by the special Senate committee in connection with the investigation ordered by Senate Resolution 202, Eighty-first Congress.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 469. An act for the relief of Cathryn A. Glesener;

S. 1145. An act for the relief of Persephone Poulios;

S. 2071. An act for the relief of Mrs. Alice Willmarth;

S. 2258. An act for the relief of Dr. Apostolos A. Kartsonis;

S. 2308. An act for the relief of William Alfred Bevan;

S. 2427. An act for the relief of Masae Marumoto;

S. 2431. An act for the relief of Sumiko Kato;

S. 2443. An act for the relief of Mrs. Georgette Ponsard;

S. 2479. An act for the relief of A. D. Strenger and his wife, Claire Strenger;

S. 2568. An act for the relief of Carmen E. Lyon; and

S. 3122. An act to authorize the Secretary of the Navy to convey to the Goodyear Aircraft Corp., Akron, Ohio, an easement for sewer purposes in, over, and across certain Government-owned lands situated in Maricopa County, Ariz.

LEAVE OF ABSENCE

On request of Mr. MAYBANK, and by unanimous consent, Mr. CHAVEZ was excused from attendance on the sessions of the Senate for an indefinite period.

On his own request, and by unanimous consent, Mr. LANGER was excused from attendance on the sessions of the Senate, following this evening, until Tuesday.

MEETING OF COMMITTEE DURING SENATE SESSION

On request of Mr. MCCARRAN, and by unanimous consent, the subcommittee of the Committee on the Judiciary considering House bill 3111, to amend the Bankruptcy Act, was authorized to meet this afternoon during the session of the Senate.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WHERRY. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. WHERRY. The Senator from Louisiana [Mr. LONG] has the floor, has he not, by unanimous consent?

The VICE PRESIDENT. The Senator from Nebraska is correct. The Senator from Louisiana has the floor under the unanimous-consent agreement entered into last night.

Mr. WHERRY. May I ask the distinguished acting majority leader if, after the quorum call has been had, an opportunity will be afforded Senators to transact what is called ordinary routine business?

Mr. MAYBANK. I presume I shall have to ask the Senator from Louisiana, who has the floor, if he will agree to such a unanimous-consent proposal.

The VICE PRESIDENT. Without affecting the right of the Senator from Louisiana to the floor, the Chair will recognize Senators for that purpose, after the quorum call.

The absence of a quorum having been suggested, the Secretary will call the roll.

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

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

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from New York [Mr. LEHMAN], and the Senator from Oklahoma [Mr. THOMAS] are absent by leave of the Senate.

The Senator from California [Mr. DOWNEY] and the Senator from North Carolina [Mr. GRAHAM] are absent because of illness.

The Senator from Delaware [Mr. FREAR] and the Senator from Washington [Mr. MAGNUSON] are absent by leave of the Senate on official business.

The Senator from Montana [Mr. MURRAY] is absent because of a death in his family.

The Senator from Florida [Mr. PEPPER] is absent on public business.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. FLANDERS], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Colorado [Mr. MILLIKIN], the Senator from Oregon [Mr. MORSE], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. Without objection, the Chair will now recognize Senators for routine matters.

EXECUTIVE COMMUNICATIONS, ETC.

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

AUTHORITY FOR CERTAIN PERSONS TO ACCEPT AND WEAR DECORATIONS BESTOWED BY FOREIGN COUNTRIES

A letter from the Under Secretary of State, transmitting a draft of proposed legislation to authorize certain persons to accept and wear decorations bestowed upon them by certain foreign countries (with accompanying papers); to the Committee on Foreign Relations.

REPORT ON EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Exchange Stabilization Fund, for the fiscal year ended June 30, 1949 (with an accompanying report); to the Committee on Banking and Currency.

LAWS ENACTED BY LEGISLATURE OF PUERTO RICO

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a copy of laws enacted by the first special session of the Seventeenth Legislature of Puerto Rico, August 29 to September 11, 1949 (with an accompanying volume); to the Committee on Interior and Insular Affairs.

AUDIT REPORT ON PANAMA RAILROAD COMPANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Panama Railroad Company, for the fiscal year ended June 30, 1949 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

REPORT ON ADVANCE PLANNING OF NON-FEDERAL PUBLIC WORKS

A letter from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on advance planning of non-Federal public works, for the quarter ended March 31, 1950 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

Resolutions of the General Court of the Commonwealth of Massachusetts, relating to the unification of Ireland; to the Committee on Foreign Relations.

(See resolutions printed in full when presented by Mr. LODGE (for himself and Mr. SALTONSTALL) on May 15, 1950, p. 7000, CONGRESSIONAL RECORD.)

The petition of Jessica Pierce, and sundry other citizens of Kansas City, Mo., relating to the cost of government; to the Committee on Expenditures in the Executive Departments.

A resolution adopted by the Louisiana State Bar Association, of New Orleans, La., protesting against the ratification of the genocide treaty; to the Committee on Foreign Relations.

A letter in the nature of a memorial from the Ruling Elders' Association of Chester and Delaware Counties, Pa., signed by G. Roy Hosler, president, remonstrating against the appointment of another Ambassador to the Vatican; to the Committee on Foreign Relations.

A resolution adopted by a mass meeting of American citizens of Polish ancestry, Lackawanna, N. Y., relating to freedom for the Polish Nation; to the Committee on Foreign Relations.

A resolution adopted by we, the women of Hawaii, Honolulu, T. H., favoring the principles of the Hawaiian Homes Commission Act and that said act should be incorporated into the constitution of the State of Hawaii; to the Committee on Interior and Insular Affairs.

A resolution adopted at a mass meeting of the people of Hawaii, Aala Park, Honolulu, T. H., relating to statehood for Hawaii; to the Committee on Interior and Insular Affairs.

A letter from Edwin C. M. Dickey, Washington, D. C., transmitting briefs relating to his case No. 197 MCS, Supreme Court of the United States, which has been referred to the House Judiciary Committee (with accompanying papers); to the Committee on the Judiciary.

A resolution adopted by the Eighty-second Division Association, of New York, N. Y., favoring the appointment of a nonpolitical commission of civilians to investigate communism in the Government service; to the Committee on the Judiciary.

Resolutions adopted by the board of trustees of the Columbia (Ohio) Life Underwriters' Association, and the Virginia State Dental Association, at a meeting in Roanoke, Va., protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A letter in the nature of a memorial from the Women's College Club, of Danville, Pa., signed by Theresa Krakowsky, president, remonstrating against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

The petition of Howard Johnson, and sundry other patients of Glen Lake Sanatorium, of Oak Terrace, Minn., praying for the enactment of House bill 7440, to amend veterans' regulations to establish, for persons who served in the Armed Forces during World War II, a further presumption of service connection for active pulmonary tuberculosis; to the Committee on Labor and Public Welfare.

A resolution adopted by the Oil Workers International Union, of Denver, Colo., favoring the enactment of fair employment practices legislation; ordered to lie on the table.

RESOLUTIONS OF MASSACHUSETTS LEGISLATURE

Mr. SALTONSTALL. Mr. President, on behalf of my colleague, the junior Senator from Massachusetts [Mr. LODGE] and myself, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD three resolutions adopted by the Legislature of Massachusetts, one relating to the Federal fair employment practices legislation, one requesting funds for public works projects for the Commonwealth of Massachusetts, and one calling for legislation reducing to 60 years the age for eligibility for old-age assistance.

The VICE PRESIDENT. The resolutions will be received, appropriately referred, and, under the rule, printed in the RECORD.

Ordered to lie on the table:

"Resolutions memorializing Congress to pass a Federal Fair Employment Practice Act

"*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to pass legislation creating a Federal Fair Employment Practice Act; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the

Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth.

"In house of representatives, adopted, May 8, 1950.

"LAWRENCE R. GROVE,
"Clerk.

"In senate, adopted, in concurrence, May 9, 1950.

"IRVING N. HAYDEN,
"Clerk."

To the Committee on Public Works:

"Resolutions memorializing Congress to pass legislation providing funds for public-works projects for the Commonwealth of Massachusetts

"*Resolved,* That the General Court of Massachusetts hereby urges the Congress of the United States to pass legislation to provide funds for public-works projects for the Commonwealth of Massachusetts; and be it further

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

"In house of representatives, adopted, May 8, 1950.

"LAWRENCE R. GROVE,
"Clerk.

"In senate, adopted, in concurrence, May 9, 1950.

"IRVING N. HAYDEN,
"Clerk."

To the Committee on Finance:

"Resolutions memorializing Congress to pass legislation reducing to 60 years the age for eligibility for old-age assistance

"Whereas many inhabitants of the Commonwealth who have attained the age of 60 years are in need of old-age assistance; and

"Whereas the provisions of Federal law relative to old-age assistance are inadequate to care for such persons: Therefore be it

"*Resolved,* That the General Court of Massachusetts hereby urges the Congress to take immediate action to the end that legislation may be enacted which will make possible the granting of old-age assistance to persons who have attained the age of 60 years; and be it further

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

"In house of representatives, adopted, May 8, 1950.

"LAWRENCE R. GROVE,
"Clerk.

"In senate, adopted, in concurrence, May 9, 1950.

"IRVING N. HAYDEN,
"Clerk."

PROTECTION OF AMERICAN MARKET ON LEATHER AND KNIT WOOLEN GOODS—RESOLUTION OF SHEBOYGAN (WIS.) COMMON COUNCIL

Mr. WILEY. Mr. President, supplementing my previous comments on the need for protection of the American market for American producers, including my statement on the floor a few days ago, I send to the desk a resolution adopted by the mayor and the common council of the city of Sheboygan, Wis., urging the protection of leather goods and knit woolen goods manufactured in America.

I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

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

Whereas in September 1950 the Federal Government of the United States of America will proceed with international conferences relating to reduction of tariff rates on various commodities, including those of leather imports and woolen knit goods; and

Whereas the standards of living, comparative wage rates, governmental subsidies and monopoly practices in the tanning and wool manufacturing industries of foreign nations gives to such imports an unfair and unconscionable advantage over the products produced in this Nation's factories; and

Whereas the continuance of full employment in these industries, high levels of wages, efficient operation of such businesses have been protected, at least in part, by tariffs imposed on leather and woolen knit goods imports from foreign countries; and

Whereas any continued reduction in the rates of tariffs on these imports will jeopardize the sound existence, and prevent any growth of the respective industries in the United States; and

Whereas this community has a leather manufacturing plant and a producer of knit woolen goods which are essential to the economic virility of our city: Now, therefore, be it

Resolved by the mayor and common council of the city of Sheboygan, That this body go on record as being in opposition to any national legislation or international treaties or agreements which would result in any reduction of the present levels of tariff rates on leather or knit woolen goods imports; and be it further

Resolved, That the city clerk is hereby authorized and directed to make immediate certification of 10 copies hereof to the Committee for Reciprocity Information, Tariff Commission Building, Washington, D. C., and to Senators ALEXANDER M. WILEY and JOSEPH R. MCCARTHY, and to the Honorable FRANK B. KEEFE, Member of Congress.

CONTINUATION OF RENT CONTROL

Mr. MYERS. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Erie Industrial Union Council, CIO, of Erie, a letter from the City Council of Bethlehem, signed by Bertram L. Nagle, city clerk, a letter from the City Council of Easton, signed by Chester E. Rogers, city clerk, and a letter from the Monaca Borough Council, Beaver County, signed by W. A. Eberle, secretary, all in the State of Pennsylvania, and an article by William Green, president of the American Federation of Labor, appearing in the May 1950 issue of the American Federationist, urging the continuation of rent control.

There being no objection, the resolution, letters, and article were referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

ERIE CIO COUNCIL,
May 15, 1950.

Hon. FRANCIS J. MYERS,
Senate Office Building,
Washington, D. C.

HONORABLE SIR: Enclosed is resolution which is self-explanatory.

Fraternally,

ROBERT BEALS,
Recording Secretary.

RESOLUTION ON RENT CONTROL

Whereas the end of rent control is to take effect with the expiration of the act on June 30, 1950, and the attitude of Congress, the real-estate boards, and business generally, is to effect that the Rent Act has served its purpose and should be allowed to expire, thereby removing all restraints and controls over the rental problems; and

Whereas this attitude of indifference on the part of Congress and the positive high-pressure lobbying of the real-estate interests to kill all rent control by permitting the act to die in Congress, shall work severe hardships on workers living in rental quarters by imposing increased rents; and

Whereas there is already accumulated a huge body of evidence that such rent increases shall be in order upon the expiration of the act and a statement made by United States Senator MYERS before the Senate Banking and Currency Committee on the issue of rent increases on April 26 shows convincingly that in areas where rent control has already been removed there have been unwarranted and extensive increases in rents; and

Whereas while the act was considered a wartime measure, it is nevertheless true that the problem of housing shortage is still an extremely acute one, as pointed out in Senator MYERS' statement on April 26. Competent surveys indicate it will be years before the housing shortage has been met by new construction, and that expiration of rent control will prove a disaster to thousands of families least able to afford paying higher rentals: Therefore be it

Resolved by the Erie Industrial Union Council meeting in regular session Thursday, April 27, 1950, That we who represent many thousands of the city and county industrial workers, do hereby enter our emphatic protest against the removal of rent control at this time and call upon the Congress to reenact controls without delay; and be it further

Resolved, That this resolution be presented to the City Council of Erie, Pa., with a request for endorsement of our position as set forth in this resolution, and that additioned copies be mailed to United States Senator MYERS and to the press of this city.

Adopted Thursday, April 27, 1950.

DIRECTOR OF PUBLIC AFFAIRS,
Bethlehem, Pa., May 12, 1950.

Hon. FRANCIS J. MYERS,
United States Senate,
Washington, D. C.

DEAR SIR: At the meeting of city council held on May 9 I was directed to inform you that the city council of the city of Bethlehem is in favor of extending rent control for a period of 1 year because of the serious housing shortage which still exists in our city. We feel that the lifting of rent control would mean the charging of high rents in our area, and we feel that these controls should continue for another year. I trust that you will consider our position when this proposed legislation comes up for a vote.

Very truly yours,

BERTRAM L. NAGLE,
City Clerk.

CITY OF EASTON, PA.,
May 9, 1950.

Hon. FRANCIS J. MYERS,
United States Senate,
Washington, D. C.

DEAR SIR: Please be advised that during a special meeting of our city council held yesterday a resolution was adopted favoring the extension of Federal rent controls for at least another year. May we ask that this matter be given your serious consideration?

Very truly yours,

CHESTER E. ROGERS,
City Clerk.

BOROUGH OF MONACA,
BEAVER COUNTY, PA.,
May 11, 1950.

Hon. FRANCIS J. MYERS,
Senate Office Building,
Washington, D. C.

DEAR SIR: The members of the Monaca Borough Council at a regular meeting on May 10, 1950, voted unanimously to urge you to make every effort to have rent-control legislation approved. This community is highly industrial, and the housing problem remains serious. Hundreds of families in our community are still doubled up and living in cramped quarters. The sudden removal of rent controls would result in a definite hardship for the residents of this area.

Although considerable construction of new homes is under way, the prices are beyond the reach of the average worker, and the housing shortage has not been met for the worker earning $50 or less per week. If rent controls are lifted at this time when the quantity of housing available for the bulk of the population with average incomes is not sufficient to meet the demand, we would have a situation where people would be bidding against each other for rental housing, and this would have an adverse effect on the economy of this area.

Very truly yours,
MONACA BOROUGH COUNCIL,
W. A. EBERLE, *Secretary.*

RENT CONTROL MUST BE EXTENDED

(By William Green)

Within a matter of a very few weeks, your Congressman and Senators will be voting on a subject of utmost importance—continuation of rent control for another year. Whether or not Congress decides to extend the rent-control law not only will affect the 8,000,000 members of the American Federation of Labor as well as all the tenants and landlords of this country, but also, because of its broad implications, will have an important bearing on the well-being of every man, woman, and child in America.

The sixty-eighth convention of the A. F. of L., which met last October, unanimously recommended that until the supply of low-price housing units can be equalized with the demand, effective rent control must be maintained so that families will not be faced with exorbitant increases in rents.

Following this convention action, the executive council, at its most recent meeting, unanimously adopted a statement emphasizing that until there is a large increase in the supply of homes for low- and middle-income families, an effective rent-control program must be continued. The executive council concluded its statement with the following sentence:

"We can safely remove rent controls in only one way—by building an adequate supply of homes that fit the pocketbooks of the millions of families who are without decent housing today."

Opponents of rent control have attempted to show that there is no longer any shortage of housing. The fact is that despite a recent spurt in residential construction, there still remains a severe housing shortage, particularly of homes and apartments renting at levels that low- and middle-income families can afford.

The Rent Control Act passed in 1949 contained a provision permitting local governing bodies of cities and towns to decontrol their own communities. This is the so-called local-option provision.

If opponents of rent control were correct and there were no longer a housing shortage, the American people would have acted to take advantage of this very liberal local-option decontrol provision. The fact is that very few cities have elected under this provision to remove rent controls.

Despite intense pressure from the real-estate interests, the city councils of only 249 cities—only 6 percent of communities under rent control today—had elected to remove rent control by April 1 of this year. This total includes only 10 cities with more than 100,000 population and 13 others with over 50,000.

In order to determine just how the removal of rent controls would affect A. F. of L. members, the A. F. of L. housing committee has just completed a special survey of all communities throughout the country in which there are A. F. of L. central labor unions.

The survey shows that of the 691 communities which have ever been under rent control, 459 or two-thirds are still under rent control. Only 87, or less than 13 percent, were decontrolled by the local-option method.

These over-all figures are supported by a State-by-State analysis indicating even more conclusively the catastrophic impact that sudden decontrol would have on A. F. of L. members. Thus there are 10 States and 1 Territory where not a single community with a central labor union has been decontrolled. In some of the larger States only a few of the very smallest cities have been decontrolled.

This survey clearly indicates that the great majority of A. F. of L. members, including those in a great many relatively small communities, are still protected by rent control. The sudden removal of rent controls would inevitably be reflected in a sudden increase in family expenditures for millions of union families throughout the country.

The wisdom of maintaining rent controls becomes crystal clear when we discover what has happened to rents in some of the communities where rents have been decontrolled. In November 1949, the Department of Labor made a survey of residential rents in seven decontrolled communities. The survey showed that in those communities tenants whose rents had been raised were forced to bear an average increase of from 16 percent in Salt Lake City to 40 percent in Houston. Moreover, the rent increases affected from one-third to three-fifths of all the tenants in those communities.

The Labor Department's findings have been confirmed by a recent survey made by a very strange source, the National Association of Real Estate Boards, which is the backbone of the notorious real-estate lobby in Washington. Of 100 decontrolled cities in 30 States, the survey showed that rents increased for half of the tenants in decontrolled areas of over 50,000 and for 55 percent in cities of over 100,000, thus pointing out the tremendous number of families whose rent would be raised if all remaining rent controls were removed.

According to the survey, the average tenant whose rent was raised had to pay 22 percent more for rent after decontrol. Moreover, tenants in the smaller cities whose rents were raised sustained larger rent increases than tenants in the larger cities.

This indicates very clearly that rent control is by no means exclusively a big-city problem.

While these figures are significant in themselves, they are averages which tend to conceal the fact that decontrol hits low-income families the hardest. Low-income families spend a larger proportion of their income on rent than families in the higher income groups. The Federal Reserve Board reports that in 1948 families with annual incomes under $2,000 spent 23 percent on rent, compared with 12 percent for all families and only 9 percent for families with incomes of $5,000 and over. Thus it is clear that a rent increase for a low-income family looms larger in the total family budget than a comparable increase for a higher income family.

Yet the Labor Department survey of decontrolled communities to which I have referred indicates that a greater proportion of the low-income families reported rent increases than those in the higher income groups. In the cities where income data was obtained, the proportion of families with incomes under $2,000 whose rents were raised ranged from 48 to 71 percent as compared with a range of only 22 to 37 percent for families with incomes of $4,000 or more.

Let us examine specifically what these increases in rent would mean to the average worker and his family. Let us use for our example a factory worker whose earnings are $50 a week, approximately the present Nation-wide average. Let us assume that this worker is spending approximately 20 percent of his income for rent, about $10 a week.

If rents in his community are decontrolled, the Department of Labor survey indicates that his rent would rise by at least 25 percent or $2.50 a week. This increase in rent is equivalent to a wage cut of 5 percent, or over 6 cents an hour, assuming a 40-hour week. Under these circumstances the implications for collective bargaining are bound to be quite far-reaching. From my long experience in the labor movement, I know that a widespread wave of sizable rent increases will inevitably be reflected in the demands of organized workers for higher wages.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

S. 3510. A bill to amend Public Law 74, Seventy-seventh Congress, as amended, relating to the rate of penalty on the farm marketing excess of corn and wheat; without amendment (Rept. No. 1670);

H. R. 4969. A bill to direct the Secretary of Agriculture and the Secretary of the Army to transfer and convey certain lands and thereby facilitate administration and give proper cognizance to the highest use of United States lands; without amendment (Rept. No. 1671);

H. R. 5913. A bill to authorize the exchange of certain lands of the United States situated in Ross County, Ohio, for lands within the Symmes Creek Purchase Unit in Lawrence County, Ohio, and for other purposes; without amendment (Rept. No. 1672); and

H. R. 7700. A bill to amend the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; without amendment (Rept. No. 1673).

By Mr. McCLELLAN, from the Committee on Expenditures in the Executive Departments:

S. Res. 265. Resolution disapproving Reorganization Plan No. 21 of 1950, relating to the establishment of a Federal Maritime Board, and a Maritime Administration in the Department of Commerce; without recommendation (Rept. No. 1674);

S. Res. 270. Resolution disapproving Reorganization Plan No. 18 of 1950, relating to the transfer to the Administrator of General Services the functions now vested in other agencies with respect to leasing and assigning general purpose space in buildings, and the operation, maintenance, and custody of office buildings; without recommendation (Rept. No. 1675); and

S. Res. 271. Resolution disapproving Reorganization Plan No. 17 of 1950, relating to the transfer from the Administrator of General Services, General Services Administration, to the Housing and Home Finance Administrator, Housing and Home Finance Agency, functions relating to advance planning of non-Federal public works and functions relating to management and disposition of certain war public works; without recommendation (Rept. No. 1676).

By Mr. McCARRAN, from the Committee on the Judiciary:

S. 3099. A bill to repeal the prohibition against the filling of the vacancy in the office of district judge for the western district of Pennsylvania; with amendments (Rept. No. 1677).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 18, 1950, he presented to the President of the United States the following enrolled bills:

S. 469. An act for the relief of Cathryn A. Glesener;

S. 1145. An act for the relief of Persephone Poulios;

S. 2071. An act for the relief of Mrs. Alice Willmarth;

S. 2258. An act for the relief of Doctor Apostolos A. Kartsonis;

S. 2308. An act for the relief of William Alfred Bevan;

S. 2427. An act for the relief of Masae Marumoto;

S. 2431. An act for the relief of Sumiko Kato;

S. 2443. An act for the relief of Mrs. Georgette Ponsard;

S. 2479. An act for the relief of A. D. Strenger and his wife, Claire Strenger;

S. 2568. An act for the relief of Carmen E. Lyon; and

S. 3122. An act to authorize the Secretary of the Navy to convey to the Goodyear Aircraft Corp., Akron, Ohio, an easement for sewer purposes in, over, and across certain Government-owned lands situated in Maricopa County, Arizona.

BILLS AND A 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. GURNEY:

S. 3618. A bill authorizing the issuance of a patent in fee to Maud Barry; to the Committee on Interior and Insular Affairs.

By Mr. THOMAS of Utah:

S. 3619. A bill to give military status and grant discharges to the members of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for service during the war with Germany; to the Committee on Armed Services.

(Mr. LANGER introduced Senate bill 3620, to repeal the war tax rates of taxes on admissions; use or lease of boxes or seats; sales of tickets outside box office; cabarets, roof gardens, etc.; dues or membership fees; initiation fees; jewelry; furs; toilet preparations; distilled spirits; imported perfumes containing distilled spirits; still wines; sparkling wines; liqueurs and cordials; fermented malt liquors; billiard and pool tables, and bowling alleys; electric light bulbs and tubes; telephone, long distance; domestic telegraph, cable, or radio dispatches; leased wires, etc.; wire and equipment service; local telephone service; transportation of persons; seats, berths, etc.; and luggage, purses, and other similar items, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. LODGE:

S. 3621. A bill to amend the act entitled "An act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannonballs in their respective departments," approved May 22, 1896, as amended, to include additional veterans' organizations; and

S. 3622. A bill to amend section 2 of the act entitled "An act to provide for the disposition of vessels, trophies, relics, and material of historical interest by the Secretary of the Navy, and for other purposes," approved August 7, 1946, so as to include certain additional veterans' organizations; to the Committee on Armed Services.

By Mr. KILGORE (for himself and Mr. NEELY):

S. J. Res. 182. Joint resolution to authorize the temporary operation of the Morgantown Ordnance Works at Morgantown, W. Va.; to the Committee on Armed Services.

REPEAL OF EXCISE TAXES

Mr. LANGER. Mr. President, I introduce for appropriate reference, a bill to repeal all the war excise taxes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3620) to repeal the war tax rates of taxes on admissions; use or lease of boxes or seats; sales of tickets outside box office; cabarets, roof gardens, etc.; dues or membership fees; initiation fees; jewelry; furs; toilet preparations; distilled spirits; imported perfumes containing distilled spirits; still wines; sparkling wines; liqueurs and cordials; fermented malt liquors; billiard and pool tables, and bowling alleys; electric light bulbs and tubes; telephone, long distance; domestic telegraph, cable, or radio dispatches; leased wires, etc.; wire and equipment service; local telephone service; transportation of persons; seats, berths, etc.; and luggage, purses, and other similar items, introduced by Mr. LANGER, was read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF FEDERAL-AID ROAD ACT—AMENDMENT

Mr. BRIDGES submitted an amendment intended to be proposed by him to the bill (S. 3424) to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes, which was referred to the Committee on Public Works and ordered to be printed.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Harold K. Hill, of Wisconsin, to be a member of the Board of Directors of the Commodity Credit Corporation, vice William B. Crawley, resigned.

HOW THE NEW DEAL HAS CHANGED LIFE IN THE SOUTH—STATEMENT BY SENATOR MUNDT

[Mr. MUNDT asked and obtained leave to have printed in the RECORD a statement prepared by him and an accompanying poem, which appear in the Appendix.]

TURKISH ELECTION SHOULD MAKE WALLACE EAT HARD WORDS—ARTICLE BY MILTON BERLINER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article entitled "Turkish Election Should Make Wallace Eat Hard Words," by Milton Berliner, published in the Washington Daily News for Friday, May 12, 1950, which appears in the Appendix.]

THE ST. LAWRENCE SEAWAY—STATEMENT BY CLYDE T. ELLIS

[Mr. AIKEN asked and obtained leave to have printed in the RECORD a statement favoring the development of the St. Lawrence seaway, made by Clyde T. Ellis, executive manager of the National Rural Electric Cooperative Association, before the Committee on Public Works of the House of Representatives, May 9, 1950, which appears in the Appendix.]

ENCROACHMENT OF GOVERNMENT ON PRIVATE UTILITY FIELD—NEWS COMMENT AND RESOLUTION OF CIO

[Mr. ECTON asked and obtained leave to have printed in the RECORD an article entitled "CIO Union Scores Federal Utilities," published in the New York Times of Sunday, April 30, 1950, and a resolution and statement of policy adopted by the CIO Utility Workers of America at a convention held in New York on April 30, which appear in the Appendix.]

FAIR EMPLOYMENT PRACTICE COMMISSION ACT—NEWSPAPER COMMENT

[Mr. HOEY asked and obtained leave to have printed in the RECORD several editorials and special articles relative to the Fair Employment Practice Commission Act, which appear in the Appendix.]

SEPARATION OF MAIL PAY FROM AIRLINE SUBSIDIES—EDITORIAL FROM AMERICAN AVIATION

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an editorial entitled "Thanks, Senator," published in the magazine American Aviation for May 15, 1950, which appears in the Appendix.]

SENATOR CHAVEZ' ATTACK ON LOUIS S. BUDENZ—STATEMENT OF REV. LAURENCE J. McGINLEY, S. J.

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD a statement by the Reverend Laurence J. McGinley, S. J., president of Fordham University, in reply to the attack on Louis S. Budenz by Senator CHAVEZ, which appears in the Appendix.]

OUR GREAT AMERICAN HERITAGE: LIBERTY—PRIZE ESSAY BY JEANETTE STANZIL

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD an article reproducing the winning essay by Jeanette Stanzil, of Three Lakes, Wis., on the subject Our Great American Heritage: Liberty, from a recent issue of a Three Lakes, Wis., newspaper, which appears in the Appendix.]

IDAHO OPPOSITION TO PROPOSED COLUMBIA VALLEY AUTHORITY

[Mr. DWORSHAK asked and obtained leave to have printed in the RECORD an editorial entitled "Mr. Truman's Trip May Not Be Politics for Democrats, But He Sure Did the Republicans a Big Favor in Boise," published in the Idaho Sunday Statesman of Boise, Idaho, on May 14, 1950, which appears in the Appendix.]

NOTICE OF HEARING ON NOMINATION OF WILLIAM ROBERT WALLACE TO BE UNITED STATES DISTRICT JUDGE, NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Friday, May 26, 1950, at 10:30 a. m., in room 424, Senate Office Building, upon the nomination of William Robert Wallace, of Oklahoma, to be United States district judge for the northern, eastern, and western districts of Oklahoma, vice Hon. Bower Broaddus, deceased. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Kentucky [Mr. WITHERS], and the Senator from Indiana [Mr. JENNER].

NOTICE OF HEARING ON NOMINATION OF RABE FERGUSON MARSH, JR., TO BE UNITED STATES DISTRICT JUDGE, WESTERN DISTRICT OF PENNSYLVANIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Friday, May 26, 1950, at 10:30 a. m., in room 424, Senate Office Building, upon the nomination of Rabe Ferguson Marsh, Jr., of Pennsylvania, to be United States district judge for the western district of Pennsylvania, vice Hon. Robert M. Gibson, retired. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Kentucky [Mr. WITHERS], and the Senator from Indiana [Mr. JENNER].

NOTICE OF HEARING ON NOMINATION OF AUSTIN L. STALEY TO BE A UNITED STATES CIRCUIT JUDGE, THIRD CIRCUIT

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Friday, May 26, 1950, at 10:30 a. m., in room 424, Senate Office Building, upon the nomination of Austin L. Staley, of Pennsylvania, to be a United States circuit judge, third circuit, vice John J. O'Connell, deceased. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from Kentucky [Mr. WITHERS], and the Senator from Indiana [Mr. JENNER].

RAILROAD STRIKES

Mr. DONNELL. Mr. President, on May 16, at page 7112 of the CONGRESSIONAL RECORD I called attention to the fact that the railway strike of the firemen had been settled on that day but that there was a possibility of a strike by the switchmen's union on 12 railroads, a possibility of a strike by the conductors, a possibility of a strike by the Pullman conductors, and a possibility of a strike by the Railroad Yardmasters of America. I ask unanimous consent to have inserted in the body of the RECORD at this point in my remarks a news article entitled "Switchmen Call Strike on 10 Western Railroads," published in the Washington Post of this morning, announcing that a new railroad strike on 10 midwestern and western lines was called last night by the Switchmen's Union to start at 6 a. m. local time Tuesday, May 23.

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

SWITCHMEN CALL STRIKE ON 10 WESTERN ROADS

A new railroad strike on 10 midwestern and western lines was called last night by the switchmen's union to start at 6 a. m., local time Tuesday, May 23.

Arthur J. Glover, president of the A. F. of L. Switchman's Union of North America, said the strike was being called to back up demands for 48 hours' pay for a 40-hour-work week.

The strike call came within less than a week after the settlement of a paralyzing shutdown on five major railroads by the Brotherhood of Locomotive Firemen and Enginemen. Glover said the mediation machinery under the Railway Labor Act had been exhausted. He said 6,000 switchmen will be affected.

The 10 railroads against which Glover said the strike will be directed are:

Chicago Great Western; Chicago, Rock Island & Pacific; Davenport, Rock Island & Northwestern; Denver & Rio Grande Western; Great Northern; Minneapolis & St. Louis; Northern Pacific Terminal Co. of Oregon; St. Paul Union Depot Co.; Sioux City Terminal Railway Co.; Western Pacific Railroad Co.

Mr. DONNELL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD—and I want to make clear that I do not refer to the Appendix, but to the body—an editorial entitled "Rail Strike: The Real Issue," published in the New York Times of May 17.

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

RAIL STRIKE: THE REAL ISSUE

The strike of 18,000 railroad firemen, which began May 10, was settled in the early hours of yesterday morning, just as it was going into its seventh day. Although the number of striking workers was comparatively small, the walk-out had been directed at four great railroad systems serving the heavily populated industrial East, the manufacturing and shipping centers of the South and the agricultural West. Thus strategically it was carefully calculated to achieve a maximum effectiveness in terms of economic dislocation; railroad, mining, and industrial disemployment, and public inconvenience. The number of people made jobless up to Monday is placed at 200,000. But the effects were then only beginning to gain momentum. It is estimated that continuance of the strike a few days more would have raised the number of idle workers in industry to 500,000.

Under the terms of the settlement the union has agreed to withdraw its major demand—namely, its insistence on a second fireman on multiple-unit Diesel-electric engines. The carriers, for their part, have granted two concessions to the union. They have agreed to submit to arbitration union charges that certain practices in connection with the operation of these locomotives were in violation of existing contracts, and they have recognized in part the demand for an extra fireman on about 200 small ("teapot") Diesels used in switching service. Where a fireman is now employed on these light Diesels he will be retained; in other cases the question of an extra man will be subjected to arbitration.

The real issue presented by this short-lived but spectacular walk-out, however, has nothing to do with what constitutes the proper crew for a Diesel engine. It is the issue of collective bargaining versus compulsory arbitration. When 18,000 union members, by walking off their jobs, can throw anywhere from 200,000 to 500,000 people out of work and cripple important segments of the national economy we are faced with a very real question of policy with respect to strikes in key industries. That question becomes even more pointed when, as in the case of the firemen's strike, a union is prepared to use this powerful lever to try to exact by force demands which have been judicially processed and denied under the Railway Labor Act, not once, but twice.

Nobody would take compulsory arbitration as a first choice. It is not necessary to subscribe to the picturesque statement by some labor leaders that arbitration means "involuntary servitude" to agree that the unions are instinctively right in opposing it. Many employers are equally strong in their objections. In December 1946, for example, the industry members of a Federal advisory committee joined the labor members in the conclusion that it might frustrate, rather than foster, industrial peace. The authors of the Taft-Hartley Act, in providing for fact-finding boards to pass on national emergency disputes, purposely refrained from giving such boards the authority even to make specific recommendations for settlements. The theory was that the element of compulsion should not be present, even though that compulsion was merely the compulsion of public opinion.

If compulsory arbitration comes, therefore, it will not be because either labor or management wants to see it supplant negotiation, mediation, voluntary arbitration, and presidential fact finding—all of which are presently provided under the Railway Labor Act—but because the public has decided that the existing machinery cannot be depended upon to protect it from recurrent paralyzing transportation strikes and the even more frequent threats of such stoppages. In a large majority of the major railroad disputes in recent years the unions have refused to accept as final the conclusions of Presidentially appointed fact-finding boards. But it would be an oversimplification of the situation to say that the unions were exclusively to blame for this breakdown of the delicately balanced machinery for settling railway disputes. The fact is that this machinery functioned very satisfactorily, indeed, until the administration itself undermined its effectiveness by making it profitable for the unions to go over the heads of its own fact-finding bodies.

This interference with the machinery by the Government, however well meant, has not only been a disservice to these boards and to the public but to railroad labor as well. That is because, if it is continued, it can only serve to hasten the day when the present well-conceived machinery for the voluntary settlement of disputes will have to give way, whether we like it or not, to one smacking more of compulsion and less of what we have become accustomed to think of as the American way of handling such problems.

Mr. DONNELL. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD—not in the Appendix—at this point in my remarks

an editorial entitled "Three Things About the Firemen's Strike," published in the Baltimore Sun of May 17.

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

THREE THINGS ABOUT THE FIREMEN'S STRIKE

Three things about the railroad firemen's strike, now ended, are especially worth noting.

1. It was not a total strike in the sense that the entire railroad network of the United States was closed down. For many a community, it is true, the strike was total so far as its rail communications were concerned. But, speaking broadly, and thanks to competing railroads and alternate forms of transportation, the kind of damage which this strike did to the economic life of the Nation was by no means intolerable. The strike ran its course without the irresistible pressure to reach a settlement at any cost which accompanies total strikes.

2. The principal demand of the union—that a second fireman be included in the crews of Diesel engines—was preposterous on its face, a piece of brazen featherbedding. The union failed to win its demand by striking. The Diesels going out today as schedules are resumed on the affected railroads will carry one fireman, not two.

3. Both the union and the railroad managements agreed to hand over certain disputed points to arbitration—not politically motivated fact-finding boards, but arbitration with the result of the arbitration binding on both parties. In this case, the arbitration is voluntary. But it supports the belief of many thoughtful people that, in the case of labor controversies involving industries affected with a public interest and so subject to public regulation, resort to arbitration, compulsory arbitration if necessary, offers the only hope of satisfactory industrial relations.

Mr. DONNELL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point—not in the Appendix, Mr. President—an editorial entitled "Senator DONNELL's Antistrike Bill," published in the Railway Age on May 13, 1950.

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

SENATOR DONNELL'S ANTISTRIKE BILL

There is nothing in the Ten Commandments, or the Declaration of Independence, or the Constitution of the United States—or in any other authoritative tabulation of fundamental moral precepts—which ascribes to any minority group of citizens the right to tie up the entire commerce of the country until this privileged group is granted the particular formula of working conditions which it prescribes, and on the merits of which it insists that it be the sole judge.

If any minority group should be thus privileged to establish its own wages and working conditions—subject to no check whatever by impartial judges—then there is no reason to expect that such demands would stop merely with an extra "featherbedded" fireman on each Diesel locomotive, as the Brotherhood of Locomotive Firemen and Enginemen now insists. If this union is able to persuade the American people that it is within its rights in bringing to a stop four of the Nation's largest railroads because this union alone has decided that a do-nothing fireman must be employed on Diesels (a demand for which no justification has ever been discovered by impartial authority), then the hiring of a superfluous fireman will be only the beginning of a whole chain of similar demands by this union and all the others.

If the railroad industry and the American people can, by union coercion, be forced to concede the employment of a completely useless additional fireman, then what restraint will operate to prevent the union from demanding two unneeded firemen—or three or four or a dozen? Experience suggests that, like blackmail, concessions granted as a result of coercion are not terminated by success, but that each exaction gives rise to more and larger ones. Success of the demand of the Brotherhood of Locomotive Firemen and Enginemen for a "featherbedded" extra fireman on each Diesel locomotive, would, therefore, inevitably subject the railroads to an interminable series of exactions, from this and other unions, which could completely bankrupt the industry in only a few months.

What then? If the railroads are not going to concede this racketeering demand—and they obviously cannot make such a concession—are they just going to close up shop indefinitely, and let the public shift as best it can for an indefinite period without railroad service?

QUESTION FOR THE PUBLIC—AND CONGRESS

That is a question for the public—and Congress which is the public's servant—to answer. The railroad industry is almost a century and a quarter old, without having demonstrated the need, until recently, for an explicit law outlawing strikes. The reason why no such law has heretofore been necessary is that, until the past decade or so, railroad managements were permitted to fight strikes by employing replacements; by withdrawing recognition from striking unions; and by securing injunctions to hamper the conduct of strikes designed to close down the Nation's commerce. As long as managements had the power thus to oppose strikes, it was quite impossible that any strike could be so successful that all train service would be suspended. When no danger of a complete shut-down of railroad service existed, there was obviously no need in the public interest for drastic legislation to forbid railroad strikes.

Management, however, has now been deprived of practically all means of combating work stoppages—e.g., it is expressly forbidden by law from transporting strikebreakers across State boundaries; it cannot secure injunctions to hinder collusive and coercive action to bring all train movements to a halt. Unless the public—with the consent of Congress, the public's servant—is willing to be deprived of all railroad service, then one of two courses must be followed—

1. Either all legislative restraints which hinder management in combating strikes must be repealed;

2. Or strikes by railroad employees must be outlawed.

THE ONLY REALISTIC PROPOSAL

A bill to give effect to this second course, the outlawing of railroad strikes, has been introduced in the Senate by Senator DONNELL, of Missouri. This bill would invoke injunctions and other sanctions against either railroads or unions engaging in strikes or lock-outs in defiance of the findings of Presidential boards established to investigate and make recommendations for the settlement of labor-management disputes in the railroad industry. Provision is made in the bill—designated as S. 3463—for court review of the findings of these Presidential boards, a safeguard not provided in the existing Railway Labor Act.

The bill also provides for court review of decisions of the National Adjustment Board—a body which does not deal with negotiations for new wages or working conditions, but which interprets agreements already in effect. The decisions of this board have given rise to many bitter controversies, especially in questions of conflicting jurisdiction by rival unions; and provision of court review for these decisions is an important feature of the Donnell bill, as it must be of any realistic measure to promote industrial peace in the railroad industry.

The Donnell bill is drastic, no doubt of it. Not all objection to it comes from the unions. There are many on the conservative side who do not want to leave the final say as to what railroad wages and working conditions are to be to some presidential board, or even to regular Federal judges. This paper shares the misgivings of these conservatives, but it doubts that the drastic remedy put forward by Senator DONNELL is anywhere nearly as dangerous as doing nothing at all—which is the only alternative that opponents of the measure have to offer.

There should be no heat in this discussion. The railway unions are not, by nature, aggregations of bandits. They began as legitimate organizations of employees. They came into existence after experience had demonstrated that, without such protective association, employees were too often subjected to gross abuses. In recent years, however, the politicians for their own selfish purposes have maneuvered these employee organizations into competition with each other of a kind to put a premium on extravagant demands and irresponsible leadership. All power corrupts and absolute power corrupts absolutely. When the inordinate power placed in the hands of these labor organizations to hold up the public at will is removed or diminished, they will be encouraged to give greater consideration to the public welfare. As conditions now stand, the Donnell bill is the only measure seriously proposed which deals realistically with the crisis in railway labor relations now confronting the country. For the necessary protection of the public interest in uninterrupted railroad transportation, the bill should be speedily enacted.

If it turns out that Federal judges make poor final arbiters of wages and working conditions, there will be time later to look for better ones. As things now stand, the demand is being made, in effect, that each railroad union be made the recognized arbiter of its own wages and working conditions. That, in substance, is the contention for which the Brotherhood of Locomotive Firemen and Enginemen has called its strike. If that doctrine can be made to stick, the railroad industry might just as well fold up as private enterprise. For that matter, if this doctrine is victorious, Congress might just as well shut up shop, too. If the unions are going to run the country, without any power in Government great enough to sit in judgment on their actions, then the only sensible course is to force them to accept responsibility for running the country along with their power to do so.

Mr. TOBEY. Mr. President, the Senator was very careful to point out that he was referring to the body and not to the appendix. Is there not always an appendix in every body?

Mr. DONNELL. Yes; the Senator's knowledge of anatomy cannot be excelled.

The VICE PRESIDENT. This operation is not an appendectomy.

OPEN LETTER FROM WISCONSIN COOPERATIVE DAIRY

Mr. WILEY. Mr. President, I have recently received several communications from various businesses and cooperatives in my State protesting against the proposed effort to cut down on importation of fuel oil. These communications point out that many organizations have recently converted to fuel oil on the assumption that there would be sufficient oil at fair prices. Now, however, many cooperatives find that there is a move to

restrict imports of oil, thus causing increased prices here at home, at the same time as there is a contradictory move to flood the American market with foreign dairy products. Yet at this very time dairy prices are falling throughout Wisconsin and further imports will only put the dairy groups in that much more difficulty. In other words, expenses are mounting while income is falling, which is certainly a disastrous sort of situation.

I ask unanimous consent, therefore, that there be printed in the body of the CONGRESSIONAL RECORD at this point an open letter which I received this morning from Mr. H. K. Olson, manager of Wisconsin Cooperative Dairies, Inc., at Menomonie, Wis.

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

WISCONSIN COOPERATIVE DAIRIES, INC.,
Menomonie, Wis., May 16, 1950.

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

HONORABLE SIR: As a large user of heavy fuel oil, we would like to call your attention to a condition which may be of interest to you and which has a vital effect on our business.

Last year we were purchasing Bunker C fuel oil for as low as 70 cents a barrel, f. o. b. the refinery. During this past winter, with the coal strike bringing about an abnormal use of fuel oil and the large demand for fuel oil by industrial users of natural gas who operate on a stand-by basis whereby they switch to fuel oil when the gas demand is heavy for house heating, our price went to $1.55 per barrel and, according to the Chicago Journal of Commerce, seems to be going higher.

We had thought that this price was only temporary due to the excessive demand of last winter, however the refineries now tell us that there is a large demand from steel companies and others and, if the information we have is correct, the imports of fuel oil have been curtailed or cut off entirely. There was some newspaper publicity on this during the last year to which we did not pay much attention at the time but apparently it is having an effect on increasing the cost of our fuel oil and, if we are properly informed, the inventory of fuel oil at this time is extremely low.

From our position we feel, with all the talk of trade agreements and imports, it would certainly do the majority of the public considerable good to import oil into this country in order to keep the cost to the consumer on a more reasonable basis. It would also seem that it would be good business to have a substantial backlog of fuel oil on hand in case of war or other emergency.

Certainly there would be more justification in importing fuel oil than in importing cheese and dairy products which are now in excess supply. We understand there have also been other items imported which we need a lot less than we need fuel oil.

With the mounting surplus of dairy products and farm products, we think that the dairymen and milk plants in this country should have consideration from the standpoint of keeping their fuel costs within reason and at the same time not run up excessive imports of supported dairy products.

Anything you can do along these lines will be very much appreciated.

Yours very truly,

H. K. OLSON,
Manager.

THOMAS JEFFERSON

Mr. SMITH of New Jersey. Mr. President, I ask unanimous consent that I may speak for about 2 minutes on the Jefferson papers which were dedicated yesterday.

The VICE PRESIDENT. Is there objection?

Mr. LONG. Mr. President, I understand that the Senator asks unanimous consent that he may speak without prejudicing the right of the Senator from Louisiana to the floor.

Mr. SMITH of New Jersey. I meant, of course, that it should not prejudice the right of the Senator to the floor.

The VICE PRESIDENT. Without objection, the Senator from New Jersey has 2 minutes.

Mr. SMITH of New Jersey. Mr. President, yesterday afternoon, at the Library of Congress, President Harold Dodds, of Princeton University, presented to President Truman a specially bound copy of the first volume of the Papers of Thomas Jefferson. This is the first of a monumental series of 52 volumes which is being edited by Julian P. Boyd, Librarian of Princeton University, and being published by the Princeton University Press with the assistance of a generous grant from the New York Times.

I ask unanimous consent that at this point in my remarks there be inserted in the RECORD an editorial appearing in today's New York Times entitled "Freedom and Responsibility," which emphasizes the significance of this undertaking.

The VICE PRESIDENT. Is there objection?

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

FREEDOM AND RESPONSIBILITY

Ceremonies at the Library of Congress yesterday observing publication of the first volume of The Papers of Thomas Jefferson not only paid fitting tribute to the towering genius of this extraordinary man but also marked an important event in the cultural and intellectual history of the American people. This is the first of a series of at least 50 volumes which, it is expected, will take 20 years to complete and, it is hoped, will include "everything legitimately Jeffersonian," whether in the field of statecraft or education, law or religion, mathematics or music. The editor, Dr. Julian P. Boyd, librarian of Princeton University, and the publishers, Princeton University Press, have embarked on a tremendous undertaking which cannot be praised too highly.

For the written record of Thomas Jefferson's career—as preserved in his 18,000 letters, his speeches, reports, manuscripts, documents of every type and description—constitutes what one authority has called "the richest treasure house and historical information ever left by a single man." If it is possible for one individual to have encompassed the spirit of a people and an age, Thomas Jefferson was that individual. A man of incredible versatility, of encyclopedic knowledge, of scientific skill and humanistic philosophy, Jefferson directed his brilliant intellect and inexhaustible energies toward one overwhelming purpose; the establishment and preservation on this continent of a free government of free men. And Thomas Jefferson knew that to this end free speech, freedom of conscience and a free press were indispensable.

Indeed, as Jefferson felt that the press "is the best instrument for enlightening the mind of man," so the New York Times feels honored to have had a share in the realization of this great project. Publication was, in fact, assured through a gift made by the Times as a memorial to its late publisher, Adolph S. Ochs. And we at the Times are particularly proud of the fact that at the beginning of each volume of The Papers of Thomas Jefferson there will appear this inscription: "Dedicated to the memory of Adolph S. Ochs, publisher of the New York Times, 1896–1935, who by the example of a responsible press enlarged and fortified the Jeffersonian concept of a free press."

We believe that were Jefferson here today he would agree that freedom and responsibility go hand in hand.

Mr. SMITH of New Jersey. Mr. President, at the ceremony marking publication of this first volume President Truman noted that—

Jefferson thought deeply about how to make liberty a living part of our society, and he proved the rightness of his thinking by practical demonstration. That is why I think it is particularly important that we are reasserting Jefferson's ideals by publishing these volumes.

Then the President went on to say:

History can be fairly written only when all the facts are on the record. Jefferson has suffered at the hands of unscrupulous biographers and biased partisans ever since his death. The publication of his papers should correct the mistakes that have been made about him and should help prevent misinterpretations in the future.

Mr. President, I would like to take this opportunity to agree wholeheartedly with this statement and to suggest that perhaps President Truman himself may have been guilty of biased partisanship and of misrepresentation of the principles of this great statesman. Last Monday, in Chicago, President Truman spoke at a Jefferson jubilee celebration. He said confidently:

The Democratic Party is still true to the great principles that shine through all—

I emphasize the word "all"—

that Jefferson said or wrote.

The facts are now being put on the record in this new publication. I hope that the President will put on his dark glasses and take a long and thoughtful look at the principles that "shine through" the papers of Thomas Jefferson. I fear that in his previous readings of Jefferson's works he may have been somewhat dazzled by the glare and failed to see that Jefferson warned constantly against the dangers of the leviathan state, the state that through its very size and complexity tends to grow less and less subject to popular control and understanding.

Yes, Mr. President, Thomas Jefferson had great faith in the individual American citizen, but he recognized that the freedom and the initiative of that citizen might be choked to death by the entwining tentacles of big government.

I wonder what principles justifying the increasing centralization of power in the Federal Government may be found "shining through" Jefferson's statement—and the President says we should follow all the principles of Jefferson—

That if a principle were to prevail of a common law being in force in the United States (which principle possesses the general Government at once of all the powers

of State governments) it would become the most corrupt Government on earth. * * * What an augmentation of the field for jobbing, speculating, plundering, office building, and office hunting would be produced.

Writing to a friend, Jefferson declared that—

The way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to.

I ask further: What, Mr. President, would Thomas Jefferson have thought if he had known the national debt of his country would amount to $256,000,000,000, and that even in years of prosperity there would be a budget deficit of more than $5,000,000,000? What principle does President Truman see "shining through" Jefferson's statement that—

Private fortunes are destroyed by public as well as private extravagance, and this is the tendency of all human governments. A departure from principle in one instance becomes a precedent for a second, that second for a third, and so on till the bulk of society is reduced to be mere automatons of misery, to have no sensibilities left but for sinning and suffering. * * * The fore horse of this frightful team is public debt. Taxation follows that, and in its train wretchedness and oppression. * * * I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared.

The VICE PRESIDENT. The time of the Senator from New Jersey has expired.

Mr. SMITH of New Jersey. Mr. President, I ask unanimous consent to present the concluding paragraph.

The VICE PRESIDENT. Without objection, the Senator from New Jersey may proceed.

Mr. SMITH of New Jersey. Mr. President, I hope that President Truman will read the papers of Thomas Jefferson carefully and that he will come to share with Jefferson the realization that we must constantly guard against the dangers coincident with the centralization of Government power. Of all our statesmen, Jefferson was one of the first to recognize that true security may be gained only by a determined effort to protect and strengthen individual freedom and to enlarge the opportunity for the individual to think and act for himself. Yes, Mr. President, we may agree with President Truman that times have changed since Jefferson's day, but let us beware lest with changing times we yield to the destruction of the principles upon which our democracy is based. And let us be especially on guard when one of the greatest champions of individual liberty is presented as an advocate of a program that is belied by the very words he wrote.

We Republicans have a right to rejoice in the Republican half of the Democratic-Republican Party which Jefferson founded.

FAVORABLE ACTION BY SUBCOMMITTEE ON BILL AFFECTING LABOR UNIONS

Mr. ROBERTSON. Mr. President, I ask unanimous consent to proceed for 30 seconds to make an announcement.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Virginia may proceed.

Mr. ROBERTSON. Mr. President, on yesterday a subcommittee of the Senate Committee on the Judiciary, composed of the Senator from Mississippi [Mr. EASTLAND], the Senator from Maryland [Mr. O'CONOR], and the Senator from Missouri [Mr. DONNELL], favorably reported to the full committee my bill to place labor unions on a par with industry if they use their monopolistic power unreasonably to control production or prices in commodities that affect the national economy, safety or health. I express the hope that the full committee will find time within the near future to act upon that important measure.

THE REPUBLICAN OBSERVER ON THE PRESIDENT'S RECENT WESTERN TOUR

Mr. BREWSTER. I have spoken to the Senator from Louisiana to inform him that I would ask unanimous consent to proceed for 2 minutes. In this connection I should like to make it clear that those 2 minutes are Maine minutes, not New Jersey minutes [laughter], so that there may be no misunderstanding regarding the request.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DONNELL. Which minutes does the Senator from Maine mean are shorter, New Jersey minutes or Maine minutes?

Mr. BREWSTER. Mr. President, Maine minutes are very brief.

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

Mr. BREWSTER. I yield.

Mr. TOBEY. Will not all of us admit that New Jersey mosquitoes are much larger than Maine mosquitoes?

Mr. BREWSTER. They are.

Mr. LONG. Mr. President, I ask unanimous consent that the time now taken will not prejudice the right of the junior Senator from Louisiana to resume his address at the conclusion of these matters and other routine business.

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

Mr. BREWSTER. Mr. President, this is rather a personal matter. During the President's trip throughout the West, there was repeated comment about the presence of an observer, a member of our staff. I think it proper to state for the RECORD the reason why that observer accompanied the President's trip.

We did send an observer to accompany by plane the President's train. We were not able to accept the courtesy which was extended that observer to go on the President's train; but we thought that such an observer should accompany the President's tour because we had been assured that we would not be able to rely on the press reports of the President's tour. The President made it very clear, both before and during his trip, that the facts could not always be obtained through the medium of the press. That led us to believe that we should have an observer there to get the facts as the President was presenting them.

Of course, the President was on a "nonpolitical" tour, so it might seem that we would not be interested in it. However, as the Senator from Illinois, the majority leader, has occasionally indicated that I was rather of a suspicious nature, I suspected that possibly a little politics might creep into that tour; and that was why we sent the observer along.

There has been inquiry as to how that was arranged. I am very happy to assure those who are concerned that the Republican Senatorial Campaign Committee was not obliged to take care of the expense of the plane which made that trip, because a very distinguished Democrat, who has served as an Under Secretary of the Treasury under the Democratic administration, Mr. John Hanes, of New York and North Carolina, very generously offered to take care of the financing of the trip. I think that should be made clear, so that it will be realized generally that other persons are concerned.

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

Mr. BREWSTER. I yield.

Mr. FERGUSON. Now that we have that information on the official RECORD, I wonder whether the Senator from Maine has the list of contributors who put on the show at Chicago on Monday, as a part of the same trip.

Mr. BREWSTER. I understand that information has not yet been published. I do not know; I suppose the Senator from Illinois could tell us whether that will be made available or not.

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

The VICE PRESIDENT. The 2 minutes of the Senator from Maine have expired.

Mr. BREWSTER. Mr. President, I ask unanimous consent to have incorporated in the RECORD at the conclusion of my remarks the entire poem from which the President quoted, although he did not quote the full poem when he commented on it during his trip.

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

"I have a little shadow that goes in and out with me,
"And what can be the use of him is more than I can see."

(What Mr. Truman didn't get to in the famous poem were these lines:)

"He hasn't got a notion of how children ought to play
"And can only make a fool of me in every sort of way."

Mr. LUCAS and Mr. LONG addressed the Chair.

The VICE PRESIDENT. The Senator from Louisiana has not yet been recognized, inasmuch as routine matters are not yet concluded.

Mr. LUCAS. Mr. President, I ask unanimous consent that I may proceed at this time for 4 minutes.

Mr. LONG. Mr. President, I shall not object if it is understood that the recognition of the Senator from Illinois will not prejudice the right of the junior Senator from Louisiana to resume his address at the conclusion of the routine business.

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

Mr. LUCAS. Mr. President, in view of the fact that the Senator from Maine

has seen fit to tell the Senate why the Republicans happened to send the shadow along with the President of the United States, I think it probably worth while to read into the RECORD at this point just what Mr. Johnston had to say about the President's trip, at least on one particular occasion.

Mr. Johnston found himself almost agreeing with the President, as he went along. Mr. Johnston was so thrilled with the crowd and so fascinated with what the President said, that he reached a very unusual conclusion in the State of Washington, a conclusion which is set forth in an article by Edwin A. Lahey, who is a staff writer of the Chicago Daily News—who, by the way, is no friend of President Harry S. Truman. I think I shall read what Mr. Lahey had to say, under date of Saturday, May 13:

ABOARD TRUMAN TRAIN.—"Vic" Johnston, who has been following President Truman in a chartered plane to case the crowds and report back to the Republicans in Washington, summed it up about as well as it could be done.

Vic stood in front of the Elks Club at Pasco, Wash., a few yards from the stand on which the jaunty President, an old Elk himself, was addressing an enthusiastic crowd.

"Nobody hates him," Vic said with finality.

And why, the disinterested spectators might ask, should anybody hate Harry S. Truman?

He never tries to play God, or even the grand squire. He remembers his mother telling about the grasshopper plague in Missouri, when they even ate the pitchfork handles.

He pins a blue ribbon on a little 4-H girl at the Spokane stockyards, and tells her:

"That's a mighty pretty pig you raised."

And he calls a reservoir a reservoy.

But Mr. Truman's home-spun personality is only part of the reason "Vic" Johnston was so gloomy the other night in Pasco.

Mr. President, I can understand why Senators on the other side of the aisle are gloomy and why they regret now that they sent Mr. Johnston along on that tour.

Mr. BREWSTER. We are proud of it.

Mr. LUCAS. Mr. President, I read further from Mr. Lahey's article:

The President has a political technique that is devastatingly simple. He tells the customers at the whistle stops what the New Deal and the Fair Deal have done for them particularly, and promises more to come.

The taxpayer never goes away from a Truman meeting with the feeling that he has to tighten his belt. There is always the Truman argument that money spent by the Government on the conservation and development of human and natural resources is an investment in future happiness and well-being.

Mr. Truman wants everybody to be happy, just like him.

Mr. President, the only persons who are unhappy about the Truman tour, so far as I can determine, are my friends on the other side of the aisle, who day after day, after conniving in secret to do something terrible and desperate to the President while he was on his trip to the West, had one Senator after another appear on the floor of the Senate and make devastating remarks about the President. They almost crucified this "little fellow from Missouri," as a result of what they did. It will be recalled that the Senator from Illinois suggested to them that they keep on condemning and criticizing the President, because the Senator from Illinois said the result of what they were doing, together with sending their Boy Scout to follow Mr. Truman, would be that President Truman would return more popular than ever.

Mr. FERGUSON. Mr. President——

Mr. LUCAS. Just a minute, Mr. President. I know how anxious my friend the Senator from Michigan is to get into this argument. Of course, he has been in it for weeks; in fact, he has been in it ever since he has been in the Senate; for that matter, he was in it before he came to the Senate. He has never seen anything except as a result of Republican crystal-globe gazing; so, certainly, it cannot be inferred that by rising on the floor he can help me out at this particular time. I refuse to yield, Mr. President, at the moment. [Laughter.]

The VICE PRESIDENT. The Senator's time has expired.

Mr. LUCAS. I ask unanimous consent that I may finish my statement. It will not take more than about 2 minutes.

Mr. BREWSTER. Mr. President, will the Senator allow me a minute to ask him a question, and include that in his request?

Mr. LUCAS. I will include that in my request.

Mr. FERGUSON. Mr. President, will the Senator also include in his request permission for me to ask a question?

The VICE PRESIDENT. What is it the Senator from Illinois is asking?

Mr. LUCAS. I am asking unanimous consent to have 1 minute more in which to conclude.

The VICE PRESIDENT. Without objection, the Senator will be recognized for 1 minute.

Mr. LUCAS. Mr. President, I continue reading from Mr. Lahey's article:

The President has come a long way since he fought his successful battle for vindication by the voters in 1948. In that year he used scatter shot. He nagged. He shrieked.

Today he is smooth and self-confident.

If the Presidential special were passing through a mountain hamlet where the major problem was the crookedness of the cues in the town poolhall, Mr. Truman's staff would know all about it. The President would be able to promise the townsfolk a long-range Federal program for straightening pool cues.

All the way along the line on this 6,000-mile nonpolitical trip, which is terrifying politically to the GOP, the President has been precise and to the point.

Ah, Mr. President, it has been terrifying. The friends of mine across the aisle thought they were really doing something to the President, but they were terrified by the way the gentleman was received, the way the President of the United States was applauded, and the crowds which came out to see him. As for all the speeches they prepared and sent out through Vic Johnston, the crowds just pushed them aside and never had anything to do with them. They only wanted to hear the President.

Mr. Lahey concludes:

Is it any wonder that Vic Johnston should say with despairing political insight: "Nobody hates him?"

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

IMPORTATION OR TRANSPORTATION OF OBSCENE MATTERS

Mr. FERGUSON. Mr. President——

The VICE PRESIDENT. If the Senator will wait a moment, the Chair desires to lay before the Senate a message from the House, to which he calls the attention of the Senator from Nevada.

Mr. FERGUSON. Very well.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2811) to amend section 1462 of title 18 of the United States Code, with respect to the importation or transportation of obscene matters, which was, on page 2, line 14, to strike out "things," and insert "things".

Mr. McCARRAN. I move that the Senate concur in the House amendment.

The motion was agreed to.

RELIEF OF CERTAIN CONTRACTORS IN CONSTRUCTION OF UNITED STATES APPRAISERS BUILDING, SAN FRANCISCO, CALIF.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 794) for the relief of certain contractors employed in connection with the construction of the United States Appraisers Building, San Francisco, Calif., which were, on page 1, line 10, strike out all after "California:" over to and including "$2,902.23;" on page 2, line 1; on page 2, line 1, strike out "$105,286.51" and insert "$36,127.93"; on page 2, line 2, strike out "$40,892.56" and insert "$27,221.01"; on page 2, line 3, strike out "$23,910.04" and insert "$15,044.93"; and on page 2, line 4, strike out "$9,283.00" and insert "$5,366.40; Plant Rubber and Asbestos Works, $8,502.17; Emil Solve, $2,483.34; Dohrmann Hotel Supply Co., $97.30; Mundet Cork & Co., $7,253.95; S. H. Pomeroy, $8,128.18; Fire Protection Products Co., $895.49; Lamson Corp., $267.84; Texas Quarries, $709.84; Frank B. Smith, $1,509; Turner Resilient Floors, Inc., $4,068.02; D. N. and E. Walter & Co., $573.93; Phoenix Simpton Co., $362.13; and Acme Floors, $115.92."

Mr. McCARRAN. I move that the Senate concur in the House amendments.

Mr. SALTONSTALL. Mr. President, will the Senator be willing to tell us what the amendments are? Apparently the bill involves the construction of a building.

Mr. FERGUSON. Mr. President——

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. McCARRAN. Mr. President, the bill (S. 794) for the relief of certain contractors employed in connection with the construction of the United States Appraisers Building, San Francisco, Calif., passed the Senate August 9, 1949. In the form in which it passed the Senate, the bill provided for the payment of sums totaling $182,274, to five named contractors. The House of Representatives passed the bill on May 2, 1950, after amending it substantially, eliminating entirely one of the five proposed beneficiaries named in the Senate bill, and reducing the amounts to be paid to the remaining four beneficiaries named in the Senate bill, so as to provide for total payments, to these beneficiaries, of $83,760. The House also added 13 additional bene-

ficiaries, for whom payments aggregate $34,957. Thus, the sum total of all payments provided for in the bill as amended by the House is $118,717, which is a reduction of $63,557 from the total approved by the Senate.

The author of the bill, the Senator from Oregon [Mr. MORSE], has informed the chairman of the Committee on the Judiciary that he is agreeable to accepting the House amendments. The additional contractors added to the bill by the House, as beneficiaries of the measure, appear to fall in the same category as those whose claims were previously approved by the Senate, and appear to have equally meritorious claims. Therefore, Mr. President, I move that the Senate concur in the amendments of the House.

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

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. MCCARRAN. I yield to the Senator.

Mr. FERGUSON. I should like to ask a question of the distinguished majority leader.

Mr. MCCARRAN. I prefer to have this motion disposed of. It is a motion to concur in the House amendments.

The VICE PRESIDENT. The question is on the motion to concur in the House amendments.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FERGUSON. Is this matter debatable?

The VICE PRESIDENT. It is debatable.

Mr. FERGUSON. Then, Mr. President, I ask for the floor.

Mr. MCCARRAN. What does the Senator propose to debate?

Mr. LONG. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LONG. It was understood, Mr. President, that no interruption would prejudice my right on the floor to deliver the speech I had prepared. I said I would yield on condition that my right to the floor would not be prejudiced. I have no objection to the distinguished Senator from Michigan speaking briefly in my time, I shall be glad to yield for that purpose, as soon as I have the floor, but I must protect my rights.

The VICE PRESIDENT. The matter before the Senate now is privileged. It does not interfere with the Senator's right to the floor automatically as soon as it is disposed of. The question as to how long it will take may be a matter to which the Senator from Louisiana might address himself by way of objection, before yielding for the purpose of considering it as a privileged matter.

Mr. MCCARRAN. Mr. President, I should like to ask, before I yield to the Senator from Michigan, whether he proposes to debate the motion I have made.

Mr. FERGUSON. I answer that by saying I desire the floor, to put a matter in the RECORD, and also to ask the distinguished Senator from Illinois some questions.

The VICE PRESIDENT. The pending question is debatable, and the Chair has no way of controlling the contents of any Senator's speech.

Mr. LONG. I should like to request the distinguished Senator from Michigan to wait until the pending matter has been disposed of, at which time I shall be pleased to yield to him in order that he may ask his question.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada [Mr. MCCARRAN].

Mr. BREWSTER. Mr. President, I am sure this matter can be disposed of very much more quickly if Senators will allow us the opportunity to complete the discussion which was carried on by the Senator from Illinois. I hope that the Senator from Nevada will permit it, and I think I can assure him that it should not take very long.

Mr. MCCARRAN. I know that I cannot control the time. I should rather withdraw the motion and conclude it now, and then I will not have the floor to yield.

Mr. BREWSTER. If the debate is unduly extended, I am sure there would be no objection, if the Senate wants to return to the subject in which the Senator from Nevada is interested.

Mr. MCCARRAN. All I am asking is the concurrence of the Senate in the House amendments.

Mr. BREWSTER. All we are asking for is time to be heard.

Mr. MCCARRAN. I withdraw the motion.

The VICE PRESIDENT. The Senator from Nevada withdraws the motion.

THE REPUBLICAN OBSERVER ON THE PRESIDENT'S RECENT WESTERN TOUR

Mr. LONG. Mr. President, I ask unanimous consent, without prejudicing my rights, that I may yield 4 minutes to the distinguished Senator from Michigan, in order that he may propound a question to the Senator from Illinois.

Mr. LUCAS. Mr. President, reserving the right to object, I do not know what question the Senator is going to propound, or how long it may take. I may want some time in which to reply, I may say to my friend.

Mr. LONG. Mr. President, I ask permission to yield four additional minutes to the distinguished Senator from Illinois, in order that he may have an opportunity to reply.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent that the Senator from Michigan may have 4 minutes in which to ask the Senator from Illinois a question, and that the Senator from Illinois may have 4 minutes in which to reply, if necessary.

Mr. LUCAS. If necessary. I do not think it will take that long, but I would like to have the opportunity of answering the Senator from Michigan.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. FERGUSON. Mr. President, I may want to split my 4 minutes into two parts, so that I may have an opportunity for rebuttal.

Mr. LUCAS. The Senator always tries to get that advantage; I understand that.

Mr. FERGUSON. No; I am not trying to take any advantage of the distinguished Senator.

Mr. LUCAS. No; the Senator never has.

Mr. FERGUSON. I merely want to say I was glad that the Senator read from the Chicago Daily News, the newspaper which printed the story that most of the money raised in the campaign program of last Monday, at Chicago, when the President spoke at Soldier's Field, was raised by the liquor interests. My question is, Mr. President, after I read this one paragraph, which I notice the Senator omitted——

Mr. LUCAS. No; the Senator from Illinois did not omit it. I read every word of it. I challenge the Senator's statement.

Mr. FERGUSON. Did the Senator read the whole statement?

Mr. LUCAS. I read the whole statement, every word of it.

Mr. BREWSTER. I think it will bear repetition.

Mr. LUCAS. That is all right. I do not care how often it is repeated, but I do not want the Senator challenging me. I do not want that to be done.

Mr. FERGUSON. I ask the Senator whether he read this part——

Mr. LUCAS. I read it all, so it is unnecessary to ask the Senator from Illinois that question.

Mr. FERGUSON. I read:

> If the Presidential special were passing through a mountain hamlet where the major problem was the crookedness of the cues in the town pool hall, Mr. Truman's staff would know all about it.

Mr. LUCAS. I read that.

Mr. FERGUSON (continuing):

> The President would be able to promise the townsfolk a long-range Federal program for straightening pool cues.

Mr. LUCAS. Mr. President, that shows how efficient is the executive branch of the Government.

Mr. FERGUSON. Mr. President, I should like to ask the Senator if he will give to the Senate and to the people of the United States a list of the donors, as the Senator from Maine [Mr. BREWSTER] has given the name of the man who furnished the plane and financed the trip for Mr. Johnston. I should like to ask the Senator if he will give us a list of the donors who contributed to the financing of the meeting at Chicago last Monday, at which the President spoke.

Mr. BREWSTER. Mr. President, will the Senator yield to me so that I may also propound a question?

Mr. FERGUSON. I yield.

Mr. LUCAS. The Senators want to "two time" me.

Mr. BREWSTER. I want to quote the language which the President used at Chicago:

> There are still many backward-looking Senators and Representatives who have tried to defeat every progressive measure they could and to obstruct or delay those they could not defeat. I hope that by next January some of the obstructionists will be defeated.

I should like to ask the distinguished Senator from Illinois, as majority leader, whether the President referred to the Brannan plan, to socialized medicine, and to various other measures, such as the reorganization bill which the Senator from Illinois has been obstructing for a long time, and whether the President referred to the Senator from Illinois as one of the obstructionists who have defeated the Brannan plan, who have obstructed organized medicine, and also whether he referred to the distinguished majority whip, the Senator from Pennsylvania [Mr. MYERS], and to the distinguished chairman of the Committee on Labor and Public Welfare [Mr. THOMAS of Utah] as being among the obstructionists.

The VICE PRESIDENT. The time of the Senator from Michigan has expired. The Senator from Illinois is recognized for 4 minutes.

Mr. LUCAS. Mr. President, I deeply appreciate the very deep-seated questions which the Senators have asked me, especially the latter one. The Senator from Maine is probably as close to the President of the United States as is any Member of the Senate on this side of the aisle. He was a member of the famous Truman investigating committee which did such wonderful work and for which the Senator from Maine has praised the President many times. I would suggest to the Senator that he ask the President of the United States, because he knows how to get into the front door of the White House, and how to get into the back door. He has been in both ways. He has talked to the President upon confidential matters many times. I suggest that he take the matter up with the President, and he will receive the answer he requests of the Senator from Illinois. Coming from the Chief Executive of the Nation, it will be far more important than would be any answer I could give, and I am satisfied that the Senator from Maine would consider it as probably more accurate than anything which the Senator from Illinois might tell him.

So far as concerns the question of the Senator from Michigan, I do not know who furnished the money for the meeting in Chicago to which he has referred, but it was sufficient to put on a good show. I do not know why Senators on the other side of the aisle should probe into such things, unless it is done to prejudice the people. That is their chief stock in trade. Ask Mr. Peabody, who is chairman of the jubilee festival. No doubt the Senators can get the information from him. But whatever was done, it pleased the Senator from Illinois, because it was really a great meeting.

I should like to know who paid the expenses of Mr. Johnston on that trip?

Mr. BREWSTER. Mr. John Hanes, former Under Secretary of the Treasury, under a Democratic administration.

Mr. LUCAS. What position does he hold at the present time with the National Democratic Committee?

Mr. BREWSTER. He does not hold any position with the National Democratic Committee, thank God.

Mr. LUCAS. I should say that that answer is perfect as to this trip.

Mr. BREWSTER. He is an employee of the Republican Senatorial Campaign Committee.

Mr. LUCAS. The Republican Senatorial Campaign Committee?

Mr. BREWSTER. Yes.

Mr. LUCAS. On what basis does Mr. Johnston assume the right to be on the Senate floor, if he is an employee of the Republican Senatorial Campaign Committee?

Mr. BREWSTER. Because he is also an employee of a senatorial office.

Mr. LUCAS. He is on a Senator's payroll too, is he?

Mr. BREWSTER. Is there anything wrong with that?

Mr. LUCAS. No. I noticed him sitting in the back of the room, and if he is employed by the National Republican Committee, I doubted whether he had any right to the floor, but since he is an employee of a Senator we understand better than ever why he went West.

FEDERAL FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed consideration of the motion of Mr. LUCAS to proceed to the consideration of the bill (S. 1728) to prohibit discrimination in employment because of race, religion, or national origin.

Mr. LONG. Mr. President, I am speaking at this time on the motion to proceed with the consideration of the FEPC bill. It has been stated that it should not be considered without careful thought and without committee hearings. Yesterday, in a colloquy between the junior Senator from Louisiana and the junior Senator from Minnesota the issue was raised as to whether committee hearings should have been held on this measure. The Senator from Minnesota informed me that there were several measures, including the Federal-aid-to-education bill, the bill for school health service, as well as the National Science Foundation bill, which had been reported to the Senate without hearings. I inquired about those matters, and I understand there was not one Senator who requested any hearings on those bills, although they were offered an opportunity to request hearings to express themselves as to whether hearings were necessary on the Federal-aid-to-education bill and on the school-health-service bill. A similar situation existed with regard to the National Science Foundation bill. There were a few requests to be heard, but there was no great interest in holding hearings. In connection with the FEPC bill, at least one Senator requested hearings. The distinguished Senator from Missouri moved that hearings be held, and five other Senators voted that hearings should be held. It was only by a tie vote that the motion was defeated, thus denying those Senators the holding of hearings. So here we have a different situation from that which existed in connection with the bills which I have mentioned, as to which no controversy was evident in the committee. In the case of those bills, the chairman asked the members of the committee if they thought hearings were necessary, but no Senators said they thought hearings were necessary or to be desired. Here we have a bill with reference to which five members of the committee wanted to be heard, but were denied the opportunity to hold hearings.

Mr. President, as I was saying on yesterday, this legislation should not be considered at this time:

First. Because of the irregular methods that have been used in forcing this vicious piece of legislation before the United States Senate without careful consideration and without committee hearings; and

Second. Because by bringing this measure before the Senate without following the orderly processes of legislation, lengthy and extended debate will undoubtedly develop which will delay the consideration of other important legislation that could properly be enacted in short order.

As I mentioned on yesterday, the Commodity Credit Corporation is now running out of money, and, by failure of the Senate to act, the CCC is not able to plan its program for the next year, and, therefore, farmers will not be able to know what price they can expect to receive for their mandatory commodities. House bill 6000, liberalizing and broadening social security and improving upon public-welfare systems of this Nation, is now on the calendar and cannot be considered. Legislation affecting small business is being blocked and held up by the log jam that necessarily results from the effort to force this measure through in this abrupt and unusual method.

Then, Mr. President, we have tax legislation that should be considered. I venture to assert that scarcely one among us has refused to commit himself to his constituents in some form or other in favor of some sort of tax relief. And what is going to be done about such legislation? Why, it is going to go by the board, while Senators debate FEPC. Measures that might have the effect of relieving the taxpayer of the burden of paying for unnecessary thousands of bureaucrats cannot be considered because of the determination of the majority and minority leaders to force through the Senate this new legislation, to add additional thousands to the public payrolls.

Many Senators claim to be interested in rent control, and in various parts of the Nation Senators tell me that dire consequences will follow if rent control is not extended.

Do Senators who have been loud in their demands for a continuation of rent control really mean it or are these preachments, too, just for the purpose of garnering votes come November? I know that rent control does not expire until June 30, but is the leadership going to wait until then to bring it up? Is the leadership going to manufacture an emergency, force limited debate on the issue—an important question, I add—and try to run it through overnight? What are Senators going to do? Why, they are going to talk about FEPC. Yes, Mr. President, they will keep faith with the tenants and landlords—millions of them all over America—by bowing to the will of a handful of profes-

sional agitators who want FEPC even if it wrecks the country in the effort. That is what we would be doing if we debate this question, in my opinion.

Mr. HUMPHREY. Mr. President, I call the Senator to order.

The PRESIDING OFFICER (Mr. NEELY in the chair). In accordance with rule XIX, the Senator from Louisiana will take his seat.

Mr. HUMPHREY. The Senator is referring to Senators who made pledges to constituents on rent control. The Senator has intimated that Senators who made such pledges are not keeping faith with their constituents.

Mr. LUCAS. Mr. President, I move that the Senator from Louisiana be allowed to proceed in order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana will proceed in order.

Mr. LONG. I said that in my opinion that is what we would be doing. I said in my opinion we would be breaking faith with tenants and landlords if we adopted this motion. I believe that would be the case with Senators who pledged themselves to support rent-control legislation to continue rent control. I meant no reflection on any Senators. It is for every Senator to say how he believes the rule should be interpreted. I meant to cast no aspersion on any Senator.

Of course, Mr. President, we have the task of appropriating $40,000,000,000 before this Congress ends. Are we to fulfill that duty in one afternoon by voice vote? Even though the Appropriations Committee carefully examines each item and amply substantiates each of its recommendations, as I have every confidence it will, are Senators to forego their individual responsibilities and plunge the country deeper into debt without any study or debate of the various items? Is the first success to be chalked up for FEPC the bankruptcy of the Nation? Some Senators may want to face their constituents with the explanation that FEPC had to be passed, and, therefore, they had insufficient time to devote to appropriations. Must that be done merely because Senators desire to debate FEPC over a long period of time? I say, Mr. President, that should not be done. Mr. President, I know some Senators will say that Congress need not adjourn. They will say that Congress can stay here and debate the forthcoming $40,000,000,000 appropriation bill until November or December. I submit, Mr. President, that some of the Senators who want to enact FEPC legislation will want to adjourn and go home after another 2 or 3 months, because I know that when September, October, or November rolls around they will want to face their constituents and tell them about Democratic and Republican issues—issues other than FEPC. Therefore, Senators from the South will be the ones who will be most willing to stay here and consider proposed legislation, including appropriation bills and other measures providing for the needs of the people. At that time the Senators who most desire to have FEPC legislation brought before the Senate will be the ones most eager to go home to speak in their own behalf or in behalf of a friend who may be running for office. Adopt this motion if you must, but in my opinion a great injury will result if it is adopted.

Let me briefly explain some of the things this FEPC bill would do. Here in section 5 we find the definition of unfair employment practices as set forth. Listen to what section 5 says:

> It shall be unlawful employment practice for an employer (1) to refuse to hire, (2) to discharge or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment because of such individual's race, color, religion, or national origin.

This act declares a lot of other things to be illegal, but we need only stop at that point. That act says in effect that the Fair Employment Practice Commission is to send agents throughout this country to compel businessmen to hire people whom they prefer not to hire and to make them promote people they feel they should not promote.

Now, let us take an example or two of what they would mean. Suppose a man, as some businessmen do, prefers to have all colored people working in his shop, and some white man decides he would like to work there. According to this act, if the white man was qualified for the position, the employer would be forced to hire that man even though he would prefer to have all people of the same race working in his plant. The same thing works the other way around. Suppose a company doing business mostly with white people wants to hire a white receptionist to meet people in the front office. Maybe that company might feel that because they are doing business almost entirely with white people they should have a white receptionist. Now if a colored girl and a white girl applied for the job, under this law the colored girl could file charges and have these charges heard by one of these FEPC agents, and under the wartime FEPC bill 79 percent of these agents were colored; and then, when this hearing was through, the FEPC Commission in Washington would offer the manager of the business a chance to be heard at some distant point, say Washington or Atlanta; and if this board decided that the fact that this girl was colored had something to do with her not being employed, then this board would compel the firm to hire the colored girl.

Of course, business people try to conduct their business with the least possible friction. Ordinarily, they would prefer to avoid lawsuits and litigation, and they would prefer to avoid all types of unnecessary harassment, and so in many cases they would hire the member of the minority race in order to prevent their having to go to court, even though they might know they would win the case. So, in the last analysis, this FEPC bill would amount not to eliminating discrimination, but to actually giving a preference to members of minority races over members of the majority races.

Now, let us see what else could be envisioned by this act. Here is a provision in that act that says that it would be unlawful for any employer to discharge or otherwise discriminate against any person because he has filed a charge or testified or participated in any proceedings under this act. Now let us say that we have a businessman operating his business where he has 10 secretaries working in the outer office, and 1 of these is a colored girl. He goes to promote one of the secretaries, and the colored girl probably feels she has been discriminated against because she has not been chosen, then she would have the right to file charges that she had been discriminated against because she had not been chosen for promotion. The way this FEPC bill is drawn she would not have to pay any attorney's fee—the Government would supply her with an attorney whenever she needed one—but the businessman would have to pay all that expense fighting a lawsuit, and he would have to be traveling around the country testifying before boards and commissions and possibly appealing his case into the Federal circuit court of appeals at New Orleans, La., all of which might involve him in anywhere from $300 to $2,000 of expense; and then, even if he won his case, he would have to keep that girl in his office, and the next time he promoted somebody else in the office she would file the same charges and put him through the same long process of litigation all over again.

It will be noticed that this FEPC bill would give the employees every kind of right against the boss, but nowhere do they give the boss any rights against these numbers of minority races who might want to file charges against this businessman. For example, in Louisiana, if I should file an unsuccessful lawsuit against a man, I would have to pay the court cost if I lost the case, and I would have to pay my own attorney's fees. That tends to make a person hesitate to file a frivolous, unnecessary lawsuit against someone, because the plaintiff knows that it would cost him money to prosecute the lawsuit. But we do not see this under the FEPC bill. Under this bill the Government is to hire FEPC agents, have them swarming throughout the country, setting up hearings, hearing complaints; and if the business does not come to them, then the law would make it their business to go out and promote unrest and discontent by conducting the investigations, by filing their own complaints, and by stirring up unrest and hard feeling where everybody is getting along all right.

For example, in section 9 of the FEPC bill it is made the business of the Commission and its agents to conduct investigations which the Commission deems necessary or proper for the exercise of its powers, and these investigations can be conducted either by the Commission, by one of its members, or by any of its agents so designated, and at these hearings they can require a businessman to go from any place in America to any other place in America. For example, they might have one of these agents set up a summer residence in Bangor, Maine, from which place he could subpena some poor devil to bring his records all the way from California. The Constitution of

the United States says that every man shall be entitled to a fair and speedy trial before a fair and impartial jury in his own judicial district, which would mean that, if a Louisiana man is to be tried, he must be tried in Louisiana before a jury of Louisiana people.

But we do not see anything like that in this FEPC bill. Oh, no; this bill permits the Commission to try some poor businessman from Louisiana anywhere in the entire United States—not before a jury of Louisiana people but before any of these FEPC agents—and then, after the FEPC agents complete the record, they will invite the businessman to a hearing, probably in Washington. It does not say what kind of a hearing it shall be; it may be any kind of a hearing—it could be a kangaroo hearing, if they wanted it to be that kind—before the FEPC Commission.

Mr. President, we can all anticipate the kind of people we would see on the FEPC Commission, judging by the kind of people employed by the wartime FEPC. They were 79 percent colored and the remainder were members of other minority races. We all know that the President of the United States would name as members on the FEPC Commission people who were race conscious—people who were imbued with the idea that someone was being discriminated against in this country; that they were going to ferret out people who were believed to be prejudiced and discriminating against others and punish them in Federal courts until they stopped any type of discrimination. The kind of people who would be picked are the kind of people who feel themselves called upon to engage in campaigns for the destruction of our southern customs and traditions, particularly our custom of separation of races and our tradition against intermarriage of the races and miscegenation.

Mr. President, I consider it my duty to fight that type of legislation with all the power that is within me. I am not saying that a white man should not live with a colored man if he wants to, I am not saying that if white men and colored men are on the same ship they should not be able to share the same cabin if they are so disposed, but I deny the Federal Government's right to tell them that they have to share the same accommodations, that they have to live side by side, that they must mix and mingle with one another whether they want to or not, because to me the most fundamental thing about American freedom is the right of a man to choose his own company and the right of a man to be left alone when he has not done anything wrong. As a matter of fact, I am just old-fashioned enough to believe that a person is even entitled to dislike another person, in a purely peaceful sort of way, without being put in jail, prosecuted, fined, or sued by some thought-policemen such as this FEPC Commission proposes to hire.

Mr. President, I know that we should help the colored to get ahead in this world. I have tried to help colored people of my State to get better pay for their school teachers, better education for their children, more school lunches, old-age pensions, better homes, parks, playgrounds, and many other things of that sort; and I will continue to support and to vote for every reasonable, sensible program that will help not only the colored, but all underprivileged people to enjoy their full share of the blessings of American citizenship; but I will not vote for any such ridiculous proposal as this FEPC bill, which would injure everybody, in the long run, by creating so much unrest and disturbance, making people persecution conscious, and so impede production by continual harassment of business that in the long run both business and labor, and everyone, would suffer.

Mr. President, I was pleased to see the Republican Party decide to adopt as its campaign motto "Liberty Versus Socialism," because certainly in these crucial times it is important that we exercise every care to protect the sacred liberties of our American heritage. But I am constrained to inquire whether the Republican Party is actually pursuing a course of preserving the fundamental liberties of the American people when that great party supports such unconstitutional and un-American legislation as the FEPC bill. If this bill is not socialistic, then what is it? This is a piece of legislation that denies employers of this Nation the right to freely choose their own employees. It gives to a Federal commission the power to send agents into every business in America, and tell a businessman how he must run his business. It denies an accused businessman one of the most fundamental American rights and one of the first rights acquired by man in his fight for the recognition of his sacred freedom, namely, the right to trial by jury. It also denies every man the right to be tried in his own judicial district, in pursuance of the sixth amendment of the American Bill of Rights. It gives to the FEPC Commission, or any of its agents, the right to compel a man to appear at hearings thousands of miles from his home, and it circumvents his right to be tried in his own judicial district, saving to him only the right to defend himself before a circuit court of appeals.

The bill also proposes a provision expressly designed to deny an American his right against self-incrimination. Why, Mr. President, even the United States Senate does not have the right to compel a man to testify on matters that might incriminate him. But look at this notorious section 9 (e) of Senate bill 1728, dealing with the investigatory powers of the FEPC Commission. There we see the provision that—

> No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

It is true, Mr. President, that under that provision a man could not be convicted for an offense which the was compelled to confess to at these FEPC hearings, but there is nothing there to prevent the FEPC Commission from compelling a man's wife to testify to her own misdeeds, and sending her husband to jail on her testimony. Nor is there anything there to prevent taking an employee of a business who has participated in any practice which is completely legal today but which this bill proposes to outlaw, and using his testimony to convict every other person connected with the person so compelled to testify.

Mr. President, the role of a stool pigeon is not one highly admired even by our law-enforcement agencies. I have known many fine mothers who have made a point to train their children against being tattletales from the early days of childhood. It is true that sometimes law-enforcement agencies find that they must use third-degree methods, or must promise immunity to underworld characters, in order to obtain necessary testimony, but certainly our law recognizes that it is better to have some law violators go free than to undermine the freedom of our people. That is why some Senators do not approve of wire tapping. That is why our Constitution forbids unauthorized search and seizure of a citizen's property. Yet here we see in this notorious FEPC bill a stool-pigeon law. It is a provision which, by law, would require a man to be a stool pigeon or else go to jail himself for his refusal to be a stool pigeon. Now, certainly we cannnot look upon such impairment of an American's fundamental rights, as contained in this legislation, to be the end of it. If this stool-pigeon provision does not do the job completely, we can be sure that these Communist-inspired FEPC advocates will soon be back to Congress with some provision, if there is any possible way to work it out, even to prosecute a man on evidence which he has been compelled to give against himself.

Will Senators say that this type of provision is not socialistic? If they do, then, in fairness, they must admit that some of these provisions are worse than socialism, that here are some of the worst elements of communism. Who ever thought the distingunished representatives of sovereign States of this Nation, pledged to uphold the Constitution of the United States, would permit legislation to be forced onto the floor of the Senate, which would have the effect of depriving American citizens of their right of trial by jury, of their right of trial in their own judicial district, of their right freely to choose their own employees and associates, of their right freely to promote or discharge their own employees and associates? And who ever thought that we would see legislation before the Senate, even without committee hearings, designed to permit commissions and agents to deprive American citizens of their right against self-incrimination?

If the Republican Party is sincere when it states that it is for liberty and against socialism, then I say, Mr. President, that it is time the Republican Party stopped just talking against socialism and started voting against socialism. It does little good for Senators who profess to be against socialism to vote against some socialistic measures and to vote for other socialistic measures. Everyone knows that, if socialism is to come, it will come upon us by degrees.

Here is a provision far more socialistic than socialized medicine. At least socialized medicine would permit a man to choose his own doctor. Here is a bill far more dangerous than the Brannan plan.

Very little good will be done if a Senator merely votes against compulsory health insurance and against the Brannan plan and then votes to send these hordes of thought police across the United States to tell every businessman in America what he can and cannot do. No, I say, Mr. President, the passage of the bill would be a long stride into socialism. It would be an enormous deprivation of the fundamental rights of free Americans.

Now, possibly the Republican Members of the Senate may recall that only a year ago the Republicans were not using the word "socialism" so much as they were the word "statism." They were speaking of the dangers of the all-powerful state, which in many respects meant the same as socialism and probably more accurately conveyed just the exact thought that the Republicans had in mind when they said they were against socialism. Does not this FEPC bill contain exactly the type of dangers of the all-powerful state which our Republican colleagues feared when they clamored last year to stop this movement down their famous "last mile on the road to statism?" Does not this FEPC bill at least take us half way, or maybe three-fourths of the way, on that last mile on the road to statism? It certainly impairs the fundamental freedoms of our people.

I mention these faults of S. 1728, Mr. President, only to touch briefly on the vicious, harmful nature of this legislation. No one could possibly dispose of or fully develop all the many wrongful and harmful things about this legislation without the benefit of full committee hearings and without the benefit of long, careful study that the bill should have had in the proper committee before being reported to the floor of the United States Senate. I have briefly discussed these points at this time only to indicate that the Committee on Labor and Public Welfare and our distinguished majority leader have done serious harm to our orderly legislative process. The Committee on Labor and Public Welfare did a grievous wrong by reporting the bill to the floor of the Senate without hearings and without considering any of the amendments even of the members of the committee itself.

The majority leader has attempted to further aggravate this harm to our legislative process by now moving that the Senate proceed to consideration of this harmful and ill-considered legislation. Mr. President, so far as I know, this is an unprecedented move. I dare say this is the first time in the Eighty-first Congress that Senators have been denied the right to be heard by a Senate committee considering legislation. I warn the Senate that, if our American freedom ever perishes, it will be done in just this fashion, by rough-shod, ill-considered procedure on vicious, harmful measures that destroy our fundamental freedoms. It is for this reason that we should be so extremely careful to follow the process carefully devised and laid down for us by our founding fathers and by our predecessors in this body. It is for that reason that the FEPC legislation should not be considered by the Senate until the appropriate committee has conducted full and thorough hearings and until it has considered the views and the amendments of the members of the committee and all Senators, as well as other interested groups.

Therefore, Mr. President, the only proper action the Senate could take at this time would be either to refuse to consider this irregular piece of legislation or else to recommit it to the appropriate committee. Therefore, I sincerely trust that the Senate will refuse to take up the measure at this time.

INVALIDATION OF CALIFORNIA LAND ACT UNDER UNITED NATIONS CHARTER

Mr. DONNELL. Mr. President, on April 28, 1950, there was called to the attention of the Senate a decision of the California court of appeal holding the California alien land act invalid under the United Nations Charter. I ask unanimous consent that there be set forth at this point in my remarks, in the body of the RECORD—and I may say, parenthetically, that the decision was set forth likewise in the body of the RECORD, as well as various comments with respect thereto—an article entitled "The UN Charter and the Discrimination Issue," written by Arthur Krock and published in the New York Times of May 16, 1950.

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

THE UN CHARTER AND THE DISCRIMINATION ISSUE

(By Arthur Krock)

WASHINGTON, May 15.—The California court of appeal, when it held that the Charter of the United Nations supersedes the California alien land statute because the Charter is a treaty, and a treaty is "the supreme law of the land," reentered one of the foggiest areas of the law. The court said that, in adopting the Charter as a treaty, the United States committed itself to the doctrine of equal rights for all persons regardless of race, etc.; hence Sei Fugii, a Japanese, may own and occupy the California land he purchased regardless of the fact that under the State law he cannot.

If this ruling reaches and is upheld by the Supreme Court, and the Senate talks down the administration's bill for a Federal Fair Employment Practice Commission, as is expected, many are asking why the substance of the FEPC bill would not automatically become the supreme law of the land also. As George A. Benson, editorials editor of the Toledo Times, pointed out the other day, part A of article 55 and all of article 56 (of the United Nations Charter) set forth the doctrine of equal rights for all persons regardless of race, religion, sex, and color, and the United States has subscribed to this in the form of a treaty.

Lawyers, Mr. Benson also, offer two grounds for the belief that, if a citizen invoked those articles in the Charter on charges of employer discrimination in hiring or dismissing, or in union labor membership, the Supreme Court would reject the argument that they are the same as a precise act of Congress.

THE "SELF-EXECUTING" POINT

The first ground is the ruling by Chief Justice Marshall in 1829 in which he said:

"A treaty is * * * to be regarded in courts of justice as equivalent to an act of the legislature whenever it operates of itself, without the aid of any legislative provision. But when * * * either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial, department; and the legislature must execute the contract before it can become a rule for the court."

The second ground is that in subscribing to articles 55 and 56 of the Charter the United States made no such legislative commitment as is proposed in the FEPC bill. Article 55 begins with the statement that the signatories agree "the United Nations shall promote" certain fundamental rights and human freedoms for all. But in article 56 the signatories merely "pledge themselves to take joint and separate action * * * for the achievement of the purposes set forth in article 55." While this is a promise by the executive and legislative departments of the United States Government to adopt specific measures, it is not "self-executing"; it must take statutory form before it is operative as "the supreme law of the land."

Until or unless—assuming the FEPC bill and others in the President's "civil-rights" program are not enacted—a citizen attempts to make a legal test of the contention that some or all of this program went automatically into effect when he ratified the Charter, the ultimate judicial finding must remain a matter of guesswork. But it is difficult to see how the Supreme Court, if it upheld this position, could compel Congress to provide the legislative machinery to give life to it. And it is difficult to envisage the executive department, since this part of the Charter is not self-executing, enforcing such a ruling on its own.

THE SUPREMACY OF TREATIES

But on several occasions the Supreme Court has gone very far in asserting the substantive principle of the supremacy of a treaty pledge. In *Missouri* v. *Holland* (1920), "the court set forth the theory that a treaty could accomplish anything of a national character so long as its subject matter were plausibly related to the general welfare" (Kelly & Harbison, The American Constitution). The issue raised by the State of Missouri was whether a 1916 migratory-bird treaty with Great Britain, and a 1918 act of Congress carrying it out, did not exceed Federal powers, invade those of the States, and violate the tenth amendment. No; they did not, said Justice Holmes for a majority of seven: "Here a national interest of very nearly the first magnitude is involved * * *. It can be protected only by national action in concert with another power * * *. It is not sufficient to rely on the States."

But, observed Messrs. Kelly and Harbison, this "statute and treaty did not impair or damage the interests of any powerful vested right. The treaty in question did not touch upon the fundamentals of the social order, seriously involve the sanctity of private property, nor even work any very important practical change in the extent of Federal power." In many respects the opposite would be true

if the principle of the California court decision were applied to the pending legislation. And in *Missouri* v. *Holland* there was no issue of "self-executing," since Congress specifically executed that treaty.

The attorney general of California has asked the court of appeals for a rehearing, challenging the ruling and calling for a less general foundation than the agreement of the United States as a signatory to the Charter to "promote" its doctrine by eventually "taking action" in consonance therewith. Whatever the State court does about this challenge, its ruling has raised questions as grave as they are interesting which must somehow be resolved by the highest authority.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Johnston, S. C.	Saltonstall
Bricker	Kem	Schoeppel
Darby	Long	Smith, Maine
Donnell	Lucas	Stennis
Gurney	McClellan	Taylor
Hendrickson	McMahon	Watkins
Holland	Martin	Wiley
Humphrey	Neely	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The names of the absent Senators were called, and Mr. ANDERSON, Mr. BYRD, Mr. DWORSHAK, Mr. GILLETTE, Mr. HAYDEN, Mr. KEFAUVER, Mr. MAYBANK, Mr. MCFARLAND, Mr. MCKELLAR, Mr. O'MAHONEY, Mr. ROBERTSON, and Mr. WHERRY answered to their names when called.

The PRESIDING OFFICER. A quorum is not present.

Mr. HUMPHREY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The provision of the rule is that a majority of Senators present may direct the Sergeant at Arms to request, and when necessary, to compel the attendance of absent Senators. Does the Senator from Minnesota make that motion?

Mr. HUMPHREY. I make that motion, Mr. President.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. BENTON, Mr. BREWSTER, Mr. BRIDGES, Mr. BUTLER, Mr. CAIN, Mr. CAPEHART, Mr. CHAPMAN, Mr. CONNALLY, Mr. CORDON, Mr. EASTLAND, Mr. ECTON, Mr. ELLENDER, Mr. FERGUSON, Mr. FULBRIGHT, Mr. GEORGE, Mr. GREEN, Mr. HILL, Mr. HOEY, Mr. HUNT, Mr. IVES, Mr. JENNER, Mr. JOHNSON of Colorado, Mr. JOHNSON of Texas, Mr. KERR, Mr. KILGORE, Mr. KNOWLAND, Mr. LANGER, Mr. LEAHY, Mr. LODGE, Mr. MALONE, Mr. MCCARRAN, Mr. MCCARTHY, Mr. MUNDT, Mr. MYERS, Mr. O'CONOR, Mr. RUSSELL, Mr. SMITH of New Jersey, Mr. SPARKMAN, Mr. TAFT, Mr. THOMAS of Utah, Mr. THYE, Mr. TOBEY, Mr. TYDINGS, Mr. WILLIAMS, Mr. WITHERS, and Mr. YOUNG entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

NOMINATIONS IN THE ARMY AND MARINE CORPS

Mr. STENNIS obtained the floor.

Mr. BYRD. Mr. President, will the Senator from Mississippi yield so that I may make a report and submit a request?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Virginia for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, as acting chairman of the Armed Services Committee, I report from that committee the nomination of Earl Dallam Johnson, of Connecticut, to be Assistant Secretary of the Army, and also the nomination of Oliver P. Smith and a group of 365 other officers of the Marine Corps. In order to avoid printing these names in the RECORD, Mr. President, I ask unanimous consent that, as in executive session, these nominations be confirmed and that the President be notified.

Mr. SCHOEPPEL. Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The presence of a quorum has just been announced.

Mr. BYRD. Mr. President, I have no desire to press my request if there is any objection at all. There are 366 nominations in the Marine Corps, which would take up space in the RECORD. They are all routine matters.

Mr. SCHOEPPEL. Mr. President, will the Senator withhold his request for a little while?

Mr. BYRD. I withhold my request for the time being, Mr. President.

The PRESIDING OFFICER. The nominations will be placed on the Executive Calendar.

FEDERAL FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the motion of Mr. LUCAS to proceed to the consideration of the bill (S. 1728) to prohibit discrimination in employment because of race, religion, or national origin.

Mr. STENNIS. Mr. President, I rise to address the Senate regarding Senate bill 1728, the FEPC bill, a motion to consider which is now pending.

It might be interesting to note, with reference to the debate, that since it opened a week ago last Monday morning and until the Senate took a recess last evening, 9,683.5 inches of printed matter have appeared in the CONGRESSIONAL RECORD regarding it. Of that number, the opponents of the bill have taken up in their speeches only 2,218 inches of space, which is approximately 22 percent of the space in the RECORD consumed by the opposition.

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

Mr. STENNIS. I yield to the Senator from Arkansas for a question only.

Mr. McCLELLAN. Is that the factual basis for the charge against the opponents of the measure that they are now conducting a filibuster?

Mr. STENNIS. I say to the Senator from Arkansas that that is a very timely question. Charges were made, right and left, about obstructionist tactics, a filibuster, and unreasonable delay. I wanted the Senate to know just what the actual figures are with reference to the time consumed.

Mr. President, I shall address the Senate very briefly——

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

Mr. STENNIS. I yield for a question.

Mr. CORDON. The Senator from Oregon is not certain whether the Senator from Mississippi said that the time taken by the opposition amounts to 2 percent of the total time.

Mr. STENNIS. I said, 22 percent of the total amount of space in the RECORD is devoted to the subject.

Mr. President, inviting the attention of the Senate to page 1, line 7, of the bill, the opening sentence of section 2 is as follows:

The Congress hereby finds—

In other words, there is an attempt to set forth certain findings of fact by the Congress. Lo and behold, we find that there are no real facts presented in the customary way, whereby Congress, sitting as a legislative body, could make any findings at all. The criticism of the committee for not holding hearings has been spoken of lightly. I have learned in my very limited experience in the Senate that hearings serve a very useful purpose. In January 1949, when the proposal was made to change the rule of the Senate with reference to cloture, the Committee on Rules and Administration conducted hearings for approximately 10 days. At that time a gentleman who had just taken his seat as a Member of the Senate became a member of the Committee on Rules and Administration. He attended every one of the hearings and listened very attentively. At the conclusion of the hearings he said to me: "I came here with my mind already made up on the subject. I did not have any doubt about what my position was; but after hearing the testimony and considering the points raised, I have changed my mind."

At the hearings there were six or eight members of the press, representing the Associated Press and other news agencies. One of them told me that when the hearings started they were all of the same opinion, that the rule should be changed so as to make the majority able to cut off debate. Seasoned men of the press as they were, after attending the hearings, this gentleman said that half of them had changed their minds.

It was a great revelation to me. I find that 23 Senators have taken their seats in this body since there have been any hearings on a bill of this kind.

Mr. President, we are called on to make a finding of fact that alleged discriminations are actually depriving the United States of the fullest utilization of its capacity for production. Where is there any evidence that any discrimination which might prevail is depriving

the Nation of the fullest utilization of its capacity for production? The United States has the greatest production it has ever had in peacetime history. Sixty million persons are employed. We are asked to find as a fact that the alleged discrimination would adversely affect the interstate and foreign commerce of the United States. Where is there any evidence, or anything except mere imagination, which would lead anyone to believe that the things which are alleged adversely affect the interstate commerce of the United States? There is not a scintilla of evidence. I do not believe any such evidence would have been procurable even if hearings had been held. The statement of findings in the bill illustrates the groping tendency of the writers of this bill to hang this measure on some kind of hook of legality or constitutionality. After searching all the way through the Constitution from beginning to end and through all the amendments they had to come back and hang this bill on the interstate commerce clause, perhaps according to some definitions or according to some interpretations. Mr. President, I submit it is farfetched. It is too farfetched.

I shall not try to develop the subject of constitutionality, but the bill does not have a substantial constitutional basis to rest on. All that is brought before the Senate to give it a constitutional basis are the insistent allegations of the man who wrote the bill in setting forth in a so-called finding of fact that interstate commerce is affected. There is not only no evidence to support it, but neither in the realities of life nor in a vivid imagination can the author of the bill find anything substantial along that line.

Mr. President, I want first to commend the junior Senator from Connecticut [Mr. BENTON] for the very able presentation he made on this subject. I warned him this morning that I would mention him in a complimentary way as to himself and in a critical way as to some of the points he had made. I read his address very carefully. He brought out some matters that I believe should receive special attention.

Before going into that, however, I wish to speak briefly with reference to something that was found more or less by accident. I read in the findings and declaration of policy contained in the bill a reference to the integrity and dignity of the individual upon which this Nation was founded and which distinguishes it from the totalitarian nations. The draftsman's later provisions of the bill and his reckless disregard for the destruction of many of the cardinal principles of the Constitution of the United States impressed me with the fact that his bill itself is a long step in the direction of a totalitarian state.

This led me, along with the article by Mr. Krock, which has already been placed in the RECORD, to investigate a little further where the FEPC was first proposed in a party platform. I was amazed to find that it traces directly back as a party platform to the May 26, 1928, issue of the Daily Worker, a photostatic copy of which I hold in my hand. Under date of May 26, 1928, which was the Presidential election year when the Honorable Alfred E. Smith was the candidate of the Democratic Party, and the Honorable Herbert Hoover was the standard bearer of the Republican Party, and a Mr. Foster was the candidate of the Communist Party, the Daily Worker in the issue of May 26, 1928, has headlines which read: "Quit capitalist parties—Join the Communists—On to workers, farmers' rule.

I pause there, Mr. President, to say that the Communist Party will never get the farmers, because for some reason Communists do not live out in the country.

Reading further from their headlines in the same issue:

> The Communist Party is the champion of workers, working farmers, and the Negro race.

Mr. President, I do not intend to raise any question here about the Negro race as a race. I am arguing this matter as it pertains to the origin and genesis of this bill in a political platform. One paragraph of the article in the Daily Worker reads as follows:

> This is the platform of the class struggle. These are the demands the Workers' (Communist) Party puts forth in the present Presidential election campaign.

This was 1928. The writer of this column seems to follow the pattern of stating a long list of alleged facts and then setting forth in numerical order the demands of the party. Enumerated are nine demands. I shall not put this article in the RECORD, because I understand that has already been done; but I have a photostatic copy of it, if any Senator wishes to examine it.

> Their fourth demand: Abolition of laws forbidding intermarriage of persons of different races.
>
> Their eighth demand: Immediate removal of all restrictions in all trade unions against the membership of Negro workers.

I mention that because that is one of the things brought forth in this bill.

> No. 9: Equal opportunity for employment, wages, hours, and working conditions for Negro and white workers.

That language is almost identical with some of the language in this bill. Of course, other groups have been added. However, Mr. President, this is the first time—in item 9 of these demands—that any political party has spelled out its political demand for the substance of the present FEPC bill.

Thus we have in 22 short years this group legislation, which I call here and now a civil-strife bill, rather than a civil-rights bill, working its way from an obscure column in a Communist newspaper to the floor of the United States Senate. It got here even though it had to come without a committee recommendation.

This bill did not come all the way from the Daily Worker to the United States Senate through any command of the people. It has never been submitted to the people directly except in one instance which I shall mention later. It made its devious way through caucus rooms of political parties at the insistence of various pressure groups and through the misguided encouragement of a great many well-meaning enthusiasts who have never heard both sides of the question debated on its merits or demerits, or had explained to them its application to the everyday affairs of life.

Twenty-two short years from the year 1928 it is in the platforms of both major political parties of this Nation. Mr. President, it is a long way from representing anything like a majority view of either party. It has never been endorsed by a large segment of the party represented on this side of the aisle. Whatever votes may be taken on the bill will reflect that fact.

As representing at least part of the views on the other side of the aisle, I am going to read very briefly from Report No. 1539, filed by the Committee on Labor and Public Welfare. I read, on page 27, from the "Individual Views of Mr. TAFT." The fourth paragraph of his statement, beginning on page 27, reads as follows:

> I feel that the compulsory provisions of the bill reported by the committee without recommendation will hinder progress toward solving the problem rather than achieve it. Few realize how extensive these compulsory provisions are.

Let me repeat that, if I may:

> I feel that the compulsory provisions of the bill reported by the committee without recommendation will hinder progress toward solving the problem rather than achieve it.

The distinguished senior Senator from Ohio of course was not speaking for his party, but he certainly represents a fair measure of the thought of that party. In making this statement he could hardly be accused of blasphemy, when he said his considered opinion was that the bill would cause more trouble do more harm than good, and hurt the cause which it was intended to further.

Mr. President, the idea that this bill has the approval of both major parties and that there has been a great promise made to the people, will not stand up under analysis. My position is that the bill does not have the support of the people of the United States. It has come before various parties in caucus rooms, even before conventions, but this matter has never been explained to the great masses of the people of the United States. They have had but one chance to pass on what the bill proposes, and that was in California. The period immediately before the vote was taken in California was the high point in the life history of legislation of this character. I believe it hit its all time high right there.

In 1946 the people of the State of California passed directly on this question. That was the straight issue. It was a head-on collision between a proposal like that before the Senate now, and what the people wanted. They voted on it through an initiative. There was what we call a good "turn out," and on that vote, when the issue was direct and certain, the people voted 675,697 for and

1,682,646 against. This was a majority of over a million votes, and a vote against the measure of almost 3 to 1.

Mr. President, California certainly could not be called a reactionary State, and in that great State, of much liberality, there are 58 counties, and the bill did not get a majority of the votes in a single county.

It is strange to note that the proponents of these measures have never let them come to a vote of the people since that time. I bottom my argument on the fact that the great masses of the people, when a proposal such as this is explained to them and they understand its implications, and understand how it would affect them in their daily lives, are overwhelmingly against it.

I predict no such measure ever will be adopted by a vote of the people in any State. I believe it has already hit its high water mark of support throughout the United States. The votes in the Senate, before this matter is finally disposed of, I am confident will reflect the same reaction of the people as that of the people of California.

As I said a while ago, I wish to take up, briefly, some of the arguments presented in a very splendid manner by the junior Senator from Connecticut [Mr. BENTON], when he asked the Senate the other day:

> What is the greatest single factor in our national life which mars the mobilization of our forces of human freedom in the cold war?

That is a very broad and a very important question. The Senator's answer was:

> The answer is our failure to live up to our democratic preachments on civil rights for all Americans, regardless of race, religion, color, or national origin.

Mr. President, in these parlous times, and in the troubled condition of world affairs, the greatest single factor in our national life, as the Senator from Connecticut sees it, is living up "to our democratic preachments on civil rights for all Americans, regardless of race, religion, color, or national origin," and to achieve that end he proposes a law which will meet this need, and which will help win the cold war.

I wish to refer briefly to some of the arguments the Senator from Connecticut made to sustain that position. On page 6692 of the RECORD of Tuesday, May 9, 1950, the junior Senator from Connecticut, referring to the Russian radio and Russian propaganda, made this point:

> The Soviet radio tells the Russian people that our Constitution was written by representatives of exploiting classes and does not truly guarantee civil rights; that our judiciary is a corrupt instrument of the same exploiters; that our Congress—and, Mr. President, Congress is one of their favorite targets, as one of the objectives of the U. S. S. R. is to pillory, vilify, and destroy the United States Congress—is an "unimaginable tangle of amendments, explanations, interpretations, and precedents"; and that the will of the majority does not truly prevail because of the poll tax and the filibuster.

Mr. President, what can we do about that? Shall we remedy that by passing a law indicating that the Russians were telling the truth? Of course not. A mere asking of the question shows the absurdity of the inquiry. Shall we abolish the Constitution because it is misinterpreted to the Russian people through the Russian radio? Can we do anything to keep them from misrepresenting the facts? Are they going to stop misrepresenting the facts when we pass a law, whether it is one they want or not? Are we going to abolish the Constitution merely to meet that situation?

The bill we are discussing would go a long way toward abolishing the Constitution, in my opinion, and, perhaps, one of the best favors the Russian propagandists could receive, would be such action on our part as would enable them to show their people that the Constitution of the United States is being gradually chiseled away, that personal freedom is having to yield every day, that men are being told whom they must employ. It is only one step from that to take another step and say for whom a man must work.

I submit there is nothing we can do to stop the Soviet propaganda, that they are not going to confine themselves to the truth, and that those matters are entirely beside the point.

On the same page of the RECORD the junior Senator from Connecticut is reported as saying:

> The Soviet radio is very skillful, Mr. President, in the way it keeps track of promises on civil-rights questions by our political parties and our statesmen in political campaigns, and in the way it plays up any failure to make the promises good.

These promises which are so freely and glibly made during campaigns are made without consulting the people. They are made without the approval of the people. That is why this opposition is here, and remains here, and is so insistent that the bills not become law. There is opposition to such measures, and the opposition is not confined to one section. The people in their hearts and minds are gradually realizing more and more what the bills mean; what would be the result of the legislation, if passed.

I am confident that the opposition to the FEPC bill is mounting rather than decreasing. We cannot pass an unsound law simply because some political party overspeaks itself in writing campaign promises.

The junior Senator from Connecticut said further:

> The radio of one satellite, that of Bucharest, even broadcast a report on January 17, 1950—and note this characteristic Communist twist—that "Joe Louis is forced to take up boxing activities again because racial laws hinder his finding other means of livelihood."

I pause at that point, Mr. President, because I wish to ask the question: In what other nation in the world, besides the United States, can a Negro man make a million dollars mauling a white man's face into jelly? That is exactly what Joe Louis did. He is one of the greatest assets his race ever had. He has conducted himself in a fine way in the ring and out of the ring, as I have observed. In what other nation could a Negro man achieve what he has achieved? Yet we are asked to pass FEPC legislation in order to keep face before the nations of the world. In what nation that is alleged to be condemning us, if any such there be, can a man like Joe Louis find the opportunities he found in this country. I make this point, with due deference to the Senator who made the argument, to show how ridiculous it is to make the points he did as being justification for passing such a farfetched bill as this.

I wish to read only two more statements made by the junior Senator from Connecticut:

> The second reason for the Communist propaganda on our civil-rights front is equally obvious—to sow and fertilize seeds of disunity among our diverse population, to divide us, to get us fighting each other, to weaken our democratic faith. As the world's leading democracy, as well as the leading capitalist nation, we are the obvious target; and in the U. S. S. R. we have an opponent who will spend billions to exploit our weaknesses in an effort to provoke us into destroying ourselves.

Mr. President, what issue has been raised in this country in recent years which has resulted in so much disunity as the FEPC legislation? What has resulted in pitting one group against another, people of one color against people of another, people of one religion against people of another, to the extent that this bill has done? What issue has been raised in our generation which has tended more to promote misunderstanding and disunity? With respect to what issue has such an attempt been made to teach certain groups that they do not receive any consideration from their Government?

Consider the statement made by the senior Senator from Ohio [Mr. TAFT]. It is his deliberate conclusion that if the bill becomes law it will result in more trouble rather than affording help. That statement is in line with our argument, which is that the proposed legislation promotes disunity, that it sows the seeds of disunity.

I believe this country will be better off if we stick to the line of constitutional government and work out these matters through constitutional processes, aided by time and enlightenment. We are making rapid progress now. We should continue along that line, rather than go overboard with respect to a regulatory measure which affects so radically the right of individuals to make the choices they wish to make. The choices now involved are economic in character, it is true, but the passage of the bill would set a precedent; it would result in further endeavors to reach far down into the choices men may make with respect to whom they shall employ and whom they shall promote. It is only one step from that point to providing for whom a man must work.

Mr. President, I am satisfied in my own mind that the great broad objectives of the bill would better be served through constitutional processes. We are making rapid progress toward the attainment of the objectives which are sought.

We have heard a great deal about the United States being obliged to save face before the countries of Europe. I

do not much like that argument. I had the opportunity a few months ago of traveling in 14 countries of western Europe. I have never been to Asia, Africa, or South America. I have not had the privilege or opportunity of traveling in all those countries as to which it is said we must do something to save face. I want to be charitable, Mr. President, but I must say that in my travels I saw evidence of strife in some of the European countries between various groups of people who live within their borders. I saw strife and enmity there between groups, classes, or castes, or whatever one might call them, enmity which far exceeded anything I had ever seen in Mississippi among the whites and the Negroes.

In none of those 14 countries of western Europe did I ever hear a single word of criticism of our organic law nor of its administration. I simply did not hear any such criticism. The people of those countries simply seemed to be mighty well pleased with America.

I heard much talk over there about our immigration laws. The people of those countries desire a relaxation or a repeal of those laws. Nearly everyone over there wants to come to the United States. Barring family ties, or peculiar situations, I believe that every person who had a chance to do so would gladly come to the United States. The only criticism of the laws of the United States I heard in those countries was of our immigration laws. If we should repeal those laws, overnight people from every land and every clime, not only from Europe but from everywhere would come to the United States in hoards and droves, overrunning every point of entry we have, and seeking what? Seeking individual freedom, seeking a place where they would be respected, where they would find a better means of livelihood, and drink at the stream and fount of our unparalleled freedom and liberty. That is what is on their minds. I do not think we have lost face with those people.

I read one more paragraph from the speech of the junior Senator from Connecticut:

> The third and most fundamental reason for the Soviet's civil-rights propaganda I have touched on before.

I now skip over a few sentences.

> These sensitive areas, where the fate of mankind may be decided, are in Latin America, in Germany, and the Slavic countries of Europe, among the dark-skinned nations of Africa and southeast Asia, and among the yellow-skinned peoples on the Asiatic mainland and the nearby island areas. All of these peoples are judging our preachments of democracy by our actual practices in relation to their own counterparts in the American population.

Mr. President, that is the indictment the Senator draws against us; that all these people are comparing our preachments of so-called civil rights with how people from those nations, now living in the United States, are treated here. I submit that they are not making that comparison. The peoples in other areas are comparing their own fate with the fate of their cousins who are fortunate enough to be on American shores. It is in those terms they are thinking. The Chinaman, whatever he knows about it, does not compare his condition in China with a political platform in America. He compares his condition in China with the prosperous Chinese merchant cousins of his who live in Mississippi. They are good workers, thrifty, industrious, and they are really getting along well. The people in Latvia and other nations in Europe are not comparing their conditions with our political campaign promises. They are comparing their conditions with the opportunity afforded their cousins who have come to America.

I wish to take time to read briefly from an article I wrote not so long ago which was published in Collier's magazine. I recited a few actual cases based on documented facts:

> An Arkansas plantation owner is providing college scholarships for the children of his Negro tenants. To every qualified Negro in Mississippi who applies, the State provides an all-expenses-paid medical scholarship. Negro farmers in Georgia, learning from their children through the 4-H Club program, have completed 60,000 home-improvement projects.

There is something that the people from foreign nations can discover by looking beyond our political campaign platforms.

I read another case:

> In Alabama, 90 percent of the expectant mothers helped by the prenatal clinics maintained by the State public health service are Negroes.

Another case:

> The 60,000,000 home-improvement projects carried out by young Negro members of the 4-H Clubs in Georgia are a large sample of what is happening in every Southern State.

Another case:

> Frank Wheeler, the Arkansas plantation owner, who provides college scholarships for the children of his tenants, tells the story of a big-city writer who called on him for information about the downtrodden tenant farmer. Mr. Wheeler made this proposition:
>
> "You get in the car with me and we'll take a ride. Every time we come to a tenant house that does not have a radio inside and a car outside, I'll pay you $25, if you'll pay me $5 for every house that does.'
>
> The proposition wasn't accepted.

Another case:

> In the famous Mississippi delta country, Negro farmers have gone beyond the small-farm status and are successful on what might be called the planter scale. Among these is 52-year-old Johnnie Brown, of Issaquena County, Miss. He owned one mule when he bought his first small tract and had to borrow a second mule from a neighbor in order to break the land. Today he owns about 5,000 acres and is partner in the ownership of nearly 2,000 more. He owns a cotton gin and general store. During the past cotton-picking season he bought his first mechanical picker.

Mr. President, there are some things the people of the foreign nations can look to and consider, in terms of their counterparts in this country.

I have here some figures about the amount of land owned by Negroes in the State of Mississippi. They have absolute ownership of 1,727,095 acres. The value of the land, including improvements, owned by Negroes in that State is a total of $44,696,710, and the number of Negro farm owners in the State of Mississippi is 23,426. There is something that our friends in foreign nations should consider before they condemn us. That is something definite, something tangible, something that will help us save face before our foreign friends.

I wish to remind the Senate that these achievements of our colored friends in Mississippi have been made by people who are only two generations removed from slavery. Can the foreign nations in whose eyes it is said we have lost face point to any other people who have made such outstanding achievements in such a short period of time? Can any other people on the face of the earth point to such achievements in so short a time as that made by this group in the United States who are only two generations removed from slavery? I submit that these things are unmatched anywhere else in the world, by any other group or race or in any other area.

This progress was not made under the threat of bayonets or under a compulsory law. These things were worked out in the process of time and achievement, and they are a credit to both races. Where else in the world where people of two races are living together in almost equal numbers have those who were slaves two generations before progressed as the Negroes in Mississippi have progressed?

I am tempted to give just one or two more illustrations in terms of individual cases:

One landowner, 74-year-old John B. Lee, of Sunflower County, in 1905 bought the original 120 of his present 460 acres. He paid $15 per acre for an area of which all but 6 acres was thick with gum trees and other timber. Today, largely cleared, this same land, where yields of more than one bale to the acre of cotton can be produced, is worth at least $125 per acre.

Then there is George Hull, who in 1912 got off the train at Indianola, Miss., with, as he tells it, "60 cents, my wife and a suitcase." Hull today owns 1,700 acres not far from Indianola, and each year grows about 800 acres of cotton yielding a bale per acre. Besides farm land, he owns a store, a funeral home, the house in town in which he resides, and 14 other houses which he rents.

Mr. President, do you suppose that people in Africa, people in Liberia, realize those things? Do you think that we have anything to apologize for to them or to the people of China or any other people, when the actual facts are as illustrated by cases of the kind to which I have referred?

Permit me to cite one other instance:

Isaac Daniel, 46-year-old Negro farmer of Bolivar County, typifies such progressive management.

Anyone who passes Daniel's new house and surrounding farm buildings beside Highway 61 about 10 miles north of Cleveland, Miss., can see at a glance that the owner is a careful and orderly as well as a prosperous farmer. The one story house with seven large rooms is of white asbestos shingle construction.

Metal awnings trimmed in blue have been installed over each door and window. I shall not go into further detail, except to quote what he says in regard to his situation when he started working as a share cropper, during his first year of farming: "I gave $1.50 for a Brinley turning plow, $2.50 for a double shovel and borrowed a middle buster," he recalled.

So, Mr. President, I submit that so far as concerns the point of saving face before the other nations of the world, what we need is, not the passage of this bill or any other similar bill, but more aggressive messengers in our foreign affairs, in our State Department, who will really stand up to the line and "slug it out" with the accusers. As the situation now is, we seem to have a group of apologists who will not stand up and "slug it out," who will not stand up to the line and state the facts.

I have before me a statement by the Senator from Connecticut in which he quoted the present Secretary of State, who in a speech in 1946 said:

> Frequently we find it next to impossible to formulate a satisfactory answer to our critics in other countries; the gap between the things we stand for in principle and the facts of a particular situation may be too wide to be bridged. An atmosphere of suspicion and resentment in a country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust between the two countries.

Mr. President, I cite that in the face of the facts I have presented, in order to show that the real facts and figures are not made known to the people of other countries. Instead, the Secretary of State publicly makes statements to the effect that it is impossible to dispute the criticisms which are made of us by some foreigners, that we do not have the facts to bridge the gap between our assertions and the facts and the realities. However, Mr. President, to the contrary, I submit that we do have the facts, and that we have them far more so than does any other nation, as is illustrated over and over again, during all the past years, by the very fine and very splendid progress along that line which has been made.

Mr. President, I do not wish to prolong this discussion unduly, but I desire to emphasize the point that instead of attempting to pass a law to remedy every defect which may be found—and of course we do have defects—what we need to do is strengthen our constitutional government, our constitutional safeguards. The theme song of the proponents of this proposed legislation seems to be that the great weak point in our position before the other nations of the world is what they call an inadequate civil-rights program. However, it seems to me that one of the weakest points in our armament before the people of the world and before our own people is the selling of our own people down the river by bartering away our Constitution bit by bit.

The next weakest point in our relations with other nations is that it seems that all too often we have a group of apologists who, when speaking for us in our foreign affairs, do not stand toe to toe and "slug it out" with our critics by presenting the facts. After all, the facts are on our side. Instead of doing that, they are acting as apologists. They come here and want us to pass a law.

Speaking of civil rights, I think the greatest civil-rights program that has ever been undertaken is that which relates to the right of trial by jury, and that is the subject of one of the principal complaints I have about this bill. In the name of civil rights, the bill runs over, ignores, and to that extent, abolishes trial by jury—the greatest citadel of freedom for the average person which has ever been erected by any race, any time, anywhere.

I desire to say a few words about jury trials, and about what they mean to me. I have found that jurors who serve on juries find it a great training ground, and it is a great training ground for American citizenship. Jurors are chosen from all walks of life. They are interrogated as to their predilections, their prejudices, and their viewpoints, and then each side has a chance to excuse a certain number of them without any reason being assigned. Finally, the 12 who are chosen sit in the jury box and hear the evidence, which they interpret in the light of their own common sense and their own experiences in life. After all, that is the bedrock of our freedom. It is the bedrock which has made our Government effective. It is an embodiment of the common sense of the American people. And, Mr. President, it is not found in many other countries anywhere else. There cannot be found anywhere in any other government in the world a finer, higher expression than the American ideal of justice and right as expressed through the jury box. Juries make mistakes. They make mistakes in individual cases, it is true. But there is nearly always a chance to correct the mistakes, and they are corrected. By and large the jury system is the finest test, it is the finest preserver, the finest protector. I think the jury system is a very large part of the very soul of the American form of government. But this bill merely sets it aside.

I am going into details briefly as to how this bill will operate, because I think it should be told over and over and over again to the American people. The bill actually provides that if an employer has a complaint filed against him, there shall be hearings on that complaint—somewhere. It is not said where, so far as specifying any particular district, area, or State is concerned. But the bill provides that hearings shall be held. Before a jury? Oh, no. It provides that hearings will be held before the Commission, or a commissioner, or an agent. The defendant is merely going to be called to account in these hearings. They are very important. "Oh, well," one may say, "that is merely preliminary, somewhat like a coroner's inquest." No, no—it is more than that. These hearings are held before a commissioner or an agent, who files a report with the Commission. The Commission may pass on the report, or it may delegate the duty to a committee composed of three of its members. The Commission may take further testimony, though it does not have to do so. It has the discretion, however, and may take further testimony. The Commission shall then make a final order. It can sustain the employer, or it can require him to adjust his hiring facilities, or to restore someone who has been discharged, either with or without back pay, and with other affirmative relief. There is no jury. There is no judge. No one who is trained in the law, no one of real impartiality has passed on the matter as yet. The Commission is to be an administrative body, picked partly on the basis of individual zeal in carrying out and administering this particular act, if the bill shall become a law.

Then, if the man is convicted under this procedure—please note this, Mr. President—he may appeal. To whom? To a court. That sounds good, does it not? He may appeal to the Federal circuit court. The Federal circuit court in his State? Oh, no; it does not have to be in his State. In my State the Federal circuit court represents five States. If the court is in vacation, the appellant may go into the United States district court. On the other hand, if he does not obey the order of the Commission, the Commission may file with the circuit court of appeals a petition for enforcement of its order. The defendant is then brought before that court, not on the facts, but on the record. That is why the initial hearings are so important, Mr. President, whereas perhaps little is thought about the case at the time. The defendant is largely tried later when he gets into the higher court, where he is tried on the record.

Note further, it is expressly provided that no objections not previously urged shall be considered by the court, unless extraordinary circumstances are shown and the court permits them to be heard. The court may order the taking of additional testimony, but the court does not take the evidence. The case is sent back to the Commission for the purpose of hearing the evidence. The court merely sits as an appellate court. A man never has his day in court, in the American sense in which that term is used.

Mr. President, I am confident you do not approve of that. I do not believe there is a Senator on the floor who likes the idea of subjecting the processes of law throughout this great Nation and subjecting all employers to any such law as that. How much good will come from it, compared with the harm it will do? It is a thing which in the everyday affairs of life affects all our people. If the bill is passed, it will be amended so as to apply to employers having less than 50 employees. We need not doubt that. This is something which affects the daily affairs of people throughout the entire Nation. The bill abolishes the jury system to the extent I have indicated. In that respect it is like OPA in wartime. Do we really want to do that? Mr. President, how do you like that? I know it does not set well with any of us.

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

The PRESIDING OFFICER (Mr. HUMPHREY in the chair). Does the Sen-

ator from Mississippi yield to the Senator from Arkansas?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. McCLELLAN. Does this bill permit the use of volunteer services in the administration of the act as other bills in the past have permitted to be done?

Mr. STENNIS. I have read the entire act and I have studied it considerably. I am doubtful about that. I do not think this bill does, I may say to the Senator.

Mr. McCLELLAN. I was very much interested in what the able Senator was discussing a few moments ago in respect to the examination, the holding of hearings, and I was wondering whether the Senator could advise us whether those who might be selected to hold these hearings, the agents who, it provides, may hold hearings, might be volunteers serving the Commission, or whether they have to be regular employees of the Commission. Does the Senator know?

Mr. STENNIS. I am not certain on that point. It is my impression, though, that they must be agents. There was in some other bill such a provision as that to which the Senator refers. But I think that provision has been stricken from this bill.

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

Mr. STENNIS. I yield for a further question.

Mr. McCLELLAN. Is there any provision in this bill requiring the agent of the Commission who holds the hearings to take any oath faithfully to perform his duties, or does the bill provide any qualifications for him, as to his having any experience or knowledge which would permit him to perform these services with a proper and judicial attitude and capacity?

Mr. STENNIS. There are no such requirements in the bill.

As I said a moment ago, Mr. President, the law, if this bill is enacted, will be administered by men who necessarily have to be chosen as administrators, and at least a large percentage of them should have considerable zeal in their desire successfully to administer the law. There is an entire absence of any of the judicial processes or methods of determining a person's guilt, except that there is the right of appeal to the United States court of appeals, which is merely a form of law, for the court does not redecide nor disturb the facts.

Let me cite an illustration. Let us suppose that a man is convicted and that no rules of evidence have been applied. We have spent a thousand years working out sound rules of evidence. There is not any application of them in these cases. No rule of relevancy is required. Nothing is said about a fixed place of hearing, which is another complete abrogation of one of the fundamental concepts which the English-speaking world spent a thousand years in working out through the common law. There is no fixed place for hearings, there is no impartial tribunal, there is no jury——

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

Mr. STENNIS. Will the Senator permit me to read the sixth amendment to the Constitution, and then I shall be glad to yield.

I have made the point that the bill provides for no rules of evidence or relevancy, no fixed place for a hearing, and no jury. Compare that with the sixth amendment to the Constitution of the United States, which expressly provides that no person shall be prosecuted for a criminal offense except before a jury of his peers, in the district wherein the crime occurred, and that district has to be previously determined by law.

That is what the Constitution provides. Where is there in the bill any semblance of the judicial process provided for in the sixth amendment?

It can be said with some plausibility that technically it does not involve a prosecution; but where is the spirit of the constitutional mandate? I submit to all fair-minded men that the bill absolutely abrogates, discharges, and sets aside completely the whole basic concept of jury trials and judicial processes, under rules of evidence, rules of relevancy, before a criminal tribunal, as reflected throughout the entire Constitution of the United States and specifically provided for in the sixth amendment.

I now yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, the Senator has just covered some aspects of the question I had in mind. I shall ask the Senator, however, to be more specific. Is there anything in the bill which would preclude the examiner, or the person holding an investigation, from finding the accused guilty of violating the act on strictly hearsay testimony? Is there anything which would prevent the accused from being found guilty of violating the act, guilty of a discriminatory practice, on strictly hearsay evidence?

Mr. STENNIS. That is a very fine point and it is clearly brought out. There is absolutely nothing in the bill which would prohibit such a finding. As I understand, when the court makes its review it is bound by the rule that if there is any element which tends to sustain the decision of the Commission, it is compelled, under the law, to confirm it. It does not have to be on the weight of the evidence, as is required in a civil case, and it certainly does not have to be beyond a reasonable doubt, as is required in a criminal case.

Mr. President, let us suppose a man has been through the process which I have outlined. I shall try not to overstate the case. What do Senators think he is going to do? Is he going to run the gantlet of all the processes about which I have been speaking? Absolutely not. He will not take chances against himself. He will, so far as he can, "play safe." He is not going to run the gantlet of being tried before the Commission, with no judicial process, and take the chance of being taken before the circuit court of appeals and having to obey the mandate of the Commission, or of going himself before the circuit court of appeals. He will not take that chance. Who is going to suffer? He will favor the alleged minority, or the group against which he is charged with discriminating. That is simply human nature, Mr. President. He will lean over toward them.

The framers of the bill were not trying to establish any fair and impartial tribunal to try these cases. I think that is one of the deliberate purposes of establishing the plan which is presented. They want to force the accused person to lean toward and favor the group against which it is claimed he has discriminated. Who is going to lose by that process? Who is going to bear the burden? It is not the employer; he will not bear the burden. The man who will have to pay the freight is the common, ordinary, garden variety of American citizen, who does not belong to any minority group. He is the man against whom the case will be decided, not by the Commission, not by the court, but by the employer; and he is the man who will not have any remedy before the Commission or before the employer, because he does not belong to any minority group.

That is why, Mr. President, I have a growing belief that this bill will never become law. If we establish an all-powerful Federal bureau with Nation-wide jurisdiction over all employers, there is a growing realization on the part of the little man, who is worried every morning when he awakes as to how he can make ends meet to take care of his family, that the practical operation of the law will fall upon him. I do not believe there will be sufficient votes to pass such a bill. With all deference to those who are sponsoring the bill, I believe it is the greatest legislative hoax of our generation against the common, ordinary, garden variety of American citizen whom I have described.

Mr. President, as I stated a while ago, I believe this bill has already hit its peak. I think it hit its peak before it was submitted to the voters of California. When the people of California had an opportunity to pass on it, they then placed the skids under it, which will mean its eventual defeat.

There is one particular point which I should like to cover——

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

Mr. STENNIS. I yield for a question.

Mr. McCLELLAN. Speaking of the bill having hit its peak, the Senator from Mississippi and other Senators have been ridiculed and condemned because we exercise our constitutional rights to oppose it and to use every legitimate means at our command, parliamentary and otherwise, to defeat the bill. I should like to ask the Senator if he recalls whether similar bills in the past, up until this time, have had the word "creed" in them, along with religion, race, and color?

I ask the able Senator to point out the progress that has been made, not only toward informing and educating the American people as to the evil in this proposal, but also that we have convinced the original authors and sponsors of the bill of what they were about to do when they had the word "creed" in the bill. If the word "creed" were in the bill, no one could refuse to employ a Communist. Neither could a Communist be fired. That demonstrates what this fight has meant in informing the country and even the proponents of the

bill of how ill-advised this whole proposal is and how it violates the liberty and democracy of the American people.

Mr. STENNIS. Mr. President, I appreciate very much the fine contribution from the Senator from Arkansas. I wish to mention one other State. I obtained the legislative history of FEPC legislation in the State of Minnesota. We find that it was introduced in Minnesota in 1945, 1947, and 1949. The last action in Minnesota was on March 18, 1949. Senate file No. 82 was killed by being rereferred by a vote of 28 to 26. That was in the State Senate of Minnesota. It is merely another illustration.

This bill is very vigorously advocated by the very able junior Senator from Minnesota [Mr. HUMPHREY], and he has made a strong argument in support of it. But on his home ground, in his home State, where he is a man of great influence and great leadership, not sufficient strength can be mustered in the State legislature to pass such a bill. It lost; it keeps losing; it keeps losing ground. I wish the Senator were here. A few months ago in New York I referred to him, in a joking manner—and he understood it as such, of course—as the high priest of this program in Washington. I think he deserves that title, but his influence in his home State is simply not strong enough to put over such a measure, even on a State level, much less on a national level.

I wish to say something about the 50-employee provision. This bill does not apply to a man who has less than 50 persons in his employ. The argument is made that this type of legislation is needed in order to get at the corporations and that there is not much need, if any at all, to have it apply to the smaller employer class. Let us not be fooled by that argument. Just so soon as the bill is passed we shall have the same pressure for amendments. I believe authors of the bill wrote the provision as to 50 employees in order to try to divide the opposition. In 1945 an FEPC bill was introduced in the Seventy-ninth Congress by the Senator from New Mexico, Mr. Chavez, the Senator from California, Mr. Downey, former Senator Wagner, the Senator from Montana, Mr. Murray, former Senator Capper, the Senator from North Dakota, Mr. Langer, and the Senator from Vermont, Mr. Aiken. Certainly they are respectable men. They knew what they were doing. It was referred to the committee, and a subcommittee held hearings on the bill on March 12, 13, and 14. It was reported by the committee. That bill applied to all employers who had six or more employees. Those men knew what they were doing. In 1945 the bill was reported to the Senate with a favorable report. It got more support in 1945 than this bill gets in 1950, when it exempts every employer having less than 50 employees. The previous bill reached the floor of the Senate with a favorable report. This one, which exempts every employer having fewer than 50 employees, comes limping into the Senate without the recommendation of the majority of the committee. It comes to the Senate without any recommendation and only the individual views of Senators. That is another reason why I say it has already passed the high peak. Under this 50-employee clause, 98 percent of the employers are exempt. If that is the answer, why invoke all of these constitutional processes? I am sure in my mind that there will be amendments introduced which will make it apply to employers having six or more employees. The legislative history of this bill proves the argument is not sound that this is merely a process to cover the larger employers.

Mr. President, I have transgressed somewhat on the time of the Senate.

Mr. MAYBANK. Mr. President, I appreciate the fact that the Senate has other matters before it in addition to the motion which it is now discussing. Accordingly, I have prepared a rather short address. Originally I had prepared some 300 pages. I have reduced the address to 10 pages. I realize the importance of getting a vote by 1 o'clock tomorrow on the motion to consider the bill under the cloture petition.

Mr. President, we are now engaged in a serious and unprecedented departure from our established legislative process. The burden of screening legislation has traditionally fallen to the standing committees of the Congress.

It was only 4 years ago that the Congress took the time and expended a great amount of effort strengthening the weak points and consolidating the gains under this system. The Reorganization Act of 1946 tends to emphasize the importance of committee deliberations. It even goes so far as to set forth procedures under which a committee will operate in order to further assure its place in the legislative process.

Now, Mr. President, in the light of these long-standing traditions and customs, let me call a serious departure to the attention of the Senators. The motion has been made that the Senate now consider S. 1728.

I hesitate to express my opinion on this motion. I almost feel apologetic at taking the time of this august body in standing here and explaining to Senators and to the American people why I believe this bill should not be considered by the Senate.

Were it not for the fact that multitudes of the American public have been alternately bulldozed and sweet-talked into closing their eyes and ears to the despicable inequities of this proposal, I would not be forced to use this time opposing the motion. Almost every sound argument against the present consideration of this bill has already been most ably propounded.

However, Mr. President, in the hope that some word or phrase of mine might fall even yet on an open mind, I shall consider myself rewarded for the effort. If, on the other hand, the proponents of this utterly ridiculous plan are successful in gathering far more favorable votes for cloture than I predict they will be able to get, the senior Senator from South Carolina will be adequately prepared.

I am willing to let it be known right now that if and when the times comes, I am prepared, willing, and able to take my stand here on this floor and talk for days and nights on the absurdities of forcing human beings to love one another by law.

Now, I ask Senators to consider with me for a moment this serious deviation from our established policy. Here is a bill which was introduced in the closing days of the first session of this Congress by a Senator who is no longer among us. It was referred to a committee which was not even willing to bless the bill with public hearings. In an unheard of effort to report such a controversial bill to the Senate, the proponents were not even successful in garnering sufficient support among 13 Senators to report the bill with recommendations. As a result, we are now asked to act on a proposal which has been dumped on the doorstep of the Senate.

In examining the last hearings which were held on this proposed legislation I note that they were held in June of 1947, 3 years ago. In comparing the membership of the committee of the Eightieth Congress and the present one, I note further that there have been some changes. For instance, among those Members who acted on the bill in 1947, I now miss the names of Senators Ball, Jenner, Ives, and Ellender. Among the members of the present committee, I find Senators NEELY, DOUGLAS, HUMPHREY, and LEHMAN who were not even in the Senate in 1947.

Mr. President, I am sure there is sufficient doubt in the minds of more than enough Senators to prevent the Senate from imposing cloture and cutting off debate on legislation with such a dubious ancestry. Not only have the demerits and merits, if any, of this bill not been aired in recent public hearings, but a survey of the testimony from 1947 will reveal kindred language and objectives in certain State laws which have been enacted. A close examination will further reveal affirmative actions in the absence of adequate testimony or documentary evidence.

It is worthy of note that the coauthor of the first State law which set the pace for similar legislation was the author of this measure in the Eightieth Congress. The argument has been made constantly that the New York law has been working smoothly, and that it is now time to impose similar legislation upon the whole United States. Let us review the history of similar State legislation and see what merit there is to these claims.

In 1947, the present senior Senator from New York [Mr. IVES], the sponsor of the then pending measure, which was substantially the same as the present bill, told the committee:

> There is no longer ground for doubt that legislation of this kind can be made to function effectively, fairly, and satisfactorily for all concerned. Right now in the States of New York, Massachusetts, and New Jersey statutes of this same nature are in effect and are operating satisfactorily.

The Senator from New York stated further:

> I understand that Wisconsin, Connecticut, and Indiana each has an act. The

Wisconsin act has been in effect since 1943 but is of an entirely different type. I am not familiar with it, but I doubt that it covers this matter at all as is contemplated here. The question has been covered in the States that I named. However, Connecticut and Indiana enacted legislation during this current year. Indiana's, I think, went into effect on February 27, last, and Connecticut's will go into effect on July 1 next, along the same lines of the acts in New York, New Jersey, and Massachusetts. However, the experience of those last two States is not sufficient to prove of great value in the consideration of this particular legislation. It is the States that I have named that have had the experience—that is, the States in the written document which I have mentioned that have had the real experience in this field to date.

It will be noted that the Senator urged legislation of the character now being discussed, because of the experience with the New York, New Jersey and Massachusetts laws.

The Senator further pointed out that Senate bill 984, then being discussed, was patterned after the New York statute, as the present bill is. To this effect the Senator stated:

Actually, Senate bill 984 is patterned after the New York statute. In effect, it is the New York plan applied to the Federal level.

In fact, the one who largely drafted the New York State law against discrimination is the one who has largely drafted the bill we are now considering. He is one of New York's most distinguished citizens, the Honorable Charles H. Tuttle of New York City.

It was enlightening to find out that the great New York reformers had a hand in "largely" drafting this measure. The fact is that the Ives bill, S. 984, Eightieth Congress, was in all substantial respects the Ives-Guinn law against discrimination. I refer to New York Statute Laws, 1945, chapter 118.

I have had a comparison made by my secretary showing the differences between Senate bill 984 and the New York law, and I ask that this comparison be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. MYERS in the chair). Is there objection?

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

Subject	Ives bill	New York law
1. Application to Government	Applicable to agencies of Federal Government (sec. 3 (b)); Commission may request President to obtain compliance (sec. 10); not applicable to States and municipalities (sec. 4).	States and municipalities not expressly included or excluded but have been held subject to law by attorney general.
2. Application to Government contractors	President to make rules to prevent discrimination by Federal contractors employing 50 or more employees; enforceable by Commission (sec. 10).	Not applicable unless otherwise included.
3. Limitation as to number of employees	Applies only to employers of 50 or more employees (sec. 3 (b))	Applies only to employers of 6 or more employees (sec. 127 (5)).
4. Other exemptions	Exempts nonprofit religious, charitable, fraternal, social, educational, or sectarian organizations (sec. 4).	Nonprofit social clubs, fraternal, charitable, educational, or religious organizations (sec. 127 (5)).
5. Illegal discrimination by employers	To refuse to hire, discharge, or otherwise discriminate because of race, etc. (sec. 5 (a)); to recruit employees through employment agency, union, or other source which discriminates (sec. 5 (a) (2)).	To refuse to hire, discharge, or discriminate because of race, etc. (sec. 131 (1)).
6. Illegal discrimination by unions	To discriminate against any person or to classify membership so as to deprive such person of employment opportunities or otherwise affect his status as an employee or applicant for employment or his working conditions, because of race, etc. (sec. 5 (b)).	To expel from membership or discriminate in any way against its members or any employer or individual employed by an employer because of race, etc. (sec. 131 (s)).
7. Illegal inquiries, advertisements, etc.	No provision	For an employer or employment agency to print any statement, use any application form, or make oral inquiry which expresses any limitation on employment as to race, etc., unless based on a bona fide occupational qualification (sec. 131 (3)).
8. Illegal aiding and abetting	do	For any person to aid, abet, etc., the commission of any act made illegal under this act (sec. 131 (5)).
9. Enforcing agency	National Commission Against Discrimination in Employment; 7 members (sec. 6 (9)).	State commission against discrimination; 5 members (sec. 128).
10. Conciliation efforts in evidence	Nothing said or done during conciliation efforts may be used in evidence (sec. 7 (a)).	Commission shall not disclose what transpires during conciliation efforts and such efforts shall not be used in evidence (sec. 132).
11. Notice of hearing	10 days' notice must be given (sec. 7 (b))	No provision.
12. Hearing officer	Hearing officer must be resident of judicial circuit where violations occurred (sec. 6 (f)).	Hearing is held before 3 members of the commission (sec. 132).
13. Rules of evidence	No provision	Rules of evidence not controlling in Commission hearings (sec. 132).
14. Other procedural matters	Bill incorporates provisions of Administrative Procedure Act dealing with separation of functions, declaratory orders, interventions, burden of evidence, etc. (sec. 7 (k)).	No similar detailed provisions.
15. Hearing before agency	3 members of Commission must hear oral argument after hearing (sec. 7 (d)).	No provision.
16. Scope of judicial review	Incorporates Administrative Procedure Act (sec. 8 (a)). Sec. 10 (c) of that act gives broad ground of review; findings must be sustained by substantial evidence on the whole record and must not be arbitrary or capricious.	Commission fact findings conclusive in court if supported by sufficient evidence on the record as a whole (sec. 133).
17. Adoption of rules and regulations	Commission may make "suitable" rules subject to Administrative Procedure Act, but Congress may nullify them by a concurrent resolution (sec. 13).	Commission may make "suitable" rules (sec. 130 (5), 132).
18. Assistance to persons subject to act	Commission may furnish employers subject to act technical assistance to further compliance (sec. 6 (g) (4)).	Employers whose employees refuse to cooperate may file complaint with Commission asking assistance by conciliation or other remedial action (sec. 132).
19. Limitation on filing charges	Charges must be filed within 1 year of violation (sec. 7 (h))	Charges must be filed within 90 days of violation (sec. 132).
20. Criminal penalties	Up to $500 and/or 1 year for forcible interference with commission agents (sec. 14).	Up to $500 and/or 1 year for willful interference with commission agents or willful violation of commission order (sec. 134).
21. Notices	Employers and unions must post notices on their premises describing act (sec. 11).	No provision; but notices required by rule of commission.
22. Veterans	Act not to be construed as modifying rights of veterans (sec. 12)	No provision.

Mr. LUCAS, Mr. SCHOEPPEL, and Mr. HENDRICKSON addressed the Chair.

Mr. MAYBANK. Mr. President, I have not yet concluded. I do not expect to make too lengthy remarks, because I want other Senators to have a chance to speak, but I have been present in the Senate every day this week, I was here last night to see that the junior Senator from Louisiana [Mr. LONG] got unanimous consent to speak today; I was here the night before last; I have been here every day; I have taken part in the debate every day since the bill has been on the floor; but this is the first chance I have had to make a speech on the bill. I am not filibustering. I have risen to speak but about 15 minutes, and this is my first opportunity, except to ask distinguished Senators on both sides of the argument a few questions in order to enlighten myself. I could not enlighten myself by reading the hearings, because they were held 3 years ago, and conditions have changed much since that.

The PRESIDING OFFICER. The Chair can testify to the fact that the Senator from South Carolina has been very diligent in his attention to the sessions, and the Chair knows the Senator has been endeavoring to get the floor for some time. The Chair takes note of the fact that the Senator has not concluded his remarks, and the Chair is not able to recognize any other Senator.

Mr. MAYBANK. I appreciate the announcement by the Chair, but so many Senators seem to be anxious to talk—I heard "Mr. President" here and "Mr. President" there—that I shall cut my remarks even shorter than I had intended, so that there cannot be any charge of a filibuster on the part of a southerner. I wish to make the record clear in that regard.

Mr. President, the comparison I have had inserted in the RECORD establishes without a doubt that the bill introduced

in the Eightieth Congress, S. 984, is patterned almost verbatim after the New York law. There are slight differences, but the approach is substantially the same. Both are compulsory on the employer. Both give a Commission almost unlimited discretionary powers. Both punish disobedience to the Commission's dictates by a fine of $500 or imprisonment for 1 year, or both.

Now let us compare the proposed bill, S. 1728, with the bill introduced in the last Congress to see if any substantial changes have been made.

The designation of the bill has been changed by dropping the word "ancestry." Consistently therewith, the word "ancestry" has been left out of the bill wherever the types of discrimination are mentioned.

The title of the act has been changed from the "National Act Against Discrimination in Employment" to the "Federal Fair Employment Practice Act."

The declaration of policy in S. 1728 takes into account the fact that there has been continuing progress in our Nation with respect to protection of the rights of individuals. The bill introduced in the Eightieth Congress did not do so.

The former bill (S. 984) defines "affecting commerce" as follows:

> The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

S. 1728 declares one of the aims of this bill to be: "To remove obstruction to the free flow of commerce among the States and with foreign Nations." The present bill also defines "commerce" in the traditional way.

The former bill stated:

> This act has also been enacted as a step toward fulfillment of the International Treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote "universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, and religion."

Mr. President, the bill we are discussing merely seeks to make effective "recommendations of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Common Rights." As the words "sex" and "language" are left out of the present bill, there is apparently no attempt to fulfill those requirements of the universal declaration.

The name of the Commission has also been changed. In S. 1728 it is called Fair Employment Practice Commission. In the former bill it was named the National Commission Against Discrimination in Employment. S. 1728 would place five members on that Commission. The former bill provided for seven members. The former bill had provided that any member of the Commission might be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause. S. 1728 has eliminated that provision.

The former bill provided for a more detailed report than the present one.

Under the former bill each member of the Commission would have received a salary of $10,000 a year. S. 1728 provides for a salary of $20,000 a year for the Chairman and of $17,500 per annum for the other members.

The former bill did not specifically include the United States, or any agency or instrumentality thereof, or any territory, or any officer, or employee thereof as persons who could be proceeded against in the courts. The bill did, however, give the President power to provide for rules and regulations to prevent the committing or continuing of any unlawful employment practice as defined in the bill. S. 1728 specifically includes the United States and its agencies, instrumentalities, and employees along with employers.

The bill introduced in the Eightieth Congress provided for overriding the decrees of the Commission by a concurrent resolution of the two Houses of Congress, as follows:

> If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution nor shall any regulation or amendment having the same effect as that concerning which the concurrent resolution was passed be issued thereafter by the Commission.

S. 1728 eliminates that provision.

Except for smoothing the language and making a few technical amendments, the sponsors of this legislation made no other changes.

S. 1728 is a little more stringent than the former bill. However, in substance it is still a duplicate of the Ives bill and the New York Ives-Guinn law. It is the product of the great reformers from New York.

The same great reformers in New York were hard at work as eager beavers in New Jersey. They wanted to make sure that this could be forced upon the people without the chance of an unexpected development upsetting the apple cart. Passage of this type of legislation was regarded as a good political maneuver in both States.

Furthermore we see the hand of the great reformer, Mr. Turner, of the New York Commission, in the formulation of the Massachusetts law. The three States upon which the sponsor of this legislation in the Eightieth Congress rested the merits of this measure were guided in their social reform by the great planners of New York. Now they want to impose this legislation upon all the people of the United States.

The fight for this legislation was not always easy, however. Similar legislation was passed in Connecticut. The vote in the Connecticut House was 121 for, to 105 against, a majority of the Republicans being against the measure. When we consider the fact that all of these States have scarcely a good handful of Negroes, it is surprising that such a large number of legislators voted against the law.

The pattern of similarity is well established. The great New York reformers imposed an antidiscrimination law upon its people. They then lobbied for passage of similar legislation in the Massachusetts and New Jersey legislatures. Then they drafted a bill for our colleague, the Senator from New York [Mr. IVES]. They boasted that the great Mr. Turner, "largely drafted the bill." The sponsor of the pending bill copied the Ives bill in all substantial respects. The great reformers from New York appeared before the subcommittee 3 years ago to urge passage of the Ives bill. S. 1728 is so similar to the Ives bill, that the committee reported it out without hearings.

LACK OF STATISTICS ON THEIR LEGISLATIVE HISTORY

One would think that in citing these State laws as examples, the proponents of S. 1728 would be able to cite statistics or reasons why the State laws were considered necessary. Senators will scan the record in vain to find what prompted enactment of these State laws. It would seem that other States simply copied the New York law because it had been found expedient in New York. We cannot find out what prompted New York to pass the law because no record was kept of the preliminary investigations before the law was enacted.

No record was ever kept of whether there was discrimination and what form it took. A record might have been too embarrassing for the great reformers if they had been asked in what forms discriminations appeared in the State. It was much better for the great reformers to be able to say that they gathered the impression from their investigations that some people discriminated against Negroes, Catholics, and foreign-born. When asked whether they based their findings upon hearsay, they could safely answer that they did not. If pressed to cite examples, they could say: "We cannot be specific; no record was ever kept of it." Then they could whoop up great sentiment and strong feeling against a supposed plague of discrimination sweeping the State. Then they could ram the antidiscrimination law through the New York Legislature. Then, without losing momentum they could urge other States to join in the Don Quixote crusade to stamp out the evils of discrimination in other States. The great crusade might serve a useful political purpose in these sister States. Finally the same pressure methods might work upon the Congress of the United States. Some politicians in Washington would recognize a good political thing when they saw it. Congressional committees would not peer too closely at the legislative history of the State statutes.

LACK OF STATISTICS ON THE EFFECT OF THESE STATE LAWS

Not only is there an absolute lack of statistics and information upon the existence of discrimination which could have prompted the enactment of these State laws, but there is a lack of statistics on the effects of these laws.

Mr. Henry C. Turner, an attorney connected with the New York State Commission Against Discrimination, made very clear to the committee in 1947 that

even the commission had no means of knowing what effect the law has had in New York. He stated:

> We have no means of knowing—it is impossible to make a satisfactory census, and we have had neither the money nor the facilities to do it—as to those concerns or managements who at that time changed over from a discriminatory practice to a voluntary nondiscriminatory practice, but we do know that from time to time we come across business concerns whose change-over had been effected.

How they come across these business concerns who made such a change-over is not explained. Are their conclusions based upon hearsay? Can even these few examples of the effectiveness of the law be proved? Still, we are asked to pass a Federal law patterned after the stringent State laws without even knowing whether they do produce good results. I have never witnessed, in my experience in the Congress, a demand for legislation that was based upon such flimsy grounds.

Has the time come when in America we give a group of dictators the authority to analyze the fears of our workingmen? Note how they solve the problem over the conference table. They solved the problem by pointing out to the employees that they could be prosecuted for a serious crime if they did not give in to the wishes and dictates of the commission.

So, even in the very few instances where the law has been carried out it has been blackjacked upon an unwilling public through threat of prosecution. Shame upon those States who think so little of the freedom of their citizens. Shame upon America, if we ever make a similar situation possible through an act of Congress. Let the people know that this would be possible under this bill. Publicize that fact throughout the country. Let your Senators, your constituents find out what they are voting for in this measure. If they understand what is involved, such Senators can say goodby to the Congress at their next election. If this bill is passed and enforced they can kiss good-by to the free America that has grown into the mightiest nation in the world.

DOMESTIC AGRICULTURAL "GIVE-AWAY" PROGRAMS

Mr. WILLIAMS. Mr. President, during recent months the Department of Agriculture, under its "give-away" program, has distributed substantial quantities of agricultural commodities in this country. This is in addition to any "give-away" program that might be operating for the distribution of agricultural commodities abroad. During recent weeks I have heard rumors that these free commodities were being distributed heavily in those States in which there were key elections scheduled, special emphasis being placed on the State of Illinois. In order to determine the accuracy of these rumors I have obtained from the Department of Agriculture a breakdown, by commodities and States, of the distribution under this program during the past 6 months.

I ask unanimous consent to have inserted in the RECORD at this point, as a part of my remarks, a chart giving a breakdown of this distribution by commodities and States as of May 1, 1950.

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

Orders placed as of May 1, 1950

[In pounds]

State	Sec. 416					Sec. 3, Public Law 471, Irish potatoes [2]
	Butter	Cheese	Dried eggs	Nonfat dry milk solids	Irish potatoes [1]	
Alabama	1,216		22,568	157,825	929,300	
Arizona		24,010	29,960	40,000	182,000	252,000
Arkansas	26,432	20,300	22,400	45,000	1,026,000	684,000
California	54,400	49,400	102,088	79,950	3,914,000	1,332,000
Colorado	24,000				1,880,200	430,900
Connecticut					720,000	400,000
Delaware			4,760	17,400	360,000	
District of Columbia			10,808	20,475	216,000	172,000
Florida	20,032	20,020	19,264	41,725	1,009,200	
Georgia	50,816	17,780	10,024	29,000	908,950	
Idaho	128	140	504	5,825	238,330	
Illinois	1,473,760	715,590	480,940	960,200	3,373,000	5,463,000
Indiana				225	233,200	708,000
Iowa	13,056	5,950	2,275	3,150	1,207,900	313,100
Kansas	64,128	3,990			141,400	396,000
Kentucky	55,296	16,380	10,374	29,200	657,000	765,000
Louisiana	72,000	24,500		30,000	378,000	936,000
Maine			35,280	87,075	1,133,200	213,700
Maryland	32,640	42,000	16,048	55,950	1,252,200	771,000
Massachusetts	147,840	71,820	3,360	33,075	4,227,000	2,350,000
Michigan	183,232	160,790			3,206,800	2,154,300
Minnesota	119,040	68,020			1,850,900	882,000
Mississippi					145,000	
Missouri	72,960	34,400	49,056	61,800	1,422,000	1,080,000
Montana				15,750	124,400	
Nebraska					865,200	72,000
Nevada	1,920	630	1,050	1,250	86,700	37,000
New Hampshire	35,200	22,890	11,760	26,000	436,000	336,000
New Jersey	132,800	44,240	51,520	194,975	677,000	1,900,000
New Mexico			56,476	78,750	432,000	360,000
New York	376,768	128,590	111,104	476,700	4,868,100	3,825,000
North Carolina			4,326	22,275	485,900	990,000
North Dakota					286,100	465,000
Ohio			56,875	72,750	3,489,100	2,966,000
Oklahoma			32,032		1,638,000	612,000
Oregon	512	70	336	24,475	153,500	6,000
Pennsylvania	205,824	145,390	293,160	942,875	8,790,100	3,584,000
Rhode Island	21,120	23,940			932,000	718,000
South Carolina			525	1,125	646,000	300,000
South Dakota			5,768	9,385	1,058,100	365,700
Tennessee	40,464	23,170	560	1,000	432,000	1,265,000
Texas			1,960	66,160	2,507,500	1,044,000
Utah	21,120	47,880	16,968	50,125	1,646,800	14,500
Vermont				14,000	307,900	
Virginia	21,120		1,239	12,150	510,000	1,150,000
Washington	74,496	20,650	1,085	105,075	1,011,550	296,000
West Virginia	84,480	95,760	235,144	330,600	3,203,000	1,900,000
Wisconsin			9,520	11,250	1,017,400	1,125,000
Wyoming			3,472	66,600	523,000	9,700
Alaska						36,000
Hawaii						
Puerto Rico						
Virgin Islands						
Total	3,426,800	1,828,300	1,714,589	4,221,145	66,738,930	42,679,900

[1] Freight paid by the recipient.
[2] Freight paid by the Government.

Mr. WILLIAMS. Mr. President, an examination of the chart shows:

Out of a total distribution of 4,211,145 pounds of dry milk solids, 960,200 pounds, or 23 percent, was distributed in the State of Illinois.

Out of a total distribution of 1,714,589 pounds of dried eggs, 480,940 pounds, or 28 percent, was distributed in the State of Illinois.

Out of a total distribution of 1,828,300 pounds of cheese, 715,590, or 39 percent, was distributed in the State of Illinos.

Out of a total distribution of 3,426,800 pounds of butter, 1,473,760 pounds, or 43 percent, was distributed in the State of Illinois.

In addition to these items there has been distributed in the State of Illinois under this "give-away" program 8,836,000 pounds of potatoes.

As a comparison, in the adjoining State of Indiana, in which a Republican is up for reelection, we find that there has been distributed less than a million pounds of potatoes, only 225 pounds of dry milk solids, and no butter, cheese, or dried eggs.

After examining this chart it is not at all surprising that the Presidential train rolled through Illinois last week on its "nonpolitical" tour to the tune of Santa Claus Is Coming to Town.

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, there seems to be more anxiety in the Senate this afternoon about obtaining the floor than has been exhibited at any time since I have been a Member of the United States Senate. It all centered around Reorganization Plan No. 4. I am not going to say to my colleagues that we are not going to consider Reorganization Plan No. 4. We certainly are going to do so between now and May 23; but why there should be all this hurry, why all this insistence on taking it up this afternoon when a number of Senators are anxious to speak on the FEPC legislation, is a little more than I can understand. The vote on the cloture petition

will take place tomorrow afternoon at 1 o'clock. It certainly seems to me that after the vote on that petition any reorganization plans which are pending will be in order.

The distinguished Senator from New Jersey [Mr. HENDRICKSON] has a speech to make on FEPC. He wants to make it, of course, before the vote takes place tomorrow at 1 o'clock. The distinguished occupant of the chair has a speech to make on FEPC and I presume he desires to deliver his speech upon that measure before the vote is taken on cloture. It is simply a question of whether Reorganization Plan No. 4 shall be taken up now—which probably will require an hour and a half or 2 hours or perhaps 3 hours of debate, thus denying to a number of Senators who are anxious to make addresses upon the pending motion which is to be voted on tomorrow the opportunity to do so—or whether it shall wait until tomorrow afternoon when practically every Senator will be present to vote on the motion. Immediately following that Senators can move to take up all the reorganization plans they want to, so far as the Senator from Illinois is concerned.

Mr. President, last evening I asked if any Senator wanted any other reorganization plans considered then. I stood here and invited Members to move to bring up any other reorganization plans, and I agreed to remain and to have considered then, any plans Senators desired to have the Senate act on. I did that for the reason that I hoped Senators who are interested in FEPC would have an opportunity to speak upon the bill today.

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

Mr. LUCAS. I yield.

Mr. AIKEN. Does the Senator contemplate holding night sessions and a Saturday session?

Mr. LUCAS. No; I do not contemplate holding a Saturday session.

Mr. AIKEN. How does the Senator believe we can act upon 17 more reorganization plans between now and Wednesday of next week without holding night sessions and a Saturday session? If we assume that Members of the Senate should decide to speak on reorganization plans for the entire 10 hours allowed, it would be possible to block the vote on some of the reorganization plans.

Mr. LUCAS. The Senator well knows that under the rules a motion can be made to limit debate on any reorganization plan. If a Senator who is for or against any reorganization plan happens to be with the majority he knows that he can move to limit debate to 10 minutes to a side, and that motion will prevail. So there will not be any question on that score. I say to my friend from Vermont that I will remain here 48 hours straight if necessary in order to complete the work. But I do not believe it is fair to attempt to bring up for consideration reorganization plans in the middle of the afternoon when in perhaps 3 hours the Senate will have recessed, thus taking up the time of Senators who have not yet had an opportunity to speak on the FEPC bill. Does the Senator believe it is right to make an attempt to bring up reorganization plans now or does he not?

Mr. AIKEN. Do we have the assurance of the majority leader that Reorganization Plan No. 4 will be taken up immediately following the vote on cloture tomorrow?

Mr. LUCAS. The Senator has my assurance that Reorganization Plan No. 4 will be taken up immediately following the vote on cloture tomorrow, certainly; and any other reorganization plans the Senator wants to have considered. The Senator from Illinois will remain here as long as any other Senator tomorrow night so long as there are reorganization plans which Senators desire to debate. Last night I issued the invitation to any Senator who desired to have a reorganization plan considered, to make his desire known at that time, and that I would remain, and that the Senate would vote on it. Apparently no Senator wanted any other reorganization plan taken up last night and voted upon.

Mr. AIKEN. The reason for that was that not a sufficient number of Senators remained on the floor last night really to show the sentiment of the Senate.

Mr. LUCAS. I will say to my friend from Vermont that votes were taken, one after the other, on two reorganization plans yesterday, and after the second vote was taken I issued the invitation to Senators who desired other plans considered, to move that they be considered.

Mr. AIKEN. Can we have any assurance that debate on reorganization plans will be limited, or that any Senator who desires to make a motion or intends to make a motion to limit debate tomorrow afternoon will be recognized by the Presiding Officer? If not there might not be a vote on the resolution until 10 o'clock tomorrow night?

Mr. LUCAS. The Senator is indulging in a tremendous amount of speculation respecting events the Senator from Illinois does not believe will take place.

No Senator on this side of the aisle is going to filibuster for a period of 5 hours against a vote in connection with Reorganization Plan No. 4.

So far as I am concerned, the time can be limited to 1 hour or 1½ hours or 2 hours. After all, I am not a member of the committee. It is up to Senators who are on the committee, and who know something about the plan, to decide whether the time should be limited.

I assume that Senators who oppose the plan may have sufficient votes to carry the resolution of disapproval of the plan; and if they have sufficient votes for that purpose, certainly they will have sufficient votes to carry a proposal to limit the time for debate in any degree they may want.

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

Mr. LUCAS. I yield.

Mr. HOLLAND. I think it only fair to say, if the Senator from Illinois will be gracious enough to yield to me for a moment——

Mr. LUCAS. I yield to the Senator.

Mr. HOLLAND. I think it only fair to say that the reason why this plan was not called up last night is clearly apparent to anyone who reads the RECORD.

On the first vote, to which the distinguished majority leader has alluded, there were six more Senators present than there were for the vote on the resolution of disapproval of the second reorganization plan which was before us yesterday afternoon. That vote occurred approximately three-quarters of an hour after the first vote.

I say to the Senator from Illinois that in the effort to be cooperative, Senators who have been speaking on the FEPC proposal and have been opposing it, had ready a Senator who was prepared to speak on FEPC as soon as the debate on the reorganization plans and resolutions of disapproval concluded; and that Senator did so, and continued his speech for some time. However, before he concluded his speech, for some reason the Senate saw fit to take a recess until today. Accordingly, when the Senate convened today, that Senator resumed and concluded his speech.

As soon as his speech was concluded, the Senator from Florida had assurance from the President of the Senate, the Vice President of the United States, who was presiding in the Senate at that time, that the Senator from Florida would be recognized for the purpose of bringing up the resolution in regard to the fourth reorganization plan.

I say to the Senator from Illinois that at least the junior Senator from Florida felt that the exact objections which the Senator from Illinois had in mind—in other words, as to continuity of action as between speeches either for or against the FEPC bill and speeches and action on the reorganization plans—were borne in mind in arranging the program which was followed, and with the further assurance that there would be more Senators here today, because the Senator from Illinois well knows that there is a requirement of 49 affirmative votes in favor of a resolution of disapproval, if a reorganization plan is to be disapproved.

I think the RECORD should show that, because on the vote yesterday on the second resolution of disapproval of a reorganization plan there were six less Senators present than the number of Senators present for the vote on the first resolution of disapproval of a reorganization plan, as it was voted on yesterday.

I think it should also be clearly stated that the exact plan of the majority leader was carried out, in that a so-called FEPC speech was begun immediately following the votes on the resolutions of disapproval of the reorganization plans, and that speech continued until the Senate took a recess yesterday evening, and then was resumed today.

Mr. LUCAS. Yes; I understand all that perfectly well, Mr. President. However, I am not responsible for the fact that there were six fewer Senators present for the second vote yesterday than were present for the first vote. If Senators are not sufficiently interested to remain in the Senate Chamber and vote on the reorganization plans or the resolutions of disapproval in connection with the reorganization plans, the Senator from Florida cannot charge me with responsibility for that.

Mr. President, I notice that three Senators have made FEPC speeches today, namely, the Senator from Mississippi [Mr. STENNIS], the Senator from Louisiana [Mr. LONG], and the Senator from South Carolina [Mr. MAYBANK]. However, the Senator from Florida did not try to take the floor away from those Senators, at the time when they were making their speeches. He must have had some kind of arrangement to let those Senators make their speeches.

Mr. HOLLAND. Mr. President——

Mr. LUCAS. Just a minute, Mr. President; I do not yield now to the Senator.

However, when the Senator from Illinois wishes to make a speech on the FEPC bill and when the Senator from New Jersey [Mr. HENDRICKSON] wishes to make a speech on the FEPC bill, speeches in which they will take a position contrary to the position the Senator from Florida took, he then invokes something which the Vice President said he would do after two other Senators had made speeches, following the time when the Vice President said he might recognize the Senator from Florida.

Mr. HOLLAND. Mr. President, will the Senator yield to me again?

Mr. LUCAS. Certainly I yield.

Mr. HOLLAND. I am sure the Senator from Illinois would not want a misstatement to appear in the RECORD. I want him to know, inasmuch as he was not here at the time, that the Senator from Florida did attempt very energetically to get the floor on both of the occasions to which the Senator from Illinois has referred, but was unsuccessful in that effort.

Mr. LUCAS. Yes; I can understand that very well.

Mr. HOLLAND. I am glad the Senator from Illinois can understand it.

Mr. LUCAS. Yes; I thoroughly understand how the Senator from Florida tried to get the floor at that particular time. There is no doubt about that in my mind.

Mr. JOHNSON of Colorado and Mr. AIKEN addressed the Chair.

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

Mr. LUCAS. I yield first to the Senator from Colorado.

Mr. JOHNSON of Colorado. I thank the Senator from Illinois for yielding to me.

I merely wish to say that tomorrow, after the vote on cloture, and perhaps after the action on the reorganization plan in which the Senator from Vermont is interested, it is my intention to call up the resolutions of disapproval pertaining to Reorganization Plans Nos. 8 and 9. At the time when I call them up, I shall also make a motion to limit the time for debate on them, so that it will not take more than the usual amount of time to present those resolutions and plans.

Mr. LUCAS. Mr. President, I stated on the floor of the Senate 3 days ago, I think, that probably following the vote on cloture tomorrow at 1 o'clock, it would be my intention to have the Senate proceed to consider the reorganization plans. At that time I notified the Senate that probably we would have a night session on Friday, in order to be able to take care of the reorganization plans.

I am willing to stay here as long as there are any reorganization plans to be considered, and I am willing to cooperate with other Senators in regard to a limitation of the time for debate on the plans, provided that is satisfactory to the members of the Committee on Expenditures in the Executive Departments, who have been handling the reorganization plans. Certainly those Senators should receive consideration in connection with that matter.

However, if the Senator from Colorado or the Senator from Vermont and the Senators associated with them have sufficient votes to adopt the resolutions disapproving any of the reorganization plans, I assume that those Senators will have sufficient votes to limit the time. I suppose there can be no question about that.

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

Mr. LUCAS. I yield to my friend the Senator from Vermont.

Mr. AIKEN. Would the Senator from Illinois consider having the Senate meet at 11 o'clock tomorrow morning and vote at 12 o'clock on cloture and then have some of the reorganization plans considered immediately thereafter under a time limitation so that we can be certain to dispose of the reorganization plans tomorrow?

Mr. LUCAS. I do not believe we can do that under the Senate rules because no doubt before the vote on cloture begins some one or more Senators will wish to speak on FEPC.

Mr. AIKEN. Is there anything in the rules which requires the Senate to convene at 12 o'clock on the day when a cloture vote is taken? Cannot we meet at 11 o'clock tomorrow?

Mr. LUCAS. However if we met at 11 o'clock presumably all the time between 11 o'clock and 1 o'clock would be consumed by discussion of the FEPC bill and the cloture petition.

Mr. AIKEN. I had hoped that the majority leader would make his plans in such a way that as many of the reorganization plans as possible could be handled at the time when most Members of the Senate would be present.

Mr. LUCAS. That is why I have been saying that tomorrow afternoon would be the proper time for the Senate to consider the remaining reorganization plans, because it seems to me that at that time probably more Senators will be present than at any other time during this session of Congress.

Mr. AIKEN. Of course there is a propensity on the part of Senators to make speaking engagements for Friday, in various parts of the country, with the result that many Senators are likely to be absent from the Senate on Friday.

Mr. LUCAS. I cannot control that. I have been trying to tell the Senate, for about 10 days now, that the reorganization plans would come up following the vote on cloture on Friday, and that probably we should have a session on Friday night. So Senators must govern themselves accordingly. If they are not here then, I cannot take the responsibility for that.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 4433. An act to make retrocession to the Commonwealth of Massachusetts over certain lands in Shirley, Mass.;

H. R. 4732. An act to direct the Secretary of the Army to convey certain lands to the Two Rock Union School District, a political subdivision of the State of California, in Sonoma County, Calif., and for other purposes; and

H. R. 6171. An act to authorize commissioned officers of the Army, Navy, Air Force, and Marine Corps to administer certain oaths, and for other purposes.

FEDERAL FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the motion of Mr. LUCAS to proceed to the consideration of the bill (S. 1728) to prohibit discrimination in employment because of race, religion, or national origin.

Mr. LUCAS. Now, Mr. President, I wish to speak on the pending question.

Mr. President, the majority Members of the Senate will shortly go on record before the American people on the issue of whether or not they firmly believe in the principle of fair-employment practices in America, and whether or not they are willing to translate their belief into positive action. The Members who are present and who vote on the cloture motion will be responsible to the American people for their action. Senators absent and not voting on this question, unless their absence from this Chamber is unavoidable, will be equally responsible to the American people.

At the beginning, it is necessary that the significance of the vote on this cloture motion be made clear to all. Every American citizen should know that if the Senate fails to apply cloture to the question of bringing up the FEPC bill, the long, hard struggle which has been waged for reasonable fair-employment practice legislation will receive a serious setback.

This vote on cloture is crucial. If 64 Senators fail to support this motion, we shall try again, after business has been transacted in the Senate, with a hope that even Members who may oppose this bill will at least vote to permit the bill to come before the Senate.

I confess that I am unable to understand how any Senator can oppose this motion. Whether a Senator approves or disapproves the bill itself, surely he should permit the Senate of the United States to consider the bill. That is the traditional way of doing business in the Senate.

Mr. President, supposing that a minority group in the Senate took this position upon every bill which came up; supposing a minority group took the same position upon the European recovery program; supposing a minority group took the same position upon the social-security bill which will soon be considered by the Senate of the United States. In that event, as a result of this type of

action, the Senate would remain absolutely static so far as the transaction of any business is concerned. No piece of legislation could pass the Senate if a group of 8 or 10 Senators decided to block its passage. Some day, Mr. President—I do not know how long it is going to be, but surely some day—the Senate of the United States will revise its rules to the point where this great deliberative body, in these unusual and troublous times, with all the complex and intriguing problems which are before it for consideration, will be able to take action on proposed legislation irrespective of whom it may hit or whom it may miss in this great Republic.

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

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LUCAS. I yield.

Mr. WHERRY. I should like to ask the majority leader, commenting upon the statement he has just made, with which I am totally in sympathy, whether it is not a fact that the junior Senator from Nebraska during all his service on the Committee on Rules and Administration has not attempted to have the rules revised so that a constitutional two-thirds vote of the Senators present and voting would be required on cloture petitions, applied not only to motions but also to proposed legislation?

Mr. LUCAS. I am not sure that I fully understand the Senator's question. I know I have fought for a two-thirds rule. I did so, 2 years ago.

Mr. WHERRY. The Senator well remembers that the junior Senator from Nebraska, during the Eightieth Congress, in conjunction with the Senator from Arizona, sponsored an amendment to the rule that would do exactly what the Senator is talking about.

Mr. LUCAS. The Senator is correct about that. That was on the calendar during the Eightieth Congress. No action was taken on it.

Mr. WHERRY. In this session, the tables are reversed. The distinguished chairman, the Senator from Arizona [Mr. HAYDEN], and the junior Senator from Nebraska joined in bringing out a measure with the same identical provision respecting the vote. Is not that true?

Mr. LUCAS. No; I do not agree with the Senator that the rule is the same today as it was.

Mr. WHERRY. No; I say, is it not true that the Senator from Arizona and the junior Senator from Nebraska brought from the Committee on Rules and Administration the identical proposal which was sponsored in the Eightieth Congress, providing for a rule requiring only two-thirds of those present and voting?

Mr. LUCAS. It is not on the calendar.

Mr. WHERRY. But it was brought up at the beginning of the Eighty-first Congress, and debated on the floor and, after a hopeless filibuster, the rule was changed to provide for 64, or the constitutional two-thirds. But a resolution which was offered by the Senator from Arizona [Mr. HAYDEN] and the coauthor, the Senator from Nebraska [Mr. WHERRY], provided for a two-thirds rule, is not that correct?

Mr. LUCAS. The Senator is correct about that.

After considerable discussion the Senate amended the resolution and established the present rule, which requires a constitutional two-thirds, or 64.

Mr. WHERRY. Rather than get nothing, we took what we could get; that is true. But I am in complete accord with the Senator on the proposition that if we could obtain a rule requiring the votes of two-thirds of those present and voting, it would be thoroughly agreeable to the Senator from Nebraska. In view of his statement, I should like to say to the majority leader now that I should be glad to join with him in a proposal to change the rule so as to require two-thirds of those present and voting at any time the distinguished Senator would like to introduce such a resolution. I should be glad to cooperate with him in attemping to change the rule, which, as the Senator knows as well as I do, would require the breaking of a filibuster.

Mr. LUCAS. I am glad to have the statement of the Senator from Nebraska that he is now in favor of two-thirds rather than 64, which provision is fastened upon the Senate at the present time. Of course, it is too late now to talk about changing the rule at this particular moment, when we are in the heat of debate under a rule for which the Senator, as cosponsor, is responsible.

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

Mr. LUCAS. I yield.

Mr. WHERRY. But the majority leader could have offered a resolution amending the rule at any time since the beginning of the Eighty-first Congress, could he not?

Mr. LUCAS. Yes, I understand that.

Mr. WHERRY. No one has raised the question.

Mr. LUCAS. I understand.

Mr. WHERRY. No one has offered a resolution providing for a change of the rule.

Mr. LUCAS. No. I understand all that, and the reason we have not done so is that the Senator from Nebraska, as the author of the present rule, fastened on the Senate, in a coalition with my good southern friends, last year, a rule which I undertake to say we shall never be able to change, as a result of the language which it contains.

In other words, there can be a filibuster from now until doomsday, and there will, before we will ever be able to change the rule itself. Of course, there is nothing before the Senate at the present time dealing with the rule. We are now trying out the rule which was fastened on the Congress by the Senator from Nebraska, as author and sponsor, along with other Senators, to determine whether it will work. In the midst of that, we now find the Senator from Nebraska saying to me that we could amend the requirement of the rule from the constitutional two-thirds, or 64, to the ordinary two-thirds. It is hardly the place to debate that now, Mr. President. I am trying to debate the issue which is before the Senate. I do not want to get into an argument with my friend as to whether the rule is right or wrong, at this time, because he and I are cooperating in trying to make effective the rule which is now a part of the rules of the Senate.

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

Mr. LUCAS. I am glad to yield to the Senator from Nebraska.

Mr. WHERRY. I ask the distinguished majority leader whether anything has been changed? Is it not a fact that nothing has been changed?

Mr. LUCAS. Not since the Senator fastened a rule on us. It has not been changed since then.

Mr. WHERRY. The same procedure exists now as that which existed before the rule requiring the constitutional two-thirds majority was adopted so far as changing of any rule of the Senate is concerned. The Senator well knows that that has not been changed, and that, if it is desired to change the rule, the Senator has the same right now that he had before. The only way in the world by which it can be changed is to break a filibuster. The only difference now is that for the first time in the history of the United States Senate we have the opportunity of closing debate on a motion on the basis of the constitutional two-thirds, which is something we never had before.

I have stated I agreed with the majority leader when he said he hoped the time would come when we could get the rule changed to two-thirds of those present and voting, which really means about a vote and a half. I agree with him. The Senator knows that my record is clear, and that I brought out a rule on that basis, not only in the Eightieth Congress, but I also joined with the Senator from Arizona [Mr. HAYDEN] in the Eighty-first Congress, and I should be glad to join with him now in attempting to change the rule, not merely because this particular bill is up but because, as the majority leader has said, other bills will come before the Senate as to which cloture on a motion for consideration to be effective, or more eftive than it is now, should require the vote of only two-thirds of the Senators present and voting.

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

Mr. LUCAS. I doubt that we can obtain a quorum. Senators are very busy with hearings these days. There are apparently no Senators on the floor except those who wish to speak.

Mr. NEELY. Mr. President, I make the point of no 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	Chapman	Ferguson
Anderson	Connally	Fulbright
Benton	Cordon	George
Brewster	Darby	Gillette
Bricker	Donnell	Green
Bridges	Douglas	Gurney
Butler	Dworshak	Hayden
Byrd	Eastland	Hendrickson
Cain	Ecton	Hill
Capehart	Ellender	Hoey

Holland	McCarran	Smith, Maine
Humphrey	McCarthy	Smith, N. J.
Hunt	McClellan	Sparkman
Ives	McFarland	Stennis
Jenner	McKellar	Taft
Johnson, Colo.	McMahon	Taylor
Johnson, Tex.	Malone	Thomas, Utah
Johnston, S. C.	Martin	Thye
Kefauver	Maybank	Tobey
Kem	Mundt	Tydings
Kerr	Myers	Watkins
Kilgore	Neely	Wherry
Knowland	O'Conor	Wiley
Langer	O'Mahoney	Williams
Leahy	Robertson	Withers
Lodge	Russell	Young
Long	Saltonstall	
Lucas	Schoeppel	

The PRESIDING OFFICER. A quorum is present.

Mr. LUCAS. Mr. President, when the quorum was called the Senator from Illinois was discussing the rules of the Senate.

The only way that we will ever get a fair employment practice law is by imposing cloture. An effort to break by a test of endurance a filibuster on a motion to take up would avail us very little. Should we be successful in such an effort, and ultimately bring up the bill, there would follow another filibuster on the bill itself.

Under the Senate rules, it would be virtually impossible to break this second filibuster. As every Senator knows, the only possible way of breaking a filibuster is by forcing the opponents of a measure to exhaust their speaking privileges under the Senate rules. This procedure would be impractical in the case of a filibuster on the FEPC bill itself. Senate rule 19 limits each Senator to no more than two speeches upon any one question during the same legislative day. By recessing rather than adjourning, we can extend the legislative day for the duration of the filibuster. But this will not help very much, as every amendment that might be offered to the bill is considered another question upon which each Senator can speak twice. If no more than 10 amendments were introduced to the FEPC bill, each filibustering Senator, under the Senate rules, would be privileged to speak a total of 22 times.

I point these facts out in order to make it clear to all the significance of the vote which we shall take on this cloture motion. I point this out to make it clear to every American citizen that, under the rules of the Senate, it will be practically impossible to adopt an effective fair employment practice law at any time unless we succeed in first imposing cloture.

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

Mr. LUCAS. I yield to the Senator from Ohio.

Mr. TAFT. The Senator makes an interpretation of rule XXII which, as I understand, is contrary to what I had thought the rule meant. I had assumed that no Senator could speak more than 1 hour altogether.

Mr. LUCAS. That is after cloture has been imposed. The Senator is correct about that. But after cloture is imposed on the motion to take up, for instance, we will have to file a second cloture petition before we can discuss the bill.

Mr. TAFT. Not before we can discuss the bill. We could discuss the bill at considerable length before that.

Mr. LUCAS. What I mean to say is that before the Senate could vote on the bill, it would be necessary to file a second cloture petition if we were successful in obtaining cloture on the motion. The point I make is that, if we cannot get cloture on the bill, those who are opposed to the measure can offer one amendment after another, and under the rules of the Senate any Senator could speak twice on any amendment.

Mr. TAFT. At any time during the pendency of amendments, cloture could be applied on the whole bill and the amendments.

Mr. LUCAS. I agree with the Senator, but the question is of getting the 64 votes. What I am saying is that if we continue to debate the bill itself, and permit each Senator to make two speeches on the bill, and cannot get cloture, those opposed to the bill would not be denied the right to file a dozen amendments, giving every Senator an opportunity to speak twice upon every amendment.

Mr. TAFT. Of course, any bill may be indefinitely filibustered, so far as the time permitted to Senator to speak is concerned.

Mr. LUCAS. The Senator and I are agreed upon that. That is why the cloture petition is so important.

Practically every aspect of S. 1728, the Senate's Fair Employment Practice bill, has been discussed at great length on the Senate floor. I shall not take the time to review all the reasons why it is imperative that the Senate approve the cloture motion, and promptly proceed to the consideration and passage of this bill.

However, I believe that there is no better time than now to clear away the misconceptions, unreasoned and emotional, that have beclouded this whole problem. It is time that we looked at this matter in its true light.

Much has been said about the fact that there were no hearings on the bill. Obviously that is true, so far as the particular bill we are discussing is concerned, but hearings were held upon the fundamental, basic principles of the bill over a long period of time.

So far as those who make much ado about the fact that no hearings were held are concerned, we could pile hearings 10 feet high on the Senate floor and that would not change the position of those opposed to the bill. So the argument made about no hearings being held is simply a smoke screen, and does not mean a single thing.

It has been seriously argued that Congress, in the face of widespread violations of basic human rights, is powerless to raise its hand. Let us put this argument in its proper place once and for all. It is for the Supreme Court to determine ultimately whether or not Congress has the constitutional power to enact a fair employment practice act.

Congress has a clear right and duty to act when a problem comes to its attention which can be solved only through congressional action, and when Congress has sound reasons for believing that it has the constitutional authority to take action. Such is the case with an FEPC bill. The broad authority of Congress over interstate commerce is basis enough for a reasonable belief that Congress has this authority. We should leave the final decision to the Supreme Court.

Another misconception in the minds of many which is beclouding the real issue is the false assumption that this is sectional legislation. There have been before Congress very few bills which were less sectional than this. There have been before Congress very few bills that were more necessary to our national interest and security than this. It is time that we take the question of fair employment practices out of the narrow realm of provincialism and consider it in its proper sphere of our national interest.

There are two good reasons why this is not sectional legislation. In the first place, discriminatory practices are not sectionalized; they are widespread throughout the Nation. Secondly, wherever they may be, their existence weights down our democracy with a heavy burden that we must throw off in this world-wide struggle between communism and democracy.

My southern friends for years have been pointing to the discriminations against minorities that occur outside the South. I sadly admit that the pointed finger can be turned in every direction. As a nation, we are guilty. As a nation, we must courageously face the problem and take positive action, not aimed at the South, not limited to the South; action not on a local State-wide basis that merely covers up one blot but allows all the rest to show in full view of the world, but action that is calculated to solve the problem for what it is—a national problem.

It has been argued also that the bill will seriously interfere with existing social relationships, since it is an attempt to outlaw prejudices. First of all, the bill does not attempt to legislate away traditional ways of thinking. It merely denies one the right to translate his personal views into positive conduct that injures another.

Also, every precaution has been taken in the preparation of the bill to confine it to economic rather than personal relations. All fraternal and charitable associations are exempted. The more than 3,000,000 enterprises in America employing less than 50 persons are exempted. Only the large impersonal business organizations are covered.

It has been insisted also that the enactment of the legislation will make it extremely difficult for employers to dismiss known Communists. That argument is entirely groundless. There is nothing in the provisions of S. 1728 that justifies such a view.

The bill is intended to eliminate discrimination based upon race, color, religion, or national origin. An employer's attitudes or policies with regard to Communists is not affected one way or the other by the bill. In fact, the committees were very careful to exclude from the bill the word "creed," as they wanted nothing in the bill which might possibly

be interpreted as protecting Communists. This is a baseless argument and has no place in a fair discussion of the FEPC bill.

Once we have set aside the arguments and charges that confuse and becloud the real issues, we can view fair employment practice legislation in its proper light.

Discrimination in employment against minority groups is of great national concern It is of the greatest national importance that we move forward toward perfecting our democracy and securing to millions of Americans the rights which the signers of the Declaration of Independence envisioned as belonging to every man.

The one right which was placed above all others by the founders of our democratic institutions was the right of life. In putting first the right to live, our forefathers were giving preeminence to the highest moral teachings of civilized religion. They were also giving recognition to one basic fact learned through centuries of man's experience with organized government—which is, that political government in our society exists for the primary purpose of securing to man his right to live. The laws of a government are considered civilized to the extent that they protect the life of its citizens against the conduct and acts of others.

The right of life is no less the right to work and earn a livelihood. It is this right that a fair-employment-practices act is intended to protect for every American citizen.

We are already late in securing to all these rights upon which our Nation was founded. We cannot afford to wait longer.

Discrimination in America against minority groups is also of national concern, because it is harming the cause of democracy throughout the world. It is one of the most powerful weapons which the Communists have in the battle which is now being waged all over the world for the minds of men.

This truth has never been stated more eloquently than it was by the late Wendell Willkie in an article published in Collier's in 1944. These are the words of Mr. Willkie:

> The equitable treatment of racial minorities in America is basic to our chance for a just and lasting peace. We, as Americans, cannot be on one side abroad and the other side at home. We cannot expect small nations and men of other races or color to credit the good faith of our professed purposes, and to join us in international collaboration for future peace if we continue to practice an ugly discrimination at home against our own minorities.

The truth of these words is self-evident. The Mexican-American and Hispanic groups in the United States are not large, but the way they are treated has been made the personal concern of foreign nations. During the recent war, the Mexican Chamber of Deputies established a special committee for the purpose of keeping the attention of the Mexican Congress focused on discrimination against Mexicans in the United States.

The foes of democracy are capitalizing upon the discriminations which exist in America. Our actions here, today, threaten to take from those who would destroy freedom everywhere one of their best propaganda lines. Throughout the world, people who are struggling to keep their liberties will take strength in observing that we in America can do, and want to do, something about the shortcomings in our democratic society.

The Communists will take very little pleasure from our efforts here to erase these inequalities. With all our shortcomings, the fact should never be forgotten that the system which the Communists would impose not only destroys freedom and liberty, but it takes from the people the power to do anything about it.

The struggle for men's minds in the world today has caused us to reexamine ourselves in light of the basic ideals of democracy. This examination has shown that there is still much to be done at home. If we ourselves remain static it will be difficult for the United States to encourage progress toward democratic ideals throughout the world.

A nation which must call upon every man and woman, regardless of race or religion, to protect it in time of grave crisis should, as a national policy, secure to each of its citizens, regardless of race or religion, the right equally with all men to earn a livelihood.

In times of peril our country can draft men of all races, creeds, and colors and send them to every part of the world to die for America. But when those men return from fighting for our country, it does not make sense that they should be prohibited from voting, for instance, unless they pay a poll tax; that they should be discriminated against because of their color or their national origin or because of their creed. If we believe deeply in the fundamental and basic principles of the Constitution of the United States we cannot also believe that such discrimination should continue to exist.

It is truly a misfortune that veterans of all races who fought side by side in our last great war have returned home to find that they cannot, on equal terms, enjoy the benefits of democracy.

This state of affairs is on the conscience of our great Nation. We must not delay in correcting it. It brings to my mind the words of Chaplain Gittelsohn at the burial services on Iwo Jima:

> Here lie officers and men, Negroes and whites, rich men and poor—together. Here are Protestants, Catholics, and Jews—together. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. Theirs is the highest and purest democracy * * *.
>
> To this, then, as our solemn, sacred duty, do we the living now dedicate ourselves: To the right of Protestants, Catholics, and Jews, of white men and Negroes alike, to enjoy the democracy for which all of them have here paid the price.

In conclusion, I want to emphasize that what we are doing here is trying to solve rationally a serious national problem. We are trying to correct a condition that no American looks upon with pride. We are trying to broaden the base of democracy by securing its fine ideals to greater numbers of our citizens. We are trying to take the lead in demonstrating to the world what democracy can mean to the average citizen. The responsibility of attaining this goal is upon each of us. How we each measure up to this great task will be determined by the vote on this cloture motion.

In conclusion, Mr. President, I make one observation. I think it is admitted by every Senator that these probably are the most dangerous peacetime days America has ever experienced. I make that statement on the basis of what is happening throughout the world today. It is based upon the fact that in this particular age not only America but other countries no doubt have the know-how on the atomic and hydrogen bomb. It is based upon the fact that there are two ideologies competing for men's souls and lives in this great world. It is based upon the fact that every move Russia makes indicates more or less an aggressive attitude upon her part against the free men who live in this world today.

Mr. President, we in the United States of America must demonstrate beyond the peradventure of a doubt to the peoples of western democracies of Europe and to the peoples of Asia that we here in the United States of America live up to the principles of equality for all as laid down by the founding fathers.

I undertake to say, Mr. President, that the time has come in this great Nation when people, regardless of their origin, regardless of what has occurred in the past, regardless of the experiences through which they have passed, must be treated with equal economic consideration. We ourselves must become more tolerant in our handling of this problem and more understanding of it. We must try in some way, somehow, to find the proper solution of this problem, so that Americans can march united down that road which will lead America and the world to peace, prosperity and happiness.

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

Mr. LUCAS. I yield to the distinguished Senator from California.

Mr. KNOWLAND. I should like to ask the able Senator from Illinois, since a little earlier he mentioned the cloture rule, whether he will agree with me that under the precedents of the Senate prior to the time when the present rule was adopted, cloture did not lie against a motion to consider a bill or take up a bill?

Mr. LUCAS. The Senator is correct. I did not agree with that position, but nevertheless the Senate did.

Mr. KNOWLAND. Both the Senator from Illinois and I voted, on the question of sustaining the ruling of the Chair, that that narrow interpretation should not be placed on the old rule. Nevertheless, the precedents of the Senate, as they had been interpreted, definitely indicated that cloture could not be applied against a motion to take up a bill. Does the Senator from Illinois agree?

Mr. LUCAS. Yes. I think the Senate unfortunately overruled the wisdom of

the Senator from Illinois and the Senator from California.

Mr. KNOWLAND. That being so, under the parliamentary situation in which we now find ourselves, if it were not for the fact that the rule was amended, a cloture petition could not be effectively filed on a motion to take up a bill. Is that correct?

Mr. LUCAS. That is correct.

Mr. KNOWLAND. So, Mr. President, at least for the first time, under the rules of the Senate, we shall get a test vote on that issue, on the motion to take up a bill.

Mr. LUCAS. The Senator from California is correct.

Mr. KNOWLAND. The Senator from Illinois is also familiar, is he not, with the fact that during the time when the cloture rule was under debate, several amendments were offered, one by the Senator from Oregon [Mr. MORSE], which would have applied cloture by a simple majority vote; and the Senate rejected that amendment by a vote of 7 yeas to 80 nays; so it is obvious that the Senate by an overwhelming vote did not want cloture to apply by means of a simple majority vote. In fact, I think even the able Senator from Illinois voted against the amendment to apply cloture by means of a simple majority vote.

Mr. LUCAS. Yes; I voted against applying cloture by means of a simple majority vote.

Mr. KNOWLAND. The Senator from Illinois is also familiar, is he not, with the fact that an amendment was offered by the able senior Senator from Pennsylvania [Mr. MYERS], which would have applied cloture by means of a so-called constitutional majority vote; and on that vote the yeas were 17 and the nays were 69—a rather overwhelming vote on the part of the Senate. Therefore, from a practical point of view, it was not considered that the Senate wanted to apply cloture by even a constitutional majority vote.

So the question then was whether the rule would be retained under its old two-thirds procedure or under the new constitutional two-thirds procedure.

The Senator from California, as I think the Senator from Nebraska had pointed out earlier at that time, had originally favored the application of cloture by means of the affirmative votes of two-thirds of the Senators voting in the Senate at that time. However, we were running into difficulty, so the present rule was a compromise.

As a matter of fact, if all Senators are in their seats and voting—and the able Senator from Illinois has made a very strong case that all Senators should be present and voting unless illness or some great emergency keeps them away—if all Senators are in their seats and voting, there is absolutely no difference between the old two-thirds rule and the new constitutional two-thirds rule; is not that correct?

Mr. LUCAS. The Senator from California is correct.

Mr. KNOWLAND. So I think at least we have gained this much: We now have an opportunity, for the first time, to get a test vote on cloture on a motion to take up a bill. Is not that correct?

Mr. LUCAS. The Senator from California is correct; this is the first time we have had an opportunity to invoke cloture on a motion to take up a measure.

Mr. President, I now yield the floor.

Mr. HENDRICKSON. Mr. President, I have been deeply impressed with the able and sincere arguments which have been presented in the course of this debate on both sides of the issue raised by the motion to take up S. 1728. Indeed, I would be less than frank, Mr. President, if I did not admit at the outset of my remarks that my able and distinguished colleagues from our great Southland have raised constitutional questions involved in the issue before us which should cause those of us who are lawyers to "stop, look, and listen," as we are frequently admonished to do in our travels over the highways.

But, sir, I had already heard so many of these constitutional questions propounded in respect to the rights intended by our great Charter of Liberty, the Constitution of the United States, that long ago I fell back upon the noble instrument which preceded it and in great measure served as its guide and preceptor—I refer, of course, to the Declaration of Independence. It was to this document I looked to see if I could find therein the connecting link which related so closely these two great instruments of human rights and government. It is to me crystal clear that the contemporaries who lived in the era of our national history when these instruments were drawn and first were made a living force for the good of mankind would today resolve this debate, not upon legalistic terms, but rather upon the broad concepts of the Constitution as they would interpret it in the light of the charter which gave birth to our Nation, the Declaration of Independence.

What did it say in respect to the rights of man? It said, among other things, but most important of all, that—

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

I ask, Mr. President, how can a man or woman be entitled to the "pursuit of happiness" if he or she is to be discriminated against on account of race, creed, color, or national ancestry, in seeking worthy employment?

Anticipating that I would be subjected to many queries and questions on the legal and constitutional phases of this issue, I have listened with the greatest of interest to many of the colloquies on the legal side of the question before us. I was particularly interested in the colloquies which took place between the able senior Senator from New York [Mr. IVES] and the able junior Senator from Florida [Mr. HOLLAND] in respect to some of the legalisms involved. Although I know that the Senator from Florida is an able constitutional lawyer, for whose judgment and integrity I have tremendous regard and respect, I was forced to the conclusion that the very able lay viewpoint of the questions raised in these colloquies should prevail, as a result of those very interesting exchanges of views. I am definitely convinced, on this score, that despite the legalistic interpretations which can be placed upon the ninth and tenth amendments, the intention of the framers of the Bill of Rights was to save for the people, through their duly chosen representatives, those rights not specifically enumerated. The ninth and tenth amendments were the "saving clauses" to insure popular sovereignty in all things not theretofore included in our carefully designed system of checks and balances.

Thus, I feel constrained to ask, why not a national fair employment practices law to insure the right to the "pursuit of happiness" for all the people? Why not spell out the things which were intended by both of the great charters of liberty to which I have referred? As I answer these questions, let me assure you at the outset that I am in full agreement with those great leaders in both parties, including New Jersey's distinguished Governor, Alfred E. Driscoll, who seek to handle these problems locally and voluntarily by community action and through public opinion. But there will always be situations when local control is inadequate and then either the State or Federal Government must step in as circumstances may require. This is the proper and just approach as I interpret it. This approach permits the people to solve their own problems as free men, rather than as controlled or directed servants of government, and in most things leaves the Federal Government free to devote its great powers and special talents to such things as world affairs, national defense, fiscal management, economic emergencies, and the other time- and energy-consuming burdens which today rest upon its shoulders. But the issue involved here is one which should no longer wait upon the much-sought-for local and voluntary solutions, for we have certain important areas of our country which insist on a "stand pat" position in the matter.

Meanwhile the propaganda of our greatest enemy, the Communists, is effectively making our complete devotion to "liberty and justice" sound like a mockery in other areas of the world. I am one of those, Mr. President, who hold that it is a dangerous thing to provide propaganda of this sort. We must all be well aware of the fact that our prestige in the world is suffering because of the inescapable charges that discrimination against race, religion, and color does exist in this great haven of freemen. Oh, I know that charges would be made even though we were perfect in all things, but why, in this crucial hour and in this crucial era of the world's history, give our enemies the advantage of the use even of a half truth when we ourselves, our people, clearly want naught but whole truths based upon actualities. We cannot effectively combat adverse propaganda or maintain our position as the champions of free men within any family of nations unless we set an inspiring example, and to do this, we must immediately set our house in order. True, a number of our States, eight of them as I recall, have effectively outlawed discrimination in employment, but that is not enough. For, sir, too many of our States have refused to act at all.

To me, it is imperative that we make fair-employment practices a national policy and habit in order to live up to our avowed declarations to bring their fullest benefits of life, liberty, and the pursuit of happiness" to all of our people. It is also important that our people be not divided in this crucial and vital cold war by racial or religious lines. As never before, we must find a way to unify our common interests and our common aims in order that our energies may follow parallel channels toward the defense of our national ideals and principles—toward the ways of a just and a lasting peace. To even think that the utilization of our manpower, at a time when full production is vital, should be restricted by discriminatory practices is to my mind well-nigh criminal. At this very moment, there are thousands of Negroes and representatives of other racial and religious groups and minorities who are receiving technical education and training—thousands more than ever before. Surely, it is uneconomic, it is not sound economy for this great Nation to waste these trained talents by closing the doors to the employment thereof on a basis of prejudice or class distinction.

Moreover, it is my considered opinion that this Congress has a clear mandate from the people. As I review the elections of 1948, in which I happened to be a very active participant, I cannot help but feel that I have a very definite and specific duty and obligation in respect to this issue. Surely, I do not need at this point to belabor the Senate with one of the major pledges of both the Democratic and Republican platforms adopted at the 1948 conventions. Both parties at that time responded generously to the demands of the religious, labor, and civic organizations on the subject of civil rights. Are both major parties to stand convicted of hypocrisy, sham, and deceit? I, for one, will support and be counted in favor of the pledge my party made to the people of this Nation in 1948.

Even before and since those conventions, however, the demand of the youth of our country should be a significant factor on this subject. Our youth, among which I proudly number five of my own children, have far out-stripped their elders in the hope of a quick solution to this problem. In this connection, I point out that there have been countless examples in our great universities and colleges where students have honored representatives of minority races with important posts both in sports and in university life generally. Indeed, in most universities, the students themselves have carried on campaigns to eliminate discrimination in fraternal and campus activities.

I firmly believe that the enactment of S. 1728 would contribute more than anything else to the solution of the whole civil-rights problem in the United States. Certainly, the experience in my own State supports this view. New Jersey has had civil-rights legislation on its statute books since 1884, providing for equality of opportunity with regard to accommodations in hotels, restaurants, places of amusement, and the like. I have always been rather proud of the fact that it was my privilege to guide some amendments to this law through the legislature to successful passage during my service in the New Jersey State Senate.

In 1945 progressive forces in New Jersey mobilized support behind a Fair Employment Practice Act, and in April of that year, despite opposition similar to that expressed in this Congress, New Jersey became the second State in the Union to pass legislation outlawing discrimination in employment. Men of ability and good judgment were charged with the administration of the law, and with the fine cooperation of the employers of my State, the measure has been highly successful.

At this point I ask unanimous consent that there be incorporated in the body of the RECORD as a part of my remarks excerpts from the annual report, 1946–47, of the New Jersey Division Against Discrimination.

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

EXCERPTS FROM ANNUAL REPORT (1946–47) OF NEW JERSEY DIVISION AGAINST DISCRIMINATION

It is important to point out that in the majority of cases when a formal complaint is adjusted, it has great significance upon the number of job opportunities afforded to members of so-called minority groups in the future. Very often when the existing policy of an employer or a union is modified as the result of a complaint, a great many job opportunities are opened to qualified applicants who were previously rejected because of race, creed, color, national origin, or ancestry. In one case, a large corporation with over 30,000 employees working in all parts of the State liberalized its entire policy due to a complaint based on religion. In another instance, a nationally known concern with 3 plants in New Jersey hired Negroes for the first time in 3 different cities in the State with the result that in the last year over 100 have been employed. This particular complaint had involved a labor union in one of the three plants.

SPECIFIC CASE HISTORIES

Case A: An employer called the division for advice concerning racial policies in his plant having over 500 workers. For years he had employed Negro workers in all skills; but one department of his plant, manned by white workers with exceptional skills, had never had full-time Negro workers. At least 4 long-time Negro employees were eligible for upgrading to this department but the group of 25 white workers refused to permit the fruition of this promotional plan. Subsequent to this call and visitation to the plant by a staff member, two of the colored workers filed complaints against the workers in the special department, and against the labor union of which all workers were members.

The division entered into full investigation, found that all officers of the union were workers in this exclusive department, and that combined efforts of management and top union leadership had been fruitless in changing their attitudes. A series of individual conferences and interviews led to a round-table conference involving management, union officials both local and regional, the parties charged in the complaint, and the complainants and their witnesses.

From the discussion it was learned that Negroes were doing casual work in the department in question, dismissing the assumption that racial antipathies were involved. Further, it was disclosed that the objectors feared a repetition of an incident several years back, when management assigned colored workers to the department without induction training or wage adjustments, and that in the interest of their own personal safety in a hazardous operation, and in protection of their own wage scale, they had forced the removal of these workers. Exposure of the causes of fear led to mutual agreement that any worker to be promoted to this department should receive necessary induction training and commensurate wage adjustments. This plan was instituted and the deserving workers upgraded without further resistance. Case closed on satisfactory adjustment.

Case B: Three separate complaints were registered against a large New Jersey corporation whose negative policy on race and creed was well known throughout the State. The complainants were carefully interviewed to determine their qualifications for the positions for which the corporation was seeking help. Investigation of the complainants' charges apparently justified their belief that racial discrimination was involved in their rejection by the personnel officer. He, in turn, claimed that the applicants had not been able to meet minimum qualifications demanded by the corporation.

Examination of employment records disclosed that workers selected during the period involved in the complaint were not superior in training or experience to the complainants. Deprived of this defense by the evidence contained in his own records, the employer agreed to reinterview the complainants, two of whom were employed at completion of the interview. The third complainant declined to reappear. Since the satisfactory closing of these cases, several more colored workers have been engaged voluntarily by this corporation.

Case C: Two job-seeking colored girls filed routine applications with a plant receptionist and were dismissed with the statement, "We'll send for you if we need you." After 10 days, a phone call to the plant brought the information that jobs were available, that their applications were approved, and that they should report for work. Upon their appearance at the personnel office for assignment, they were informed that Negro workers had never been employed on production jobs and that "there must have been a mistake."

Complaint was filed. Screening disclosed both girls possessed superior qualifications and investigation verified the substance of their complaints. The employer admitted that racial barriers prevailed but claimed with considerable justification that his employees objected to racial mixing in his several plants. Management was considering the employment of Negroes in one of these plants but on a segregated plan.

The division representative conferred with plant labor leaders and, with full cooperation of management and union, arranged meetings with supervisors and production workers, respectively. These discussions permitted full examination of points of objection, meaning, and effect of law, and gave opportunity for effective expressions by the majority of workers who rejected the intolerant viewpoints of their fellow workers. On the basis of these discussions, and the cooperative position displayed by the union, management embarked upon a program of minority hiring and integration that now represents a completely democratic recruitment policy. Case closed as a satisfactory adjustment.

Mr. HENDRICKSON. During the 5 years in which New Jersey's FEPC has been in operation, the people of the State have become accustomed to discussing interracial problems. State and regional councils have been active in supplying educational material on the problem to service clubs of all types, labor groups, employer groups, church groups, high

schools, colleges, adult schools, employment agencies, professional groups and organizations, parent-teacher associations, women's clubs and minority veterans groups. Our radio stations have cooperated in this educational program and a summer workshop for teachers dealing with the problems of intercultural education was established at Rutgers University, sponsored jointly by the National Conference of Christians and Jews, the university, and the State Division Against Discrimination. Greatly encouraged by the favorable public reaction to the State FEPC and the outstanding results of the educational program conducted in connection therewith, progressive leadership in the State was convinced that the time was ripe to bring the opportunities of full citizenship to all the people of New Jersey.

One of the major accomplishments of the New Jersey Constitutional Convention of 1947 was the broadening of the bill of rights in that constitution to include the provision that "no person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools because of religious principles, race, color, ancestry, or national origin." Within the spirit of the mandate in the new constitution of 1947, the New Jersey Legislature, in 1949, acted to strengthen the substantive civil rights of equality in places of public accommodations by combining the administration of these rights with the law against discrimination in employment.

It is not necessary for me to repeat today the success of FEPC in New Jersey. It has been read into the CONGRESSIONAL RECORD by other supporters of this measure and documented in the hearings before a subcommittee of the Senate Committee on Labor and Public Welfare in 1947. I should like to point out, however, that since the passage of FEPC in my State and the subsequent related legislation which followed it, segregation in the public schools and in the National Guard has been eliminated. Negroes are now admitted to privately endowed educational institutions, with no ill effects, despite the fact that some of the institutions have a strong southern tradition. Racial minorities are now free to enter any restaurant, hotel, or place of amusement and are working amicably beside representatives of majority groups in all types of employment.

Moreover, this is happening in a State which, in the southern portion, at least, the portion from which I stem, adhered until very recently to the southern biracial pattern. It was accomplished mainly because our citizens have learned to reorient their thinking under a law which brought new hope to large segments of our population. The result was achieved not by imposing extreme penalties, but rather through conciliation, persuasion, conference, and education. The very existence of the New Jersey law has touched off a new sense of Christian brotherhood of man in my State. It has given those who have always believed in a single, first-class citizenship, the encouragement and opportunity to practice their belief.

Just as the interdependence of our economy has justified national wage and hour legislation, so also does it justify Government intervention to save human dignity and equality of economic opportunity. We have heard many arguments against Senate bill 1728, which run all the way from assertions that the Declaration of Independence is self-limiting to the assertion that the enactment of FEPC "would impair and undermine the very foundations of our economic strength." It is said that the bill could not work, and it is threatened that it would be "nullified by concerted violation." The opposition appeals to the Bill of Rights and contends in effect that this bill which would guarantee equality of opportunity would violate the guaranties of freedom of religion, of speech, of press, and of assembly. Can there be any more basic freedom than freedom from discrimination?

I submit that there is only one real argument against FEPC, and that argument is fear, fear of its effect upon ingrained custom, fear of its influence on patterns of thought, fear of its result upon economic controls. These are sincere fears, but I submit that the record shows they are misplaced fears. America cannot indulge in the luxury of protecting those who fear at a time when we need courage to sustain our self-respect as a Nation in the world at large. The experience in forward-looking States which have tried fair employment practices legislation gives assurance that fear of the consequences of this type of law is unfounded.

It is argued that such a law either could not be administered or would be only partly administered. Sponsors of this legislation certainly have no illusions that it will be perfect in its inception or its administration. Even if it is imperfect in the inception and only partially administered, it will express the public policy of our Nation for equality of economic opportunity.

It is high time that we strike out against economic injustice which threatens the foundations of our economic strength. To deprive a large segment of our population of equality of economic opportunity is to bleed our economic strength. It just does not make sense, as the distinguished majority leader has said, to be concerned with the welfare of the underdeveloped areas and underprivileged peoples over the four corners of the earth and to neglect the very same problems within the borders of our own Nation.

Mr. President, I shall support this proposed legislation.

AMENDMENT OF ECONOMIC COOPERATION ACT OF 1948—CONFERENCE REPORT (S. DOC. NO. 168)

Mr. CONNALLY submitted the conference report on the bill (H. R. 7797) to provide foreign economic assistance, which was ordered to lie on the table and to be printed as Senate Document 168.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7797) to provide foreign economic assistance, 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 this Act may be cited as the 'Foreign Economic Assistance Act of 1950.'

"TITLE I

"SEC. 101. This title may be cited as the 'Economic Cooperation Act of 1950'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 102. (a) Section 102 (a) of the Economic Cooperation Act of 1948 is amended by striking out in the fourth sentence thereof 'trade barriers' and inserting in lieu thereof 'barriers to trade or to the free movement of persons'; and by inserting in the fifth sentence thereof the word 'further' before the word 'unification'.

"(b) Section 102 (b) (1) of such Act is amended by inserting a comma and the phrase 'increased productivity, maximum employment, and freedom from restrictive business practices' after the word 'production'.

"GUARANTIES AND LIBERALIZATION OF TRADE BETWEEN EUROPEAN COUNTRIES

"SEC. 103. (a) Section 111 (b) (3) (ii) of such Act is amended to read as follows:

"'(ii) the Administrator shall charge a fee in an amount determined by him not exceeding 1 per centum per annum of the amount of each guaranty under clause (1) of subparagraph (v), and not exceeding 4 per centum per annum of the amount of each guaranty under clause (2) of such subparagraph, and all fees collected hereunder shall be available for expenditure in discharge of liabilities under guaranties made under this paragraph until such time as all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this paragraph; and'.

"(b) Section 111 (b) (3) (iv) of such Act is amended to read as follows:

"'(iv) as used in this paragraph, the term "investment" includes (A) any contribution of capital goods, materials, equipment, services, patents, processes, or techniques by any person in the form of a loan or loans to any enterprise to be conducted within a participating country, (B) the purchase of a share of ownership in any such enterprise, (C) participation in royalties, earnings, or profits of any such enterprise, and (D) the furnishing of capital goods items and related services pursuant to a contract providing for payment in whole or in part after the end of the fiscal year in which the guaranty of such investment is made; and'.

"(c) Section 111 (b) (3) (v) of such Act is amended to read as follows:

"'(v) the guaranty to any person shall be limited to assuring one or both of the following: (1) The transfer into United States dollars of other currencies, or credits in such currencies received by such person, as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof; and (2) the compensation in United States dollars for loss of all or any part of the investment in the approved project which shall be found by the Administrator to have been lost to such person by reason of expropriation or confiscation by action of the government of a participating country. When any payment is made to any person pursuant to a guaranty as hereinbefore described, the currency, credits, asset, or investment on account of

which such payment is made shall become the property of the United States Government, and the United States Government shall be subrogated to any right, title, claim, or cause of action existing in connection therewith.'

"(d) Section 111 (b) (3) of such Act is further amended by striking out the words between the second and last provisos therein and inserting in lieu thereof the following: 'It being the intent of the Congress that the guaranty herein authorized should be used to the maximum practicable extent and so administered as to increase the participation of private enterprise in achieving the purposes of this Act, the Administrator is authorized to issue guaranties up to a total of $200,000,000'.

"(e) Section 111 (c) (2) of such Act is amended by striking out '$150,000,000' and inserting in lieu thereof '$200,000,000'.

"(f) Section 111 of such Act is further amended by adding at the end thereof the following new subsection:

"'(d) The Administrator is authorized to transfer funds directly to any central institution or other organization formed to further the purposes of this Act by two or more participating countries, or to any participating country or countries in connection with the operations of such institution or organization, to be used on terms and conditions specified by the Administrator, in order to facilitate the development of transferability of European currencies, or to promote the liberalization of trade by participating countries with one another and with other countries.'

"PROTECTION OF DOMESTIC ECONOMY

"SEC. 104. (a) Section 112 (a) of such Act is amended by striking out the period at the end thereof and inserting a comma and the following: 'and (3) minimize the burden on the American taxpayer by reducing the amount of dollar purchases by the participating countries to the greatest extent possible, consistent with maintaining an adequate supply of the essentials for the functioning of their economies and for their continued recovery.'

"(b) Subsections (b) and (c) of section 112 of such Act are hereby repealed.

"(c) Section 112 (l) of such Act is amended to read as follows:

"'(l) No funds authorized for the purposes of this title shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of the purchase adjusted for differences in the cost of transportation to destination, quality, and terms of payment. A bulk purchase within the meaning of this subsection does not include the purchase of raw cotton in bales.'

"(d) Section 112 of such Act is further amended by adding at the end thereof the following new subsections:

"'(m) Notwithstanding any other provision of law, the pricing provisions of section 112 (e) of this title and section 4 of the Act of July 16, 1943 (57 Stat. 566) shall not be applicable to domestic wheat and wheat flour procured under this title or any other Act providing for assistance or relief to foreign countries, supplied to countries which are parties to the International Wheat Agreement of 1949 and credited to their guaranteed purchases thereunder.

"'(n) It is the sense of Congress that no participating country shall maintain or impose any import, currency, tax, license, quota, or other similar business restrictions which discriminate against citizens of the United States or any corporation, partnership, or other association substantially beneficially owned by citizens of the United States, engaged or desiring to engage, in furtherance of the purposes of this title, in the importation into such country of any commodity, which restrictions are not reasonably required to meet balance of payments conditions, or requirements of national security, or are not authorized under international agreements to which such country and the United States are parties. In any case where the Department of State determines that any such discriminatory restriction is maintained or imposed by a participating country or by any dependent area of such country, the Administrator shall take such remedial action as he determines will effectively promote the purposes of this subsection (n).'

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 105. (a) Section 114 (c) of such Act is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a colon and the following: '*Provided further*, That in addition to the amount heretofore authorized and appropriated, there is hereby authorized to be appropriated for carrying out the provisions and accomplishing the purposes of this title not to exceed $2,700,000,000 for the fiscal year ending June 30, 1951: *Provided further*, That $600,000,000 of the funds appropriated hereunder shall be available during the fiscal year 1951 solely for the purpose of encouraging and facilitating the operation of a program of liberalized trade and payments, for supporting any central institution or other organization described in subsection (d) of section 111, and for furnishing of assistance to those participating countries taking part in such program: *Provided further*, That not more than $600,000,000 of such funds shall be available during the fiscal year 1951 for transfer of funds pursuant to subsection (d) of section 111: *Provided further*, That, in addition to the foregoing, any balance, unobligated as of June 30, 1950, or subsequently released from obligation, of funds appropriated for carrying out and accomplishing the purposes of this title for any period ending on or prior to that date is hereby authorized to be made available for obligation through the fiscal year ending June 30, 1951, and to be transferred to and consolidated with any appropriations for carrying out and accomplishing the purposes of this title for said fiscal year.'

"(b) The last sentence of section 114 (c) of such Act is amended to read as follows: 'The authorizations in this title are limited to the period ending June 30, 1951.'

"(c) Section 114 of such Act is further amended by adding at the end thereof the following new subsections:

"'(h) The President is authorized to transfer to any department or agency any portion of the funds allocated for assistance to Germany from appropriations authorized by subsection (c). This portion may be used for expenses, not otherwise provided for, necessary to meet responsibilities of the United States related to the rehabilitation of occupied areas of Germany, including the furnishing of minimum civilian supplies to prevent starvation, disease, and unrest prejudicial to the objectives of the occupation. This portion may be expended under authority of this subsection or any provisions of law, not inconsistent herewith, applicable to such department or agency and without regard to such provisions of this title as the President may specify as inapplicable.

"'(i) As agreed upon by the Secretary of State and the Administrator, a part of the German currency now or hereafter deposited under the bilateral agreement of December 15, 1949, between the United States and the Federal Republic of Germany, or any supplementary or succeeding agreement, shall be deposited into the GARIOA (Government and Relief in Occupied Areas) special account under the terms of article V of the said bilateral agreement. In quantities and under conditions determined by the Secretary of State after consultation with the Administrator, the currency so deposited shall be available for meeting the responsibilities of the United States in the occupation of Germany.'

"COUNTERPART FUNDS

"SEC. 106. (a) Section 115 (b) (6) is amended to read as follows:

"'(6) placing in a special account a deposit in the currency of such country, in commensurate amounts and under such terms and conditions as may be agreed to between such country and the Government of the United States, when any commodity or service is made available through any means authorized under this title, and is furnished to the participating country on a grant basis: *Provided*, That the obligation to make such deposits may be waived, in the discretion of the Administrator, with respect to technical information or assistance furnished under section 111 (a) (3) of this title and with respect to ocean transportation furnished on United States flag vessels under section 111 of this title in an amount not exceeding the amount, as determined by the Administrator, by which the charges for such transportation exceed the cost of such transportation at world market rates: *Provided further*, That such special account, together with the unencumbered portions of any deposits which may have been made by such country pursuant to section 6 of the joint resolution providing for relief assistance to the people of countries devastated by war (Public Law 84, Eightieth Congress) and section 5 (b) of the Foreign Aid Act of 1947 (Public Law 389, Eightieth Congress), shall be used in furtherance of any central institution or other organization formed by two or more participating countries to further the purposes set forth in subsection (d) of section 111 or otherwise shall be held or used for purposes of internal monetary and financial stabilization, for the stimulation of productive activity and the exploration for and development of new sources of wealth, or for such other expenditures as may be consistent with the declaration of policy contained in section 102 and the purposes of this title, including local currency administrative expenditures of the United States within such country incident to operations under this title: *Provided further*, That the use of such special account shall be subject to agreement between such country and the Administrator, who shall act in this connection after consultation with the National Advisory Council on International Monetary and Financial Problems and the Public Advisory Board provided for in section 107 (a): *And provided further*, That any unencumbered balance remaining in such account on June 30, 1952, shall be disposed of within such country for such purposes as may, subject to approval by Act or joint resolution by the Congress, be agreed to between such country and the Government of the United States;'.

"(b) Section 115 (e) of such Act is amended by adding at the end thereof the following new sentence: 'The Administrator shall also encourage emigration from participating countries having permanent surplus manpower to areas, particularly underdeveloped and dependent areas, where such manpower can be effectively utilized.'

"(c) Section 115 of such Act is further amended by adding at the end thereof the following new subsection:

"'(j) The Administrator shall utilize such amounts of the local currency allocated pursuant to subsection (h) as may be necessary, to give full and continuous publicity through the press, radio, and all other available media, so as to inform the peoples of the participating countries regarding the assistance, including its purpose, source, and character, furnished by the American taxpayer.'

"FAR EASTERN ECONOMIC ASSISTANCE ACT OF 1950

"SEC. 107. (a) Section 3 (c) of the Far Eastern Economic Assistance Act of 1950 is amended by striking out 'June 30, 1951' and inserting in lieu thereof 'June 30, 1952'.

"(b) Section 3 (d) of such Act is amended by striking out the period at the end and in-

serting in lieu thereof a comma and the following: 'and $100,000,000 for the fiscal year ending June 30, 1951.'

"(c) Section 4 of such Act is amended by striking out 'June 30, 1950' and inserting in lieu thereof 'June 30, 1951'.

"TITLE II

"AID TO CHINA

"SEC. 201. This title may be cited as the 'China Area Aid Act of 1950'.

"NATURE OF ASSISTANCE

"SEC. 202. Funds, now unobligated or hereafter released from obligation, appropriated by section 12 of the Act entitled 'An Act to amend the Economic Cooperation Act of 1948,' approved April 19, 1949 (Public Law 47, Eighty-first Congress), are hereby made available for furtherance of the general objectives of the China Aid Act of 1948 through June 30, 1951, and for carrying out the purposes of that Act through economic assistance in any place in China and in the general area of China which the President deems to be not under Communist control, in such manner and on such terms and conditions as the President may determine, and references in the said Act to China shall, insofar as applicable, apply also to any other such place: *Provided*, That, so long as the President deems it practicable, not less than $40,000,000 of such funds shall be available only for such assistance in areas in China (including Formosa): *Provided further*, That not more than $8,000,000 of such funds (excluding the $40,000,000 mentioned in the foregoing proviso) shall be available for relief on humanitarian grounds through the American Red Cross, or other voluntary relief agencies in any place in China suffering from the effects of natural calamity, under such safeguards as the President shall direct to assure nondiscriminatory distribution according to need and appropriate publicity as to source and scope of the assistance being furnished by the United States: *Provided further*, That not more than $6,000,000 of such funds (excluding the amounts mentioned in the foregoing provisos), shall be available for allocation to the Secretary of State, to remain available until expended, under such regulations as the Secretary of State may prescribe, using private agencies to the maximum extent practicable, for necessary expenses of tuition, subsistence, transportation, and emergency medical care for selected citizens of China for study or teaching in accredited colleges, universities, or other educational institutions in the United States approved by the Secretary of State for the purposes, or for research and related academic and technical activities in the United States, and the Attorney General is hereby authorized and directed to promulgate regulations providing that such selected citizens of China who have been admitted for the purpose of study in the United States, shall be granted permission to accept employment upon application filed with the Commissioner of Immigration and Naturalization.

"TITLE III

"AID TO PALESTINE REFUGEES

"SEC. 301. This title may be cited as the 'United Nations Palestine Refugee Aid Act of 1950'.

"SEC. 302. The Secretary of State is hereby authorized to make contributions from time to time before July 1, 1951, to the United Nations for the 'United Nations Relief and Works Agency for Palestine Refugees in the Near East', established under the resolution of the General Assembly of the United Nations of December 8, 1949, in amounts not exceeding in the aggregate $27,450,000, for the purposes set forth in this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 303. (a) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $27,450,000 to carry out the purposes of this title.

"(b) Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation shall be made pursuant to subsection (a) of this section, to make advances to the Secretary of State, not to exceed in the aggregate $8,000,000, to carry out the provisions of this title. From appropriations authorized under subsection (a) of this section, there shall be repaid to the Reconstruction Finance Corporation, without interest, the advances made by it under authority contained herein. No interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation in implementation of this section.

"NATURE OF ASSISTANCE

"SEC. 304. (a) The provisions of sections 301, 302, and 303 of the Act of January 27, 1948 (62 Stat. 6), are hereby made applicable with respect to the United Nations Relief and Works Agency for Palestine Refugees in the Near East to the same extent as they apply with respect to the government of another country: *Provided*, That when reimbursement is made by said Agency, such reimbursement shall be credited to the appropriation, fund, or account utilized for paying the compensation, travel expenses, and allowances of any person assigned hereunder.

"(b) Departments and agencies of the United States Government are authorized, with the approval of the Secretary of State, to furnish or procure and furnish supplies, materials, and services to the United Nations Relief and Works Agency for Palestine Refugees in the Near East: *Provided*, That said agency shall make payments in advance for all costs incident to the furnishing or procurement of such supplies, materials, or services, which payments may be credited to the current applicable appropriation or fund of the department or agency concerned and shall be available for the purposes for which such appropriations and funds are authorized to be used.

"TITLE IV

"SEC. 401. This title may be cited as the 'Act for International Development'.

"SEC. 402. The Congress hereby finds as follows:

"(a) The peoples of the United States and other nations have a common interest in the freedom and in the economic and social progress of all peoples. Such progress can further the secure growth of democratic ways of life, the expansion of mutually beneficial commerce, the development of international understanding and good will, and the maintenance of world peace.

"(b) The efforts of the peoples living in economically underdeveloped areas of the world to realize their full capabilities and to develop the resources of the lands in which they live can be furthered through the cooperative endeavor of all nations to exchange technical knowledge and skills and to encourage the flow of investment capital.

"(c) Technical assistance and capital investment can make maximum contribution to economic development only where there is understanding of the mutual advantages of such assistance and investment and where there is confidence of fair and reasonable treatment and due respect for the legitimate interests of the peoples of the countries to which the assistance is given and in which the investment is made and of the countries from which the assistance and investments are derived. In the case of investment this involves confidence on the part of the people of the underdeveloped areas that investors will conserve as well as develop local resources, will bear a fair share of local taxes and observe local laws, and will provide adequate wages and working conditions for local labor. It involves confidence on the part of investors, through intergovernmental agreements or otherwise, that they will not be deprived of their property without prompt, adequate, and effective compensation; that they will be given reasonable opportunity to remit their earnings and withdraw their capital; that they will have reasonable freedom to manage, operate, and control their enterprises; that they will enjoy security in the protection of their persons and property, including industrial and intellectual property, and nondiscriminatory treatment in taxation and in the conduct of their business affairs.

"SEC. 403. (a) It is declared to be the policy of the United States to aid the efforts of the peoples of economically underdeveloped areas to develop their resources and improve their working and living conditions by encouraging the exchange of technical knowledge and skills and the flow of investment capital to countries which provide conditions under which such technical assistance and capital can effectively and constructively contribute to raising standards of living, creating new sources of wealth, increasing productivity and expanding purchasing power.

"(b) It is further declared to be the policy of the United States that in order to achieve the most effective utilization of the resources of the United States, private and public, which are or may be available for aid in the development of economically underdeveloped areas, agencies of the United States Government, in reviewing requests of foreign governments for aid for such purposes, shall take into consideration (1) whether the assistance applied for is an appropriate part of a program reasonably designed to contribute to the balanced and integrated development of the country or area concerned; (2) whether any works or facilities which may be projected are actually needed in view of similar facilities existing in the area and are otherwise economically sound; and (3) with respect to projects for which capital is requested, whether private capital is available either in the country or elsewhere upon reasonable terms and in sufficient amounts to finance such projects.

"SEC. 404. (a) In order to accomplish the purposes of this title, the United States is authorized to participate in multilateral technical cooperation programs carried on by the United Nations, the Organization of American States, and their related organizations, and by other international organizations, wherever practicable.

"(b) Within the limits of appropriations made available to carry out the purposes of this title, the President is authorized to make contributions to the United Nations for technical cooperation programs carried on by it and its related organizations which will contribute to accomplishing the purposes of this title as effectively as would participation in comparable programs on a bilateral basis. The President is further authorized to make contributions for technical cooperation programs carried on by the Organization of American States, its related organizations, and by other international organizations.

"(c) Agencies of the United States Government on request of international organizations are authorized, upon approval by the President, to furnish services and such facilities as may be necessary in connection therewith, on an advance of funds or reimbursement basis, for such organizations in connection with their technical cooperation programs. Amounts received as reimbursements from such organizations shall be credited, at the option of the appropriate agency, either to the appropriation, fund, or account utilized in incurring the obligation, or to

an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

"SEC. 405. The President is authorized to plan, undertake, administer, and execute bilateral technical cooperation programs carried on by any United States Government agency and, in so doing—

"(a) To coordinate and direct existing and new technical cooperation programs.

"(b) To assist other interested governments in the formulation of programs for the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas.

"(c) To receive, consider, and review reports of joint commissions set up as provided in section 410 of this title.

"(d) To make, within appropriations made available for the purpose, advances and grants in aid of technical cooperation programs to any person, corporation, or other body of persons, or to any foreign government or foreign government agency.

"(e) To make and perform contracts or agreements in respect of technical cooperation programs on behalf of the United States Government with any person, corporation, or other body of persons however designated, whether within or without the United States, or with any foreign government or foreign government agency: *Provided*, That with respect to contracts or agreements which entail commitments for the expenditure of funds appropriated pursuant to the authority of this title, such contracts or agreements, within the limits of appropriations or contract authorizations hereafter made available may, subject to any future action of the Congress, run for not to exceed three years in any one case.

"(f) To provide for printing and binding outside the continental limits of the United States, without regard to section 11 of the act of March 1, 1919 (44 U. S. C. 111).

"(g) To provide for the publication of information made available by the joint commissions referred to in section 410, and from other sources, regarding resources, opportunities for private investment capital, and the need for technical knowledge and skill in each participating country.

"SEC. 406. Agreements made by the United States under the authority of this title with other governments and with international organizations shall be registered with the Secretariat of the United Nations in accordance with the provisions of article 102 of the United Nations Charter.

"SEC. 407. In carrying out the programs authorized in section 405 of this title—

"(a) The participation of private agencies and persons shall be sought to the greatest extent practicable.

"(b) Due regard shall be given, in reviewing requests for assistance, to the possibilities of achieving satisfactory results from such assistance as evidenced by the desire of the country requesting it (1) to take steps necessary to make effective use of the assistance made available, including the encouragement of the flow of productive local and foreign investment capital where needed for development; and (2) to endeavor to facilitate the development of the colonies, possessions, dependencies, and non-self-governing territories administered by such requesting country so that such areas may make adequate contribution to the effectiveness of the assistance requested.

"(c) Assistance shall be made available only where the President determines that the country being assisted—

"(1) Pays a fair share of the cost of the program.

"(2) Provides all necessary information concerning such program and gives the program full publicity.

"(3) Seeks to the maximum extent possible full coordination and integration of technical cooperation programs being carried on in that country.

"(4) Endeavors to make effective use of the results of the program.

"(5) Cooperates with other countries participating in the program in the mutual exchange of technical knowledge and skills.

"SEC. 408. The President is authorized to prescribe such rules and regulations as may be necessary and proper to carry out the provisions of this title.

"SEC. 409. The President shall create an advisory board, hereinafter referred to as the "board", which shall advise and consult with the President or such other officer as he may designate to administer the program herein authorized, with respect to general or basic policy matters arising in connection with operation of the program. The board shall consist of not more than thirteen members to be appointed by the President, one of whom, by and with the advice and consent of the Senate shall be appointed by him as chairman. The members of the board shall be broadly representative of voluntary agencies and other groups interested in the program, including business, labor, agriculture, public health, and education. All members of the board shall be citizens of the United States; none except the chairman shall be an officer or an employee of the United States (including any agency or instrumentality of the United States) who as such regularly receives compensation for current services. Members of the board, other than the chairman if he is an officer of the United States Government, shall receive out of funds made available for the purposes of this title a per diem allowance of $50 for each day spent away from their homes or regular places of business for the purpose of attendance at meetings of the board or at conferences held upon the call of the chairman, and in necessary travel, and while so engaged they may be paid actual travel expenses and not to exceed $10 per diem in lieu of subsistence and other expenses. The President may appoint such committees in special fields of activity as he may determine to be necessary or desirable to effectuate the purposes of this title. The members of such committees shall receive the same compensation as that provided for members of the board.

"SEC. 410. (a) At the request of a foreign country, there may be established a joint commission for economic development to be composed of persons named by the President and persons to be named by the requesting country, and may include representatives of international organizations mutually agreed upon.

"(b) The duties of each such joint commission shall be mutually agreed upon, and may include, among other things, examination of the following:

"(1) The requesting country's requirements with respect to technical assistance.

"(2) The requesting country's resources and potentialities, including mutually advantageous opportunities for utilization of foreign technical knowledge and skills and investment.

"(3) Policies which will remove deterrents to and otherwise encourage the introduction, local development, and application of technical skills and the creation and effective utilization of capital, both domestic and foreign; and the implementation of such policies by appropriate measures on the part of the requesting country and the United States, and of other countries, when appropriate, and after consultation with them.

"(c) Such joint commissions shall prepare studies and reports which they shall transmit to the appropriate authorities of the United States and of the requesting countries. In such reports the joint commissions may include recommendations as to any specific projects which they conclude would contribute to the economic development of the requesting countries.

"(d) The costs of each joint commission shall be borne by the United States and the requesting country in the proportion that may be agreed upon between the President and that country.

"SEC. 411. All or part of United States support for and participation in any technical cooperation program carried on under this title shall be terminated by the President—

"(a) If he determines that such support and participation no longer contribute effectively to the purposes of this title, are contrary to a resolution adopted by the General Assembly of the United Nations that the continuance of such technical cooperation programs is unnecessary or undesirable, or are not consistent with the foreign policy of the United States.

"(b) If a concurrent resolution of both Houses of the Congress finds such termination is desirable.

"SEC. 412. The President may exercise any power or authority conferred on him by this title through the Secretary of State or through any other officer or employee of the United States Government.

"SEC. 413. In order to carry out the purposes of this title—

"(a) The President shall appoint, by and with the advice and consent of the Senate, a person who, under the direction of the President or such other officer as he may designate pursuant to section 412 hereof to exercise the powers conferred upon him by this title, shall be responsible for planning, implementing, and managing the programs authorized in this title. He shall be compensated at a rate fixed by the President without regard to the Classification Act of 1949 but not in excess of $15,000 per annum.

"(b) Officers, employees, agents, and attorneys may be employed for duty within the continental limits of the United States in accordance with the provisions of the civil-service laws and the Classification Act of 1949.

"(c) Persons employed for duty outside the continental limits of the United States and officers and employees of the United States Government assigned for such duty, may receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 (60 Stat. 999), as amended, may receive allowances and benefits not in excess of those established thereunder, and may be appointed to any class in the Foreign Service Reserve or Staff in accordance with the provisions of such Act.

"(d) Alien clerks and employees employed for the purpose of performing functions under this title shall be employed in accordance with the provisions of the Foreign Service Act of 1946, as amended.

"(e) Officers and employees of the United States Government may be detailed to offices or positions to which no compensation is attached with any foreign government or foreign government agency or with any international organization: *Provided*, That while so detailed any such person shall be considered, for the purpose of preserving his privileges, rights, seniority, or other benefits, an officer or employee of the United States Government and of the United States Government agency from which detailed and shall receive therefrom his regular compensation, which shall be reimbursed to such agency from funds available under this title: *Provided further*, That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

"(f) Experts and consultants or organizations thereof may be employed as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and individuals so employed may be compensated at a rate not in excess of $75 per diem.

"(g) Such additional civilian personnel may be employed without regard to subsection (a) of section 14 of the Federal Employees Pay Act of 1946 (60 Stat. 219), as amended, as may be necessary to carry out the policies and purposes of this title.

"SEC. 414. No citizen or resident of the United States, whether or not now in the employ of the Government, may be employed or assigned to duties by the Government under this Act until such individual has been investigated by the Federal Bureau of Investigation and a report thereon has been made to the Secretary of State: *Provided, however*, That any present employee of the Government, pending the report as to such employee by the Federal Bureau of Investigation, may be employed or assigned to duties under this Act for the period of three months from the date of its enactment. This section shall not apply in the case of any officer appointed by the President by and with the advice and consent of the Senate.

"SEC. 415. The President shall transmit to the Congress an annual report of operations under this title.

"SEC. 416. (a) In order to carry out the provisions of this title, there shall be made available such funds as are hereafter authorized and appropriated from time to time for the purposes of this title: *Provided, however*, That for the purpose of carrying out the provisions of this title through June 30, 1951, there is hereby authorized to be appropriated a sum not to exceed $35,000,000, including any sums appropriated to carry on the activities of the Institute of Inter-American Affairs, and technical cooperation programs as defined in section 418 herein under the United States Information and Educational Exchange Act of 1948 (62 Stat. 6). Activities provided for under this title may be prosecuted under such appropriations or under authority granted in appropriation acts to enter into contracts pending enactment of such appropriations. Unobligated balances of such appropriations for any fiscal year may, when so specified in the appropriation act concerned, be carried over to any succeeding fiscal year or years. The President may allocate to any United States Government agency any part of any appropriation available for carrying out the purposes of this title. Such funds shall be available for obligation and expenditure for the purposes of this title in accordance with authority granted hereunder or under authority governing the activities of the Government agencies to which such funds are allocated.

"(b) Nothing in this title is intended nor shall it be construed as an expressed or implied commitment to provide any specific assistance, whether of funds, commodities, or services, to any country or countries, or to any international organization.

"SEC. 417. If any provision of this title or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of the title and the applicability of such provision to other circumstances or persons shall not be affected thereby.

"SEC. 418. As used in this title—

"(a) The term 'technical cooperation programs' means programs for the international interchange of technical knowledge and skills designed to contribute to the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas. Such activities may include, but need not be limited to, economic, engineering, medical, educational, agricultural, fishery, mineral, and fiscal surveys, demonstration, training, and similar projects that serve the purpose of promoting the development of economic resources and productive capacities of underdeveloped areas. The term 'technical cooperation programs' does not include such activities authorized by the United States Information and Educational Exchange Act of 1948 (62 Stat. 6) as are not primarily related to economic development nor activities undertaken now or hereafter pursuant to the International Aviation Facilities Act (62 Stat. 450), nor pursuant to the Philippine Rehabilitation Act of 1946 (60 Stat. 128), as amended, nor pursuant to the Foreign Assistance Act of 1948 (62 Stat. 137), as amended, nor activities undertaken now or hereafter in the administration of areas occupied by the United States armed forces or in Korea by the Economic Cooperation Administration.

"(b) The term 'United States Government agency' means any department, agency, board, wholly or partly owned corporation or instrumentality, commission, or independent establishment of the United States Government.

"(c) The term 'international organization' means any intergovernmental organization of which the United States is a member.

"TITLE V

"INTERNATIONAL CHILDREN'S WELFARE WORK

"SEC. 501. (a) There is hereby authorized to be appropriated to the President not to exceed $15,000,000 for the fiscal year ending June 30, 1951, to enable him to make contributions to the United Nations, or any subordinate body thereof, in such manner and on such terms and conditions as he may deem to be in the interests of the United States, to support permanent arrangements within the United Nations structure for international children's welfare work.

"(b) If at any time during such fiscal year the President deems it to be in the interests of the United States, he is authorized to make contributions, out of any funds appropriated pursuant to the authorization contained in subsection (a), to the International Children's Emergency Fund to carry out the purposes of the International Children's Emergency Fund Assistance Act of 1948 upon such terms and conditions as he may prescribe; but such contributions shall not exceed the limitation provided by section 204 of such Act.

"(c) No additional appropriation shall be made under the authorization contained in such Act of 1948.

"(d) Funds appropriated by the second paragraph of title I of the Foreign Aid Appropriation Act, 1949, shall remain available for the purposes for which appropriated through June 30, 1951."

And the Senate agrees to the same.

That the Senate recede from its amendment to the title of the bill.

TOM CONNALLY,
WALTER F. GEORGE,
ELBERT D. THOMAS,
ALEXANDER WILEY,
H. ALEXANDER SMITH,
Managers on the Part of the Senate.

JOHN KEE,
JAS. P. RICHARDS,
THOMAS S. GORDON,
JOHN M. VORYS,
FRANCES P. BOLTON,
Managers on the Part of the House.

Mr. HOLLAND and Mr. KEM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

REORGANIZATION PLAN NO. 4

Mr. HOLLAND. Mr. President, I wish to give notice, before I make the motion which I intend to make in a few minutes, that Senate Resolution 263, which is a resolution disapproving Reorganization Plan No. 4 of this year, which is the reorganization plan affecting the Department of Agriculture, was reported favorably by the Senate Committee on Expenditures in the Executive Departments several days ago, and is on the calendar.

Mr. President, I am sure that every Senator is thoroughly familiar with the procedure laid down under the terms of the Reorganization Act which was passed last year, under which reorganization proposals in the executive departments, when submitted by the President of the United States, become highly privileged matters and may be called up under procedure quite different from the normal procedure on the floor of the Senate. The procedure which I shall attempt to follow, if the Senate shall agree, will be, first, to move to take up Senate Resolution 263, which disapproves Reorganization Plan No. 4. Under the provisions of the law, at least, as understood by the junior Senator from Florida, a majority vote would be effective to make the reorganization proposal and the resolution disapproving the plan the pending business of the Senate. Under the law, as the Senator from Florida understands, there would then be effective a period of time of 10 hours, or not to exceed 10 hours, for debate on the measure, which time would be controlled respectively by the proponents and the opponents of the resolution and would be equally divided. The Senator from Florida understands that at any later stage of the proceedings it is entirely proper, under the Reorganization Act, to make a motion to further limit the time of consideration within the 10-hour period.

The Senator from Florida would hope, after making his motion to make the resolution the pending business, to follow, if same were adopted by the Senate with a motion which would suspend or postpone further action upon the resolution until 30 minutes after the convening of the Senate tomorrow.

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

Mr. HOLLAND. I yield.

Mr. HAYDEN. It is my understanding that there is pending a cloture petition which requires a vote at 1 o'clock tomorrow. How can we settle that conflict?

Mr. HOLLAND. The Senator is eminently correct. However, there need not be any conflict, because, as the Senator from Florida understands, if this measure were to come up for consideration at 12:30 tomorrow it would be entirely within the power of the Senate, by its action at that time by a majority vote, to postpone consideration until a fixed hour after the vote on the cloture petition, or immediately thereafter, by limiting the time and determining who should be in control of the time. I will say for the information of the Senate that the matter has been taken up with the majority leader and the minority leader. It has also been taken up with two Members of the Senate who, as members of a Senate committee are understood by the Senator from Florida to be interested in opposing the resolution which disapproves Reorganization Plan No. 4. Those two Senators have said that in their judgment a limitation of 30 minutes to a side would be adequate. The Senator from Florida suggested 1 hour to a side. However, the two Senators, the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Connecticut [Mr. BENTON] responded with the suggestion that 30 minutes be allowed to each side and that 30 minutes would be adequate. That is the understanding of

the Senator from Florida. I see the Senator from Minnesota on the floor.

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

Mr. HOLLAND. I shall be glad to yield if I may do so without losing my right to the floor. With that understanding I shall be glad to yield for an observation by the Senator from Minnesota.

The PRESIDING OFFICER (Mr. SPARKMAN in the Chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. The Senators from Minnesota and Connecticut were speaking only as two members of the Committee on Expenditures in the Executive Departments. I assume that the Committee on Agriculture is also interested. So far as we are concerned, as two majority members, we felt that it would be adequate time, since we have no particular presentation to make.

Mr. HOLLAND. That was the understanding of the Senator from Florida. The Senator from Florida has mentioned the matter to all members of the Committee on Agriculture whom he knew to be present in the city at the time. He does not understand that any member of the Committee on Agriculture and Forestry wishes to oppose the resolution to disapprove the reorganization plan. If the Senator from Florida misunderstood the situation of course any Senator who is a member of the Committee on Agriculture and Forestry may call that fact to the attention of the Senate. At least that is the understanding of the Senator from Florida.

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

Mr. HOLLAND. I shall be glad to yield, provided I do not lose the floor by yielding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HAYDEN. Will the Senator indicate whether he expects to dispose of this entire matter today, or tomorrow?

Mr. HOLLAND. The Senator from Florida would expect to dispose of the matter tomorrow, preferably at 12:30, if debate could be completed this afternoon. If it could not be completed this afternoon, the Senator from Florida would like to see the matter disposed of immediately after the vote is taken on the cloture petition.

Mr. HAYDEN. Mr. President, it seems to me that the time is running so close that there may be a conflict, which should be avoided.

Mr. HOLLAND. I am glad that the Senator from Arizona made his point with reference to time running close on these matters. Time is running close in two ways. It is running close, first, as between the two privileged matters, to which the Senator has alluded. Those are the cloture matter and the matter which the Senator from Florida expects to bring up. I refer also to the time which is existent during which these resolutions of disapproval of reorganization plans can be effectively considered. As the Senator from Florida understands, the time runs out on next Tuesday. If that be not correct, the Senator from Florida sees on the floor of the Senate the distinguished chairman of the Committee on Expenditures in the Executive Departments, the Senator from Arkansas, and with unanimous consent of the Senate, I should be glad to yield in order that he may comment on that point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLELLAN. Plans on which action has not been taken by either House to disapprove will go into effect—that is, plans 1 through 21—at midnight on Tuesday next. They will go into effect then unless disapproval by one House or the other has taken place before that time.

I rose to inquire of the Senator whether it is his plan to conclude debate on the resolution this evening and vote on it at 12:30 tomorrow. I have no objection as to the amount of time that may be consumed, because whatever is agreeable to other Senators is satisfactory to me. If that is what the Senator has in mind I call the Senator's attention to the fact that if it is planned to have a vote at 12:30 tomorrow, consideration should be given to the fact that it takes a little time to get a quorum present, and probably very little or no time would be left for debate. That should be borne in mind if it is intended to take a vote at 12:30 tomorrow.

Mr. HOLLAND. I appreciate the suggestion of the Senator from Arkansas. If debate cannot be completed this afternoon, it would be thoroughly agreeable to the Senator from Florida, to have the vote taken immediately after the cloture vote.

Mr. WHERRY. Mr. President, will the Senator permit me to make a parliamentary inquiry?

Mr. HOLLAND. The Senator from Florida would like to say, first, if he may continue for another moment, that four Senators appear as sponsors of this measure, which makes it a little difficult for the Senator from Florida to speak with the certainty with which he should like to speak. The Senator from Kansas [Mr. SCHOEPPEL], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Minnesota [Mr. THYE] and the Senator from Florida are joint introducers and sponsors of this resolution. It would be entirely acceptable to the Senator from Florida, as one of the sponsors to complete debate tonight and to postpone action on the resolution until immediately after the taking of the vote on the cloture petition, if that course be agreeable to the Senators who are joint sponsors.

Mr. WHERRY. Mr. President may I make a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. HOLLAND. By unanimous consent I yield for that purpose, if I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHERRY. I ask this question, Mr. President. If the motion to take up this resolution is agreed to, and there is no limitation of debate agreed upon, is it not a fact that the cloture motion will be voted on at 1 o'clock regardless of whether debate on this resolution has been terminated?

The PRESIDING OFFICER. The time for the vote on the cloture petition is set for 1 o'clock, or immediately following a quorum call, which is made at 1 o'clock, assuming the Senate meets at 12 tomorrow.

Mr. WHERRY. Then, taking up this resolution by vote or unanimous consent in no way interferes with or changes the condition under which the cloture vote is to be taken?

The PRESIDING OFFICER. The Senator is correct.

Mr. WHERRY. After the motion to take up the resolution has been made, regardless of a time limitation—and I am in favor of a limitation—it does not change the cloture situation whether the debate has been concluded by 12:30. The motion to consider the resolution can be voted on either before or after the vote on the cloture motion has been had, even though there is no limitation.

Mr. HOLLAND. I thank the Senator from Nebraska. The understanding of the Senator from Florida is in accord with his.

Mr. McCLELLAN. Mr. President, will the Senator yield for a suggestion?

Mr. HOLLAND. Yes.

Mr. McCLELLAN. I make the suggestion, if the resolution is taken up this afternoon, that the Senator from Florida undertake to get a unanimous-consent agreement that 1 hour after the vote on the cloture petition tomorrow we shall vote on the resolution, with the 1 hour's time divided equally between the proponents and the opponents. In that way we would have some time for discussion before the vote is taken. The vote should be taken not later, I should say, than 2:30 tomorrow.

Mr. HOLLAND. I am completely willing to accede to any reasonable request from the Senator from Arkansas. However, I wish to remind him that the Senator from Colorado has already given notice of his intention to call up two other reorganization proposals tomorrow afternoon, and of the further fact that several Members of the Senate have given notice of the necessity for their leaving shortly after the taking of the vote on the cloture petition. Of course, the Senator is aware of the fact that 49 affirmative votes are required for the successful handling of this particular procedure.

Mr. McCLELLAN. Then I suggest we make it 30 minutes after the cloture vote. That will leave 15 minutes on each side for closing the discussion.

Mr. HOLLAND. I think well of that suggestion, and unless there is some better one——

Mr. SCHOEPPEL. Mr. President, does the Senator from Florida see any objection, if, by the will of the Senate, by a vote tonight, it shall decide to start tomorrow's session at 11 o'clock? In that case there would be no dispute and no difficulty.

Mr. HOLLAND. I am sorry to have to advise the Senator that, as stated by the Presiding Officer just a few moments ago, under the rule the vote will come at

no fixed hour on the calendar day, but 1 hour after the convening of the Senate on the calendar day. Unless I am mistaken, that is the situation. That therefore would prevent the handling of the matter in the way the Senator suggested. In other words, if the Senate convenes at 11 o'clock, at least as the rule is understood by the Senator from Florida, the cloture vote would come at 12 o'clock, 1 hour after the convening of the Senate. I should be glad to yield to the majority leader if he has a different understanding of the cloture proceeding.

The PRESIDING OFFICER. The Chair will state that the Senator is correct.

Let the Chair make another suggestion, which he thinks would be fitting at this time. The Chair calls attention to the exact wording of rule XXII pertaining to the vote on cloture:

And if that question shall be decided in the affirmative by two-thirds of the Senators duly chosen and sworn, 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.

Mr. HOLLAND. I appreciate the fact that the Chair has called attention to that provision. It is one which I had temporarily forgotten, but it is one which I had in mind in making the suggestion that the vote on this particular matter be taken at 12:30 o'clock, rather than following the cloture vote. I see no possible reason why a quorum call could not make the Members of the Senate available by 12:30 tomorrow, which would be 30 minutes before the time of the cloture vote.

Mr. President, I say again, I am perfectly willing, and I am sure the Senator from Kansas, whom I see present, and the Senator from South Carolina, and the Senator from Minnesota, would be quite agreeable to the debating of the measure this afternoon. I do not see here at this time the Senator from Connecticut and the Senator from Minnesota, but perhaps we can complete the debate this afternoon. They have already stated, as I have remarked to the Senate heretofore, that 30 minutes is all they require for the discussion of the matter.

Mr. President, I move at this time that the Senate proceed to the consideration of Senate Resolution 263, relative to Reorganization Plan No. 4.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER. A quorum is present. The question is on the motion of the Senator from Florida [Mr. HOLLAND]. The motion is not debatable.

The motion was agreed to, and the Senate proceeded to the consideration of the resolution (S. Res. 263), which reads as follows:

Resolved, That the Senate does not favor the Reorganization Plan No. 4 of 1950 transmitted to Congress by the President on March 13, 1950.

Mr. HOLLAND. Mr. President, before making the next motion I should like to make a statement for the information of the Senate. It is the information of the Senator from Florida that one Senator desires to speak on the FEPC question, and that he will confine his remarks to not to exceed 30 minutes. Therefore when the Senator from Florida makes the next motion, which he understands is not debatable, and that is the reason he makes the explanation before he attempts to make the motion, it will be his intention to state by his motion that the debate upon the resolution which has now been taken up for consideration, shall be suspended until 6 o'clock; that thereafter the matter of Reorganization Plan No. 4 will be debated for 1 hour, the time to be equally divided between the proponents of the resolution, and the opponents of the resolution, the time to be controlled by the Senator from Kansas [Mr. SCHOEPPEL] for the proponents, and the majority leader for the opponents of the resolution.

Mr. LUCAS. No, Mr. President; I am not a member of the committee.

Mr. HOLLAND. The time for the opponents to be controlled by the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Mr. President, I have no comments whatsoever to make with reference to the resolution. I appreciate the dubious honor, but I would suggest that the time be controlled by someone who is more concerned with this particular plan.

Mr. LUCAS. Mr. President, I will take control of the time for the opponents if no other Senator will do so.

Mr. HOLLAND. The time to be controlled, then, Mr. President and Senators, by the Senator from Illinois, the majority leader, for the opponents of the resolution and by the Senator from Kansas [Mr. SCHOEPPEL] for the proponents.

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

Mr. HOLLAND. I yield.

Mr. LUCAS. May I inquire as to how many members of the committee voted against the disapproval of the plan?

Mr. HOLLAND. Mr. President, I ask that I may be allowed to yield so that reply may be made by the Senator from North Carolina [Mr. HOEY].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOEY. Mr. President, my recollection is that there were 3 Senators voting against it.

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

Mr. HOLLAND. I yield for a question.

Mr. MAYBANK. Am I correct in understanding that the unanimous-consent request of the Senator from Florida was that some Senator desiring to speak on the FEPC legislation be limited to 30 minutes? I could never assent to such a request as that, because the matter is too important to permit such limitation. The question should be debated more fully.

Mr. HOLLAND. It is not my purpose to include any unanimous-consent request at all in my motion.

Mr. MAYBANK. But I understood that a unanimous-consent request had been made which contained a limitation of time.

Mr. HOLLAND. No; my motion would contain no unanimous-consent request. I desire to be considerate, Mr. President——

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

Mr. HOLLAND. I yield.

Mr. MAYBANK. I wish to make it perfectly clear that I am in accord with the Senator's views respecting the reorganization plan, but I would never permit a limitation of half an hour for a Senator to speak on so important a question as FEPC.

Mr. HOLLAND. Mr. President, I may explain to the Senator from South Carolina that the Senator from Florida has discussed this matter with the Senator who wishes to be heard on the subject of the FEPC, and has been assured by that Senator that 20 or 25 minutes would be sufficient, but he was trying to obtain a little more time than that, because he thought 30 minutes would probably be nearer the full amount of time he would need. The Senator in question is the Senator from Pennsylvania [Mr. MYERS].

Mr. MAYBANK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida has the floor. Does he yield for that purpose?

Mr. HOLLAND. I will yield for that purpose; but first I should like to explain the nature of the motion, because I think by doing so I may relieve the apprehension of the Senator from South Carolina.

Mr. MAYBANK. I thank the Senator.

Mr. HOLLAND. Mr. President, my motion, as now intended, would be that the consideration of the pending business, which is the resolution disapproving Reorganization Plan No. 4, be suspended until 6 o'clock; that debate on it resume at 6 o'clock and continue until 7 o'clock this evening, when it be suspended until tomorrow at 12:30 p. m., at which time the vote would be taken.

That is the motion which I have in mind submitting.

Mr. ROBERTSON. Mr. President, I should like to say that I am in thorough sympathy with the Senator's proposal as to Reorganization Plan No. 4, because

I know that all Virginia farmers are opposed to having the Secretary of Agriculture take charge of their own extension service.

However, I rather share the view of the Senator from South Carolina, our distinguished colleague, about this matter. I am quite reluctant to agree to impose a limitation of 30 minutes in regard to a speech by a proponent of FEPC, because although I hope I will not have to speak, yet if I am called upon to speak, it will take me 3 days to say what I have to say. [Laughter.] So I do not like to see a Senator on the opposition side be subjected to a squeeze play on the basis of a 30-minute limitation.

Mr. HOLLAND. Mr. President, I see that various Members of the Senate have varying views on this matter. So if I may be yielded 10 minutes by the Senator from Kansas, after he obtains the floor, I shall ask that in connection with the further consideration of this matter, the time be controlled by the Senator from Kansas and the Senator from——

Mr. LUCAS. Mr. President, how much time does the Senator propose be allowed?

Mr. HOLLAND. We do not propose to limit the time at present. It would be divided equally, under the general arrangement of the Reorganization Act.

It would be the intention of the proponents to use 30 minutes for debate. The opponents could spend that much time in debate if they saw fit to do so. At the end of that time, if both the opponents and the proponents were through, as I believe would be the case, we would then move to suspend further action on that matter until 12:30 tomorrow.

Mr. LUCAS. Mr. President, here we have a perfect example of consistency. The Senator from Florida intends to move that the Senate vote at 12:30 o'clock tomorrow on this matter, thus cutting off debate. Yet the Senator from Florida and all other Senators who are opposed to the FEPC have debated it for 2 weeks, and they are going to continue to debate it from now on, they say. They do not want debate on that issue to be cut off.

Mr. President, I myself may wish to have an hour for debate on plan No. 4. Perhaps some other member of the Committee on Agriculture and Forestry will want an hour to debate the problem that is before us. Then again no debate may be necessary as there is much opposition to plan No. 4. However, under the rule we have 10 hours for the debate.

So it comes to me with great surprise that one of the Senators who is violently opposed to any limitation on debate on FEPC now should tell us that he will move to have the Senate vote at 12:30 tomorrow on plan No. 4, regardless of how much time Senators may take on it tonight.

In other words, Senators may debate the resolution for an hour and a half or 2 hours this evening, or perhaps we shall not have enough Senators present at that time to constitute a quorum, and perhaps then the Senate will take a recess until tomorrow.

However, regardless of what happens tonight, the Senator from Florida would have the Senate vote at 12:30 tomorrow on this question; he would cut off the debate by all Senators, if he could get the Senate to agree to do so. He would not give the Senator from Illinois an opportunity to debate this question, should he want to debate it, unless we stay here tonight.

Mr. President, throughout this debate I have suggested that we take up this matter immediately following the disposition of the cloture petition tomorrow, and debate it at that time.

Simply because some Senator wants to go home, simply because some Senator has an appointment somewhere in the hinterlands to make a speech, it is proposed that we be denied the right to debate this issue, and a motion to that effect is to come from a Senator who does not believe in any limitation of debate.

Mr. President, I hope the Senate will not agree to the 12:30 proposal.

Furthermore, the time proposed in that connection would come just before the quorum call preceding the vote on the cloture petition on FEPC, and some Senator might wish to make a speech on FEPC at that time.

Apparently, Mr. President, some Senators are more interested in rejecting this reorganization plan than they are interested in the FEPC bill.

The FEPC is an important matter, and the question of imposing cloture on it is to be voted on tomorrow at 1 o'clock. It seems to me that immediately before that time, any Senator should be able to speak on that question, instead of having all the time taken by one or perhaps two quorum calls and by a vote on this reorganization issue.

Mr. HOLLAND. Mr. President, I should like to reply, please.

First, let me say that I inquired as to what Senators wished to be heard on FEPC. I learned of only one, namely, the Senator from Pennsylvania. So I asked him how much time he would need for his speech. He said he would need 20 or 25 minutes. Therefore, I was suggesting that 30 minutes be allowed.

However, I am perfectly willing to go ahead with the regular order on what is now the pending question, if that is the will of the Senate.

Let me say to my friend, the Senator from Illinois, that so far as tomorrow is concerned, we have been debating FEPC for 9 days. Nevertheless, if the Senator from Illinois thinks that in that additional hour there is something which should be said about FEPC, I am perfectly willing to leave that time clear, also.

However, I thought it would be a little presumptuous for me to suggest by my motion a conclusion which would indicate that I felt that the situation regarding the vote on cloture is predetermined, because that would have to be the basis of a motion to take up the reorganization plan issue immediately following the vote on the cloture petition.

If the petition for cloture should fail, of course a motion made by the Senator from Florida to have the Senate take up the reorganization plan issue immediately following the vote on cloture would be valid and would govern the proceedings of the Senate. However, if the cloture petition succeeded, the contrary would be the case.

Inasmuch as apparently the Senator from Illinois thinks the cloture petition will fail, and has thrown in the towel at this time, I shall change my mind about making the motion, and shall proceed first to try to obtain consent regarding the control of the time—which consent I hope will be given—and next, in regard to the debate on this reorganization plan. Apparently there is no Senator to defend it, although I certainly hope it will be defended here on the floor of the Senate.

Mr. President, I have tried to be diligent. I have gone to the two Senators who had indicated a refusal to approve the motion intended to be proposed by the Senator from Florida and by the other Senators who have joined with him regarding that matter. The two Senators who had indicated their refusal suggested that 30 minutes be allowed them, but I am perfectly willing to have us go ahead without any limitation except that which the act itself imposes.

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

Mr. HOLLAND. I yield to the Senator from Virginia for a question.

Mr. ROBERTSON. My question is this: Does not the Senator from Florida know that all farm organizations and all farmers who know about the matter and practically all Senators are opposed to Reorganization Plan No. 4?

Mr. HOLLAND. I believe that to be the case.

Mr. ROBERTSON. Does not the Senator from Florida realize that "When you have the votes," it is not necessary to speak? [Laughter.]

Mr. HOLLAND. I may say to my good friend, the Senator from Virginia, that to my dismay, I noticed yesterday afternoon that when two reorganization issues were under consideration—one of them half an hour ahead of the other—between the times for the votes on those two issues, six Senators left the Senate, and therefore there was a leeway of only 1 vote above the 49 votes required, when the vote was taken on the second reorganization issue, despite the fact that I believe that at least 70 Senators disapproved of that particular reorganization plan. So, the Senator from Florida does not want to find the proponents of this measure in that or a worse situation this afternoon.

Mr. ROBERTSON. But in view of the position taken by our beloved friend and distinguished majority leader that this proposal is not going to give an adequate opportunity to those who favor FEPC to present their views and convince us from the South that we are wrong and they are right, would it not be in the interest of harmony and less embarrassing to some of us if the Senator from Florida would ask permission to vote, say, at 2 o'clock tomorrow? Certainly there is not going to be any great exodus from Washington by distinguished Members of this body before 2 o'clock, and we could have the vote on the cloture motion at 1 o'clock, and have it promptly, and then have as much as nearly an hour in which to discuss the resolution, on

which Senators already know how they are going to vote. I do not think the Senator will be hazarding his chances to get 49 votes by making that concession to the majority leader. Certainly it would make me feel considerably better about the Senator's resolution on Reorganization Plan No. 4, if we could take about an hour to settle the matter.

Mr. HOLLAND. I appreciate the statement of the Senator from Virginia, and I recognize the fact that we do have some value involved in making a concession, because I suggest it would be the first time in his senatorial life that the Senator from Illinois would be against the limitation of debate, and I think it is worth while for us to have that in the record on this matter.

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

Mr. HOLLAND. I yield.

Mr. WHERRY. I may suggest to the distinguished Senator, I was under the impression that if the motion to take up this reorganization plan carried, there would be an effort made to agree on a proposal to limit debate. I ask the distinguished Senator, why not start in now with plan No. 4, and limit the time to whatever the distinguished Senator feels is necessary? There are other Senators besides the distinguished Senator from Pennsylvania who would like to address the Senate. I assure the Senator there will be an audience here. The junior Senator from Missouri [Mr. KEM] has been attempting to get the floor for 2 days. In fact, he is ready to speak now. The Senator from Indiana is ready to speak. He would like to speak tonight. I am trying to be of assistance. We on this side of the aisle are not obstructionists. [Laughter.] I should like to see if there is not some way by which the Senator can move that the Senate start now to debate plan No. 4, limiting debate to an hour or an hour and a half, or to whatever time the Senator thinks is satisfactory. I think it will carry. And then we can start with FEPC. We could debate it here until the majority leader moves to recess or adjourn.

Mr. HOLLAND. Mr. President, I am going to make one more effort before beginning debate on the resolution, that is, I ask unanimous consent that the vote on this measure be set for 2 o'clock tomorrow afternoon.

Mr. LUCAS. Reserving the right to object, why can we not get it out of the way tonight, in view of what the distinguished Senator says? We have everyone here.

Mr. HOLLAND. Mr. President, the reason we cannot get it out of the way, I think, is obvious. The law, the very unusual law, under which we are operating, does not permit reconsideration. The Senate will not know until the vote is cast how many Senators have done today as they did yesterday—left the Senate after about 5 o'clock. I think the proponents of this measure are entitled to have a vote at a time when the membership of the Senate is present, and I am sure all the proponents would want that, likewise.

Mr. THYE. Mr. President, will the Senator yield to me for a brief comment on the question?

Mr. HOLLAND. I yield for a question.

Mr. THYE. Inasmuch as the Senator is speaking about voting possibly at 2 o'clock, it would be more convenient to one Senator, other than myself, if the vote could be taken at 1:45. That would permit him possibly to cast his vote and catch the plane on which he has a reservation.

I would say, Mr. President, if I may be allowed another moment, I do not believe that discussion or debate on Reorganization Plan No. 4 would take many minutes. I believe we have already discussed the question to this extent, that we have consumed more than half the required time necessary to discuss it under parliamentary procedure, in which we have engaged, and, not wishing to cast any reflection on the able majority leader, I believe he will be able to say all that he has in mind to say on this question in 15 minutes. I am sure of that. I personally would not want to speak more than about 2 or 3 minutes, and I know of no other Senator who would want to speak more than 10 or 15 minutes.

Mr. LUCAS. Mr. President, if the Senator will yield——

Mr. HOLLAND. I yield for a question.

Mr. LUCAS. I do not know whether I can make a question out of it. I will try an observation, if I am not called to order. I do not see why we cannot vote on this resolution, say, at 7 o'clock tonight. According to all the speeches, no one is going to vote against disapproval. The Senator should be able to get 49 votes here tonight, I should think, the way everyone is talking about getting it over with.

Mr. HOLLAND. Mr. President, I shall proceed to debate the resolution as quickly as I can. It will be in the pleasure of the Senate to control the situation thereafter.

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

Mr. HOLLAND. I yield for a question.

Mr. WHERRY. Will not the Senator again request unanimous consent to vote on this resolution at 7 o'clock tonight, and to divide the time?

Mr. HOLLAND. Mr. President, the Senator from Florida does not know how many Senators have left the Chamber, and the Senator from Florida does not feel that he has a right to foreclose Senators who have left the Chamber not knowing that this resolution was coming up, nor does he feel that he has any right to jeopardize the adoption of the resolution, which requires 49 affirmative votes. It is a measure on which there can be no reconsideration. Therefore, the Senator from Florida, much as he would like to dispose of the matter tonight, will not agree on that hour for voting.

Mr. WHERRY. Mr. President, will the Senator from Florida object if I make a unanimous-consent request to vote at 7 o'clock tonight?

Mr. HOLLAND. Mr. President, I will debate this matter just as rapidly as possible. If the Senator from Kansas will control the time, and will allow me 10 minutes, I shall appreciate it.

Mr. SCHOEPPEL. The Senator from Florida is yielded 10 minutes.

Mr. HOLLAND. Mr. President, I shall cover this matter as quickly as possible. It ought to be clearly apparent from the short debate we have had that no one favors this reorganization plan. The reorganization plan completely bypasses and defeats and violates the intention of Congress in the passage of the reorganization law last year. Under the provisions of that law, the Congress permitted or, I may say, directed the Executive to work out reorganization plans and to submit them, but, in defense of its own jurisdiction and in the performance and protection of its own duties and responsibilities, it required that reorganization plans be submitted so that either House by a constitutional majority of its membership might exercise its duty by disapproving such a measure if it found it to be unwise. The fact is that this measure has nothing specific in it except two or three matters of relatively minor importance. It leaves out all of the tremendously important suggestions and recommendations of the Hoover Commission, and it simply asks the Congress to allow the granting of a blank check to the Secretary of Agriculture to reorganize at his pleasure and at his will all the far-flung activities of the Department of Agriculture, except those that are performed by corporations within the Department of Agriculture.

Mr. President, I wish to remind the Members of the Senate and the public that there are tremendous activities in the Department of Agriculture affecting every farm family and all those who depend upon farm production for their prosperity throughout the Nation. There are activities, for instance, such as the Agricultural Extension Service, which is not incorporated, and which comes under this particular reorganization plan; the Production and Marketing Administration would be given over to the Secretary of Agriculture to remake, as he saw fit under this particular reorganization plan. Likewise, the Soil Conservation Service, and various other activities, such as the Farmers Home Administration, and numerous other activities of tremendous importance.

So far as the Senator from Florida is concerned—and he speaks now for himself and for his cosponsors—we could not feel that we had adequately discharged our responsibility or lived up to our obligations to our own people if we did anything which would make it possible for the havoc to be wrought which could be wrought by the disruption of those great activities, or their reorganization one within the other. We realize perfectly well that there are difficult and dangerous suggestions now being discussed by the public affecting each one of those activities, and we feel that the Senate and the House ought to have an opportunity to see ahead of time what is actually suggested in the way of reorganization of those vital activities before we are asked to give our approval.

Mr. President, I suggest to the Senate that not only do we not know what is to be expected, but we know that last July, when the chairman of the Committee on

Agriculture and Forestry asked the Secretary of Agriculture to comment on the proposed Hoover recommendations, he at that time indicated in writing that he was not in accord with any of the major measures covered by those recommendations.

We know, in addition to that, that the Secretary of Agriculture, when he appeared before the committee, stated a few days ago that he was still of that opinion, because he was asked on three different occasions by the distinguished Senator from Minnesota [Mr. THYE] the following question, in substance:

> Mr. Secretary, if you have something in mind that you can assure this committee and the Senate that you intend to do, we should like to pass upon that. We do not like to oppose recommendations coming from the Chief Executive which are supposed to be in accord with the Hoover plan. We do not believe this is.

The Secretary of Agriculture stated that he did not know what reorganizations he would accomplish if the measure should become operative.

Mr. President, we know that is the fact, and we know, likewise, that numerous highly reputable farm organizations of the Nation have made it very clear that they disapprove of this particular plan. The Farm Bureau Federation, not only by its national officers, but by nearly every State office in the Nation, and by action of the legislative committees in nearly every State of the Union, have disapproved it. Likewise, the National Grange disapproved it, as did the National Council of Cooperatives. The National Cotton Council took exactly the same action.

Mr. President, we also know that this is the only reorganization plan among all those submitted which has actually drawn the formal fire of the task force of the Hoover Commission, which drafted, after 10 or 11 months of very arduous work, the recommendations, most of which were adopted and became the basis of the recommendations of the Hoover Commission.

The task force appeared through four representatives before the committee to say that they did not favor the plan, that they felt it would be a travesty for it to be approved, because it would completely bypass the intention of Congress, that it so completely threw away the work and the labors of the Hoover Commission and the task force, so completely subjected the agriculture of the Nation to grave dangers, that they did not want to approve it.

Briefly, Mr. President, that is the situation. Those four great farm organiaztions and numerous other farm organizations are taking that position. The committee has told us that this is not a good plan and that we should turn it down. We know of a few minor particulars which are included in the plan, one of them being three additional Assistant Secretaries for the Secretary of Agriculture; another being the giving to the Secretary himself of all powers and duties of his agencies, his employees, and personnel. Except for those, there is no pattern, plan, or intention shown in the proposed reorganization plan, except to give the Secretary carte blanche not only for a first reorganization, but for as many reorganizations, so long as this plan is in effect, as he may care to undertake. That is without limitation as to the activities, other than the incorporated activities in the Office of the Secretary of Agriculture. And other minor exceptions.

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

Mr. HOLLAND. I yield.

Mr. BRICKER. The Senator has had experience with the Extension Service in his State, has he not?

Mr. HOLLAND. Yes.

Mr. BRICKER. Under this plan, as I read it and as I have listened to the Senator from Florida, I believe the Extension Service would be put directly under the charge of the Secretary of Agriculture.

Mr. HOLLAND. It would, and he would have the power of life and death over it.

Mr. BRICKER. He could do as he pleased with it; he could change the relationship between the educational institutions, the State departments of agriculture, and the field agents in any way he saw fit, and make them directly responsible to the Secretary of Agriculture or any other political appointee if he so desired.

Mr. HOLLAND. The Senator is exactly correct; and the same observations are true with reference to the Soil Conservation Service and the other activities which I have mentioned.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. SCHOEPPEL. Mr. President, I yield 10 additional minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 additional minutes.

Mr. HOLLAND. Mr. President, I ask that marked portions of the testimony of each of the witnesses whom I shall now name may be placed in the RECORD as a part of my remarks.

First, a part of the statement of Mr. Short, the vice president of the American Farm Bureau Federation, appearing on pages 50 and 51 of the hearings; next, a part of the statement of Dean Rusk, of the Illinois State College of Agriculture, who was chairman of the task force, the statement appearing on pages 33 and 34 of the printed report of the hearings; next, the testimony of Mr. John Davis, the head of the National Council of Farm Cooperatives, that portion of his testimony appearing on page 39; next, a portion of the testimony appearing on pages 41, 42, and 43, being the testimony of Mr. Blake, the head of the National Cotton Council; lastly, the testimony of J. T. Sanders, speaking for the National Grange, whose testimony appears on page 35 of the hearings.

I ask unanimous consent, Mr. President, that those excerpts may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpts of testimony referred to are as follows:

EXCERPT FROM STATEMENT OF R. E. SHORT, VICE PRESIDENT, AMERICAN FARM BUREAU FEDERATION

Reorganization Plan No. 4 submitted by the President on March 13 constitutes a general grant of authority to the Secretary of Agriculture, without direction or guidance to him to carry out any phase of reorganization recommended either by the Hoover Commission or its task force on agriculture. Since it is without guide or direction, we regard the plan as an unwise grant of general authority and power.

* * * * *

Some question might be raised—we are so concerned about this particular reorganization plan. We would like to call attention to the fact that the United States Department of Agriculture is a very large department; its agencies reach into every State, into every community, and into every county, not with just one program, but with several. If in the future, effort was made to misuse this extensive administrative organization, the ill effects or the disadvantages of centralized government might be much more noticeable in an organization of this kind than in some of the other administrative branches of government. We would like to call attention to the fact that the legislative history of the Reorganization Act indicates that the reorganization plans submitted to Congress would be in some detail, so that the Congress would know, and everyone else would know something about the direction the reorganization was taking. Reorganization plans are supposed to go into considerable detail, thus enabling the Congress to have some check on authority granted in the Reorganization Act.

Therefore, we want to again say that by reason of the fact that plan No. 4 is really not a plan—just a grant of authority without congressional check—we feel it should be rejected.

EXCERPT FROM STATEMENT OF H. P. RUSK, DEAN, ILLINOIS STATE COLLEGE OF AGRICULTURE, AND CHAIRMAN OF THE HOOVER COMMISSION TASK FORCE ON AGRICULTURAL ACTIVITIES, URBANA, ILL.

We believe that the bare minimum in the way of needed guidance is a directive to reorganize the USDA along functional lines that will group related functions and activities into integrated administrative units, reduce overlap and duplication, promote economy, increase efficiency of operation, and provide through a reorganization of State and county committees an effective two-way process of policy making and program building so that the will of the people may, through democratic procedures, be assured of due consideration.

* * * * *

We as former members of the agricultural task force believe that Reorganization Plan No. 4 should be rejected and that specific directives should be provided by the Congress to effectuate the basic principles and recommendations of the Commission.

I am advised that legislation is now being prepared to accomplish this objective and will be introduced at an early date.

* * * * *

Senator HOLLAND. Mr. Chairman, I found the members of this committee exceedingly modest yesterday afternoon in conferring with them—modest as to their own service in this matter. I would like to ask Dean Rusk, if he would please state in the record at my request the period of time, the nature and the extent of the services rendered by the eight members of this task force.

Mr. RUSK. In the letter submitting our report, I made this statement. Including January 13 and 14, 1948, when the committee was organized, 11 meetings have been held ranging from 2 to 6 days in length; 8 were held in Washington, 2 in St. Louis, and 1 in Chicago. Almost without exception they were attended by the entire committee. In addition, subcommittees held meetings in several parts of the country.

I could add that in official committee meetings we spent approximately 40 days, and many members of the task force spent a great deal of time between committee meetings in actually working on the program of the task force, and interviewing people.

Senator HOLLAND. What was the entire lapsed period of time?

Mr. RUSK. Approximately 10 months.

Senator HOLLAND. From the beginning of your functioning and making your recommendations to the Hoover Commission.

Mr. RUSK. Approximately 10 months, I believe.

EXCERPT FROM STATEMENT OF JOHN DAVIS, REPRESENTING NATIONAL COUNCIL OF FARM COOPERATIVES

At the present time our basic agricultural policy is in more or less of a state of flux. The farm plan that will be the basic structure for the next several years is not definitely crystallized. There are various plans that are up for discussion, and it seems to us that it is very difficult and unwise to try to reorganize the Department until we know what kind of farm plan the Department is to carry out.

I think we will know much more about the shape of our farm policy within a few months, and the reorganization should be geared to the evolving farm policy. So we do not think now is a good time for a reorganization to take place.

We feel further that Congress should assume the responsibility for the laying out of the general outline of organization at the time Congress lays out the general outline of basic farm policy.

The other point that I want to make is this: Within the Department of Agriculture there are a number of strong, well-organized agencies. They are agencies that are set up to carry out important functions. The people that are heading those agencies and that are working in those agencies are most of them very sincere people, but it is only human nature for a person to think that his particular task and his particular agency is the most important. The result is that whenever a reorganization takes place in the Department, and they are fairly common, it is more or less a matter of rivalry among agencies as to which particular program and agency will be dominant. I think that any future reorganizations will pretty much suffer from the same type of pressure from within the Department. This being true, it seems to us that it is going to be very difficult for any Secretary of Agriculture, and this is no reflection upon any particular Secretary of Agriculture, to build and put into effect from within the Department the outline of a sound reorganization.

EXCERPTS FROM STATEMENT OF WILLIAM RHEA BLAKE, EXECUTIVE VICE PRESIDENT, NATIONAL COTTON COUNCIL

Under plan 4, if the Congress permits it to go into effect, as we see it, the Secretary could do exactly what the Hoover Commission recommended. He could also do exactly opposite from what the Hoover Commission recommended, or he could do nothing, or he could do anything in between. We do not think that that is in keeping with either the spirit or the letter or the Hoover Commission report.

* * * * *

So I do not quite understand this theory of broad executive authority, such as is contemplated in this plan. I think it is just fundamentally bad. I do not think there is any need for it. I do not think it is a safe and sound procedure, and for that reason, if for no other, I think Reorganization Plan No. 4 should be disapproved.

Another point in that same connection, Mr. Chairman, is why did we have a Hoover Commission in the first instance? If the plan of reorganizing the executive departments of the Government, if the method of reorganization was going to be to simply turn over to the heads of those executive departments carte blanche authority to reorganize them any way they saw fit, then what did we need with the Hoover Commission? Why did this task force committee that some of us worked on, spend 10 months sweating and stewing around and talking to dozens and dozens of people and trying to put something together that made sense in the way of an orderly reorganization plan for the Department? And why did the Hoover Commission itself spend all of the months of work that it spent if in the final analysis the way to reorganize the Federal Government was simply to write blank checks to each of the department heads and let them go their way?

EXCERPT FROM STATEMENT OF J. T. SANDERS, LEGISLATIVE COUNSEL, NATIONAL GRANGE, WASHINGTON, D. C.

We trust the Senate will reject plan 4 for reorganization of the Department of Agriculture. It grants to the Secretary of Agriculture practically complete authority to reorganize any of the agencies in the Department in any way he sees fit without regard to the expressed wishes of Congress or the expressed recommendations of the Hoover Commission. * * *

The only way to avoid the possibility of such abuse is for the Congress itself to lay down in the law the broad course it desires to be followed in the administration of the law. Plan 4 would abolish all these safeguards and policies and give the Secretary power to do anything he wanted. We feel this is a most dangerous grant of power.

Mr. HOLLAND. Mr. President, there is just one additional matter to which I wish to invite attention. If the Senators have the plan before them—and I am sorry that the limitation of time does not permit discussion of it item by item—if they will look at the last section, which is section 5 of the plan, they will find it allows not only complete reorganization at this time, but it allows reorganization over and over again. I especially want every Senator to mark and to note that that particular section allows the Secretary of Agriculture, in his discretion, to defeat the will of Congress by transferring unused appropriations or appropriations from year to year and from time to time from one objective to another, within his department, which are affected by this reorganization plan——

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

Mr. HOLLAND. I yield.

Mr. BRICKER. By that power the Secretary of Agriculture could destroy or could completely limit the activities of the marketing section by transferring additional funds to some other section within his department. Is that correct?

Mr. HOLLAND. Certainly. That is, of course, what is permitted by provisions of the last section.

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

Mr. HOLLAND. I yield.

Mr. BRICKER. The Senator mentioned witnesses who appeared before the committee, including Dean Rusk, who was a member of the task force.

Mr. HOLLAND. He was chairman of the task force.

Mr. BRICKER. Were the other witnesses members of the task force?

Mr. HOLLAND. There were three other witnesses present who were members of the task force. They spoke for seven members out of eight. All eight members were in accord, but one member, who is an educator, felt he should not go further than the duties which he had already performed.

Mr. President, a moment ago I referred to the last section, section 5. It reads as follows:

SEC. 5. Incidental transfers: The Secretary of Agriculture may from time to time effect such transfers within the Department of Agriculture of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

Mr. President, witness after witness called attention to the fact that such power was unparalleled and that a legislative body could not properly surrender or delegate its powers to that degree. Speaking only as one Senator, regardless of what happens on this measure, the Senator from Florida wants it to be clearly and unequivocally stated on the RECORD that he feels no Senator can surrender so completely his power, duty, and prerogative to someone else, no matter how high of character that other person may be, because it is a personal duty and an obligation which I feel no Senator can evade.

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

Mr. HOLLAND. I yield.

Mr. BRICKER. I am very much interested in the extension service. It has rendered fine and constructive service in every relation it has had with State departments of agriculture. Under this proposed reorganization plan, it seems to me that the Secretary of Agriculture is empowered to cut off a portion of that service and transfer it from one section of the country to another section, to locate an agent in four counties, instead of in each one, as we have at the present time, or to do practically anything he desired with the extension service. Is that not correct?

Mr. HOLLAND. That is absolutely correct. He is given the specific power of redistribution, reallocation of personnel, records, or files, and money appropriations, not just now existing, but any to be made hereafter from time to time. Such power is sweeping, unprecedented, and unsafe to give. I do not feel that any Senator wishes to give to any public servant, no matter how devoted or

how high of character he may be, the power to do such a monumental task as this, or to approve in advance whatever may be done.

Mr. BRICKER. Will the Senator yield for one more question?

Mr. HOLLAND. Yes.

Mr. BRICKER. Under this reorganization plan, the authority is complete in the Secretary of Agriculture except insofar as it may apply to agricultural corporations under the Department and to the Commodity Credit Corporation. Is that correct?

Mr. HOLLAND. The Senator is correct. One other small group is omitted from the operation of this law, and that is the group comprised of hearing examiners, which of course is not of any great importance.

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

Mr. HOLLAND. I yield.

Mr. STENNIS. The Senator has not brought out just how the Extension Service is now governed. Will the Senator enlarge on the Extension Service?

Mr. HOLLAND. The Senator has asked a question which, of course, goes to the very heart of the functioning of the Department of Agriculture's Extension Service. It functions in a cooperative capacity with the States, and in complete harmony with the States. There is no other joint effort of the Nation which has brought more expressions of general satisfaction, and in which a number of responsibilities have been discharged cooperatively and effectively by the States with the Federal Government with so little friction or dissatisfaction.

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

Mr. HOLLAND. Yes.

Mr. STENNIS. As a matter of fact, that harmony and cooperation has extended over three-quarters of a century. Can the Senator think of any far-reaching agency which has set a record which exceeds that record?

Mr. HOLLAND. Certainly it is one of the finest agencies which we have in existence in our Nation, and I do not wish to jeopardize its existence.

Mr. STENNIS. The Extension Service and directors are now chosen jointly by the board of trustees of the institution where the service is located, with the Federal Government, of course, cooperating and consenting thereto. Is that correct?

Mr. HOLLAND. The Senator is correct.

Mr. STENNIS. Under this reorganization plan that authority will be invested in Washington. Is that correct?

Mr. HOLLAND. The Senator is correct. The Department of Agriculture could renew and continue that existing arrangement, or could adopt a different arrangement. The Senator will remember that only a few years ago it was suggested that certain educational functions of the Department should be completely transferred to another agency. The Senator will remember the furore which arose in agricultural sections at that time.

Mr. STENNIS. If the plan is not disapproved by the Congress, and it goes into effect, and the authority is exercised as outlined by the Senator from Florida, it would take a legislative act, passed by Congress and signed by the President, to change the situation?

Mr. HOLLAND. That is correct. The Senate would have given its approval to the doing of just that act.

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

Mr. HOLLAND. I yield.

Mr. McCLELLAN. Mr. President, I ask the Senator if it is not correct to say that under the Reorganization Act we gave to the President the power to submit reorganization plans subject to Congress retaining the right to veto by a constitutional majority any plan which the President might submit reorganizing any department of the Government. In other words, we are now about to exercise the right to veto a plan? That is correct, is it not?

Mr. HOLLAND. If we should approve this hollow shell of a plan, we would in advance foreclose ourselves from disapproving anything that could be done legally under it.

Mr. McCLELLAN. That is what I wanted to ask the able Senator. If we approve this plan, we release and relinquish the very power of veto that we have reserved against the action of the President.

Mr. HOLLAND. And surrender.

Mr. McCLELLAN. Therefore, the Secretary of Agriculture, a Cabinet member, could do what Congress would not agree to have the President do under the original Reorganization Act.

Mr. HOLLAND. That is correct. We would do it knowing two things: First, that the Secretary of Agriculture in July of last year, in writing, said that he was not in accord with the principal provisions of the Hoover recommendation, and, second, that he a few days ago testified before the committee which the able Senator heads to the effect that up to this time he had no specific plan.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HOLLAND. I yield the floor.

Mr. SCHOEPPEL. Mr. President, I yield 5 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I think all of us are aware of the fact that many definite reforms are needed in the Department of Agriculture, and the so-called Hoover Commission recommended several reorganizations. However, Reorganization Plan No. 4 does not assure us that any of the internal reorganizations of the Department as recommended by the Hoover Commission would be put into effect. This reorganization plan simply gives the Secretary of Agriculture authority to shuffle agencies, take over the powers which Congress has given various agencies within the Department of Agriculture, and to shuffle the funds which are appropriated to each agency within the Department of Agriculture.

It seems rather incredible, Mr. President, that the Committee on Expenditures in the Executive Departments has been unable to find out what changes are contemplated in the Department of Agriculture by the Secretary. It appears that if the Secretary felt that Congress would be in accord with the changes he would have made them known to the Members of Congress and to the Committee on Expenditures in the Executive Departments. Under this reorganization plan the Secretary of Agriculture is given not only the power to make changes or reforms within the Department of Agriculture, but he is given the power not to make reforms, and actually to controvert the acts of Congress.

Much fear has been expressed that something would happen to the Extension Service, which reaches into every home, almost, in rural America. So far as I know, we have had no assurance that the Extension Service would not be reorganized, and its functions given to other agencies of the Government. If that should happen, it would be a calamity to the farming areas of the United States.

So, Mr. President, I should dislike very much to give this power to the Secretary of Agriculture at this time, and have the Congress recess later this summer without any action having been taken by the Congress, only to find that as soon as Congress recessed, certain changes which would be objectionable to the Congress, such as dismemberment of the Extension Service, would be put into effect, at a time when Congress would be unable to make any correction, or to do anything about it.

As a matter of fact, there is no harm in delaying Reorganization Plan No. 4. In the meantime, the Secretary could give some evidence that he intended to put into effect the other reforms recommended by the Hoover Commission.

Not only is there no harm in delaying this plan until next winter, but there is a considerable element of danger in giving our approval to it at this time. For that reason I think we should practice safety first, and make sure that the great Department of Agriculture, which has had such a glorious tradition, is not reorganized in a way that would be harmful to the farm interests of the country, and objectionable to the Congress.

I hope that the resolution disapproving Reorganization Plan No. 4 will be approved by the Senate.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Senate vote on the pending resolution in 1 minute.

Mr. AIKEN. Following a quorum call?

Mr. McKELLAR. Following a quorum call. I will amend the request to that extent.

Mr. HUMPHREY. Mr. President, I wish to make a brief statement in reference to Reorganization Plan No. 4, and in reference to the report the committee has prepared, which I believe to be an excellent report, upon the part both of the majority and the minority.

The PRESIDING OFFICER. Does the Senator wish to make his statement under a reservation to object, or under an allotment of time?

Mr. HUMPHREY. I want to make my statement under a reservation to object.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HUMPHREY. In a discussion of the resolution disapproving plan No. 4, as presented by the majority and the minority, it will be noted that the main point of contention is that the plan as sent to the Congress by the President is a plan without a plan. That seems to be the main objection. I think it should be clear, however, that the proposal as submitted by the President, insofar as its objectives are concerned, is a constructive proposal. It meets the basic need of a reorganization of the Department of Agriculture. It was quite clear from the testimony presented before the committee that each and every affected interest group had some reason why it did not approve the plan, and those reasons were not always identical. In fact, many of them were contradictory.

The second main point that was brought up against the plan was that it altered the substantive law, and permitted the Secretary of Agriculture, by the transfer of funds, to alter the general policy and program as laid down by the Congress.

I believe we should support these reorganization plans. However, it appears to me that the executive branch of the Government would do a great service for the Congress if, when these plans are prepared, the officials of the agency affected would come to the interested standing committee of the United States Senate or House of Representatives and consult the committee. I for one am becoming just a little tired of having plans come before the Congress without those persons in the Congress who are familiar with the basic law of the land being given an opportunity to know what is going on.

The plan we are discussing was presented before the Senate Committee on Expenditures in the Executive Departments. I say, frankly, as a member of that committee, that I am not fully familiar with all the basic law pertaining to agricultural policies. Each Senator has a general knowledge, but the law pertaining to the many agencies and bureaus of the Department of Agriculture is complex, and oftentimes it is most difficult to be able to put one's finger on a particular provision at the moment. I should like to have the Secretary of Agriculture and the Director of the Budget, who presented the initial statement of the plan, come to the appropriate committees of the Congress, both of the Senate and the House, and discuss the over-all reorganization of the Department of Agriculture. I should like to have that done with the view in mind of following out the basic recommendations of the Hoover Commission insofar as the administrative structure is concerned.

I should like to solicit the attention of my colleagues to the minority report, which points out what those recommendations were, and I should like to solicit the particular attention of my colleagues to the importance of basic reorganization in the Department of Agriculture.

Mr. President, it is perfectly obvious that, in view of the lack of certainty of the plan as proposed, it does not withstand the test of a detailed plan of reorganization. It is general and all-inclusive. I believe it to be the duty of the executive department to do a little more than just send down plans. I think it is about time that the executive branch of the Government send down plans after the officials have consulted the individual Members of the Congress who are responsible for legislation. Once that is done, we are going to get a kind of reorganization that is definitely needed.

Mr. President, this is the view of one Member of the minority, and I think I am fair in saying that those of us who have taken time to prepare the minority report, primarily as a declaration and statement of policy, feel that the views therein expressed are sound views.

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that I may have incorporated in the body of the RECORD a statement which I intended to make on Senate Resolution 263, and I should like to have the statement appear before the final vote is taken.

There being no objection, Mr. SCHOEPPEL's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHOEPPEL IN FAVOR OF SENATE RESOLUTION 263

Mr. President, I am sure that many other Members of the Senate, who, like myself, are vitally interested in the welfare of rural America, were encouraged by and approved in principle the Reports of the Task Force and the Recommendations of the Hoover Commission relating to the Department of Agriculture.

The 16 recommendations contained in the report were vital to a substantial reorganization of the department. They would provide for a more efficient organization—elimination of duplication of effort—sound conservation policy, and most important, a real saving to the American taxpayer.

I join, Mr. President, with millions of our fellow citizens who endorse and praise the work of this great Commission. I do not feel that its effective and constructive work to establish a better operation of the affairs of Government should be lost by doing only lip service to its constructive recommendations.

Reorganization Plan No. 4 falls far short of accomplishing the objectives so needed within this important Department, which objectives were approved by four large farm organizations of the country.

Mr. President, four of the leading farm organizations of the Nation, the American Farm Bureau Federation, the National Grange, the National Council of Farm Cooperatives, and the National Cotton Council, are opposed to plan 4 as submitted.

Seven members of the task force of eight, which made the study of the Department of Agriculture and which was headed by Dean H. P. Rusk of the College of Agriculture of the University of Illinois, have filed a statement opposing the plan.

It should be noted that those with unselfish interests and those most affected by the administration of the plan are opposed to it.

The President, in his message to Congress, submitting the plan said: "The taking effect of the reorganization included in this plan may not itself result in a substantial saving." I believe he is right, for he has not included the provision for more efficient and economical administration.

If the Commission recommendations were adopted it is estimated that there would be an annual saving of $44,000,000, with an additional annual saving of $36,000,000, with the adoption of recommendations relating to credit agencies.

This plan, Mr. President, gives the Secretary a blank check authorizing him to reorganize the Department in any manner without any guide or restraint as to when or how it is to be done.

It was developed, during hearings before the Expenditures Committee, that he has no plan.

It is a matter of record that he is opposed to, or noncommittal concerning, the recommendations, with the exception of the creation of new top-level positions.

I am opposed to granting this directionless discretion. I submit that this resolution should be adopted and that the President should then submit a plan based on the report of the Commission. The public support of the recommendations of the Commission, Mr. President, is based upon their substance. When plans are submitted to the Congress, under the guise of implementing the recommendations, when in fact they do not, we should reject them and let the people know why they have been rejected. It is time to put an end to political expediency as a guide to great decisions. The question here is, Shall we bow to ineffectual and political maneuvers, or shall we insist upon that which we know is best for the country and that which we know our people support?

It is my belief that plan 4 ought to be rejected by the Congress at this time for the following reasons:

1. Adoption of plan 4 now might well forestall the type of sound, money-saving reorganization which the Hoover Commission recommended and which the farm population of the United States will endorse.

2. Plan 4 is opposed by major farm groups of the Nation which are fearful of the piecemeal and arbitrary character of the plan 4 approach to reorganization.

3. Plan 4 delivers to the Secretary of Agriculture an authority and power not coupled with a clear directive to do a real and responsible job of reorganizing his Department.

4. Plan 4 removes from subordinates in the Department responsibility spelled out in legislative act without vesting such specific responsibility and instructions in the Department head.

Let us look at some of the difficulties of the plan 4 approach to reorganization.

Plan 4 vests new powers in the Secretary of Agriculture, but it offers neither assurance nor promise that such powers will be used to effect greater efficiency, better service to the farmer, or more economy to the taxpayer.

The expressed attitude of the present Secretary, reflected in his public utterances on the recommendations of the Hoover Commission and his testimony before the Expenditures Committee, gives no indication that the passage of plan 4 will further the cause of reorganization of the Department along practical lines as set forth by the Hoover Commission or the task force.

To be effective in carrying out Commission suggestions, plan 4 must be accompanied by a strong desire by the Secretary to put his Department in order; or else it must have a clear record of congressional intent to give it effectiveness. Passage of plan 4 now assures neither of these forces for departmental reform.

Plan 4, in and of itself, does not save the American people one dime. Indeed, it authorizes new employment of an administrative assistant secretary and two assistant secretaries. (Only one was recommended by the Hoover Commission.)

Plan 4, in and of itself, assures no better service to the farmer. None of the specific suggestions of the Hoover Commission for departmental reform are spelled out.

Plan 4, in and of itself, would let the Secretary of Agriculture write his own ticket in the Department. There is nothing in the record to indicate that he would use his new authority to effect a streamlining of the sprawling bureaucracy which the Hoover Commission task force has described.

What would plan 4 bring about?

It would transfer to the Secretary of Agriculture "all functions of all other officers of the Department and all functions of all agencies and employees of such Department."

Specifically exempted from this sweeping language are the corporations of the Department, the advisory board of the Commodity Credit Corporation, and the hearing examiners of the Department.

It is claimed by the proponents of plan 4 that it is partial implementation of the recommendations of the Hoover Commission.

With full emphasis on the partial, such a claim is true only in a very technical sense. The Commission does not recommend clear lines of authority from the President down through his department heads.

But in this plan 4 approach to reorganization, the sins of omission are of greater consequence than the Commission suggestions that would be acted upon.

There is nothing in plan 4 that treats directly the general findings of the Commission which I summarize briefly for its highlights:

"In the last 20 years the Department of Agriculture has expanded from about 22,000 employees to over 82,000. Its expenditures during this period have increased from $25,000,000 to over $834,000,000. Instead of a well-integrated, efficient organization, the Commission found a loose confederation of independent bureaus and agencies with authority diffused among 20 different offices which report directly to the Secretary. The Commission found wasteful duplication of effort and irritating policy conflicts within the Department, between the Department and State and county farm services, and between the Department and other Federal agencies.

"EXAMPLES

"(1) Ten field services of the Department of Agriculture, with a multitude of county advisory committees, work at the county level. By setting up one advisory committee in each county, the Government could save about $4,300,000 per annum.

"(2) In one Georgia cotton-producing county, the Commission found 47 employees attached to seven separate field services of the Department working with only 1,500 farmers. A fruit and grazing county in the State of Washington had 184 employees of separate field services working with 6,700 farmers. A Maryland dairy county had 88 Department employees working with less than 3,400 farmers.

"(3) A Missouri farmer received varying advice on the application of fertilizer from five different agencies.

"(4) Thirteen farm credit agencies, four of which are in liquidation, have $3,500,000,000 on loan, and lending authorizations of nearly $7,000,000,000. Simplification of this unwieldy agricultural credit structure would save $36,000,000 a year in administrative costs alone.

"(5) Producers, manufacturers, and retailers of food and drugs are hopelessly confused by conflicting regulations of the Department of Agriculture, the Federal Security Agency, and the Federal Trade Commission. Although the requirements for labeling and advertising of foods and drugs should be almost identical, labeling is regulated by the Federal Security Agency and advertising by the Federal Trade Commission. A disinfectant may be subject to diverse regulations of the Federal Security Agency and the Department of Agriculture.

"(6) Ranchers who run livestock on both national forest pastures and public grazing lands must obtain separate permits with different terms and conditions from agencies of both the Agriculture and Interior Departments.

"(7) Two sets of regional and local forest officers representing the Agriculture and Interior Departments carry on conflicting and duplicating activities on intermingled or adjacent timber land.

"MAJOR RECOMMENDATIONS

"(1) The organization of the Department should be thoroughly overhauled at the Department, State, county and farmer levels to eliminate costly duplication of effort and existing conflicts in policy.

"(2) Regulatory functions relating to food products should be transferred to the Department. Regulation of drugs should be the function of a proposed public health agency.

"(3) Major land agencies should be grouped in the Department of Agriculture."

Plan 4 gives no answer to the problems which the Commission raises. The net effect of plan 4 would be to strengthen the position of the present Secretary, although he is clear in his opposition to many phases of the sound reorganization program advocated by the Commission after much careful consideration.

On July 8, 1949, the Secretary of Agriculture addressed a letter to the chairman of the Expenditures Committee, setting out his views on the recommendations of the Hoover Commission. The letter was introduced into the CONGRESSIONAL RECORD, volume 95, part 7, page 9250.

In stating his views, the Secretary gave unqualified endorsement to the creation of new, top-level positions in the Department. The remainder of the letter was opposed to, or noncommittal concerning, all other recommendations.

Certainly no expression of opinion contained in that letter warrants giving to the Secretary of this time the considerable authority inherent in plan 4.

A far wiser course, I am sure, would vote the rejection of plan 4 at this time.

Mr. President, I would suggest a course of action to the Senate. I would propose the rejection of plan 4 and the undertaking of consideration on S. 2055, which was introduced by Senator MCCARTHY and prepared, I believe, by the citizens committee to effect some of the major recommendations of the Commission. Or the approach as set forth in the statement of seven members of the task force as follows:

"In order to strengthen the hands of the Secretary in dealing with reorganization of vested interests, safeguard the basic principles set forth in section 2 (a) of the Reorganization Act of 1949, and assure that insofar as possible under existing laws the Commission's recommendations will be adhered to, we recommend that Congress return Reorganization Plan No. 4 of 1950 to the President with the suggestion that he resubmit it after adding to section 2 the following sentence:

" 'In carrying out the provisions of this section, the Secretary shall be guided by the purposes expressed in section 2 (a) of the Reorganization Act of 1949 and by the plan of organization proposed for the Department of Agriculture by the Commission on Organization of the Executive Branch of the Government'."

I do not hold that the Hoover recommendations are the last and final word on organization of the Department of Agriculture. They do offer a definite and reasonable pattern for the discussion of Congress and the Executive in seeking better order.

My plea is that the Congress shall not increase the power of the Secretary to effect reorganization until such time as it has heard and considered fully the reorganization which the Secretary plans to accomplish. If he is going to follow the Hoover recommendations, the Congress should be assured of that fact. If he is going to reject most of the Commission's suggestions, then he should spell out the course which he intends to pursue.

I am opposed to the plan 4 approach to reorganization of the Department of Agriculture because it is vague in its instructions and dangerous in its vagueness.

I want this Congress to do more than to authorize new positions and to increase the powers of the Secretary for good or for ill. I want this Congress to take positive action that will guarantee a constructive effort to reorganization along the lines suggested by the Hoover Commission. As I read the letters of hundreds of my constituents, I gather that they desire the same end.

Reorganization ought not be attacked in a piecemeal, half-hearted manner. We should take action that will assure sound reorganization now and provide an efficient and economical basis for future operation. A job half done or poorly done at this time is worse than no action at all.

The distinguished Senator from New Mexico, the former Secretary of Agriculture, has made these pertinent remarks concerning reorganization of the Department.

"What, to me, is important is that we decide to press for a pattern of simplification in the Department of Agriculture. When we examine the committee's study of that Department, we observe that any activity heretofore carried on, now being conducted, or needed in the future will fit into that pattern under one of the eight units. It permits the Department to care for new developments in an orderly manner.

"If there is no such pattern and a new law such as the Research and Marketing Act is passed, there is no place for the action agency and a reorganization is indicated. Reorganizations are bad, even if required. Employees become worried about their jobs. Morale is at a low point for months.

"The pattern proposed for the Department should make unnecessary any sweeping reorganizations in the future. There will be adjustments, yes—maybe some adjustment every year—but there will not need to be any more basic changes. Assurance that permanence of that nature could be given to the structure of the Department would be helpful to those who administer its programs as well as those who work far down the line in its services and agencies."

For the reasons I have outlined, I hope the Senate will pass the resolution to reject plan 4 and will undertake hearings on S. 2055.

We should act in this matter with knowledge of what we are doing and with reasonable assurances of the ultimate success of our efforts.

There is no such knowledge or assurance in the plan 4 approach.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Tennessee that the vote on the pending question be taken in 1 minute?

Mr. RUSSELL. Mr. President, reserving the right to object, did the request contemplate a quorum call?

The PRESIDING OFFICER. There was no quorum call included in the request.

Mr. MCKELLAR. I will include it.

Mr. RUSSELL. I would prefer that the distinguished Senator from Tennessee included it.

The PRESIDING OFFICER. The Senator from Tennessee amends the unanimous-consent request to include a quorum call preceding the vote. Is there objection?

Without objection, the unanimous-consent request, as modified, made by

the Senator from Tennessee [Mr. McKELLAR], is agreed to.

Mr. LUCAS. 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	Martin
Anderson	Hoey	Maybank
Brewster	Holland	Mundt
Bricker	Humphrey	Myers
Bridges	Ives	Neely
Butler	Jenner	Robertson
Byrd	Johnson, Colo.	Russell
Capehart	Johnson, Tex.	Saltonstall
Chapman	Johnston, S. C.	Schoeppel
Connally	Kem	Smith, Maine
Cordon	Kerr	Smith, N. J.
Darby	Kilgore	Sparkman
Donnell	Knowland	Stennis
Dworshak	Lodge	Taft
Eastland	Long	Thye
Ecton	Lucas	Watkins
Ellender	McCarthy	Wherry
Ferguson	McClellan	Wiley
Fulbright	McFarland	Williams
George	McKellar	Young
Gurney	McMahon	
Hendrickson	Malone	

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

The question is on agreeing to Senate Resolution 263. [Putting the question.] A majority of the authorized membership of the Senate having voted in the affirmative, the resolution is agreed to.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, several telegrams received by me in regard to the matter which has just been before the Senate.

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

MEMPHIS, TENN., *May 18, 1950.*

K. D. McKELLAR,
Senate Office Building:

Please support and vote for Senate Resolution 263 to disapprove plan 4 for reorganizing Department of Agriculture.

V. ALEXANDER,
Executive Secretary, Mississippi Valley Interior Cotton Compress and Cotton Warehouse Association.

MEMPHIS, TENN., *May 18, 1950.*

Senator K. D. McKELLAR,
Senate Office Building:

I sincerely hope you will support and vote for Senate Resolution 263 to disapprove plan 4 for reorganizing Department of Agriculture.

NORRIS BLACKBURN.

NEW ORLEANS, LA., *May 18, 1950.*

Senator KENNETH D. McKELLAR,
Senate Office Building:

Will appreciate if you will support Senator McCLELLAN's resolution with respect to Reorganization Plan 4; this pertains to Department of Agriculture. All your Memphis friends looking forward this action your part.

Regards,

SID Y. WEST.

SOME FACTS FOR MR. TRUMAN

Mr. KEM. Mr. President, unfair foreign competition, created by dollars taken from the American people under the power to tax, is paralyzing large parts of the industry of the United States.

According to the Bureau of the Census, there are now more than 3,500,000 workers unemployed in this country. The Department of Labor of Missouri advises me that during the period of 4 months ending May 1, 1950, more than 114,000 workers in Missouri filed unemployment insurance claims for the first time.

BILLIONS OF DOLLARS TAKEN FROM AMERICAN PEOPLE BY TAXING POWER ARE BEING USED TO BUILD CHEAP LABOR, FOREIGN COMPETITION

Last year ECA Administrator Hoffman was warned that by using Marshall-plan money to build factories overseas he might put a lot of industry in this country out of business. Mr. Hoffman's comment was:

> Sir, I cannot tell you how little concerned I am about European competition.

The administration has continued to use billions of Marshall-plan dollars to build up industries in western Europe. According to Mr. Hoffman—

> Industrial production has not merely been lifted to the prewar level but stands 20 percent above it.

The products of these European industries are now competing with those produced by American workers. Marshall-plan countries are now dumping their products on markets in the United States and in overseas markets formerly supplied by us. The Truman administration has given hearty approval.

ECA Administrator Hoffman recently said:

> We must sell less to and buy more from Europe.

He wants American producers to give up more of their overseas business and forfeit more of their markets here at home to foreign producers.

I should like to invite the attention of the Senate to the effect of this program as it becomes apparent in my own State of Missouri. I fear the instances which I shall cite are typical illustrations of the disastrous effects of the foreign competition blight that may soon spread over the country—from Maine to California.

WIDESPREAD UNEMPLOYMENT IN MISSOURI SHOE INDUSTRY

Mr. President, during the last several days I have received over 600 postals and letters from workers in the important shoe industry in my State, protesting bitterly that foreign competition is rapidly forcing increasing numbers of them into full-time or part-time unemployment. I have brought these protests into this Chamber. They now lie on my desk. Perhaps some of my colleagues may be interested to see how men and women feel when they are forced into unemployment through the activities of their own Government. Senators are welcome to inspect these communications; they are here.

Mr. President, shoes turned out by cheap labor abroad are being dumped on the American market at prices lower than comparable shoes can be manufactured in this country.

Several Marshall-plan countries are busily dumping shoes on the American market. In 1949, Great Britain and Italy exported more than $1,600,000 worth of boots and shoes to the United States. In Britain the average hourly wages of shoe workers amount to only 35 cents an hour, less than half the wages paid to American workers. In Italy the wages paid to highly skilled shoe workers amount to only 28 cents an hour.

While this is going on, the administration is pouring millions of dollars into Europe to build up the shoe industry there—$13,000,000 worth of hides, skins, and leather have been given to Britain, Italy, and other Marshall-plan countries for manufacture into shoes, boots, and other articles.

A complete shoe factory is being sent by the ECA as a gift to Trieste. This factory was formerly operated by a Boston shoe concern, which was forced to close down because of financial difficulties. Now, under the Marshall plan, the factory is being transferred to Trieste, so that it can employ cheap labor. Most of the shoes which it will turn out are expected to go into the markets of the United States.

Mr. MARTIN. Mr. President, will the Senator from Missouri yield, or would he prefer to complete his remarks before yielding?

Mr. KEM. I would prefer to complete a few remarks first, and then I shall be glad to yield to my able friend, the Senator from Pennsylvania.

Mr. MARTIN. Very well.

Mr. KEM. Mr. President, shoes made in Communist-controlled Czechoslovakia are being shipped into the United States to sell to importers at costs less than the American manufacturer must pay for leather and other materials alone—with no allowance for the wages paid American workers. Trade estimates indicate that over 1,000,000 pairs of Czechoslovakian shoes will be imported into the United States in 1950. Hats are coming into the United States in great quantities from Czechoslovakia, at a time when the American hat industry is already staggering from foreign competition. Such commerce encourages totalitarian labor methods, undermines American prosperity, and plays right into Stalin's hands.

Mr. President, is this a continuation of the policy of appeasement of communism begun at Yalta, continued at Potsdam, which blossomed into full bloom in China?

But that is not all. On Thursday, April 13, 1950, the State Department announced that negotiations would begin with foreign countries in September of this year to reduce the tariff on 2,500 items imported into this country including boots, shoes, or other footwear. This means, if carried out, a further flood of cheap-labor shoes on the American market.

GIVE-AWAY PROGRAM HAS CAUSED THOUSANDS OF LEAD MINERS TO BE THROWN OUT OF WORK

The lead-mining industry regularly affords employment for thousands of Americans, not only in Missouri, but in many other States. This important American industry, vital in time of war, is now threatened with near extinction by competition from abroad—competition built up by gifts of Marshall-plan dollars.

Last year as much lead was imported into this country as was produced here. As a result, the market price for lead has dropped from 21½ cents in March, 1949, to about 12 cents a pound at present.

So far, the unfavorable price situation in lead has resulted in widespread unemployment in the Missouri lead belt and in other parts of the country.

Last year, Germany and Italy dumped nearly $4,000,000 worth of lead on the American market. These World War II enemies of ours have received large amounts of aid under the Marshall plan, including $18,000,000 worth of construction, mining, and conveying equipment.

Last December the ECA announced that it would use $3,600,000 in Marshall-plan funds to modernize and expand lead and zinc mining in French Morocco. The program includes the development and mechanization of the mines, the construction of an entirely new mill including a crushing plant, and the addition of grinding and flotation facilities. In addition, $1,140,000 worth of American equipment has been furnished by ECA to aid in the search for new deposits of metals, including lead. Last year, French Morocco exported more than 10,000,000 pounds of lead to the United States. With the ECA now furnishing funds to modernize and expand the lead mines there, the amount exported this year to the United States promises to be even greater. The result is easy to foresee—more of our miners will, as Mr. Hoffman advises, be looking for something else to do.

FARM PRODUCTS FROM OVERSEAS, EVEN FROM BEHIND THE IRON CURTAIN, ARE INVADING OUR MARKETS, WHILE DISASTROUS SURPLUSES CONFRONT OUR FARMERS

Our farmers are being squeezed tighter and tighter by competition from abroad. Last fall, ECA Administrator Hoffman and Secretary of Agriculture Brannan permitted the Socialist Government of Great Britain to use $175,000,000 of Marshall-plan funds to buy Canadian wheat, at a time when wheat was—and still is—running out of our ears here at home.

In 1949, 2,500,000 pounds of dried eggs were imported into the United States from China. This was about eight times as many dried eggs as were imported from China in 1948. These eggs were dumped on the American market—with the approval of the administration—even though the Government now has about $100,000,000 worth of dried eggs in storage under the farm program.

Last year the administration permitted more than a million pounds of Polish hams to be imported into the United States. Poland, I need not remind the Senate, is behind the iron curtain.

Five million pounds of cheese are to be exported to this country from New Zealand, with the consent of our own State Department. This is equivalent to the output of all 52 cheese plants in Missouri for nearly a month. Some 6,000,000 gallons of United States milk will be replaced by the imports.

At the same time this is going on, our dairy industry is plagued with surpluses. Millions of bushels of potatoes are shipped into this country from Canada to take advantage of our prices, supported by our Government money, while our own potatoes are being destroyed in the field.

The State Department has announced that as part of its new tariff-reduction proposal, it will seek tariff cuts on a large number of farm products being imported into this country, including cream, cheese, meats—fresh, chilled, and frozen—and cotton.

UNITED STATES MAY SUFFER AN ECONOMIC COLLAPSE IF TRUMAN ADMINISTRATION CONTINUES ITS PRESENT PROGRAM

The administration seems to believe that unless Government spending for foreign aid continues unabated, the country will face a depression. Mr. President, if the Truman program to build up foreign industries abroad continues unchecked, if the administration continues to use American dollars to create socialistic cartels in western Europe, if American workers are forced to compete with cheap foreign labor, this country may suffer an economic collapse. I urge my colleagues in this body, and I urge them very earnestly, to give this situation thoughtful consideration before the Marshall plan appropriation bill leaves this body.

Mr. Truman says he likes facts. Here are facts, Mr. President of the United States. Please think them over.

Many American workers, heavily overburdened with direct and hidden taxes, now are being deprived of their jobs by the give-away policy of the Truman administration. I have opposed, and shall continue to oppose, this ruinous program.

Mr. MARTIN and Mr. BREWSTER addressed the Chair.

Mr. KEM. I yield first to the Senator from Pennsylvania, after which I shall yield to my good friend from Maine.

Mr. MARTIN. Mr. President, I have been very much interested. I did not realize that shoes were being imported to such an extent. Does the very able and distinguished Senator realize that importations of glass, china, and pottery have almost shut down several industries of that character?

Mr. KEM. I did not realize it. Those facts have not been brought to my attention. I mentioned industries which had been brought to my attention by people in Missouri, who have written to me complaining and protesting about the situation.

Mr. MARTIN. Does the Senator realize that the importation of Swiss watches is badly crippling the watch industry of America? I should like to comment that the precision workers, men who work in precision plants during wartime, are largely men who are in peacetimes engaged in the watch industry.

Mr. KEM. I suppose such importations had something to do with the closing of the Waltham Watch Co. in Waltham, Mass., recently.

Mr. MARTIN. They were very much the reason for it.

Mr. KEM. I remember seeing in the press not long ago that the New Haven Clock Co., an industry which had been established in New Haven, Conn., for about a hundred years, had been closed.

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

Mr. KEM. I am glad to yield.

Mr. MARTIN. The Senator mentioned the importation of hats. Does the Senator realize, for example, that Canada can export hats to America, but that the American hat industries cannot send hats into Canada?

Mr. KEM. I believe the same thing is true of many other articles—in the case of Great Britain, France, and Italy, for instance. I am told that we formerly had a very profitable market for shoes in Great Britain. We now export only limited quantities of shoes to Great Britain, which country is in turn sending vast quantities produced by cheap labor into the United States, absorbing our own markets.

Mr. MARTIN. Mr. President, if the Senator will yield for a further question, is it not true that the manufacturing concerns of America that are being most seriously damaged are the small industries, industries with but one factory, not a chain of factories, such as the large corporations can maintain?

Mr. KEM. I think that is undoubtedly true, because they have not had resources with which to withstand the drain of this unfair foreign competition.

Mr. MARTIN. If I may be permitted to make this comment, that applies to glass, pottery, chinaware, shoes, and other articles of similar character. For example, the Stetson Hat Co., which is a large concern, has been able to build a factory in Canada, so it can continue its business in Canada. But if it were not a large concern, it would be unable to do that.

If the Senator will yield for another question, did he happen to be on the floor recently when the able junior Senator from West Virginia [Mr. NEELY] discussed the question of the importation of oil, which is destroying the markets for coal, and has put, I think the Senator said, about 35,000 coal miners out of employment thus far?

Mr. KEM. Yes; I heard that. It so happens that the distinguished Senator from West Virginia today showed me a newspaper clipping indicating that employment conditions in the coal industry of his State and of adjoining States were rapidly becoming worse.

Mr. MARTIN. Is it not also true that in the case of men who are employed in shoe factories and glass factories and in coal mines, it is impossible for them to find other jobs, because of the fact that they are particularly skilled as craftsmen in one certain line?

Mr. KEM. I think it is certainly true. I do not believe Mr. Hoffman's advice to them that they find something else to do is very adequate, under the circumstances, because after a man has become a skilled worker, following years of apprenticeship and years of training, he does not find it very easy to adapt himself to another craft or to find employment in some other field of activity.

Mr. MARTIN. Mr. President, if I may be permitted to do so, I should like to

make this observation: We talk about the American way of life which provides for giving a man an opportunity for gainful employment. He does not want something from the public for nothing. That is particularly true with regard to specially trained men. It is as if we were to tell a lawyer to go into some other professional work. In some cases they are men whose fathers and grandfathers worked in the same line of business.

Mr. KEM. Exactly. The situation with which we are confronted in Missouri is that shoe workers and hat makers are working 1, 2, or 3 days a week. If they can work 5 days a week, their income is adequate for the support of themselves and their families, but when they are able to work only half that time, it means their economic situation becomes very serious, and it is reflected in the economy of the State.

Mr. MARTIN. Mr. President, I apologize for taking so much time at this late hour, but in today's mail there came to me information with reference to the corduroy industry. That industry is being badly damaged by importations. I do not think there is any corduroy industry in Pennsylvania, but I have noticed that the industry is to be found in Maine, Georgia, New York, South Carolina, North Carolina, and Rhode Island. Importations are so great that many of those plants are required to close down.

I have here information with regard to the Pin, Clip, and Fastener Association. That is a very important line of manufacture. Importations are so heavy that many of the factories are closed down. They are small factories, located in small towns, and when they shut down, the economy of the section in which they are located is very badly affected.

I also have information on magnesite which comes from Austria. We never had it in America until World War I, but after the supply from Austria was shut off, it was necessary to develop the business in the United States. The business is being crippled to the extent that in the event of war we would not have a supply available for our steel mills.

Mr. KEM. A part of Austria is behind the iron curtain.

Mr. MARTIN. Yes.

Mr. KEM. Does the distinguished Senator from Pennsylvania see any possible justification for our buying goods from countries which are behind the iron curtain and building up their economy so that they will be more prosperous and more able to exert military effort?

Mr. MARTIN. The Senator is correct. I do not intend to take the time now, but I should like later on to go into the matter rather thoroughly from the standpoint of national defense and the absolute necessity of our having certain critical war items, such as the various things needed in the manufacture of steel, and in the oil industry, the clothing industry, and so forth.

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

Mr. KEM. I yield.

Mr. BREWSTER. I think the Senator overlooked the item of potatoes in his category.

Mr. KEM. I believe I mentioned potatoes.

Mr. BREWSTER. Did the Senator give the figures of imports?

Mr. KEM. I do not believe I did.

Mr. BREWSTER. It is interesting to note that in Maine some 15,000,000 bushels of potatoes which the Government has bought are being destroyed, and, in the meantime, we are importing 15,000,000 bushels of potatoes from Canada, which represents a big loss to our economy.

Is the Senator from Missouri further familiar with the fact that the President has absolute power, under existing law, to stop these imports of farm commodities which are under support?

Mr. KEM. I so understand.

Mr. BREWSTER. Last year the President exercised that power, but this year, for some curious reason, he has refused or failed to exercise it.

Mr. KEM. I also believe that under existing law the Treasury Department has the right to raise the tariff in case goods manufactured abroad below the cost of production here, are dumped into this country. I endeavored today to ascertain whether some action was contemplated in the case of Czechoslovakian shoes, which seems to me to be a clear case requiring action, and the most I could get was that the matter was under investigation.

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

Mr. KEM. I yield.

Mr. DONNELL. I should like to say a word of hearty congratulation to my distinguished colleague on his earnest and appropriate warning to the people of the United States of America, and his exhortation to the President that he look into the subject. I take it that both the warning and the exhortation are well justified by the facts which the distinguished Senator has so clearly presented to the Senate this afternoon.

Mr. KEM. I appreciate the comment of the Senator.

Mr. DONNELL. I should like to ask the Senator a very few questions, if he will permit me to do so at this late hour.

Mr. KEM. I shall be glad to yield for that purpose.

Mr. DONNELL. I assume the Senator recalls, as do we all, that it was only 3 days ago that the Senate itself recognized the increasing unemployment in the coal, oil, silver, zinc, lead, and railroad industries, by the adoption of a resolution presented by our distinguished friend, the junior Senator from West Virginia [Mr. NEELY] for himself and the senior Senator from Utah [Mr. THOMAS], under which resolution it was resolved that the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized and directed to make an investigation of the cause or causes of increasing unemployment in the coal, oil, silver, zinc, lead, and railroad industries, and the committee was directed by the resolution to report its findings, together with such recommendations as it might deem proper, to the Senate on or before the 17th day of June 1950.

Mr. KEM. That is very interesting. I am glad to know that included in the resolution is the investigation of conditions in the lead industry, which is one of the aggravated cases of unemployment in our own State. I am sorry that the shoe industry is not likewise included, because the flood of complaints and protests which I have received in my office makes me know that the senior Senator from Missouri has had a large number of communications in regard to the same situation.

Mr. DONNELL. Yes. I may say that my office has received many communications to similar effect. I am very much pleased that the Senator acquainted the Senate this afternoon with the facts which are obvious from the receipt by him of such a great number of protests as are upon his desk for exhibition.

Mr. President, I should like to ask if the Senator will yield for a few further questions?

Mr. KEM. I shall be glad to yield.

Mr. DONNELL. In the first place, the Senator has been in the northeastern part of our State many times, in Lewis County, in which Canton and La Grange are located——

Mr. KEM. I was born and reared in that section of the State.

Mr. DONNELL. I knew the Senator was born in Macon County. Has it come under the Senator's observation that in Lewis County, certainly at the town of Canton, and I have been informed recently, also at the town of La Grange, although I did not know it until I was so informed, there is a very striking illustration, which has endured for years after its origin, of the effect of removing the tariff from products of our country? I am referring, as the Senator doubtless knows, to the mussel-shell button factory and the fact that today, notwithstanding the lapse of many years, I do not know how long, along the side of the Mississippi River, close at hand, is a mute witness to the short-sighted policy of taking off tariffs; in that there are literally millions, and, I have no doubt, billions of mussel shells which might have been in large part made into buttons in the thriving factory which used to be located at Canton, but which was closed down because of the taking off the tariff.

Mr. KEM. I think that is a very striking instance. I remember very well that in the days of my youth it was an important industry in that section of the State and that it offered employment to large numbers of persons. I believe the business is almost nonexistent today.

Mr. DONNELL. My understanding is, if I may say so, that it is nonexistent. I think it has entirely disappeared. Will the Senator yield further?

Mr. KEM. Yes.

Mr. DONNELL. Does the Senator agree with me that not only is it the owner of the factory which is shut down who may be injured by foreign competition, or suffer from it, but that the employees, the workers, the members of the union and nonmembers of the union, who are compelled to go out and look for something else to do, suffer also.

Mr. KEM. I am sure of that.

Mr. DONNELL. Does not the Senator agree further, as has been pointed out on the floor of the Senate, that not only are the owner of the factory and the

employees injured, but that the merchant who sells to the employees and the farmer who sells to the merchants are dependent upon the operation of the factory. Therefore, if a factory is closed down because of a shortsighted tariff or other national policy, the employers, employees, merchants, butcher, baker and candlestick maker, and everybody else suffer by reason of such a short-sighted policy.

Mr. KEM. I am sure that is the case. The senior Senator from Missouri may be interested to know that I have not received a single complaint or protest from manufacturers. The mail which I have had has come entirely from workers. When this mail came in such large volume, I called on two or three shoe manufacturers in Missouri whom I know, in order to confirm the situation and to inquire whether or not it was as bad as the letters indicated. I found that the employees had not yet received the full impact of the conditions as they have developed.

Mr. DONNELL. If I may have unanimous consent I should like to close my interrogation by a repetition of my congratulations to my distinguished colleague upon the fine public service he has rendered this afternoon in this warning and exhortation to the Chief Executive I assume that the Senator has observed in the press the Chief Executive's announcement that he expected to take credit for the prosperity which the country has had. I judge that the Senator would agree with me, and I ask him if he does, that it might be appropriate, in view of such claim, that the President give careful consideration to whether or not there would be responsibility on himself and his administration in the event such results as the Senator has referred to come upon the country in increasing volume.

Mr. KEM. I thank the Senator for his timely observations and for his important contributions.

Mr. BREWSTER. Mr. President, I think the RECORD should show, in connection with the resolution submitted by the Senator from West Virginia [Mr. NEELY] for himself and the Senator from Utah [Mr. THOMAS], that those of us who were on the floor at the time discussed it with him, and out of deference to his recent conversion and certain tender solicitude for his inauguration of this investigation, did not suggest that the other items, such as shoes and various other items, both agricultural and industrial, should be included in it, although the Senator from West Virginia stated that as rapidly as the facts unfolded he would cooperate with all of us who were concerned over this subject.

Therefore, we have the assurance that he does not by any means intend to limit his exploration, as time goes on, to the immediate subjects enumerated in the resolution, but will cooperate with us for a broader investigation. Is the Senator also familiar with the repeated pledges of the President that he would not permit any tariff reductions which would injure any American industry? Is he aware of those repeated promises?

Mr. KEM. I did not know that the President had made such promises. However, it seems to me that by his works we may know him, and some effective action, I am sure, would be appreciated by the workers who have been put out of employment by the flood of cheap-labor-produced foreign goods which are now coming into the country.

Mr. McMAHON. Mr. President, now that the lamentations, the wailing, and the gnashing of teeth about the 60,000,000 persons who are employed in this country have been heard, I should like to address myself to the FEPC proposal.

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

Mr. McMAHON. I should like very much to yield, but I have been waiting all day to make this address on the proposed FEPC legislation, and I should like to continue with it. The hour is late. I may say, Mr. President, that some day at a more propitious time I shall be glad to discuss the issues which the Senator has raised. However, I cannot do so at this time.

Mr. KEM. Mr. President, will the Senator permit me to refer him to a rather interesting statement, which appeared recently in the CONGRESSIONAL RECORD, by the Honorable JOHN DAVIS LODGE, a Representative from Connecticut, with regard to the effect of cheap foreign competition on the hat industry of Connecticut?

Mr. McMAHON. That also would take us into quite a long discussion. I saw the statement by Representative LODGE. The Senator, therefore, is not calling anything new to my attention. I saw the statement.

Mr. KEM. Is the Senator interested in what was said by Representative LODGE?

Mr. McMAHON. I am interested in everything pertaining to the hat industry, but only moderately interested in the statement by Representative JOHN DAVIS LODGE.

Mr. KEM. Was the Senator interested in the announcement that the New Haven Clock Co. had gone out of business after some 100 years of successful operation?

Mr. McMAHON. I did not intend to become involved in the discussion of that question, Mr. President, but the statement of the Senator from Missouri must be corrected, because the New Haven Clock Co.'s business is booming. Orders are pouring in for clocks, I am informed, from the automobile manufacturers in Detroit, who are turning out more than 6,000,000 automobiles this year. They have made the New Haven Clock people very happy indeed, and the stock of the New Haven Clock Co. went up on the stock market last week.

FEDERAL FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed the consideration of the motion of Mr. LUCAS to proceed to the consideration of the bill (S. 1728) to prohibit discrimination in employment because of race, religion, or national origin.

Mr. McMAHON. Mr. President, frequently, during the course of recent discussions on this floor, Members of the Senate have stressed the fact that our deliberations are of momentous importance, not only to the citizens of our own country, but to millions elsewhere in the world. Today, many look to this country to exemplify all that is just and democratic in the government of men.

This is particularly true at this moment, as we take up the measure presented to this body by the former Senator from Rhode Island who is now the Attorney General of the United States. Our decision is of paramount concern to some 50,000,000 of our own citizens who belong to those racial, religious, and national origin groups most frequently subjected to discrimination in employment. But, our allies in Europe and Asia are also of varied racial and religious stocks. What we in this Chamber decide concerning this bill will indicate to those allies the degree of our sincerity when we speak, through our representatives at the United Nations and at international conferences, of such human values as equality and freedom.

It is self-evident that, in this day and age, freedom becomes an empty promise unless it means freedom to develop one's highest skills; freedom to engage in work best suited to one's talents; freedom from the frustration, the indignity, and the impoverishment brought on by discrimination in employment.

No smooth words of rationalization, no pious excuses, will repair the damage to our international reputation that must result from failure to act—and to act positively—on this issue now. Whatever our decision, we must be prepared to stand, not only before our own constituencies, not only before the American people as a whole, but before the great tribunal of world opinion, where the case for democracy is even now being weighed.

So much irrelevant comment, so much emotion, has been engendered by this proposed legislation that we are in great danger of permitting the facts underlying this bill to be obscured and lost. There are irrefutable reasons—social, economic, and humanitarian—in favor of immediate passage. But even before we discuss these reasons, I should like—as a citizen of Connecticut, a State where fair employment practices have been in successful operation for some time now—to clear away some of the misconceptions surrounding FEPC. I should like to state very plainly just what this bill does not propose to do.

First. There is nothing in this measure, either in language or intent, that would force any employer to hire a specific quota or percentage of workers from any racial, religious, or national origin group, or to hire any applicant, whatever his race or religion may be, who is not fully qualified for the job.

Second. There is nothing in this measure, either in language or intent, that confers special privileges of any kind upon any racial, religious, or national origin group in this country.

Third. There is nothing in this measure, either in language or intent, to promote social equality or to govern the social relationships of any workers or employers.

All that this bill will do is to erase those peculiarly un-American handicaps which too often in the past have been

placed in the way of too many of our people when they sought jobs or up-grading or promotions.

So much for what this bill will not do.

Unfortunately, a fair employment practices bill is often dismissed as if it were a poisonous dose about to be forced down the throats of American businessmen. Yet, in those States where FEPC is in operation, businessmen are overwhelmingly in favor of it. Experience has proved that, far from interfering with the free operation of business enterprise, FEPC opens up a broader labor market, increases consumer demand, and makes for greater stability in the working force. Thus, we find such leading figures on the industrial scene as William Batt, president of SKF Industries, Dwight Palmer, of General Cable, and dozens of others, speaking out vigorously in support of Federal fair employment practices. Organized labor is, without exception, in favor of this measure, as are the churches, veterans' organizations, and numerous other groups most representative of public opinion—the conscience of the American people.

Let us not make the mistake of selling this conscience short. Let us remember that the phrase "all men are created equal" has inspired Americans to greater dreams and the greater fulfillment of those dreams than any other people on earth. Yet, we have been guilty of a glaring inconsistency in our actions. The glorius words of our Declaration of Independence offer cold comfort to any man who is turned away from a job he can do, and do well, just because some other person does not like the color of his skin or the way he worships God. And that man's children, future citizens of the United States, are more than a little puzzled as they learn our Nation's history in their classrooms, to understand the reasons for this cruel inconsistency.

We teach our boys and girls to be justly proud of our great tradition of regard for human dignity and individual worth. We point—and rightly so—to the numerous Americans who have risen from humble beginnings to positions of social, political, and economic leadership. We strive, by precept and example, to instill in the hearts and minds of young Americans the conviction that in this Nation opportunity is unlimited for those who are willing to work for it. And we train our children to scorn anyone who claims special privilege or special dispensation without having earned it.

Ask yourselves, as you look back over our proud history, what it was that set the United States apart from all other nations at the time when the 13 courageous colonies established their independence. See if you do not agree with me that, more than any other single factor, it was that we recognized no aristocracy of birth; we denied the right of any man to claim inherent mastery and superiority over his fellows.

In our great universities, the student who earns the highest grades is awarded the highest honors. On the team, the player who makes the largest number of runs holds the favored position. It is performance—it is performance alone—that counts. That is as it should be. That is the American way—the democratic way—the only way to justice and peace for all mankind.

But when our young people grow up; when they leave the classroom and the baseball team behind and turn to the all-important task of earning a living, they find a wide gap between the equality we preach and the discrimination we too often practice.

Today, this is our most alarming weakness in the ideological battle that is raging in the world. Unless we correct this weakness we run the risk of alienating millions of our own idealistic youth who feel that lip service to democracy must be translated into action now, not to mention those victims of discrimination who naturally must feel that justice to themselves and to their neighbors on the employment front is long overdue. And we will lose, by default, our struggle for men's minds and their allegiance to democracy in Europe, in Asia, and in South America.

We must not permit ourselves to become distracted by charges and countercharges, by petty sectionalism and political side shows. We must not be turned away from our clear duty to adopt the McGrath bill as quickly as possible.

Probably few, if any, issues that have come before the Senate in recent months will have as telling an impact on the morale of our citizens, the economic stability of our Nation, and the security of our international position.

RECESS

Mr. McMAHON. Mr. President, I now move that the Senate stand in recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 7 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Friday, May 19, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 18 (legislative day of March 29), 1950:

DEPARTMENT OF STATE

H. Freeman Matthews, of Maryland, now Ambassador Extraordinary and Plenipotentiary to Sweden, to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

W. Walton Butterworth, of Louisiana, now an Assistant Secretary of State, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

IN THE COAST GUARD

The following-named persons to be lieutenants in the United States Coast Guard:

William Walter Richter
John Andrew Corso
William Henry St. George
George Thomas Treffs
Robert Justice Bloxson

The following-named persons to be lieutenants (junior grade) in the United States Coast Guard:

Nathaniel Foote Main
Edwin Allen Schmidt
Roger Harry Swain
Robert Daniel Valentine
Edgar Stanley Carlson
Vincent Joseph Mitchell
Richard Taylor Houlette
Andrew Stefan Skucy
Ross Lynn Moore
Walter Edward Johnson
Benjamin Franklin Rush
Thomas Comfort Duncan, Jr.
Adam Stanley Zabinski
William James Brasier

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 18, 1950

The House met at 11 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou God of might and of mercy, may we be grateful for this new day, challenging us with the opportunity and the privilege of having some part in solving the many problems in this busy world of human affairs and human relationships.

We pray that Thou wilt take our groping and faltering spirits and illumine them with Thy divine spirit and may it be the master light in all our understanding and all our decisions.

Fill us with a more vivid sense of the reality and the worth of the ideals and principles of our Christian democracy. May we seek to authenticate and validate them by our daily character and conduct.

Make us more thoughtful and considerate of all who are finding the struggle of life so burdensome. May we have a word of kindness and encouragement and a hand of helpfulness for Thy needy children.

In Christ's name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDER GRANTED

Mr. HOBBS (at the request of Mr. McCORMACK) was given permission to address the House for 30 minutes on Monday next, following the legislative program and any special orders heretofore entered.

THE LATE MRS. VIOLA EDNA HORGAN MURRAY

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, it is with deep regret that I inform the House of the passing of Mrs. Viola Edna Horgan Murray, wife of the senior Senator from Montana, the Honorable JAMES E. MURRAY. Mrs. Murray, who was 71 years of age, died yesterday in Roosevelt Hospital in New York. Previous to that time, she had spent several months at Johns Hopkins Hospital in Baltimore where she underwent a series of difficult operations.

A native of Memphis, Tenn., Mrs. Murray was the daughter of William D. and Mary Sweeney Horgan. She attended

high school and college at the Georgetown Visitation Convent here, and was married to Senator MURRAY in 1905. Surviving besides her husband are five sons, James A., William D., Edward E., Howard A., and Charles A. Murray; and two sisters, Mrs. Walter Lytzen and Mrs. Howard McIntyre.

Mrs. Murray was one of the most respected citizens of the State of Montana and her loss will be keenly felt by her many friends in that part of our country. She was an outstanding wife and an outstanding mother who was loved and revered by all who knew her. She contributed much to the building up of our State and became an inspiration for all of us by her daily example of living a Christian life. She will be missed and mourned by the people of Montana, but we will remember her with gratefulness and respect for the many fine things she did during her lifetime.

I wish to extend to Senator MURRAY and his family the sympathy of the people of the State of Montana, and I know I express their feelings when I say may her soul rest in peace.

CURTAILMENT ORDER OF POSTMASTER GENERAL DONALDSON

Mr. WALSH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WALSH. Mr. Speaker, on April 24, 1950, I introduced a bill, H. R. 8172, that in effect will invalidate the recent curtailment order of Postmaster General Donaldson. Since then many Members of the House have introduced companion bills. I am also the author of House Resolution 547 that provides for a special committee of seven members to investigate this particular order. Due to the fact that this order of Mr. Donaldson's is now being carried out, and due to the fact that many of us feel that the order is ill-advised, and unnecessary, I have today called upon the Post Office and Civil Service Committee to start immediate hearings on my bill, or one of the companion bills. The time is of the very essence, and these hearings must be held at once, or this outrageous order will be put into full effect, and the postal service will be greatly affected. If the committee does not act, I will file a discharge petition at the end of 30 legislative days.

ANNUAL MEMORIAL OBSERVANCE

Mr. REGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REGAN. Mr. Speaker, I take the floor at this time to express my appreciation to those Members who honored us with their presence here yesterday for the annual memorial observance arranged by the Committee on House Administration. Extra effort was applied this year to provide a worthy program and to attract a larger attendance, and I think I can speak for the committee when I say that we were well pleased with your response; this view was also reflected in the expressions heard from the relatives of our colleagues.

As the Speaker reminded us yesterday, all Members have 60 legislative days to revise and extend any remarks they may choose to make with respect to our departed comrades.

PROF. LOUIS F. BUDENZ

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include a statement by the president of Fordham University regarding a statement made about one of their teachers.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have been appalled by the attack which a national legislator made upon Louis Budenz, who has repudiated communism, rather than being one who advocates its teachings. I am shocked that innocent children should be exploited before the public gaze in an effort to attack the testimony of Louis Budenz.

Fordham University, where Louis Budenz is employed as a professor, is indignant at what has been done and is making a battle against what has been said against Louis Budenz. The gentleman could not know, I could not know, and you could not know whether Louis Budenz acted in good faith when he repudiated his Communist ties and the sordid life which is part of the Communist philosophy.

I believe, Mr. Speaker, that the sincerity of a sinner's repentance is a matter to be judged by God, not by anyone else.

Yet, I wonder where the legislator got his information. Who collected and compiled these data for him? Did he unknowingly accept data from Communist sources? Were these data obtained from the court records, showing material used by Attorney Harry Sacker while defending the 11 convicted Communist leaders? Mr. Sacker used this same material to try to discredit Louis Budenz, because he had been a witness against the 11 now-convicted Communists. This Harry Sacker, who used the same material in attacking Budenz long before the front page was made by a public servant, is now awaiting sentence after having been cited for contempt of court by Judge Medina, one of the liberal New Deal judges.

Or perhaps the legislator secured material from Mr. Abe Fortas, who is now counsel for Owen Lattimore. Mr. Fortas, even long ago, could probably have had easy access to any dossier the Communists and their friends would have prepared through his friends in the International Juridical Association. I think that organization is no longer functioning—at least, not under that name—since it was cited as a Communist-front organization. But in its heyday the International Juridical Association included among its top leaders Alger Hiss, Lee Pressman, Joseph Brodsky, and Mr. Lattimore's attorney, Mr. Fortas. Did this attorney, Mr. Fortas, furnish the public servant with this material?

I raise this question because the source of the material through which it is sought to discredit Budenz is very important. Who, what sources want to discredit Budenz' testimony today? Who wants to detract attention from the real issue?

The real issue to me today is: Was our Government wise in urging collaboration with the Communists in the Far East? If not, should we continue to allow those who formulated this policy to continue to advise, to orient, as it is now said, those who hold the top positions?

If the judgment of these sources of guidance was bad in the past, are we to glorify them for their bad judgment because one who attacks them admits that he once worked in a bad group with which he has now broken?

I would ask the public official to join with me in examining what has been our Far East policy and in evaluating the wisdom of its implementation so that, together, his party and mine, we may seek to evolve a foreign policy which would protect our own national interests and promote international cooperation among men of good will, rather than seeking to defend those who have made and those who have defended a policy of collaboration with the Communists in China and at home.

The following is the statement I have referred to by Father McGinley, of Fordham University:

[From the New York Times of May 14, 1950]

HEAD OF FORDHAM CHAMPIONS BUDENZ—FATHER MCGINLEY ASSAILS CHAVEZ AS COWARDLY, SAYS WITNESS HAS UNIVERSITY CONFIDENCE

The attack made on the Senate floor by Senator DENNIS CHAVEZ, Democrat of New Mexico, against Louis F. Budenz brought "personal vilification of Professor Budenz to a point even lower than that reached in the columns of the Daily Worker," the Very Reverend Laurence J. McGinley, president of Fordham University, said here yesterday.

He issued a statement defending the Fordham assistant professor of economics as "continuing to enjoy the full confidence of the university," according to the Associated Press.

In his statement, Father McGinley said:

"Prof. Louis Budenz joined the faculty of this university in 1946. Since that time he has given complete satisfaction in the discharge of his academic duties.

"Within the limits imposed on him by his obligations as a scholar and teacher, he has at times complied with the requests of public and private agencies to lecture on the philosophy of communism and on the subversive techniques of the Communist Party. This was done with the knowledge and consent of the university authorities.

"During his years at Fordham, Professor Budenz—both as a teacher and as a Christian gentleman—has deserved and continues to enjoy the full confidence of the university."

CALLS FROM GOVERNMENT CITED

"From time to time—much to his own inconvenience and the occasional inconvenience of the university—Professor Budenz has been subpenaed by the Government to

testify in cases involving alleged Communists or Communist activities."

Father McGinley's statement continued:

"It has always been his wish that such information as might be sought from him by the Government be given solely on his own responsibility. He foresaw that he would be subjected to violent attack from Communist quarters and he did not wish to involve the university.

"It has remained, however, for a member of the United States Senate to bring this personal vilification of Professor Budenz to a point even lower than that reached in the columns of the Daily Worker. It might fairly be said that never within recent memory has a Member of Congress so used his immunity in personal attack upon the character of a fellow citizen.

"The Senator had the effrontery, moreover, to pose as a Catholic while publicly enacting this vicious offense against Christian charity. As a priest of the Catholic Church, and as president of the university of which Professor Budenz is a respected faculty member, I cannot allow so slanderous and cowardly a demonstration go unanswered."

CONSCIENTIOUSNESS PRAISED

"Under Government subpena, Professor Budenz has appeared as a witness in many trials over the last 5 years. He has, as was to be expected, when he testified against Communists or Communist activities, been castigated both here and abroad by those whose conspiracy he was called upon to expose.

"Never, to my knowledge, have responsible officials of our own Government or members of the American press had other than praise for his conscientiousness as a witness."

Father McGinley said in conclusion:

"It was not until he went recently to Washington—once again not at his own request but under subpena from a Senate committee—to testify in an inquiry into alleged Communist influences in our own Government, that those who should have been his friends turned on him with that weakest and most cowardly of all weapons—slanderous attack on his character and his family.

"As an American and a teacher of young Americans, I find Senator CHAVEZ' attack disturbing in the extreme. As a priest, I must denounce the hypocrisy and uncharitableness that have characterized it.

"Whatever mistakes Professor Budenz has made in the past are an open book. Unfortunately for him, he has had to live under the constant threat of Communist reprisals, and to bear in silence the sneers of modern Pharisees who are always ready to point a self-righteous finger at their fellow man.

"The Catholic Church, convinced of the sincerity of his repentance, welcomed Louis Budenz back into the fold. Let those, who, in the name of the church of charity, presume to shout another man's alleged transgressions from the housetops, look instead into their own hearts."

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include excerpts from the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. LUCAS asked and was given permission to extend his remarks and include a statement which he had prepared.

Mr. LARCADE asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. ENGLE of California (at the request of Mr. HOLIFIELD) was given permission to extend his remarks and include an editorial.

Mr. HOLIFIELD asked and was given permission to extend his remarks in two instances.

Mr. McGREGOR asked and was given permission to extend his remarks.

Mr. DAGUE asked and was given permission to extend his remarks and include a clipping from a recent issue of the Philadelphia Inquirer.

Mrs. ST. GEORGE asked and was given permission to extend her remarks in two instances and in each to include a newspaper article.

Mr. RICH asked and was given permission to extend his remarks and include an editorial from the Altoona Tribune entitled "New Pattern for Democracy."

Mr. LEFEVRE asked and was given permission to extend his remarks and include an editorial.

Mr. VELDE (at the request of Mr. ARENDS) was given permission to extend his remarks and include an editorial.

Mr. MICHENER asked and was given permission to extend his remarks and include a resolution passed by the Michigan State Legislature.

Mrs. ROGERS of Massachusetts asked and was given permission to extend his remarks and include an editorial that appeared in this week's issue of the Disabled American Veterans' semimonthly magazine entitled "Let Congress Decide."

Mr. LANE asked and was given permission to extend his remarks in two instances and in each to include extraneous matter.

Mr. SUTTON asked and was given permission to extend his own remarks.

CALL OF THE HOUSE

Mr. H. CARL ANDERSEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HOLIFIELD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 169]

Albert	Coudert	Hall,
Allen, Calif.	Davenport	Edwin Arthur
Allen, Ill.	Davies, N. Y.	Hall,
Anderson, Calif.	Davis, Tenn.	Leonard W.
Auchincloss	Deane	Havenner
Barden	DeGraffenried	Heller
Blatnik	Dingell	Hoeven
Bolton, Md.	Dollinger	Irving
Bolton, Ohio	Douglas	Jackson, Calif.
Boykin	Doyle	Jacobs
Bramblett	Durham	James
Buckley, N. Y.	Eaton	Jenison
Bulwinkle	Eberharter	Jones, N. C.
Burdick	Engel, Mich.	Judd
Cannon	Engle, Calif.	Kearney
Carlyle	Frazier	Kearns
Case, S. Dak.	Furcolo	Kennedy
Cavalcante	Gathings	Keogh
Chatham	Gillette	Kirwan
Chudoff	Gilmer	Kruse
Cole, Kans.	Gore	LeCompte
Cooley	Granger	Linehan
Lodge	Passman	Secrest
Lyle	Pfeiffer,	Sheppard
McConnell	William L.	Sims
McDonough	Phillips, Tenn.	Smathers
McGrath	Plumley	Smith, Ohio
McMillen, Ill.	Poulson	Stigler
Macy	Powell	Taylor
Magee	Quinn	Welch
Mahon	Rabaut	Wheeler
Martin, Iowa	Rhodes	Whitaker
Miles	Richards	White, Calif.
Miller, Calif.	Riehlman	White, Idaho
Monroney	Rivers	Wickersham
Morgan	Sabath	Wood
Moulder	Sadowski	Woodhouse
Murphy	Sanborn	Yates
Nixon	Sasscer	Zablocki
O'Toole	Scott, Hardie	
Pace	Scudder	

The SPEAKER. Three hundred and fourteen Members are present, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REORGANIZATION PLAN NO. 6, 1950—DEPARTMENT OF LABOR

Mr. DAWSON. Mr. Speaker, notice having been served that this resolution would be called up, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 522) rejecting Reorganization Plan No. 6 of 1950.

Pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution may continue not to exceed 4 hours, the time to be equally divided and controlled by the gentleman from Michigan [Mr. HOFFMAN] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on the motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 522, rejecting Reorganization Plan No. 6 of 1950, with Mr. GARY in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the order of the House, the gentleman from Illinois [Mr. DAWSON] is recognized for 2 hours and the gentleman from Michigan [Mr. HOFFMAN] will be recognized for 2 hours.

Mr. DAWSON. Mr. Chairman, I yield myself 13 minutes.

Mr. Chairman, the Committee on Expenditures in the Executive Departments, to which was referred the resolution (H. Res. 522) rejecting Reorganization Plan No. 6 of 1950, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution do not pass.

The purpose of House Resolution 522 is to express disapproval of Reorganization Plan. No. 12 of 1950, and the effect of the adoption of this resolution by the Congress will be to prevent such plan from coming into force and effect on May 24, 1950.

The purpose and effect of the reorganization plan, in the absence of a disapproval by a House resolution, are set

forth in the plan in the following words and figures. I think, first, we ought to know exactly what is in plan No. 6:

SECTION 1. Transfer of functions to the Secretary: (a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Labor all functions of all other officers of the Department of Labor and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of Labor.

SEC. 2. Performance of functions of Secretary: The Secretary of Labor may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Labor of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. Administrative Assistant Secretary: There shall be in the Department of Labor an Administrative Assistant Secretary of Labor, who shall be appointed, with the approval of the President, by the Secretary of Labor under the classified civil service, who shall perform such duties as the Secretary of Labor shall prescribe, and who shall receive compensation at the rate of $14,000 per annum.

SEC. 4. Incidental transfers: The Secretary of Labor may from time to time effect such transfers within the Department of Labor of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

Mr. Chairman, there are few matters engaging the attention of the American public at this time of greater importance than is either the approval or rejection of these plans of the President. They have been sent to us under a law that we ourselves passed in an endeavor to carry out the recommendations of the Hoover Commission.

The Hoover Commission was set up in the Eightieth Congress, and its purpose was to streamline our Government; the purpose of that Commission was to bring order out of chaos, and the recommendations of that Commission were designed to settle authority upon those who should bear that authority. The Hoover Commission came into existence because throughout the years under laws passed by the Congress the executive department has grown into an unwieldy proposition.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Was the plan now under consideration recommended by the Hoover Commission?

Mr. DAWSON. The plan under consideration was recommended by the Hoover Commission. This Commission was composed of Members of the Senate, Members of the House, and members appointed by the President, so the legislative branch that passed the law and passed on the plans was represented on the Hoover Commission, and the head of the executive department that executes the law also appointed members in order that there might be an impartial study made. This House was fortunate to have on that Commission two of its most able Members. From the Republican side we had the gentleman from Ohio [Mr. BROWN]. We all know his ability; we know the power that he has displayed always for the welfare of his country. On the other side of the aisle, on the Democratic side, we were represented by Congressman Manasco. I submit to you there is not a man in this House who was more interested in the Government and the streamlining of it and in saving the taxpayers money than was Congressman Manasco.

So when we pass upon these plans we are seeking to carry out recommendations that we ourselves created; we are seeking to carry out a thing which will be beneficial to all citizens of these United States, a thing which will place responsibility for governmental action in the hands of those who should bear this responsibility.

We were also fortunate in that we had as head of that Commission the only living ex-President, who had experience as the President of this Nation. President Hoover was the only living ex-President, and other than our present President who is now holding down the Executive Office, who has had such experience. So when we deal with this question, we are dealing with the recommendations of one who had been President and we are sustaining the plan of the man who is now President in order to give that President the responsibility for everything that goes on in the executive department.

Mr. Chairman, I submit to you that is good governmental procedure; it is good business procedure. Certainly you want the head of a department to be responsible to the President who appointed him for everything that transpires in that department. It just happens that the Congress at various times, because of change of circumstances, has set up various agencies and bureaus, but many times these agencies and bureaus were put into a department and the head of the agency or bureau was told to report to the Congress instead of to the department head.

I submit to you as Members of Congress that that is bad procedure. We are the legislative body. We are the men that make the laws under which all departments of the Government must act. Certainly we ought never to put a bureau or an agency into an executive department unless we put it under the department head or the President, if we are going to hold the President responsible for what happens in his executive departments. Certainly we should never put an agency in a department and then have the administrator of that department not responsible to the head of that department if we are going to hold the department head responsible for what happens in his department. That is plain business, that is plain common sense, and that is all this plan tries to do. This plan seeks to put the responsibility into the hands of the Secretary of Labor for every function that is put into his department. That was certainly the recommendation of the Hoover Commission.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield to our distinguished majority leader.

Mr. McCORMACK. Support of this plan, the President's plan No. 6, by the House will be a vote in support of the Hoover Commission's recommendations, and will at least show that one branch of the Congress is supporting the Hoover Commission's recommendations.

Mr. DAWSON. On that I will say, humbly standing before you as a Member of the Congress, that I am not yielding to the other body greater ability to decide national questions than we here possess. I say to you, Members of Congress, that we live closest to the people. We go to the people every 2 years, and we, of all Members of Congress, ought to know what is in the minds of the people. The people of this Nation are interested in the reorganization of our executive departments. Probably there is no one subject matter now before the Congress that has engaged the attention of more people favorably than the implementation of the Hoover Commission's report by sufficient legislation, either by this Congress or by plans of the President, in order to carry out the recommendations of the Hoover Commission.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield to the gentleman from Pennsylvania.

Mr. RICH. May I ask whether the majority leader, when he asked a question a few moments ago about a number of resolutions that were vetoed by another body, is criticizing the other body because they have taken action on something on which the House has had no opportunity yet to voice its opinion?

Mr. DAWSON. I do not think it is necessary for our majority leader to answer that. The Senate is sufficient unto itself. Whatever they want to do is their business. But I think this House is closer to the people, and I think this House is in a better position to know the wishes of the people. I say to you once again, the people of this Nation are for the reorganization plans as recommended by the Hoover Commission. This is a good example of everybody being for reorganization except when it touches one of their pets.

I certainly have the highest respect for my distinguished friend from Texas [Mr. LUCAS], but he is in this position. He is the author of a bill that this plan would change about a little. He feels a natural pride in anything that he created, just like a hen with one chicken. Did you ever see a hen with many chickens? She scratches and lets the chickens pick up the food, but a hen with one chicken will not only scratch the food but kind of peck it over to the one little biddy. That is the position of my very distinguished friend [Mr. LUCAS]. This is his one biddy, it is his little chicken, and he wants to feed it and he wants to preserve it. But it just happens that the thing he is interested in is one of those mistakes that we made when we put into the department an agency that was not amenable to the head of that department.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield to the gentleman from Indiana.

Mr. MADDEN. I notice in the hearings there is a statement by Robert McCormick, research director of the Citizens' Committee for the Hoover Report, who is for this resolution.

Mr. McCormick stated in his testimony:

> It is our view under the United States Constitution that the President as the only elected official in the executive branch should be given the authority to act. If he acts properly, wisely, and does not abuse his authority, it is up to the people to reelect that administration, and if he acts unwisely and abuses his authority, it is up to the people to vote against that administration.

I believe Mr. McCormick made a sound statement on this problem.

Who is Mr. McCormick of the Citizens' Committee for the Hoover Report?

Mr. DAWSON. We had quite a few members before us and quite a few witnesses and I cannot at this moment recall each individual witness. But certainly from all over the Nation we are getting commendations on the particular plan from the different organizations whose purpose is to bring the Hoover Commission recommendations into being, asking that it be passed.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield.

Mr. JONAS. Is the gentleman advocating a plan that is the same plan verbatim as the one contained in the Hoover plan or are you deviating from the original plan?

Mr. DAWSON. We are not deviating from the recommendations of the Hoover Commission, as will be told by other speakers. If I had the time I could read to you recommendation after recommendation sustaining the provisions of this plan.

Mr. JONAS. Is the plan that you are now advocating substantially that of the Hoover plan? Is it the recommendation of the Hoover Commission?

Mr. DAWSON. Essentially it is the recommendation of the Hoover Commission.

Mr. JONAS. What did your committee do with reference to adopting or rejecting this legislation?

Mr. DAWSON. We disapproved of the rejecting petition and ask the Congress not to pass the resolution seeking to disapprove this plan.

Mr. JONAS. I thank the gentleman.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield.

Mr. CURTIS. The gentleman, having made a considerable study of this—may I ask him some questions for the purpose of gaining some information?

Are you able to cite in the Hoover Commission the direct recommendation for this particular plan of placing the Wage and Hour Administrator under the Secretary of Labor?

Mr. DAWSON. I am so certain that the answer to the gentleman's question will be made by those who follow me, sir, that if, when I take the time to close debate, the gentleman's question has not been answered, then I will be happy to answer him—if that is convenient to my distinguished colleague.

Mr. CURTIS. I just want you to tell me where to find it.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DAWSON. I yield.

Mr. HOLIFIELD. All of these recommendations are right here, and I will be glad to read them, if the gentleman from Illinois will yield me the time.

Mr. DAWSON. I yield to my colleague from California.

Mr. HOLIFIELD. The basis for Reorganization Plan No. 6 is as follows: In the Commission's report on organization, the report on general management, recommendation No. 13: Within each department a subsidiary division should also be created as nearly as possible according to the major policy.

That was what was done.

Recommendation No. 14: Under the President the heads of the departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

This plan takes care of that.

Recommendation No. 16: Department heads must have adequate staff assistance if they are to achieve efficiency and economy in departmental operations.

This plan takes care of that.

Recommendation No. 18: Each department head should receive from the Congress administrative authority to organize his department and to place him in control of its administration.

This plan takes care of that.

I could go on and give you so many additional recommendations which are in harmony with this plan.

Mr. CURTIS. I do not want recommendations that are in harmony with it.

Mr. HOLIFIELD. I see that you do not.

Mr. CURTIS. I want to know whether or not the Hoover Commission recommended this specifically—that the Wage and Hour Division should go into and be subject to the Secretary of Labor. Did they or did they not specifically spell out that one thing?

Mr. HOLIFIELD. The Hoover Commission did not spell out any plan that has been brought, or will be brought, before the Congress. It set up general principles for the compliance with the plans, and I state that this plan does comply with the general principles of organization which the Hoover Commission recommended for every department of Government.

Mr. CURTIS. Is it not true that President Hoover wrote a letter and attached a statement made by Professor Taylor directing and pointing out that these general recommendations should not be used to do the very thing that you are doing today?

Mr. DAWSON. That is not so. May I answer the gentleman? President Hoover, in a speech on May 14, talking about this very thing which is transpiring here today, said that these groups for their own reasons are undermining the broad principles and purposes laid down in his recommendations, and he said:

> We have urged in our first report that the foundation of good departmental administration is authority from the Congress for the Secretary—

Talking about the Secretary of Labor—

> to organize and control his Department. The granting by the Congress of independent authority to subordinates, of which there are several instances in the Department—

Talking about the Department of Labor—

> should be eliminated.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it is encouraging to be able to agree with the chairman of my committee, the gentleman who is vice president of the Democratic National Committee, in at least one thing, that is, that the House is nearer the people than is the other body, and that the House is in duty bound to act not only upon this plan but should have acted upon all the other plans.

It is rather surprising to find the gentleman from Illinois [Mr. DAWSON], chairman of the committee, and other members of the committee on the majority side, coming in and agreeing with Mr. Hoover, advocating a procedure which they say he promulgated. For a great many years all the ills of this country have been charged to the Hoover administration. Now we find those who have always opposed him are all for Mr. Hoover's recommendations—as interpreted by them—do not forget that thought—as construed by them.

We are here today because the House saw fit to write a reorganization law which permits the President to send down proposed legislation affecting the executive departments which shall become the law of the land unless at least one House of the Congress vetoes that plan within 60 calendar days. That reorganization legislation was written because the people had become aware of the fact that this country was on the way to ruin unless we injected a little efficiency, a little economy in Federal operations. So the Congress, in its wisdom, or lack of it, passed the first basic reorganization law. Under that law we now have from the President some 25 plans, sent down here to be acted upon within 60 days.

The gentleman from Illinois [Mr. DAWSON] made a statement with which I cannot agree. He said that this plan No. 6, which transfers all of the functions of the Labor Department to the Secretary of Labor, was the recommendation of the Hoover Commission. With that statement I cannot agree.

PAST ATTEMPTS TO PLACE THE ADMINISTRATION OF THE WAGE AND HOUR LAW IN THE SECRETARY OF LABOR

The Congress has three times rejected the President's proposal, as outlined in Reorganization Plan No. 6, which would lodge administrative and enforcement powers under the Fair Labor Standards Act of 1938 (the Federal wage-and-hour law) in the Secretary of Labor.

First. The first attempt was made at the time of the consideration by Congress of the original Fair Labor Standards Act in 1937 and 1938. The House at that time passed a bill vesting the administrative power in the Secretary of Labor—see House Report 2182, April 21, 1938, Seventy-fifth Congress, third session, and Eighty-third CONGRESSIONAL RECORD, page 7450, May 24, 1938—while the Senate passed a bill placing the administrative authority in a five-man board—see Report 884, July 6, 1937, Seventy-fifth Congress, first session, and Eighty-first CONGRESSIONAL RECORD, page 7957, July 31, 1937. The conference committee, in reconciling the differences between the Senate and House bills, declined to place the administrative power in the Secretary of Labor and instead set up an independent Administrator of the Wage and Hour Division in the Department of Labor—see section 4 (a) of the Fair Labor Standards Act of 1938; see also Eighty-third CONGRESSIONAL RECORD, pages 9178, 9246, 9255, 9266, 9267, June 14, 1938.

Second. Again, on May 1, 1947, the President, pursuant to the Reorganization Act of 1945, submitted to the Congress a reorganization plan, one part of which would have transferred to the Secretary of Labor the functions vested in the Administrator by the Fair Labor Standards Act of 1938. This proposal was rejected by the House on June 10, 1947—Ninety-third CONGRESSIONAL RECORD, page 6740; see also House Report No. 499, June 2, 1947, Eightieth Congress, first session—for the following reasons:

(a) Such transfer was contrary to the plain intention of Congress when it passed the Fair Labor Standards Act of 1938.

(b) The transfer would place responsibility for administering and enforcing a regulatory statute affecting employers and employees in the hands of one whose basic duty it is to foster and promote the interests of only one of the regulated groups—employees.

(c) The transfer was contrary to the public interest, in that it would increase the workload and responsibility of a Cabinet officer by placing under his direct control administrative and enforcement duties, which experience has shown require the full-time services of a responsible and trained officer of the Government.

(d) The transfer would place in the Secretary of Labor responsibilities so conflicting that he would be unable to perform them in accordance with the intent and mandate of Congress.

The Senate also rejected this reorganization plan of 1947—Ninety-third CONGRESSIONAL RECORD, page 7874, June 30, 1947. The two principal reasons were expressed in the Senate for such rejection—Ninety-third CONGRESSIONAL RECORD, pages 7860–7861, June 30, 1947. The first was that the transfer would vest in a department, required by law to be a fiduciary for labor, functions affecting both management and labor. The second reason advanced against the transfer was that it would create a condition of uncertainty as to whether there would be any officer on whose rulings with respect to the Fair Labor Standards Act an employer might rely under section 10 of the Portal-to-Portal Act. Under that section an employer may not be held liable for his failure to pay minimum wages or overtime compensation under the Fair Labor Standards Act, if his failure was in reliance on rulings, orders, regulations, etc., of the "Administrator of the Wage and Hour Division of the Department of Labor." If the administrative authority under the law is taken from the Administrator and placed in the Secretary of Labor, there would be grave uncertainty as to whether an employer could thereafter rely upon the rulings of either the Administrator or the Secretary of Labor.

Third. At the last session of Congress, the Congress passed and on October 26, 1949, the President approved amendments of the Federal wage-and-hour law. A major problem raised under the many different proposals to amend the act was whether the administrative and enforcement authority thereunder should be taken from the Administrator and placed in the Secretary of Labor.

The Congress answered this question with an emphatic negative—see CONGRESSIONAL RECORD, August 9, 1949, page 11126; CONGRESSIONAL RECORD, August 10, 1949, pages 11227–11228; CONGRESSIONAL RECORD, August 11, 1949, pages 11287–11288; Senate Report No. 640, July 8, 1949, Eighty-first Congress, first session, pages 2, 6; CONGRESSIONAL RECORD, August 31, 1949, page 12583—despite the fact that the House Committee on Education and Labor had favorably reported a bill which, among other things, would have effected this transfer—see House Report No. 267, March 16, 1949, Eighty-first Congress, first session, page 14.

Notwithstanding these facts, the main object of Reorganization Plan No. 6 of 1950 is to accomplish through indirection that which only 6 months ago the Congress said should not be done; namely, to transfer the administrative powers under the wage-and-hour law to the Secretary of Labor.

THE OFFICE OF THE SECRETARY OF THE DEPARTMENT OF LABOR IS NOT AN APPROPRIATE ONE TO ADMINISTER THE DUTIES AND FUNCTIONS NOW PERFORMED BY THE WAGE-AND-HOUR ADMINISTRATOR

The organic act establishing the Department of Labor, the philosophy which guides the policy-making officials of that Department, and the organization through which it administers the laws which are entrusted to it all show that the office of Secretary of Labor is not an appropriate one to administer the wage-and-hour law.

The organic act of 1913 establishing the Department of Labor states the purpose of the Department is "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." The Department of Labor is staffed with Assistant Secretaries recruited from organized labor. The Assistant Secretaries at present are: John Gibson, former CIO director for the State of Michigan; Ralph Wright, former official of the International Typographical Union, AFL; and Philip Kaiser, who heads the Office of International Labor Affairs. The Department of Labor takes the position that it is spokesman for labor in the President's official family, and the loyalties of the Department's staff are keyed to labor's interests.

A department which by law, by organization, and by philosophy is set up to advocate labor's interests cannot administer impartially and fairly a great statute affecting the rights and obligations of both employers and employees. The most essential possession of any governmental body charged with enforcing the law is its ability to inspire public confidence in its impartiality and freedom from bias. Obviously, the Secretary of Labor and the Department which he heads fall short of meeting this test for the fundamental reason that they are required to play a partisan role in labor-management controversies. The transfer of the functions of the Wage and Hour Administrator to the Secretary of the Department would place in the Secretary of Labor responsibilities so conflicting that he would be unable to perform them with the even-handed justice intended by Congress.

THE DUTIES AND FUNCTIONS PERFORMED BY THE WAGE AND HOUR ADMINISTRATOR REQUIRE IMPARTIAL ADMINISTRATION

The exercise of the duties and functions of the Administrator determines to a large extent which employers are subject to the requirements of the act and which employees are entitled to its minimum-wage and maximum-hour benefits. This can be shown by a series of examples.

(a) Under the law, an exemption from minimum wages and overtime is granted to executive, administrative, professional, local retailing capacity employees and also to outside salesmen. The exemptions for these employees, however, are not spelled out in the statute. The Administrator of the law is given the final responsibility to define these terms from time to time and thereby fix their scope. In carrying out this responsibility he must decide between the conflicting contentions of labor and management; i. e., whether the terms should be defined narrowly or broadly.

(b) Under the law, employees engaged in processing agricultural commodities are exempt if they perform their work within the "area of production." The Administrator is required to define the term "area of production" in order to determine the extent of the exemption. Here again he is required to accommodate his definition to the competing claims of labor and management.

(c) Under the law, an overtime exemption is granted to employees working in seasonal industries. But the exemption is not available to any employer until the Administrator finds that his industry is seasonal in nature.

(d) In determining employees' regular rates of pay for purposes of paying overtime, an employer need not include amounts contributed by him to profit-sharing plans. Such plans, however, must meet standards set up by the Administrator.

(e) Under the law, learners, apprentices, messengers, and handicapped workers may be employed at less than 75 cents an hour. This is permitted, however, only under terms and condi-

tions prescribed by the Adminstrator. To provide employment opportunities for these types of workers, it is frequently necessary for employers to employ them at subminimum rates. Labor unions, however, by and large, oppose any such employment.

(f) One of the most important functions the Administrator performs is to issue interpretations concerning the coverage of employees and employers under the law. These interpretations are his determinations as to which employees are engaged in interstate commerce or the production of goods for interstate commerce and which employees come within the provisions of various exemptions, such as those granted to agricultural labor and retail and service establishments. The courts have held that these interpretations are entitled to great weight and thus they have gone a long way in establishing the extent of the application of the minimum-wage and overtime provisions to employees throughout the country.

The Adminstrator of the Wage and Hour Division also has the responsibility of instituting litigation against employers to enforce the law. Such litigation may be either in the form of an injunction suit or in the form of a suit on behalf of employees to collect unpaid back wages or overtime. The Administrator, in other words, exercises not only the legislative function of deciding in many instances the extent to which employers and employees come under the law, but also the prosecutorial function of instituting proceedings against employers to enforce his rules and interpretations against those charged with violations of the law. He also collects unpaid wages and overtime compensation from employers as a part of his enforcement activities.

As the legislative charter of the Department requires the Secretary to act as a special pleader for labor and to promote its special welfare, the Secretary and his assistants are not appropriate officers to resolve the conflicting interests of labor and management as is required by the wage-and-hour law. To place administration of the law in the hands of such officers would be to require those who by law are required to "foster, promote, and develop the welfare of wage earners" to render an impartial decision, a duty impossible of performance. Such a situation would tend to destroy the confidence of the public in their Government.

THE ATTITUDE OF THE HOOVER COMMISSION

The recommendations of the Hoover Commission were based upon investigations of so-called task forces and expert consultants. Mr. Herbert Hoover, Chairman of the Commission, in submitting the report on the Department of Labor to the Congress, also submitted a typescript memorandum on the Department of Labor, which was prepared by George W. Taylor, professor of labor relations, University of Pennsylvania, and former Chairman of the National War Labor Board, Professor Taylor is widely regarded by labor unions as a warm friend of organized labor. The text of Mr. Hoover's letter of transmittal to the Congress, dated March 11, 1949, is as follows:

The honorable the PRESIDENT OF THE SENATE.
The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR SIRS: In accordance with Public Law 162, Eightieth Congress, approved July 7, 1947, the Commission on Organization of the Executive Branch of the Government submits herewith its report on the Department of Labor, and separately, in typescript, a memorandum on the Department by George W. Taylor, professor of labor relations, University of Pennsylvania, and former Chairman, National War Labor Board.

The Commission wishes to express its appreciation to Professor Taylor, the members of the task forces listed in the acknowledgment, and to the officials of departments and agencies concerned for their cooperation.

Respectfully,

HERBERT HOOVER.

Professor Taylor in his memorandum set forth the basic consideration which should govern in any reorganization of the Department of Labor. He said, in part:

NATIONAL POLICY AS RESPECTS THE RELATION BETWEEN THE DEPARTMENT OF LABOR AND LABOR UNIONS

Previous mention has been made of the relation between labor unions and the Department of Labor as one of the three fundamental areas that need investigation, and it was then suggested that the tripartite task force might best be able to operate in this area. It would appear that such a task force might be assigned the responsibility for considering just what role the Department of Labor should play. Any determination in this regard would dictate, in no small measure, the functions that should be assigned to the Department of Labor.

The legislation of March 3, 1913, which created a separate Department of Labor, also stated its purposes, in general terms, as follows:

"* * * to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

It is of the utmost importance to recognize that these purposes were expressed at a time when wage earners were largely unorganized. No Wagner Act was on the statute books. Collective bargaining had not received legislative approval as the sound method for determining, hours, wages, and working conditions.

The generally stated purposes of the Department of Labor are substantially the same as the general purposes of most labor unions. Since most employees look to the unions rather than to the Department of Labor for improvement of their conditions of employment, the Department and the labor unions may be expected to cooperate closely in seeking to achieve the stated purposes of labor unions.

In line with such reasoning, the Department of Labor has been widely looked upon as the advocate of organized labor in the Government—except perhaps by organized labor. Experience has shown the need for an avenue of consultation between the Government and the labor unions—and even through which union participation in many governmental matters may be secured. This raises the question: Should the Department of Labor be developed primarily as the representative of organized labor in the Government? If so, then the governmental functions assignable to administration by the Department of Labor would be the ones not incompatible with such a position.

On the basis of experience it would appear that the Department of Labor cannot be a vital agency as long as it is expected, in various quarters, to be an advocate of labor interests in conformance with its legislative charter, and at the same time an impartial administrator of the national labor policy in the public interest. It follows that, if the advocacy function is emphasized, then consideration might well be given to the creation of one separate department or agency, instead of the large number of independent agencies which now obtain, to administer those parts of the national labor policy in which conflicting interests must be appraised in the light of public necessities.

No recommendation on this fundamental question at this time would constitute a resolution of the difficulty. Urgently needed, however, is some procedure or mechanism for grappling with it. In my judgment, the tripartite task force previously discussed might well be selected as the agency for examining this question.

Then, in his conclusions and as part of his recommendations, Professor Taylor stated:

1. Any recommendation of the Commission respecting organization of the Department of Labor should be made only after extensive consultation with representatives of organized labor and of management as well as with the Secretary of Labor.

2. There has been as yet no thorough investigation of the Department of Labor comparable to that made of other executive departments. This seems to indicate that the more or less generally used investigating procedures cannot be applied to the Labor Department.

3. Since substantive recommendations should not be made in the absence of careful investigation, it is suggested:

(a) That substantive recommendations should not now be made, but

(b) That recommendations should be limited to procedures to be followed in investigating the Department of Labor problem and in composing differences respecting the activities of that Department.

4. Inasmuch as the problem to be dealt with is complex, consideration might also be given to proposing an agenda for the guidance of any investigating agency that might be set up.

Thus, as Professor Taylor pointed out, the Department of Labor cannot serve both as an advocate of labor interests in conformance with its legislative charter and as an impartial administrator of national labor policy in the public interest.

The Hoover Commission, in its report on the general management of the executive branch, stated in recommendation No. 14:

Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

In its report on the Labor Department, the Hoover Commission stated:

We have urged in our first report that the foundation of good departmental administration is authority from the Congress for the Secretary to organize and control his Department. The granting by the Congress of independent authority to subordinates, of which there are several instances in the Department, should be eliminated.

It will thus be seen that the Hoover Commission recommended that no subordinate bureau in a department should exercise independent authority. The

Administrator, however, is not in any sense a subordinate officer of the Secretary but rather is a wholly independent officer, as the Fair Labor Standards Act so plainly shows and the decisions of the courts verify.

The Wage and Hour Division was not established by Congress as an integral and subordinate unit of the Department of Labor as were other bureaus which were set up in that Department or in other departments.

On the contrary, the Wage and Hour Division was created as a completely independent agency, with final authority for the administration of the law vested in an Administrator, who makes his own annual report to Congress—section 4 (d), Fair Labor Standards Act. In other words, the Division was placed in the Department of Labor only in name but not as a subordinate unit thereof. Unfortunately, the report on the Department of Labor shows that the Commission was unaware of these facts, since it refers to the Wage and Hour Division as a functional unit of the Department of Labor.

It will also be noted that the Commission's report on the Department of Labor was submitted to the Congress on March 11, 1949. The Congress thereafter passed the fair labor standards amendments of 1949, and plainly expressed its desire to keep the administrative powers lodged in an independent administrator.

UNSOUND ARGUMENTS IN FAVOR OF REORGANIZATION PLAN NO. 6

First. It has been urged that it is the policy of the Hoover Commission that the various functions and duties of independent agencies and officers should be subordinated to the authority of a Cabinet officer who is answerable to and under the immediate direction of the President. It is argued that this will assist the President in the exercise of his manifold duties of directing and supervising the executive establishment of the Government. The Hoover Commission recommendations, however, recognize that consistent with good government, this cannot be done in all cases. The Commission has not recommended that the National Labor Relations Board, the Securities and Exchange Commission, the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Federal Communications Commission, and many other agencies be subordinate to any Cabinet officer. All these agencies, like the Wage and Hour Division, exercise powers affecting the conflicting interests of different economic groups. If good administration requires that these agencies remain separate and independent, there is as much reason to continue the independent status of the Wage and Hour Division.

Second. It has been argued that the powers of administration under the Walsh-Healey Act, which imposes wage-and-hour requirements upon Government supply contractors, are in the Secretary of Labor and therefore the administrative powers under the Fair Labor Standards Act should also be placed in the Secretary. The coverage of the two statutes, however, is completely dissimilar. The application of the Walsh-Healey Act to any employer is optional with him, since the act does not apply unless he elects to enter into a contract with the Government to furnish it supplies and under the conditions which it imposes. Under those circumstances, even if the act is administered by an agency which is a partisan for labor, the employer has no basis for complaint.

The application of the Fair Labor Standards Act, however, is in no sense optional with the employer, as the law automatically applies to him if he is engaged in interstate commerce or in the production of goods for interstate commerce and is not specifically exempt. He is entitled, therefore, as a matter of simple fairness, to have the law administered by an unbiased and impartial agency.

CONCLUSION

The administrative and enforcement powers under the Fair Labor Standards Act should remain where the Congress has three times determined they should be. If such powers are to be transferred to the Secretary of Labor, the organic act of the Department should be revised to make the Department a guardian of the public interest rather than solely that of labor.

It is the duty of the Congress to provide good government for the American people. This cannot be done by placing in the hands of a biased agency, an agency created and charged by law with the duty of promoting the interests of one group, authority which should be exercised by unprejudiced and dispassionate administrators.

The need for economy and efficiency in the executive departments is not questioned. However, the sole purpose in the formation of our Government was not the promotion of either economy or efficiency, or even a combination of the two. The primary purpose in the minds of those who fathered our Government and enunciated the principles upon which it was to proceed was the preservation of the liberty of the citizen.

Mr. Justice Brandeis recognized that fact when he said:

> The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but by means of the inevitable friction incident to the distribution of the governmental powers among three departments to save the people from autocracy.

The basic thought behind the Hoover Commission recommendations was the promotion of economy and efficiency. Reorganization Plan No. 6 does neither. Nor can an argument for the adoption be based upon the contention advanced in favor of adoption of Reorganization Plan No. 12, that it would tend to eliminate controversy between the Administrator and the Secretary of Labor, for in this situation there is no friction.

Frederick J. Lawton, Director of the Bureau of the Budget, when testifying before the committee, admitted that he knew of no conflict in policy between the Administrator and the Secretary of Labor. He conceded that the adoption of the plan would not give economy or increased efficiency.

In the hearings it was admitted and frankly stated that, if the plan was adopted, the Secretary of Labor would immediately redelegate to the same individuals the authority now exercised by them.

About the only reason Mr. Lawton could advance in favor of the adoption of the plan was that it might at some future time tend to prevent some potential danger, which he apparently could not name or describe.

Plan No. 6 should be rejected by an affirmative vote for Resolution 522, for the reason that it is conceded that plan No. 6 (a) will not give increased efficiency; (b) will not reduce expenditures; and (c) will deprive all those interested of an unbiased interpretation and administration of the law.

Mr. DAWSON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. HUBER].

Mr. HUBER. Mr. Chairman, I think we had better be a little careful about this confusion of names, because someone may accuse the gentleman from Michigan [Mr. HOFFMAN] of being the ECA Administrator.

Mr. Chairman, I support Reorganization Plan No. 6 of 1950 under which the Secretary of Labor would have full authority to organize and control the Department of Labor, and urge the rejection of House Resolution 522 which would disapprove this plan.

The Hoover Commission has pointed out, in its report on the Department of Labor, that there are several instances of "grants of independent authority to subordinates" in the Department of Labor. The existence of these independent agencies within the Department is inconsistent with some of the major findings of the Hoover Commission concerned with organization of the Executive Departments. The Commission found and recommended that each head of an Executive Department should have full responsibility for the conduct of his Department; that there must be a clear line of authority reaching down through every step of the organization; and that no subordinate should have authority independent from that of his superior.

The principal instance of a grant of independent authority to a subordinate in the Department of Labor is, of course, a semi-independent authority conferred upon the Wage and Hour Administrator by the Fair Labor Standards Act. As the Secretary of Labor explained in his statement submitted to the House Committee on Expenditures in the Executive Departments during the course of its hearings on House Resolution 522 by the Under Secretary of Labor, the Honorable Michael J. Galvin:

> The Department, of course, handles personnel and budget matters and provides legal services for him, so that his operations are closely tied into the Department on the management side. Under a delegation of authority from the Secretary, the Administrator also has charge of certain functions under the child-labor provisions of the act, so he is also tied into the Department in an operating way to a considerable extent. Yet, under the law, the wage-and-hour provisions of the act are his to administer, and the Secretary has nothing to say about his administration of these provisions.

The confusion that can result from this situation was clearly set forth by the Secretary of Labor in his statement. He pointed out that—

Although we have done as much as we can to coordinate administration of the child-labor and wage-and-hour provisions of the Fair Labor Standards Act, there are problems we cannot solve under the present division of authority between the Secretary of Labor and the Wage and Hour Administrator. For example, when a Department inspector goes into an establishment, finds violation of both the child-labor provisions and the wage-and-hour provisions, and attempts to secure compliance with the act, two actions must be brought in the courts if the employer refuses to come into compliance with the act. The Administrator cannot enforce compliance with the child-labor provisions in the courts. Nor can I, as Secretary of Labor, enforce in the courts compliance with the wage-and-hour provisions. Accordingly, in a situation such as I have described, an action must be brought in my name to enforce the child-labor provisions and a separate action must be brought in the name of the Administrator to enforce the wage-and-hour provisions. So, the employer is faced with two suits instead of only one as would be the case if Reorganization Plan No. 6 were in effect. This is needless and burdensome on him and on us.

But let me carry the illustration a little further. If in the course of the investigation it becomes necessary to subpena an employee or any of the employer's books or records, the subpena must be issued by the Administrator if the desired information related to compliance with the wage-and-hour provisions; if it relates to the child-labor provisions, it must be issued by the Secretary. Such situations can only be construed by employers and employees as unnecessary harassments and can do much to undermine public confidence in the efficiency and effectiveness of administration of the Fair Labor Standards Act.

Another illustration of the situations that the present division of authority by the Administrator and the Secretary of Labor results in was given by the Secretary in his statement, as follows:

Let me give another illustration of the kind of thing that can and does happen. As Secretary of Labor, people come to me with problems which confront them arising out of laws administered by the Department. It is confusing to them, and unsatisfactory to me, when I have to tell them that if their problem concerns child labor under the Fair Labor Standards Act I can listen to what they have to say, investigate the facts, and make appropriate disposition of the matter; but if it involves wages or hours, I must refer them to the Wage and Hour Administrator.

Or suppose an inquiry comes from an employer, or a union representing employees, who are working on a Government contract covered by the Public Contracts Act and are also engaged in work covered by the wage-and-hour law. If the inquiry relates to the employer's wage practices, I can give definite answers so far as the public contract work goes, but I can't give binding advice on whether the requirements of the wage-and-hour law are being met. Only the Wage and Hour Administrator can do that. So the inquiring employer or union must see both the Administrator and myself. This kind of situation, too, makes for dissatisfaction and confusion. If Reorganization Plan No. 6 of 1950 goes into effect, however, such sources of confusion for those who have business to do with the Labor Department will be eliminated.

We should not be swayed, Mr. Chairman, in approaching the question whether to approve or reject House Resolution 522 by any contention that a semi-independent Administrator of the Wage and Hour Division is in a better position to administer the wage-and-hour provisions of the Fair Labor Standards Act fairly and impartially than is the Secretary of Labor. The Administrator, himself, testified in support of the plan, stating:

I believe that the placement of full responsibility in the Secretary's office will result in considerable improvement in the administration of the act. The Secretary has indicated in his testimony and has assured me that he intends to delegate his responsibility to the Administrator with full responsibility to act, subject to the Secretary's general direction and control. I believe this policy of centralized responsibility, to be exercised under the direction and control of the Secretary, will result in an effective as well as impartial administration of the law.

Mr. Chairman, the provisions of Reorganization Plan No. 6 of 1950 carry out, with respect to the Department of Labor, important recommendations of the Hoover Commission. They are consistent with the Hoover Commission's recommendations on executive departments and in no way depart from such recommendations. The plan will make for greater efficiency and effectiveness in the administration of the Department of Labor.

I strongly urge my colleagues to reject House Resolution 522 and to give its approval to Reorganization Plan No. 6 of 1950.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. HUBER] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. MORTON].

Mr. MORTON. Mr. Chairman, I shall not take 5 minutes. I just want to look at the form sheet and let you know exactly what you are doing.

This House passed an amendment to the Fair Labor Standards Act last year, known as the Lucas bill. It was a substitute, brought in on the floor, for the administration measure, for the committee measure. One of the major differences between the Lucas substitute and the committee bill was the placement of the Wage and Hour Administration. By a rather substantial vote you supported the Lucas substitute. The rejection of this resolution today reverses that action.

Now let us understand exactly what we are doing. I yield back the remainder of my time, Mr. Chairman.

Mr. DAWSON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I rise in opposition to the resolution (H. Res. 522) rejecting Reorganization Plan No. 6. I would point out that the Committee on Expenditures in the Executive Departments, in its report on this resolution, has recommended that it do not pass. Significantly, of the 25 members of the committee, only two joined in the minority report.

Reorganization Plan No. 6, which would transfer functions of other officers of the Department of Labor to the Secretary of Labor and permit him to rearrange functions within his Department, is only one of several similar reorganizations proposed for the Justice, Interior, Agriculture, and Commerce Departments.

I would just like to say to my good friend and fellow member on the committee, the gentleman from Michigan [Mr. HOFFMAN] that when he tries to ridicule President Truman and the administration for submitting reorganization plans to the Congress, in carrying out the recommendations of former President Hoover, simply because we happen to agree with former President Hoover on the needs of reorganization in the executive branch, that, as a Democrat, I will always feel free to agree with former President Hoover, whenever the issues in question permit me to do so—without feeling ridiculous.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. In just a minute. For example, I have often commended President Hoover for his action during his term of office, in inaugurating the Reconstruction Finance Corporation. There are many matters of government which should not be lowered to a purely political, partisan attitude. We as representatives of the people, like former President Hoover as a former President of the United States, should approach matters such as efficiency of government, economy of government, from a nonpartisan, nonpersonalized, nonpolitical attitude. I have long advocated the carrying out of the Hoover Commission reports. As a Democrat I am proud that the President, the leader of my party, has eliminated politics from his problem. I hope to be able to continue to do my bit to see that the reorganization plans sent to the Congress by the President based on the Hoover Commission recommendations are carried out.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. Yes; I shall be delighted to yield, provided this is kept on a nonpartisan, nonpolitical level.

Mr. HOFFMAN of Michigan. The gentleman may so construe it.

I was not attempting to ridicule Mr. Truman at all; I was merely paying tribute to his political astuteness and calling attention to the fact that the only time, to my knowledge at least, in which the Democratic Party had agreed with Mr. Hoover was when it thought it would serve its own political interests. That is all I was trying to do.

Mr. ROOSEVELT. I am glad that I have added to the gentleman's fund of information by telling him that I for one as a Democrat have long commended President Hoover for inaugurating the RFC. So now we have at least two things upon which we agree.

The Hoover Commission in its report stressed the fact that there existed within the Department of Labor grants of independent authority to subordinates. These independent powers of subordinate officials not only hamper efforts to

attain administrative efficiency, but create uncertainty as to where final authority for some functions rests.

The most obvious case of such independent authority in the Labor Department is that of the Wage and Hour Administrator. He is responsible for the administration of the wages and hours provisions of the Fair Labor Standards Act, among the most important acts administered by the Department. On the other hand, the Secretary of Labor is responsible for the enforcement of the child-labor provisions of that act. He is also responsible for the administration of the Walsh-Healey Public Contracts Act, which protects labor standards of employees of contractors supplying the Government. He is also responsible for the determination of prevailing minimum wages under the Davis-Bacon Act.

The Fair Labor Standards Act and the Public Contracts Act relate to the same general subject. Because the Secretary of Labor has delegated his authority under the Public Contracts Act to the Administrator, they are administered by the same personnel. Yet ultimate responsibility is in two heads.

Mr. Chairman, this clear lack of integration in the administration of laws of the same general purpose, using the same personnel, but headed up by two separate heads, this confusion would be eliminated by the adoption of plan No. 6. Luckily, at the moment, the Secretary of Labor and the Wage and Hour Administrator have been able to cooperate in the administration of the Fair Labor Standards Act, but this is dependent, and based not on law but the sheer coincidence that we have two cooperative personalities involved. This, Mr. Chairman, will not always perhaps be the case, and the confusion that could result from two diametrically opposed personalities can be envisioned.

Some reference has been made to a Mr. Taylor, who was a consultant of a task force of the Commission; in other words, he is about the third or fourth echelon down. I am going to put into the RECORD because I have not time to read it the statements before the committee of Mr. McCormick, executive assistant to former President Hoover during the time of his work with the Hoover Commission, who I think is now the executive director of the Citizens Committee for the Hoover reports. He foresaw some of the objections which would be raised in connection with this plan, but he foresaw that attempts would be made to say that, because this is a delegation of authority to the Secretary of Labor, that therefore the administration of this authority would be from a biased point of view. Mr. Chairman, I cannot subscribe to that kind of evidence of a complete lack of confidence in the integrity of public officials. The Secretary of Labor is appointed by the President of the United States. Under the Constitution, the President is the only elected official of the executive branch. If he administers his office and if his subordinates administer their offices with integrity and with wisdom, then the people at election time may reelect that group, that administration, to office; but if there is evidence of lack of integrity by the Secretary of any department, I do not care whether it is the Secretary of Labor or Agriculture, or Commerce, or Justice—if there is evidence of lack of integrity of administration, any unfairness to those covered by existing legislation, then the people will note that lack of integrity and they have their recourse on election day. I think this kind of an argument not only is invalid but those who make it declare publicly their lack of confidence in our American system of government.

It is strange that nearly every measure taken to improve the operations or to strengthen the functions of the Department of Labor is opposed year after year.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DAWSON. Mr. Chairman, I yield the gentleman one additional minute.

Mr. ROOSEVELT. These measures are opposed on the same ground by many of the same identical pressure groups. For example, when we were considering plan No. 2 last summer the same groups were opposed to it as are now opposed to this. Undaunted by setbacks, unmoved by the merits and unimpressed by the weight of the evidence, they come back time after time and raise the same unsound allegations.

Mr. Chairman, I would like to conclude my remarks by making two points that I made before in connection with Reorganization Plan No. 2 only last week. First of all, it is time that some of the private groups opposing this plan get over their old fire-horse reaction to the word "labor." Any time the word "labor" is mentioned a curtain goes down over their minds and they charge off in all directions to oppose whatever is being discussed. It is opposition unthinking. Secondly, it is time that those who do most of the talking about Government efficiency and businesslike management do a little act for it to prove their good faith.

Mr. Chairman, I will urge the rejection of this resolution.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Chairman, I shall vote "no" on the resolution to reject this plan and I think my reasons for so voting of sufficient importance as to describe them to the House, because I believe in this respect I occupy the position of almost any Member who is not a member of the Expenditures Committee, and, therefore, is trying to find his way through the facts that are presented to us. Certainly most of us have expressed our desire to support the recommendations of the Hoover Commission and this regardless of party. That is a great tribute to the only living ex-President of the United States.

There is an old adage that the way to begin is to begin. When a recommendation of the President stems directly from the recommendation of the Hoover Commission I think the burden of proof is very definitely on those who would ask us to veto it.

I have examined the report of the minority because I think it is well to look at the opposition's arguments first. The question is whether these recommendations are or are not the recommendations of the Hoover Commission. I find this statement which may be of some interest to the other Members, as it was quite decisive with me, on page 19 of the minority views:

> In other words, the Division was placed in the Department of Labor only in name but not as a subordinate unit thereof. Unfortunately, the report on the Department of Labor shows that the Commission was unaware of these facts, since it refers to the Wage and Hour Division as a functional unit of the Department of Labor.

I submit that we certainly cannot assume in passing on these reorganization plans that a commission which did as complete and thorough a job as the Hoover Commission was unaware of the facts with respect to this Wage and Hour Division. I think we have a right to assume when it is stated that the division was a functional unit of the Department of Labor that if there was any doubt about that they have made a finding of fact in connection with its report that the Wage and Hour Division was a functional unit of the Department.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman will note on the preceding page Mr. Hoover sent down the Taylor letter and Mr. Taylor says we should not do anything about this nonsense. I think, again, we have to stick to one of the recommendations, the principal recommendations, the recommendations in principle of the Commission and its main task force.

Mr. JAVITS. I may say to the gentleman from Michigan that I am indebted to him for this time, and that if there is some additional light which the gentleman can cast on this statement, I think it should be done for the benefit of the House, because I think we are all as one, or at least most of us are as one, in the desire to help the practice of efficiency and economy. There we all stand together. Certainly I should say on my side of the aisle Members would be very much disposed to go along with the Hoover recommendations and to practice the kind of efficiency and economy they were supposed to provide. So I would appreciate, and I think other Members would, any further light the gentleman from Michigan can cast on that statement.

Mr. HOFFMAN of Michigan. Then I have two questions. The first is this: Has the gentleman ever been able to find anywhere in any of the testimony that any witness stated there would be either economy or efficiency in the adoption of this plan? I have not been able to, and I listened to the testimony.

Mr. JAVITS. That was implicit and certainly implied in the organization of the Hoover Commission and its recommendations. That was its purpose. It seems to me that would be stating the obvious.

Mr. HOFFMAN of Michigan. Certainly the Hoover Commission was created and it is tabbed in the minds of the people as recommending economy and efficiency, but when the committee was

hearing the testimony on these various plans, especially on one other, when the Assistant Secretary, I think it was—I will put it in the RECORD—was testifying, the most he would say for the plan was, no economy, but he hoped that sometime it would prevent some potential dangers there might be. There is no evidence supporting the thesis that there is economy or efficiency.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield five additional minutes to the gentleman from New York.

I wanted to ask this question also: Does the gentleman consider the functions of the Wage and Hour Administrator to be quasi-judicial in making his interpretations and decisions as to whether the law does or does not apply?

Mr. JAVITS. I consider some of those administrative decisions to be quasi-judicial, but I believe, the gentleman as a member of the Expenditures Committee has studied more in detail the internal operations of many more of the Government departments than I have, and knows that in every department, including Labor, one will find more quasi-judicial functions of the same character which are vested in the hands of the secretaries without question. That goes for Agriculture and for Interior. Therefore, I see no particular inhibition when we come to the Department of Labor.

Mr. HOFFMAN of Michigan. I call the attention of the gentleman to this statement from Mr. Hoover to the Honorable SAM RAYBURN. It is printed in the record:

> Similarly, the inclusion of general language like is contained in section 5 (a) (6) of the Reorganization Act of 1945 is intended to prevent the submission of any plan which imposes limitations upon the independent exercise of quasi-legislative or quasi-judicial functions, would in the committee's opinion be unwise.

Mr. Hoover expressly stated that they did not want to interfere with quasi-legislative or quasi-judicial functions. Those who are familiar with the operations of the wage-hour law have never doubted that the acts of the Wage-Hour Administrator were quasi judicial and quasi legislative.

Mr. JAVITS. May I ask the gentleman from Michigan if the major ground of his opposition is that this plan is not in accord with the recommendations of the Hoover Commission?

Mr. HOFFMAN of Michigan. The gentleman is correct, because I do not believe the Hoover Commission ever intended to interfere with those quasi-judicial or quasi-legislative agencies, independent agencies, and their functions that were set up by the Congress because Congress deemed it absolutely necessary to make them independent. For instance, the Tax Court; you would not think of putting that back into the Treasury Department again.

Mr. JAVITS. I hardly think that is quasi judicial.

I should like to make one other point, that I hope as we go on with these Hoover Commission recommendations we will understand that we are dealing with a theory of Government. The Secretary of Labor and the President are sworn public officials. They are our Secretaries and our President, sworn to enforce the laws as the Congress has made them. If we do not like the laws, let us not take it out on the reorganization plans. I hope that fundamental principle will be established as we consider these plans and go on to others in the future.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield to the gentleman from New York.

Mr. KEATING. I would appreciate the views of both the gentleman from New York and the gentleman from Michigan on this point. The gentleman from Michigan is concerned, and properly so, about not interfering with the quasi-judicial functions of the Administrator. But I wonder if that is not taken care of by subsection (b), which provides that the transfer of functions to the Secretary shall not apply to the functions vested by the Administrative Procedure Act in hearing examiners employed by the Department of Labor. I would think that that applied to the hearing examiners of the Wage-Hour Division, and that their quasi-judicial functions would not be interfered with and would be subject to the same review they now have if this plan were put into operation.

But I appreciate the views of the gentleman from New York and the gentleman from Michigan.

Mr. JAVITS. I do want to yield to the gentleman from Michigan to state his views, but I would like to state mine very briefly.

I assume the basis of the argument against this plan probably is that administratively, through the influence which administration has over subordinate officials, it would disturb their judgment and make them do things which they otherwise would not do. There is no question about the fact as the gentleman from New York says, there would be no effect on substantive powers of quasi judicial officers or on their substantive responsibilities or obligations which are imposed by the established administrative procedures.

Mr. KEATING. But I would still think, if they made a decision which was contrary to the law, it would be subject to review and reversal, the same as it is now, after this plan is put into operation.

Mr. JAVITS. Absolutely.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. HOFFMAN of Michigan. I would be glad to go along with the gentleman and adopt that idea that we must have confidence in all these departmental heads if it were not for the reason that some years ago I was rudely awakened by a statement of a member of the Department of Justice, I think his name was Cox, who stated, in substance, that in years gone by it was the function of the Justice Department to examine the law and interpret the laws to enforce the intent of the Congress. But in more recent years the interpretation was for the purpose of doing the things that the Department wanted to do. You see, that makes it bad.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. MULTER. Is not the complete answer to those who are opposed to your view on this subject found in the recommendations of the Hoover Commission Report with specific reference to the Department of Labor contained in House Document No. 119, page 5, where the Commission says:

> We have urged in our first report that the foundation of good departmental administration is authority by the Congress for the Secretary to organize and control his Department. The granting by the Congress of independent authority to subordinates, of which there are several instances in the Department, should be eliminated.

Is not that the complete answer?

Mr. JAVITS. I think the question that has been raised is whether or not the Commission knew what it was doing when it said the Wage and Hour Division is—and I quote—"A functional unit of the Department of Labor." I happen to believe it did, and I gather that the gentleman thinks the same thing.

Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. DAWSON. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. COMBS].

Mr. COMBS. Mr. Chairman, first of all I want to express my gratification at the high plane on which these debates have been and are being conducted. We are dealing here with a matter which affects our people and will affect them for a long time to come. It is gratifying to see there is no middle aisle dividing the two parties as the Members consider this most important question of Government reorganization.

One speaker earlier made some reference to the action by the other body on these different reorganization plans. I call the attention of the membership to the statement of Senator JOHN MCCLELLAN, chairman of the Committee on Expenditures in the Executive Departments, of that body, which appeared in yesterday's RECORD at page 7173. At the beginning of the next page, with reference to the reports which have been submitted by the Senate committee, he said:

> The committee has reported favorably 10 of the plans—

That is the reorganization plans which the President has sent down—

> against which no resolution of disapproval was submitted.

I went down to the other end of the Capitol a few minutes ago and talked to Senator MCCLELLAN. He told me, and I am sure his memory is correct, that this Reorganization Plan No. 6 is one plan reported favorably by his committee, on which there is not even a resolution of disapproval pending in the other body for consideration. I thought the membership would be interested in knowing that.

Mr. Chairman, I believe in a proper reorganization of various departments and agencies of the Government to increase efficiency and cut down the cost

of government. And while I do not favor every recommendation of the Hoover Commission, I have supported each reorganization plan as submitted by the President that has come to a vote here in the House. Incidentally, I want to remark in passing that to me the job done by ex-President Hoover, as Chairman of the Commission that bears his name, is an inspiring example of unselfish public service. And no matter whether one agrees with all the conclusions and recommendations which his Commission submitted, I think Mr. Hoover deserves the gratitude of the American people. Also, I think President Truman, in his efforts at reorganization, deserves the appreciation and gratitude of the American people for the forthright manner in which he has tackled the problem. And that regardless of whether one agrees with all of his recommendations and submitted plans or not. Reorganization is a tremendous task and a mighty important one. And we in the Congress rest under a very heavy responsibility to exercise good judgment and to consider every plan submitted without partisanship. The job we do will affect the American people for a long time to come. It is important to every citizen and we should not be motivated by partisan consideration.

Let me state here and now that I am in favor of the President's Reorganization Plan No. 6 of 1950 which we are now considering and that I will oppose House Resolution 522. Reorganization Plan No. 6 is in accord with recommendations of the Hoover Commission--it is, in my judgment, perfectly sound and reasonable.

Reorganization Plans Nos. 1 to 6, which were submitted to the Congress by the President under the authority we granted him in the Reorganization Act of 1949, are all directed toward the accomplishment of a simple and desirable end, namely, extending to various Cabinet officers full authority to organize and control the executive departments which they respectively head. I can see nothing mysterious or sinister in attempting to achieve this goal. It looks like just plain common sense to me.

I am sure that it would come as a shock to most of our citizens to hear that some Cabinet officers have no authority over some subordinates within their Departments. But, of course, it would not come as a surprise to those who have attempted to do business with, or to seek information from, various executive departments of the Government. Such persons have dealt, and I venture to say not in all cases successfully, with the almost impossible task of slaying the hydra of Washington, an executive department which has more than one head.

Recently while testifying before the House Committee on Expenditures in the Executive Departments, Secretary of Labor Tobin pointed out some of the difficulties arising in such a situation. He stated:

> As Secretary of Labor, people come to me with problems which confront them arising out of laws administered by the Department. It is confusing to them, and unsatisfactory to me, when I have to tell them that if their problem concerns child labor under the Fair Labor Standards Act I can listen to what they have to say, investigate the facts, and make appropriate disposition of the matter; but if it involves wages or hours, I must refer them to the Wage and Hour Administrator. Or, suppose an inquiry comes from an employer, or a union representing employees, who are working on a Government contract covered by the Public Contracts Act and are also engaged in work covered by the wage-and-hour law. If the inquiry relates to the employer's wage practices, I can give definite answers so far as the public contract work goes, but I can't give binding advice on whether the requirements of the wage-and-hour law are being met. Only the Wage and Hour Administrator can do that.

To my mind this is an intolerable and indefensible situation. In Government as in private business executive authority must be lodged somewhere. We cannot have accountability without responsibility.

Reduced to its simplest terms, plan No. 6 provides for nothing more than that the head of a Government department shall have the authority to run his department. This does not appear to me to be a strange concept to adopt. It would be strange indeed if we did not. We should no more expect efficient operation of Government agencies headed by officials with limited authority over the activities of operating personnel than we would expect successful operation of a business venture in which the vice president in charge of production can ignor directives of the company's board of directors if he so wished.

Failure of the Congress to approve plan No. 6 would mean a repudiation of basic tenets of the reports submitted by the Hoover Commission. The Secretary of Labor, no less so than any other Cabinet officer, should have full responsibility for the conduct of his department. It seems almost too obvious to state that within the Department of Labor, there must be a clear line of authority reaching down through every step of the organization and that no subordinate should have authority independent from that of his superior. These simple precepts are implicit in the Hoover Commission report throughout. They are basic and ought to be followed in considering all reorganization plans. Of what value will the recommendations of the Hoover Commission be if we fail to give them practical effect whenever the occasion to do so is presented. Recently, while testifying before a Senate committee, ex-President Hoover was asked the question as to whether or not he is satisfied with the progress so far made in carrying out the recommendations of his Commission. His reply was most gratifying and was, in substance, that under the circumstances he felt astonishing progress has been made. Now, if in a partisan spirit or otherwise we refuse to follow sound principles of reorganization and reject plans which are obviously sound and needed, the effect may very well be to delay or halt indefinitely reorganization of the Government.

In this unfortunate and trying cold-war period, inefficient governmental machinery is a luxury which we simply cannot afford. Military preparedness and a healthy industrial economy are vitally essential in these times but a businesslike governmental structure is equally essential if we are not to dissipate our resources and if we are to utilize to the fullest extent the vigor that is ours.

So it does seem to me that we have a great deal to show that we mean business in this reorganization effort, that we in the Congress are looking down the future years in our effort to improve the structure of the Government for the better service of the people, as good Americans and as representatives regardless of party.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. COMBS. I yield.

Mr. MADDEN. I want to compliment the gentleman on the outstanding contribution he has made toward the adoption of Reorganization Plan No. 6. I read some time ago where the Wall Street Journal had criticized the administration of the wage-hour law under the present set-up. I notice in the hearings that the gentleman from Georgia [Mr. LANHAM] called this fact to the attention of the committee at the time of the open hearings and stated that the Wall Street Journal in commenting on the administration conducted by the present wage-hour law set-up said the law was being enforced by a horde of snoopers. The Wall Street Journal calls the administrators of this law under the present set-up a horde of snoopers in an editorial. It seems to me, therefore, that if the Wall Street Journal condemns the present set-up and the Hoover Commission condemns it that we certainly should support the President's recommendation and adopt Reorganization Plan No. 6.

Mr. COMBS. I thank the gentleman for his contribution. He is certainly correct.

With the indulgence of the membership I think I can give a very good illustration of present conditions by citing something that came to my notice 2 weeks ago. I got a letter from a friend down home who is engaged as a consignee agent of an oil company in the distribution of oil and gasoline. He makes no deliveries whatsoever outside the State. He writes me that the lawyer of the oil company cannot tell him whether he is under the wage-hour law or not; that he took it up with the Wage and Hour Administration and they cannot tell him, as a matter of fact, nobody can tell him under the present situation.

I know an experience had by our colleague the gentleman from Georgia [Mr. LANHAM], some years ago, as a lawyer advising a client who was setting up a new company, as to whether he was under the wage and hour law; they went down to Atlanta and conferred with the Administrator and he said: "While I cannot bind anybody, I can only give you my best judgment, but I do not see how you could be under it." Three years later, the court held he was, and penalized him for penalties and back wages for 3 years and almost bankrupted his little company. If this sort of thing is to be avoided, we must centralize authority and fix responsibility.

The idea of centering this authority in the Department is to make it subject to the Procedure Act, reviewable by the courts. As it is the interpretation of the Administrator of the Wage-Hour Division is only for the purpose of applying the act, not for fixing the law which will be done by the courts under the Procedure Act which the Congress adopted a couple of years ago.

One effect of the Reorganization Act would be to put the authority and responsibility in the Secretary of Labor and make his decision subject to review by the court so that we can have a government of law and not of snoopers, if that is what the Wall Street Journal wants to call the investigators. Their main trouble is that they have no authority to promulgate proper rules, or interpret anything, so they just arrive at nothing.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I was very much interested in the statement of the gentleman who just preceded me wherein he stated that he wants somebody to render decisions and he did not believe in the way the law was now being administered. May I ask him if he would get any better decisions if this were left to the Secretary of Labor?

We have come to a point in our legislating where we must do the thing that will be right and just as between men. Personally, I have lost a great deal of faith in many of the administrators and the plans of our Government in the last few years of the New Deal. I do not know where we are heading in our country.

I think back a few years ago to the time when Hitler took charge of affairs in Germany. I look at the decisions that are being rendered in this country. It seems to me we are headed in the same direction that Germany was when Hitler took over the reins in that great country of Germany. What happened to Germany? A complete wreck of at one time a great Germany. We ought to look at the pages of history and get a lesson from those pages if we are to make this world a better place in which to live and, certainly, if we want this country of ours to be a better place in which to live. We must be more just as between men in the laws we make. We must be very, very careful what we do because, in my opinion, the road we are traveling now will lead us eventually to downfall. That is too bad when our founding fathers left us such a great country. Through laws that we have enacted in past years we have developed this into the greatest country on the face of the earth, up to 1933, yet it is being destroyed day by day and hour by hour through the things that are presently transpiring in this country. We as legislators have a mighty rocky road to travel and I hope we cease following some of the trends we are on now.

Mr. Chairman, if the plan now pending before us would result in increased efficiency, I would be for it, if the plan that we are now considering would reduce the expenses of the operation of the Government I would be for it, if the plan we are now considering would result in unbiased decisions by the administrator in the Department of Labor I would be for it. However, the Secretary of Labor is diligently trying to have this legislation passed in order that he might determine a course of procedure in connection with the handling of the affairs of the Wage and Hour Division to his liking. Why is he interested in it to the extent he is? He ought to leave that up to the Congress and have the Congress determine the matter. That would be the proper course of procedure. He ought to keep his nose out of the Capitol and leave it to those who are charged with the responsibility of making these laws to govern the Department and the people.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from California.

Mr. HOLIFIELD. It is understandable that the Secretary of Labor is interested in this because he has the responsibility for what happens. At the present time he does not have the authority to supervise his subordinates, yet he is legally responsible to the Congress and to the President for what happens in his department.

Mr. RICH. I thank the gentleman for his statement.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RICH. Mr. Chairman, I yield myself five additional minutes.

Mr. Chairman, there is no Member of this House for whom I have greater respect than the gentleman from California who just made the statement in reference to the Secretary of Labor. The gentleman from California is bright, he is shrewd, he is smart, and I have a lot of respect for him. I have a lot of respect also for our chairman. I like all of the Members. You know in committee we sometimes speak freely, we disagree, but we all have much respect for each other. I do not agree with them however. May I suggest to the committee at this time that we have been centering the power of Government in the hands of too few people. We are bringing into Washington a great deal of the power that belongs to the States and the local communities. We have been centering it down here in Washington, and I again refer to the statement I made a few minutes ago with reference to what happened in Germany when Hitler took over that country. It can happen here. He seemed to want all power and he got all power because he cracked the whip. We are doing the same thing here in Washington. We are giving to Presidential appointees in the Cabinet all power. Then the President has all power over them. They are going to do the things the President wants them to do or they are not going to be permitted to serve. They are going to resign their positions in order that the President of the United States can crack the whip over all the people of this country.

I do not care whether it is Mr. Truman or Mr. Hoover, the man you are lauding so greatly today as being a man whom you are now trying to emulate in trying to pass this legislation. I stood here in the House of Representatives in 1932 and I never heard a man torn to pieces in all my life as the Democrats in the Congress at that time tore Mr. Hoover apart. It was a crime and a shame, and you continue to do it. Yet now you come along and laud him as a great man, a man who served this great country and served it well. You have had a change of heart, that is fine. Hoover would give his last drop of blood to know that America was being handled for the best interests of the American people.

Mr. DAWSON. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to my colleague, the distinguished gentleman from Illinois, a man whom I believe to be honest and honorable, who I am glad to have serve as the chairman of our committee; but I do not always agree with him.

Mr. DAWSON. Does the gentleman concede that any President, whether he be a Democrat or a Republican, would go beyond the laws or seek to go beyond the laws passed by this Congress?

Mr. RICH. I would not say that he should not do it, but I will say that we have a President in the White House now that does not believe in the Taft-Hartley Act. Congress has said that that is the law of the land, but the President says to the people of this country, "I am going to change the Taft-Hartley Act if it is the last thing I do." He is creating distrust and dishonor among the laboring class of people and the business people of this country who create the jobs. Whenever you tear apart the good, thinking people of this country, whether they be labor or whether they be employers, that is no way to get the country on a good, sound basis.

Have I answered the gentleman correctly? Does he agree with me?

Mr. DAWSON. No.

Mr. RICH. All right; I did not think the gentleman would agree with me.

Mr. DAWSON. I agree with the gentleman that there are many differences of opinion on the efficiency of the Taft-Hartley law, but the President will administer the Taft-Hartley law as it is put upon the books, and will seek to change it by law if he does not agree with it. That is his duty.

Mr. RICH. When the President of the United States has the Taft-Hartley law to act upon, does the gentleman believe honestly that he tried to enforce the Taft-Hartley law in the yast year?

Mr. DAWSON. I believe the President of the United States has done everything in his power to work under and with and obey every law passed by this Congress, once it became a law, whether he agreed with it or not, but if he did not agree with it, and it is up to him to execute it, it is his duty as President to bring it back to the Congress and ask Congress to take action on it.

Mr. RICH. There is where the gentleman and I differ.

The most casual observer can see that President Truman is not making a real effort to use the Taft-Hartley law. It is true, as my distinguished chairman has said, that it is his duty to enforce this law and every other Federal law.

But the President has shown by his public utterances for several years that he is not in sympathy with the act and wants it repealed. That feeling has manifested itself in the administration of this act.

Look at the situation in the coal strike last winter. It was obvious that there was an emergency, since there were very few coal reserves and the amount on hand was getting smaller, due to the 3-day workweek imposed on the miners by John L. Lewis. Finally the law was evoked. The fact that we had a mild winter is what saved the President from a bad situation. Had a sudden and prolonged cold spell come upon the country, as it usually does each winter, we would have been in real trouble.

When Mr. Lewis was cited for contempt of court, it was obvious, so lawyers in whom I have confidence tell me, that the President's Department of Justice fell down on the job completely. They could have gone out and gotten hundreds of affidavits to show that Mr. Lewis, in defiance of the court's order, really called a strike. But they did not do this, which was the natural thing to do in such a case if they wished to win it and if they wished to really give the court all the facts. It must be very plain to anyone who is really objective in the matter that the President is not and will not give a vigorous administration of our present labor law, although it was passed by more than two-thirds in each House of Congress. I think the President is letting his feeling against this law and his abortive efforts to have it repealed adversely affect his duty to enforce this law.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, a good deal of heat that is quite irrelevant to the issue that is now before this Congress has recently been generated. I should like in a few moments, if I can, to get back to some basic reasoning in connection with the reorganization program that is now before the House.

I have studied this situation and of necessity must have a little information on it, because I have been privileged to serve on the subcommittee of the Committee on Appropriations that has handled the appropriations for the Department of Labor and the Wage and Hour Division for many years. I am very familiar with the actions of the Wage and Hour Division. I have tremendous confidence in its Administrator, Mr. McComb. I am rather surprised, therefore, to hear the rather specious argument presented that we ought to vote for this resolution in opposition to the reorganization plan because, it is contended, the administration of the present wage-hour law is inefficient and there are a lot of snoopers and this, that, and the other. That, to me, is not a valid or sound argument. It is just like a dog chasing his tail around in a circle. The fact of the matter is I think you have a good administration of the wage-and-hour law. You have as good an administration as it is possible to have under the appropriations which the Congress has made available for expenditure to the Wage and Hour Administrator. I would call your attention to this simple fact in connection with this program—first, the Wage and Hour Administrator and his department are presently under the general housekeeping authority of the Department of Labor. They operate under the appropriations made under the general appropriation to the Department of Labor. Every regulation and every decision which is made by the Wage and Hour Administrator is made as a result of the action of the solicitor of the Department of Labor who is at present, I believe, Mr. Tyson, and his group.

So when a request for information comes into the Wage and Hour Administrator for a determination under the past law or under the present new wage-hour law, the Wage and Hour Administrator has no separate, independent legal branch to advise him, but he gets his advice and information from the same source that advises the Secretary of Labor. I have found in my dealings and attempts to get interpretations of this new wage-hour law that they have been most meticulous in the Department of Labor in endeavoring to get me exact information which would permit me to advise those whom I have the honor to represent as to their status under the new law. I know in every case where I have taken it up, Mr. McComb has referred the matter to the Solicitor's office of the Department of Labor for an opinion. I have many opinions from that Department with respect to proposed regulations and interpretations under the present wage-hour law.

Therefore, is it not perfectly apparent that those who feel they will get a more advantageous administration of the law if it is left with the Wage and Hour Administrator and with the line of authority not transferred to the Secretary of Labor that they are whistling in the dark because, after all, the over-all authority, whether it is written meticulously in the law, is with the Secretary of Labor and the interpretations which are made and the advice given by the Secretary of Labor through his legal arm, which is the Solicitor's office of the Department of Labor, is going to control in the administration of this situation and in the writing of rules and regulations.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. HOFFMAN of Michigan. If that is correct, and if the Wage and Hour Administrator gets his interpretation of the law from the office of the Secretary of Labor, what is gained by transferring the functions to the Secretary of Labor?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield five additional minutes to the gentleman from Wisconsin.

Mr. KEEFE. I had something to do with the attempt to form a reorganization of the Federal Security Agency in its direct relationship to the Department of Labor. I had something to do with the establishment of the regional offices set up throughout the country and the offices of the Department of Labor and the Federal Security Agency. All through that reorganization program, which was adopted in connection with an appropriation bill, the gentleman from Michigan, and every other Member of Congress, with the exception of a very few, stood with the gentleman from Wisconsin, who is now addressing you, in an attempt to define the line of authority from the Office of the Secretary or from the Administrator's office on down, and to define a line of authority in the regional offices which would permit decisions to be made by someone, so that when people came to these regional offices, there would be in the regional office set-up a line of authority similar to that which exists in the executive departments of Government.

The gentleman will recall that under a previous reorganization order which the President submitted, and which was approved, he transferred the Children's Bureau out of the Department of Labor to the Federal Security Agency. Under the social security law, the enforcement of the child-labor provisions of the Fair Labor Standards Act was invested in the Children's Bureau and it was originally in the Department of Labor. What happened? When it was transferred to the Federal Security Agency the President left the enforcement provisions as to child labor with the Secretary of Labor. He did not transfer them to the Wage and Hour Division. So that we have the Secretary of Labor charged with the mandatory obligation of enforcing the child-labor provisions of the law and the child-labor provisions in the present law are vested in the Secretary of Labor. Whereas authority for administering the wage-and-hour law is vested in the Administrator of the Wage and Hour Division. There became a cleavage of authority, both dealing with the same basic law. My concept of government, and I believe that is a fundamental concept that applies all through the reasoning of the Hoover Commission, is that there should be a direct line of authority, from the Secretary on down, in each of these executive agencies of Government, so that responsibility may be placed upon the agency head or the independent office head in the various departments of Government where we can look, and place fundamental responsibility. It is because of the fact that, as I read the Hoover Commission finding, that basic concept runs clear through them, that I believe an attempt to put into the hands of the Secretary of Labor over-all authority for the administration of the wage-hour law and make the Administrator the administrative officer, which he is in any event—I do not care what you say about the present fineness and niceties of law, he is under the Secretary of Labor today. Mr. McComb very much favors this present reorganization plan of the President.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. Yes, I yield.

Mr. HOFFMAN of Michigan. The question I asked you was this, that inasmuch as you are arguing that the Wage and Hour Administrator, in making his legal or quasi-legal decisions, was always

guided by the Solicitor of the Department of Labor, what is the purpose, then, of this transfer of the Administrator, from a legal standpoint?

Mr. KEEFE. Do you agree that my statement is correct, that he is guided by the Solicitor of the Department of Labor?

Mr. HOFFMAN of Michigan. You said he was. I am not questioning that.

Mr. KEEFE. All right, if you accept that as a premise, then the fact of the matter is you have got rather an odd situation in the law that ought to be corrected. You have a situation in the law, in my humble opinion, by which you have something stated in the law that pretends and presumes that the Administrator of the Wage and Hour Division has authority which in fact he does not have, and if he has it he does not exercise it. Thus, in my humble opinion, as one who is committed firmly to support the Hoover Commission report and its findings wherever I can, and to implement them into action as rapidly as I can, I have concluded that as far as I am concerned this proposal approaches as nearly as possible, in the reorganization of the Government, the implementation of the attitude of the Hoover Commission task force and ultimate findings that were made by the Hoover Commission. I feel that my action today would be derelict to those who have asked me to support the Hoover Commission finding if I failed to so vote.

Mr. HOFFMAN of Michigan. Will the gentleman yield again?

Mr. KEEFE. I yield.

Mr. HOFFMAN of Michigan. Have you been able to find anywhere in the testimony one word which says that the adoption of this plan will give us either increased efficiency or economy?

Mr. KEEFE. I have never felt that this law will give either increased efficiency or increased economy or anything else, unless we get proper administration. I can say to you, you will not get increased economy, because, as I pointed out when the appropriation bill was before the Congress, the budget that came to the Congress with respect to the Wage and Hour Administration was almost double the appropriation that was requested and granted for the fiscal year in which we are now operating. That was alleged to be due to the fact that the Congress passed, in the intervening time, this new wage-and-hour law, which called for more interpretation, more legal work, more inspection, and more inspectors. I am not charged with the responsibility for administering these laws. I can only assume, as far as my duty is concerned, that those upon whom the Congress has placed that responsibility will exercise their responsibility in the interest of the public. That was the attitude of the Hoover Commission, as I interpret it, when they suggested that this reorganization plan be adopted.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. KEEFE] has again expired.

Mr. DAWSON. Mr. Chairman, I yield 12 minutes to the gentleman from West Virginia [Mr. BURNSIDE].

Mr. BURNSIDE. Mr. Chairman, I rise to speak in opposition to House Resolution 522, and to speak in favor of plan No. 6.

Before I take up this resolution I want to say just a word or two about the Hoover Commission. We have been giving so much credit to Mr. Hoover today that I want to give some due credit to the six Republicans and six Democrats that acted, believe it or not, in a nonpartisan capacity, to bring out good reports for us to review here in Congress, and for the administration to make available, so that we could review them, by having competent men to work with us in the way of expert opinion in drawing up the right type of legislation.

One thing I would like to bring out is that the Citizens Committee, which was formed to try to put into execution the Hoover Commission reports, with members all over the United States—the secretary of that body, acting for that body, which is nonpartisan, has recommended that we do pass plan No. 6.

One thing that was very interesting to me when we were having these hearings was that nearly everyone who came before the Committee on Expenditures in the Executive Departments was very much in favor of the Hoover Commission reports and would like to see them adopted, but please do not adopt this one because this particular one hurts me. We have to get beyond these personal attacks and think about principles that vitally affect our Government and think about good administration and good organization. Due to that type of approach it became rather amusing to a group of us on the committee. There were seven of us who, when one of these "yes, but-ers" appeared before the committee, would automatically say to ourselves: "Same chapter, same verse"; and all of us could not help but get a laugh out of it.

This resolution would disapprove Reorganization Plan No. 6. Approval of these six plans would establish a uniform pattern of internal organization for the Treasury, Justice, Interior, Agriculture, and Commerce Departments, as well as the Labor Department. Let us stop here for just a moment and ask: Is it asking too much to want to reorganize the Government on sound business principles? Let us take the recommendation of men appearing before our committee claiming to be businessmen; let us take a concrete example. These businessmen in their own corporate organization like to have a fan-shaped organization, and that is what the Government is asking, that is, where you have a center and from that center radiate not more than 18 reporting agencies, reporting back to an administrator. If you have more than that number you do not have good administration.

I shall not go into the details of the plan. I am sure that the Members of this House are thoroughly familiar with them.

There is one matter, however, which I would like to discuss at this time. It has been alleged that the powers of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act are quasi judicial in character and that the effect of the plan is to vest such quasi judicial powers in the Secretary of Labor who, under the organic act of the Department of Labor, is required to be prolabor in his attitude and administration. There are two points about this allegation, Mr. Chairman, that I want to talk about.

First, it is not true, Mr. Chairman, that the functions of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act are quasi judicial in nature.

Let us make it clear that it is not quasi judicial in nature, and let me call your attention to our report:

> A cardinal feature of this reorganization plan, and the central point to bear in mind is that the Wage and Hour Administrator has no quasi judicial duties.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. DAWSON. Mr. Chairman, I yield three additional minutes to the gentleman from West Virginia.

Mr. BURNSIDE. Anyone who has made any study of Government would readily realize that quasi judicial means a body that has legislative, executive, and judicial functions. This set-up here does not have legislative, executive, and judicial functions; its determinations are not final. You would find in this set-up that in compliance cases the Government is a plaintiff. A plaintiff does not have quasi judicial powers. Let us get this clear. That is what they have been asking this question for, to confuse the House. Let us get it clear. This set-up here only has plaintiff's functions in enforcement or in compliance cases.

The report goes on to state:

> He acts in no way similar to any agency which would require a separation of prosecutive and judicial functions. His determinations are not final; he is in compliance cases a plaintiff in Federal court seeking appropriate enforcement for a violation of law. Reorganization Plan No. 6 does not carry with it the implication that the Secretary would receive thereby quasi-judicial powers affecting wage-and-hours matters.

I want to follow that further. This matter, then, was gone into by the Committee on Expenditures in the Executive Departments during its hearings on House Resolution No. 522, the situation of the Administrator enforcing the Fair Labor Standards Act was thoroughly explained by the Solicitor of Labor, Mr. William S. Tyson.

I think I can do no better, by way of getting the true picture before the House on this matter, than by quoting from the record of the hearings. The matter from which I am going to quote can be found by members on pages 94 and 95 of the hearings. The quote is as follows:

> Mr. TYSON. The Administrator is the only one who can institute an investigation under the wage-and-hour provisions of the wage-and-hour law. He sends his inspector in to find out if the complaint is justified or not. In many cases he finds it is not. In other cases he finds that there are violations. If there are violations, then his inspector sends the case to his regional director, and we have nine regional directors. The regional director then decides whether or not he thinks it is a case that can be settled without taking it into court. If he thinks not, then he sends it to the lawyers and the lawyers institute a civil action if they find the evidence justifies it.

On the other hand, if they find the violations are willful, they will send it over to the Department of Justice to institute proceedings before the grand jury and ask for a criminal indictment.

Mr. RICH. If a man has disobeyed the wage-and-hour law and has done it deliberately, he can be incarcerated because of the willful act of not paying someone the wage that the wage-and-hour law states should be paid, where the individuals might have some kind of agreement among themselves that the employer is not to pay them the full amount that the wage-and-hour law would demand?

Mr. TYSON. Congressman Rich, the situation is this: If it is a willful violation and a recommendation is made for criminal indictment, the person can be indicted. It is only a misdemeanor. In the first indictment the penalty is only a fine. It is only on the second indictment, where he is charged with violating the act for a second time that he can be imprisoned. The first offense is nothing but a fine.

Mr. BONNER. The Administrator makes that ruling?

Mr. TYSON. That is right, the Administrator.

Mr. BONNER. On the first offense he has the authority to fine the man?

Mr. TYSON. No; he has no authority; it is only the court. He sends it to court.

Mr. BONNER. The Administrator then finds there is an infraction of the law?

Mr. TYSON. He finds there is an infraction of the law.

Mr. BONNER. He issues an order to correct it, does he not?

Mr. TYSON. No; he does not. If the man will not comply with the law then, after this inspection where he has been shown that he is in violation——

Mr. BONNER. I say, he issues a directive that he should comply with the law?

Mr. TYSON. He asks him to, but he has no authority to direct. Then, if he refuses, he sends it into court.

Mr. BONNER. If the employer says he has not violated the law and the Administrator insists that he has, then it goes to the court for decision?

Mr. TYSON. That is right, sir.

Mr. BONNER. You say that the Administrator has no authority to penalize the man?

Mr. TYSON. That is right; he did not prior to the recent amendments. Under the recent amendments which were passed by the Congress last fall he has an additional authority which permits him under section 16 (c) of the amended act to bring a suit for back wages owed employees.

Mr. BONNER. He does not have the authority to set a penalty?

Mr. TYSON. No.

Mr. BONNER. Then on appeal it has to go to the court anyway?

Mr. TYSON. That is right.

Mr. BONNER. Anyway, pro or con either side, it has to finally wind up in a court decision if it is a contest on the Administrator's decision?

Mr. TYSON. That is correct.

* * * * *

Mr. BONNER. If this plan goes into effect then, he goes along just like he is functioning now, and it does not jeopardize the rights of either side to go into the courts; is that correct?

Mr. TYSON. I think that is absolutely correct.

The other point that I want to make is that, as the Secretary of Labor pointed out in the statement submitted to the Committee on Expenditures in the Executive Departments by the Under Secretary, the Honorable Michael J. Galvin, is that at the present time the Wage and Hour Administrator, like all other officers of the Department of Labor, must carry out his functions in accordance with the Organic Act of the Department of Labor. All officers of the Department of Labor are bound to act in a manner consistent with the purposes of the Department as set forth in the organic act. But he is also, of course, bound to carry out his functions in accordance with the intent of Congress as set forth in the act which he administers, namely the Fair Labor Standards Act of 1938 and the Fair Labor Standards Amendments of 1949. Being an officer of the Department of Labor has not hampered the Administrator in administering the provisions of these two acts in a fair and impartial manner. The Secretary of Labor pointed out that—

> If the transfer of functions provided for in Reorganization Plan No. 6 is approved the Secretary of Labor will, in administering the wage-and-hour provisions of the act, be bound by the same duty in this respect that the Administrator now has. Whether the Fair Labor Standards Act be administered by the Wage and Hour Administrator or by myself makes no difference in this respect.

We are dealing, Mr. Chairman, with a bugaboo which just simply will not stand the scrutiny of fair and impartial study on our part.

Finally, I would like to point out, Mr. Chairman, that the plan has the approval of the Administrator of the Wage and Hour Division himself. In his testimony before the House Committee on Expenditures in the Executive Departments Mr. McComb stated:

> I understand there has been some testimony before you gentlemen in opposition to the President's proposal on the ground that the transfer of authority to the Secretary would be detrimental to the impartial administration and enforcement of the Fair Labor Standards Act. I want to say very plainly that I do not agree with that argument.

Otherwise, he states that he is in favor of and wishes to urge the House to reject House Resolution 522 and give its approval to Reorganization Plan No. 6 of 1950, in order that we can establish this principle of good administration for our Government. We will not save large sums of money by this change, but we can have excellent administration so that we may eventually save money for our taxpayers.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. BURNSIDE. I yield to the gentleman from New York.

Mr. KEATING. The gentleman is a member of this committee, and has studied this problem. The Wage and Hour Division is now in the Department of Labor. Would the gentleman address himself to the question how the transfer of the functions of this agency to the Secretary would really affect the present situation other than in a purely administrative manner?

Mr. BURNSIDE. I think someone will speak to that point later. I would be glad to go into it, but the gentleman from California will speak about it later.

Mr. KEATING. If the gentleman from California is going to cover that point, I would be glad to defer my question.

Mr. HOLIFIELD. If the gentleman will yield, I will say that the gentleman's statement is correct. The functions will be placed in the Secretary of Labor purely from an administrative standpoint and will be redelegated back to the Wage and Hour Administrator. He so testified before us that he would do that. That is, of course, done in every department of Government. We are lining up all the departments of Government and placing all authority, all function, and all responsibility in the head of the department. He, in turn, as any good organization executive would do, delegates back to the different subordinate agencies the power and function necessary to perform their duties under the law.

Mr. KEATING. Specifically, am I correct in my understanding that, if this plan were adopted, it would not result in the decisions of the Administrator on quasi-judicial matters being subject to review by the Secretary of Labor prior to review by the courts, or whatever procedure is now provided in the Administrative Procedure Act?

Mr. BURNSIDE. In the first place, this is not a quasi-judicial body we are discussing. I gave you decisions over and over again here showing it is not even quasi-judicial.

Mr. KEATING. I think perhaps that is an unfortunate phrase. Perhaps that should go by some other name. But we do know that the Administrator does decide issues where both sides present their conflicting views.

Mr. BURNSIDE. Only as an administrator.

Mr. KEATING. They are subject to review under the Administrative Procedure Act in the courts.

Mr. BURNSIDE. That is correct, but you are shifting your action from administrative to judicial. The moment the court takes action it is a new case.

Mr. KEATING. My question is, Would the adoption of this plan in any way interfere with that procedure?

Mr. HOLIFIELD. No, it will not change any of the substantive features of the Administrative Procedure Act under which the Wage and Hour Administration hearing examiners now work.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, the resolution now before us would, if adopted, set at naught the President's Reorganization Plan No. 6. I am not in favor of the resolution. I believe the plan should be adopted.

The President's plan, in general, transfers all functions of the Department of Labor to the Secretary of Labor. This, in my opinion, is in line with the general recommendations of the Hoover Commission. Is it true that there is some difference of opinion as to whether the Hoover Commission on Organization of the Executive Branch of the Government specifically recommended this specific plan as submitted by the President?

But, whether it specifically did so or not, it is plain to me that it comes within the general purview of what was intended by the Hoover Commission. For this reason, I will support the President's plan as a fulfillment of the views set forth in the report of the Hoover Commission.

The House Committee on Expenditures in the Executive Departments, to whom was referred the resolution (H. Res. 522), made a full and complete study of the entire matter and has submitted its report to the House in favor of the President's plan. The report of the committee sets forth the reasons that brought it to a favorable conclusion.

The effect of Reorganization Plan No. 6 is, in general, to transfer to the Secretary of Labor all functions of all other officers of the Department of Labor. Certain restrictions on these powers are disclosed by reference to the Administrative Procedure Act. In this way independency of action on the part of hearing examiners is assured. Further, the power of the Secretary to delegate to subordinate officers and agencies the performance of his functions where desirable is provided for. Moreover, records, property, personnel, unexpended balances, and other funds may be transferred within the Department of Labor, whenever it is deemed necessary by the Secretary of Labor for the purpose of carrying out the provisions of this reorganization plan.

This reorganization plan will not ascribe to the Department of Labor any more powers, authority, functions, or responsibilities than it now possesses. In the main, this legislation will centralize authority, responsibility, and accountability in the Secretary. This action, of course, carries with it as its necessary concomitant proper delegation of powers and duties on the part of the Secretary.

The Commission on Organization of the Executive Branch of the Government, after a detailed study, emphasized in its initial report the urgency for reposing "full responsibility for the conduct" of a department in its secretary.

In the report on general management and its accompanying task-force report on departmental management, the Commission on Organization of the Executive Branch of the Government went to considerable trouble to make plain the urgency in our Government for sound business management and unmistakable delineation of authority in a clear line of authority reaching down through every step of the organization. The gist of their viewpoint, concisely stated, is: If the superior is responsible and accountable, then no subordinate should have authority independent from that of his superior.

Reorganization Plan No. 6 thus seems to coincide with the recommendations the Commission on Organization indicated necessary for internal departmental management. The adoption of this plan by the Congress will result in unification of departmental organization which over a period of years, I trust, will reward with economy of operation. Then, also, the resultant centralization of responsibility and authority should effect rich returns through immediate improvement of efficiency and service.

For the above reasons, I give the plan my support.

Mr. CHRISTOPHER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CHRISTOPHER. Mr. Chairman, on February 7, 1949, while H. R. 2361 was under consideration in this House, I made the following remarks:

> I am going to vote in support of the Hoover report, but I am going to do so with full knowledge of the fact that we are passing on to the President a job that Congress has repeatedly tried to do and failed. I am supporting the measure because I think the recommendation of the Commission ought to be carried out in the interest of economy and better service. The only thing that gives me concern in the enactment of this bill is the knowledge that no matter what kind of reorganization measure the President may propose he is sure to be condemned by part of the people on the ground that it did not go far enough and by everybody else on the ground that it goes too far. In other words, whatever measures are offered will lead only to criticism.

Perhaps I was too pessimistic at that time but I still find that several of the reorganization measures submitted by the President are being severely criticized. I supported the recommendations of the Hoover Commission in the beginning and I feel that this House should lend its support to the end that the recommendations of that Commission may be put into effect. They were the result of many months of hard work and conscientious study by a nonpartisan commission.

If applying their recommendations to the different departments of the Federal Government will give us better service at less cost to the taxpayers, they should be adopted as soon as possible. I am in favor of the adoption of recommendation No. 6 and shall vote for it on final roll call.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LUCAS], and if he so desires, I will yield him another 10 minutes.

Mr. LUCAS. Mr. Chairman, so much has been said about the proposal before us, and so many other subjects, that I hesitate to take the floor to discuss this matter, which should be approached in a dispassionate way.

Of course, I do not subscribe to all the views which have been expressed here by those who are on my side in this debate. I dislike the fact that politics have been injected into the question. My purpose in introducing House Resolution 522 was as a result of the so-called Lucas bill being adopted in the last session of the Congress, which bill had to do with the field of minimum-wage legislation. I was called upon by many of my fellow Members in the Congress to express their views in this regard when the President offered Reorganization Plan No. 6, which would set aside and undo much of the work which the Congress accepted last year. Whether it be my chick or not, when I looked in the paper last October 26, I saw a great big picture of the President and Philip Murray and William Green, as well as other labor leaders, taking great glory in the fact that the President was signing the new minimum-wage law. I say to the distinguished chairman, the gentleman from Illinois [Mr. DAWSON] that if this bill is my chick, it certainly was hatched by the President of the United States.

Mr. Chairman, there are serious questions involved here which I think should be treated calmly and dispassionately. I say that because we are undoing and repealing what the House did last year in passing the Lucas bill. We are doing it by indirection because this reorganization plan of the President is legislation and nothing else. It is not reorganization.

The Members who have spoken in favor of this reorganization plan time and time again have used the words "subordinate agencies." Why do they do that? Because the Hoover Commission says that the duties of subordinate agencies should be given over to the chiefs of departments. They say that the responsibility being in the chief of the department, he should be given the power to administer the laws. I agree with this. But the Wage-Hour Administrator is an independent officer of the Government, and not a subordinate of the Secretary of Labor. He is independent because the Congress of the United States has on three occasions declared him to be independent.

In 1937, when the bill was first before Congress to create an agency of the Government to administer a wage-hour law, the House of Representatives, it is true, set up this power in the Secretary of the Department of Labor and gave it to the Secretary of Labor. But the Senate had set up a separate agency entirely, a board, to administer this law. The conferees, in reconciling the differences between the two Houses, compromised this problem and made an agency within the Department of Labor, under an independent Administrator, appointed by the President, answerable to the President and to the Congress; not answerable to the Secretary of Labor. The agency to perform these functions was placed within the Department of Labor for housekeeping purposes only. It could as well have been placed in the Commerce Department, because it affects as much business as it does labor. No one can deny that the payroll of a businessman is the lifeblood of the business. While it was for humanitarian purposes that the Congress adopted the law to raise minimum wages in interstate commerce, also it was for business reasons that business wanted the law passed, because there were sweatshops in the country competing with fair businesses which were paying less than a decent wage. It was felt necessary that a national law should be enacted in order to force those sweatshops to raise their minimum standards. So the Commerce Department could as well have been placed in charge of this legislation. But the House and the Senate, in reconciling their differences, set up an independent agency in charge of an Administrator,

appointed by the President, answerable to the President and to the Congress, and not to the Secretary of Labor.

In 1947, under the old Reorganization Act, the President submitted a plan to take those powers away from the Administrator of the Wage and Hour Division and give them to the Secretary of Labor. What did the Congress do? The Congress immediately voted down that plan. The Congress voted down that plan because it was felt that the Secretary of Labor, being by the organic act establishing the Department of Labor, charged as a partisan of labor, was not the proper person to enforce this law impartially as affecting both employees and employers.

We are beset with the same proposition again today, where the President has said that the Secretary of Labor should enforce this law, but it is my contention that the law should be enforced impartially and in an unbiased manner, because it affects the operations of every business in the land. It has been said, "What is the difference? Both of those fellows down there are scoundrels anyway, and we cannot get any worse treatment if it is placed in the hands of the Secretary of Labor than in the hands of the Wage and Hour Administrator."

I do not subscribe to any such theory. I think each is doing his best to perform the duties entrusted to him. I contend, however, that the duties which are entrusted to the Secretary of Labor are those which are partisan, in the sense that the Secretary of Labor is duty-bound to represent the workingmen in our governmental functions, and the Congress set up the Administrator of the Wage and Hour Division to administer impartially a law affecting both labor and management and the public, who, after all, are paying the bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. LUCAS] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield the gentleman such further time as he may desire.

Mr. LUCAS. It may be of interest to those of you who represent labor districts to know that even the labor leaders are not too enthusiastic about this plan. It is my information that some of the labor leaders have questioned the advisability of enacting this reorganization plan into law, because they feel that if the present friendly administration places this law in the hands of an official who is bound to take labor's view, then an unfriendly administration might come along and put it in the hands of, for instance, the Department of Commerce. I say to you, when we come to the question of deciding who shall determine the interpretations of various sections of the wage-and-hour law and take that power out of the hands of one who is bound by law to be impartial and place it in the hands of one who is bound by law to be partial, we are in effect taking a step which will destroy the confidence of the people in their Government.

Now, let us talk about some of these definitions which under the law must be determined by the one who enforces this law. Under the wage-and-hour law there are many sections which the Congress back in 1937, in passing the original act, and in 1949, when we passed the amendments known as the Lucas Act, simply could not define; they were not susceptible of legislative definition. I speak of the "area of production" provision; I speak of the regulations regarding executive, administrative, and professional employees. Another definition was that of learners, apprentices, and handicapped people.

The definition of these terms, for instance, of "executive, administrative, and professional employees" must be made by the Administrator. In the past the Court with consistent regularity has supported the definitions of the Administrator; his definitions have been accepted by the courts. In making his definitions the Administrator had to decide between the contentions of labor on the one hand, which wanted the terms defined narrowly, and those of management on the other hand, which wanted them terms defined broadly. The Administrator struck a fair balance between the conflicting contentions and issued impartial definitions which avoided the extremes of either group.

This "area of production" definition caused us a great deal of trouble. We tried to redefine it last year but finally decided to allow it to stand as it was in order to permit the existing definitions, which had in effect been fair to both sides, to continue in force. This is a definition which is of especial interest and importance to farmers. The first definition had been declared invalid by the Supreme Court because it was based upon the number of employees, I think it was, employed in the processing plant, but after working on a new definition the Administrator determined on a rather fair definition which was based largely upon two factors, the distance of the processing plant from the farms where the commodities were grown, and the size of the towns in which the processing plant was located. This definition is necessarily discriminatory in some cases, but it was thought to be the fairest that could be worked out, and the Congress did not choose in the Lucas bill to change that definition. Let me call your attention to what the Secretary of Labor said regarding this "area of production" definition. I am reading from page 16 of the hearings on H. R. 2033, which was the Lesinski bill which after being changed was defeated by substituting the Lucas bill. Mr. Tobin in his testimony stated that "the unworkable agricultural 'area of production' exemption should be dropped." Now, you who represent farmers in this House remember the fact that if you vote against House Resolution 522 you vote to place the administrative power under this law in the hands of one who believes that the "area of production" exemption ought to be dropped.

You are not only doing that, but the Secretary of Labor has committed himself in advance to a broadened definition and administration of this law. He said that he wanted it to cover every activity affecting interstate commerce, and when the question was put to him as to what business or occupation did not affect commerce, Mr. Tyson, his solicitor, spoke up and said: "Well, a barber shop, probably." So you can see that the Secretary of Labor wants to carry this law into every field of endeavor within the United States and its possessions.

One of the greatest fights we had in our debate on this legislation last year was in reference to the definition of retail and service establishments. You remember the pressure that was brought upon the Congress to exempt retail establisments and the reason for that was because there are not enough people working for the Government to go out and enforce a law which would regulate employment in every little retail store in the land.

How does Mr. Tobin look upon such a law? What does he think about such a suggestion? He says:

> Unjustified exemptions should be eliminated. Employees in large chains and department stores, for instance, should not be exempt.

And he goes ahead to clarify what he meant by that.

And those who support Mr. Tobin's view even come along and propose that every retail store should be covered by the law. There is no doubt in Mr. Tobin's complete statement that he wants to cover everybody in the land under this law. He stated that he felt every employee should get $1 an hour by law. Now, I am not opposed to employees making a dollar an hour or more, but I do oppose—and I think this Congress opposes—a legislative fiat that every employer in the land shall pay every employee in the land $1 an hour. We know it is economically impractical.

So when we are transferring these powers, Mr. Chairman, from the impartial Administrator to the partial Secretary of Labor, we are put on notice in advance what the Secretary of Labor is going to do when he defines professional, executive, and administrative employees; we are put on notice what the Secretary of Labor will do when he defines learners, apprentices, messengers, and handicapped employees; we are put on notice when he says he wants to abolish the area-of-production exemption in the present law. So you are in effect voting to repeal the Lucas law when you vote against House Resolution 522.

I spoke about messengers, learners, and apprentices.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield the gentelman five additional minutes.

Mr. LUCAS. Mr. Chairman, the present law provides that these types of employees, learners, apprentices, mesengers, and handicapped workers, may be employed at less than 75 cents an hour upon the issuance of certificates by the Administrator—not the Secretary of Labor but by the Administrator. The Administrator has been impartial in acceding to the demand by these marginal employees for permission to work, although the labor unions have been very forcibly opposed to their employment. If the authority to issue the

certificates is now turned over to the Secretary of Labor, it can be expected that he will bow to the wishes of the labor unions.

There is still another way in which the Administrator determines which employees are subject to the requirements of the law, and that is by issuing interpretations concerning the meaning of various terms and phrases used in the law. These interpretations are his determinations as to which employees are engaged in interstate commerce or the production of goods for interstate commerce and which employees come within the provisions of various exemptions such as those granted to agricultural labor and retail and service establishments. In the recent amendments to the wage-and-hour law many of those exemptions were rewritten, and although the Congress provided these exemptions as clearly as it was possible legislatively to draft them, the Secretary, if granted this power, may be expected to interpret them in a biased manner in favor of labor unions. Of course, it is his duty to represent the workingmen in the Government.

I want to turn now to the Hoover Commission recommendations with reference to this suggestion. You know, ex-President Hoover and those who were members of the Commission, including our two distinguished Members of this House, did not have time to do all of the studying and make all of the investigations necessary to draft these recommendations. They had task forces—that is what they call them, task forces—to go out into the various departments and make these studies. The task force that studied the Labor Department was headed by Dr. George W. Taylor who is professor of labor relations in the University of Pennsylvania, and former chairman of the War Labor Board.

Mr. HOLIFIELD. Mr. Chairman, the gentleman does not want to make a statement that is in error, I know. Dr. George Taylor was a consultant, an outside consultant, and not head of the task force.

Mr. LUCAS. At least Dr. Taylor signed a report to the Hoover Commission. And in his letter of transmittal to Congress, dated March 11, 1949, Mr. Hoover stated that the Commission wished to express its appreciation to Professor Taylor for his cooperation. Professor Taylor is widely regarded by labor unions as a warm friend of organized labor.

What were the basic considerations which Professor Taylor said should govern in any reorganization of the Department of Labor? As his statement is far more eloquent than any summary I could give you, I beg the indulgence of the Committee to permit me to read what he had to say in part:

NATIONAL POLICY AS RESPECTS THE RELATION BETWEEN THE DEPARTMENT OF LABOR AND LABOR UNIONS

Previous mention has been made of the relation between labor unions and the Department of Labor as one of the three fundamental areas that need investigation, and it was then suggested that the tripartite task force might best be able to operate in this area. It would appear that such a task force might be assigned the responsibility for considering just what role the Department of Labor should play. Any determination in this regard would dictate, in no small measure, the functions that should be assigned to the Department of Labor.

The legislation of March 3, 1913, which created a separate Department of Labor, also stated its purposes, in general terms, as follows: * * * to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

It is of the utmost importance to recognize that these purposes were expressed at a time when wage earners were largely unorganized. No Wagner Act was on the statute books. Collective bargaining had not received legislative approval as the sound method for determining hours, wages, and working conditions.

The generally stated purposes of the Department of Labor are substantially the same as the general purposes of most labor unions. Since most employees look to the unions rather than to the Department of Labor for improvement of their conditions of employment, the Department and the labor unions may be expected to cooperate closely in seeking to achieve the stated purposes of labor unions.

In line with such reasoning the Department of Labor has been widely looked upon as the advocate of organized labor in the Government—except perhaps by organized labor. Experience has shown the need for an avenue of consultation between the Government and the labor unions—and even through which union participation in many governmental matters may be secured. This raises the question: Should the Department of Labor be developed primarily as the representative of organized labor in the Government? If so, then the governmental functions assignable to administration by the Department of Labor would be the ones not incompatible with such a position.

On the basis of experience it would appear that the Department of Labor cannot be a vital agency as long as it is expected, in various quarters, to be an advocate of labor interests in conformance with its legislative charter, and at the same time an impartial administrator of the national labor policy in the public interest.

What does Dr. Taylor recommend? He says this:

A task force made up exclusively of public representatives working with the help of specialists and with the advice of labor and management assistance might very well prove to be adequate for considering one of the three major aspects of the problem previously mentioned—administration of legislation for social security for all citizens and for economic security of wage earners. Although organized labor has a vital concern in the administration of these laws, so do all wage earners as well as citizens generally. On the other hand, it cannot be casually assumed that all would be well if the administration of these laws were concentrated in a new Department of Welfare. Minimum-wage legislation, the Federal employment service policy, and the administration of unemployment benefit plans impinge directly upon the conduct of collective bargaining.

We know this only too well.

These and similar matters should be assigned for intensive study by a task force adapted to the needs of the case.

Procedures for the study of how to administer the Government's policy respecting regulation of collective bargaining present entirely different needs, especially since the policy itself is highly uncertain. The procedures also have to be devised in light of the dilemma about the Department of Labor.

He admits it is a dilemma.

Is this department to be developed as the representative of organized labor in the Government or is it to become a sort of ministry of labor charged with impartial administration of labor legislation in the public interest?

So Dr. Taylor recommends to the Hoover Commission, which in turn by reference recommends to the Congress, that there should be a study of this Department in order to get impartial enforcement of the laws the Congress has passed.

I now yield to my distinguished fellow member of the Committee on Education and Labor, the gentleman from Ohio [Mr. BURKE].

Mr. BURKE. May I ask the gentleman to return to the citation of the testimony of the Secretary of Labor before the Committee on Education and Labor in the case of the minimum-wage law? Is it not true that subsequent to the hearing at which the Secretary appeared the phrase "operations affecting commerce" was written out of the law in every place where it occurred, and in both bills, both the committee concept and the Lucas substitute, the words "operations affecting commerce" were not part of the bill and are not part of the law at the present time?

Mr. LUCAS. That is right. The phrase "affecting commerce" was stricken from the bill on my motion in executive session, but that does not change the expressed attitude of the Secretary of Labor when he says that he wants that coverage in the law.

That is the reason I did that. No, it is not presently in the law. But the Secretary of Labor endorsed it, which means that he would carry the coverage of this act everywhere he possibly could, and he would like to see it cover all the activities affecting commerce. The gentleman cannot deny that.

Mr. BREHM. Mr. Chairman, will the gentleman yield?

Mr. LUCAS. I yield to my colleague on the committee.

Mr. BREHM. In other words, it was not taken out on the recommendation of the Secretary of Labor.

Mr. LUCAS. No, it was not taken out on the recommendation of the Secretary of Labor. He would like to have seen it remain in the law.

I yield to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Was the reorganization plan to which the gentleman referred, which was sent to the Congress in 1947, and rejected at that time I believe in the House by a voice vote, precisely the same as the plan which is now before us?

Mr. LUCAS. I am not familiar with that. I cannot answer that definitely. I know in this regard it was the same: It transferred all the powers of the Administrator of the Wage and Hour Division of the Department of Labor to the Secretary of Labor. In that regard it is the same.

Mr. KEATING. Does the gentleman feel there would be any substantial and practical difference if this plan were adopted from the situation now obtaining as regards the Administrator of the

Wage and Hour Division still clearing most of his major decisions through the Secretary of Labor? Does not the gentleman feel that procedure is now taking place?

Mr. LUCAS. Oh, I do not feel so, sir. The Administrator of the Wage and Hour Division does not have to report to the Secretary of Labor. He is an independent officer appointed by the President, and he makes reports only to the President and to the Congress. He is not subordinate to any officer except to the President himself. Those who continue to refer to the Wage and Hour Division as a subordinate agency within the Department of Labor simply are not realistic about it and have not looked at the law. The Wage and Hour Division is not a subordinate agency nor is the Administrator of that Division subordinate to the Secretary of Labor.

The report of the majority recognizes that fact.

Therefore, my friends, in the interest of good government, impartial government, I urge you to join with me in passing House Resolution 522.

Mr. DAWSON. Mr. Chairman, I yield 30 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, if I felt like the gentleman from Texas, whom I greatly admire, I would certainly recommend that the resolution be approved. I think the gentleman has gone far afield to find reasons for his opposition to this plan. I think he has conjured up a great many hobgoblins of fear, distrust, and suspicion of Government officials who will be under their oaths of office obligated to conform to laws which Congress has passed in the administration of the Wage and Hour Act and other related acts which come under the Department of Labor. Therefore, I believe my prepared analysis and comments on this plan will refute a great deal of his fears and suspicions and show at least that there are reasons to believe that they are groundless. I would prefer to finish my prepared analysis first, and then yield for questions, if the membership will permit.

First, the Reorganization Plan No. 6 which transfers to the Secretary of Labor all functions of the Department with authority to delegate, provides for an administrative assistant secretary and follows the basic recommendations of the Hoover Commission. A great deal of talk has been brought up about Mr. Hoover. Let it be said for all time that Mr. Hoover was the chairman of a bipartisan commission of 12 members. He is the only living ex-President of the United States. He is entitled to commensurate respect for the wonderful record of public service that he has performed for the people of the Nation.

But the recommendations of the Hoover Commission are not specifically the recommendation of Mr. Hoover, or of any other one member of the Commission. They are the recommendations which have been agreed to by the majority of 12 men on the Commission. I think to be perfectly fair we should not let this question rise or fall on any judgment of Mr. Hoover as an individual. These recommendations which were given by the Commission set forth in its very first report, the Report on General Management, emphasize that the heads of departments must have full responsibility for the conduct of their departments.

REORGANIZATION PLAN NO. 6 CARRIES OUT BASIC RECOMMENDATIONS OF THE HOOVER COMMISSION

Reorganization Plan No. 6, which transfers to the Secretary of Labor all functions of the Department, with authority to delegate, and provides for an Administrative Assistant Secretary, follows basic recommendations of the Hoover Commission. These recommendations of the Commission, set forth in its very first report—the Report on General Management—emphasize that the heads of the departments must be fully responsible for the conduct of their departments, that they must have adequate staff assistance to achieve efficiency and economy in departmental operations, and that they should be authorized to organize and control the administration of their departments.

The task force of the Hoover Commission, in its report on Departmental Management, has documented and underscored these principles of good management. The relevant recommendations of the Hoover Commission and its task force are presented in the committee's majority report approving Reorganization Plan No. 6 of 1950—House Report No. 1907, Eighty-first Congress, second session, pages 4–6.

In accord with these basic findings and recommendations of the Hoover Commission, the President has transmitted six reorganization plans to place full administrative authority and responsibility in the Secretaries of the Departments of the Treasury, Justice, Interior, Agriculture, Commerce, and Labor. Previously this objective was realized in the case of the Post Office Department by Reorganization Plan No. 3 of 1949, and in the case of the State Department by Public Law 73 of the Eighty-first Congress.

The attention of the Members is called to the fact that the basic recommendations for all departments stressed in the first report of the Hoover Commission are restated specifically in the Commission's Report on the Department of Labor. Thus, the Commission states, in regard to that Department—page 5:

> We have urged in our first report that the foundation of good departmental administration is authority from the Congress for the Secretary to organize and control his Department. The granting by the Congress of independent authority to subordinates, of which there are several instances in the Department, should be eliminated.

This statement is clear and unequivocal. All of us who are sincerely committed to the basic principles of organization proposed by the Hoover Commission should support Reorganization Plan No. 6.

In testimony before the committee this position was reaffirmed by our very first witness, Mr. Robert L. L. McCormick, research director of the Citizens' Committee for the Hoover Report. Mr. McCormick, who also had a position of responsibility under the Hoover Commission itself as assistant to Mr. Hoover, testified unqualifiedly in favor of Reorganization Plan No. 6. Speaking for the Citizens' Committee, he stated:

> There is no question but that Reorganization Plan No. 6 directly follows through on the general recommendation of the Commission. (Hearings on Reorganization Plan No. 6 of 1950, p. 3.)

Opponents of Reorganization Plan No. 6 appear to have grounded their objection solely on the fact that the Wage and Hour Division, a unit within the Labor Department, would be placed by this plan under the administrative control of the Secretary of Labor. To get around the clear evidence that the Hoover Commission recommended the reorganization now before us, these opponents have asserted that the Hoover Commission did not properly understand the role of the Wage and Hour Administrator. They have said that the Commission erred in regarding the Wage and Hour Division as a functional unit of the Department of Labor, rather than as an independent agency. The fact is, of course, that the Wage and Hour Division is not an independent agency. Congress placed it under the roof of the Labor Department. At the same time the Congress did not make the Wage and Hour Administrator fully answerable to the head of the household—the Secretary of Labor. The uncertain and ambiguous position of the offspring reflected a compromise, when the Fair Labor Standards Act originally was passed, between the Senate proposal for an independent board and the House proposal that the administration of the act be vested in the Secretary of Labor.

A dozen years of administrative experience, reinforced by the findings of the Hoover Commission, have demonstrated that this kind of makeshift arrangement does not comport with the principles of good management. We hold the Secretary of Labor responsible—the public holds him responsible—for the proper conduct of his department. In that department we have placed the Wage and Hour Administration. What is a more simple and common sense matter than that the Wage and Hour Administrator, as an operating unit of that department, as a member of the household, should be responsible to the Secretary of Labor?

Aside from the need, repeatedly stressed by the Hoover Commission, of removing independent authority from subordinate officials within a department, we cannot now even hold the Wage and Hour Administrator fully responsible for the administration of the Fair Labor Standards Act. We have charged him by law with administering those provisions relating to wages and hours and we have charged the Secretary of Labor by the same law, with administering the provisions relating to child labor.

Secretary Tobin, in testimony presented to our committee, pointed out the difficult administrative position in which he finds himself. The Secretary said—hearings on Reorganization Plan No. 6 of 1950, page 89:

> The situation of the Wage and Hour Administrator in the Department of Labor is peculiar, to say the least. The Department

has responsibility under a number of statutes, for administering provisions relating to labor standards. These statutes include, in addition to the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Davis-Bacon Act, and certain provisions of the National Housing Acts, the Federal Airport Act and the Hospital Survey and Construction Act. The Secretary of Labor as the head of the Department, is held responsible by the public and, I venture to say, by the Congress for the administration of each of these labor standards provisions. In the case of all but a part of one, he has full authority as well as responsibility in this respect. In the case of the Fair Labor Standards Act, while he is held responsible for all of the provisions of the act, he has full authority only with respect to the child-labor provisions. He does not have full authority with respect to the wage-and-hour provisions of the act. These provisions are independently administered by the Administrator of the Wage and Hour Division.

How this divison of authority and responsibility works out in practice was described by the Secretary in the following words—page 89:

Although we have done as much as we can to coordinate administration of the child labor and wage-and-hour provisions of the Fair Labor Standards Act, there are problems we cannot solve under the present division of authority between the Secretary of Labor and the Wage and Hour Administrator. For example, when a Department inspector goes into an establishment, finds violation of both the child-labor provisions and the wage-and-hour provisions, and attempts to secure compliance with the act, two actions must be brought in the courts if the employer refuses to come into compliance with the act. The Administrator cannot enforce compliance with the child-labor provisions in the courts. Nor can I, as Secretary of Labor, enforce in the courts compliance with the wage-and-hour provisions. Accordingly, in a situation such as I have described, an action must be brought in my name to enforce the child-labor provisions and a separate action must be brought in the name of the Administrator to enforce the wage-and-hour provisions. So, the employer is faced with two suits instead of only one as would be the case if Reorganization Plan No. 6 were in effect. This is needless and burdensome on him and on us.

But let me carry the illustration a little further. If in the course of the investigation it becomes necessary to subpena an employee or any of the employer's books or records, the subpena must be issued by the Administrator if the desired information related to compliance with the wage-and-hour provisions; if it relates to the child-labor provisions, it must be issued by the Secretary. Such situations can only be construed by employers and employees as unnecessary harassments and can do much to undermine public confidence in the efficiency and effectiveness of administration of the Fair Labor Standards Act.

The Secretary and Administrator have worked cooperatively to overcome the handicap of a faulty administrative structure imposed by the law. Thus the Secretary, to avoid duplicating staffs, has delegated to the Administrator the larger part of his authority to administer the provisions of the Walsh-Healey Public Contracts Act. The wage-and-hour law and the Public Contracts Act are now administered by the same personnel, both in Washington and the field. And yet, the Administrator has ultimate authority over wages and hours under the one act, while the Secretary has ultimate authority under the other.

Reorganization Plan No. 6 will put an end to the division of authority without impairing delegation of authority, cooperative endeavor, and economical operation. Indeed, it will provide greater assurance of continued good administration in the future.

Opponents of this plan have fallen back on the familiar but fallacious argument that it is an attempt to circumvent or modify a basic policy of Congress. Let me say, first of all, that this argument is self-defeating. If we took it seriously, no reorganization whatever would be possible. The Reorganization Act of 1949, which is also a basic policy of Congress, giving the President a positive mandate to initiate reorganizations, would be an idle gesture. And the work of the Hoover Commission would count for nought.

In a valid sense, every reorganization plan changes some policy of Congress; otherwise it would be simply an administrative action without coming before this Congress for review and approval. The Reorganization Act signifies that some previous actions of Congress were unwise or can be improved upon from the standpoint of administration. That is why we are considering Reorganization Plan No. 6 today.

Now what has been the policy of Congress with regard to the administrative relationship of the Wage and Hour Administrator to the Secretary of Labor? As noted earlier, this relationship—an uncertain and ambiguous one—represented a compromise when the Fair Labor Standards Act was first enacted. Then in 1947 President Truman submitted a reorganization plan, pursuant to the Reorganization Act of 1945, which included a provision for the transfer of the functions of the Wage and Hour Administrator to the Secretary of Labor. That earlier plan was known as Reorganization Plan No. 2 of 1947. In his message transmitting it, President Truman outlined the administrative problem which the plan proposed to solve; he said in part—Eightieth Congress, first session, House Document No. 231:

The plan transfers the functions of the Administrator of the Wage and Hour Division to the Secretary of Labor to be performed subject to his direction and control. The fair-labor-standards bill was drafted on the assumption that the Wage and Hour Division would be made an independent establishment. As finally passed, however, the act placed the Division in the Department of Labor but was entirely silent on the authority of the Secretary over it. As a result, the Secretary has lacked an adequate legal basis for supervising and directing the affairs of the Division, and it has had an ambiguous status in the Department. The transfer effected by the plan will eliminate uncertainty as to the Secretary's control over the administration of the Wage and Hour Division and will enable him to tie it into the Department more effectively. This in turn will facilitate working out a sound combination of wage-and-hour, child-labor, and related enforcement activities of the Department, and will permit the Secretary to simplify and strengthen the organization of the Department.

It is true, as our opponents say, that Reorganization Plan No. 2 of 1947 was rejected by the Eightieth Congress. What they fail to say is that the primary reasons for rejecting the plan had little connection with this particular portion of it. The real controversy was over the transfer of the United States Employment Service to the Department of Labor, as the hearings on this earlier matter will plainly show.

Reorganization Plan No. 2 of 1947, you will recall, was a three-package plan. In addition to the transfer of the functions of the Wage and Hour Administrator to the Secretary of Labor, it proposed also the permanent transfer of the United States Employment Service to the Department of Labor and coordination by the Secretary of Labor of the administration of labor laws relating to Federal works.

Whatever the merits of the earlier objections to transfer of the Employment Service, the controversy has now been resolved, for that transfer was accomplished during the Eighty-first Congress through Reorganization Plan No. 2 of 1949. Furthermore, the coordination of labor-law administration will be accomplished by Reorganization Plan No. 19 of 1950, to which no resolution of disapproval has been entered.

Thus it will be seen that one of the three proposals affecting the Department of Labor—the one previously and primarily the cause for rejection of plan No. 2 of 1947—was subsequently approved by the Congress; that another one is soon to take effect; and the remaining one, involving the transfer of functions of the Wage and Hour Administrator, will also take effect if we vote against the resolution of disapproval now before us.

It is neither a fair nor reasonable interpretation of past events to say that Congress has previously rejected the substance of Reorganization Plan No. 6. As already explained, this portion of the earlier plan was not considered squarely and fully on its own merits, and even on the portion relating to the transfer of the Employment Service, Congress in 1949 reversed its decision of 1947.

The administrative difficulties caused by the semi-independent position of the Wage and Hour Administrator within the Department of Labor, to which President Truman adverted in his message on Reorganization Plan No. 2 of 1947, cited above, were also emphasized by the House Committee on Education and Labor in its report on Fair Labor Standards Act amendments of 1949. This report—Eighty-first Congress, first session, House Report No. 267—pointed out that the original Fair Labor Standards Act, as passed in 1938, was an advance in a new field of Federal legislation, untried in practical application on a broad, national scale. After a decade or more of administrative experience, it was widely recognized that the act must be strengthened, improved, and clarified. Listing various difficulties in the original 1938 act, the committee report stated in part as follows—page 14:

Sixth, experience has shown certain weaknesses in present provisions for administration and enforcement of the act. For example, under the act there is divided responsibility for a carrying out of its provisions.

Responsibility for carrying out most of its provisions rests in the Administrator of the Wage and Hour Division whereas the administration of the child-labor provisions as well as similar labor laws rests in the Secretary of Labor. We believe that the Secretary of Labor, as an officer of Cabinet rank, represents the most appropriate authority through whom may be coordinated the labor policies of the Government, both on a departmental basis and as to the executive branch as a whole. Centralized administration of this kind would seem to be dictated by sound concepts of efficient government, as pointed out by the Hoover Commission.

The fact that the bill—H. R. 3190—on which this report was made was superseded by a substitute or second Lesinski bill—H. R. 5856—and that the bill finally passed in the House was the Lucas version—H. R. 5894 as amended—cannot be taken fairly as an indication that the House repudiated the proposal to give the Secretary of Labor full control over his Department. The compromise legislation was offered to meet the objections to broadened coverage and other substantive matters. There was little, if any, debate in the House when it passed the Lucas substitute, on the question whether the Wage and Hour Administrator should be placed fully under the Secretary of Labor. The minority of our committee is stretching the interpretation of congressional interest very thin when it asserts that "the Congress answered this question with an emphatic negative"—Eighty-first Congress, second session, House Report No. 1907, page 15. The pages of the CONGRESSIONAL RECORD cited by the minority on this point contain no discussion whatever of the administrative relationship of the Wage and Hour Administrator to the Secretary of Labor.

The Senate Committee on Labor and Public Welfare, in its Report on the Fair Labor Standards Act Amendments of 1949—Eighty-first Congress, first session, Senate Report No. 640—made the following observation with respect to the problem of administration, page 6:

> The committee received a number of proposals by the Department of Labor for improving the administration of the provisions of the Fair Labor Standards Act of 1938. Among these proposals were suggestions to give the administering officials the authority to issue rules and regulations, to consolidate and coordinate the administration of the act under the Secretary of Labor, and to enable the administrative officials more effectively to enforce the act by supervising the payment of back wages owing to employees in accordance with the provisions of the act, and in appropriate cases, to bring court actions to collect such back wages on behalf of the employees.
>
> The committee has not undertaken to pass upon the merits of the first two of these several proposals, although it would point out that with respect to the proposal to consolidate administration of the Fair Labor Standards Act under the Secretary of Labor this can as well be acomplished through the exercise by the President of powers conferred upon him by the Reorganization Act of 1949, in the light of the over-all reorganization of Government labor functions envisaged by the Commission on Organization of the Executive Branch of Government, as in special legislation. At this time the committee is confining its recommendations to the third proposal referred to above.

The Senate report from which I have just quoted was cited by the minority of our committee to support its opposition to Reorganization Plan No. 6. But what can be clearer than this observation of the Senate committee that the desired reorganization within the Department of Labor should be accomplished through Presidential initiative under the Reorganization Act of 1949? The President has exercised this initiative; we have a reorganization plan before us, and we should adopt it in the interest of good administration.

It seems that the opponents of this plan always put their foot down when it comes to good administration in the Labor Department. Somehow they cannot conceive that a Secretary of Labor will be a good administrator; they cannot conceive that he will be a man of integrity and an impartial, conscientious public servant. He cannot be, they argue, because the Department of Labor is obligated by its organic act to promote the welfare of wage earners.

Why a Secretary of Labor should be any less conscientious or more biased than a Secretary of Agriculture or a Secretary of Commerce, each of whom is obligated to promote the welfare of a broad segment of our population, I cannot, for the life of me, understand. When Congress passed a law to put a floor under wages and a ceiling over hours, it intended to promote the welfare of wage earners in keeping with the public welfare, and it decided that the administration should be in the Department of Labor. There is no inherent conflict between this law and the statutory responsibilities imposed on the Department of Labor by the organic act of 1913.

Please note, furthermore that this organic law requires the Department of Labor, not the Secretary as such, to promote the welfare of wage earners. Every official in the Department, including the Wage and Hour Administrator is bound by that mandate.

Let it be noted, too, that promoting the welfare of wage earners is by no means the exclusive domain of the Department of Labor. Under the Sugar Act we have authorized the Secretary of Agriculture to make minimum wage determinations for sugar workers. The Department of Agriculture, I take it, was established to advance the interests of farmers. Shall we say that the Secretary of Agriculture, because of his concern for farmers, will not deal equitably as between sugar growers and workers?

Under the Merchant Marine Act we have authorized the Maritime Commission—soon to be under the Department of Commerce—to investigate employment and wage conditions in ocean shipping and to fix minimum wages. The Maritime Commission is concerned with the problem of an efficient merchant marine and is authorized to grant huge subsidies to ship operators. Shall we say that the Maritime Commission will not deal equitably as between ship owners and the men who run the ships?

The valid answer to such questions, I submit, is that the men who head these agencies and departments must be presumed to be honest and impartial public servants who have taken an oath to uphold the Constitution and laws of the United States and to be faithful in the discharge of their public duties. This goes for the Secretary of Labor as well as for other executives.

Opponents of Reorganization Plan No. 6, in the face of a clear and positive recommendation of the Hoover Commission in support of this plan, have dug up a typescript memorandum by George W. Taylor, professor of labor relations at the University of Pennsylvania, which discusses the problem of possible conflict between advocacy of labor interests and impartial administration in the Department of Labor. This memorandum was not a finding of the Hoover Commission; it was simply a set of tentative suggestions thrown on the table, to use Professor Taylor's phrase, as a basis for deciding how a task force might be set up to study the organization of the Department of Labor. The Commission decided not to set up a separate task force for that Department. A perusal of the memorandum indicates that Professor Taylor was mainly concerned with the problems of collective bargaining, an issue which is not before us in this reorganization plan.

The author of the resolution of disapproval has argued in testimony before our committee that the Wage and Hour Administrator should remain in his present semi-independent position because he acts as both prosecutor and judge in administering the Fair Labor Standards Act—hearings on Reorganization Plan No. 6 of 1950, page 40. As a matter of fact, the Administrator does not adjudicate cases. To the contrary, specific violations of the Wage-Hour Act are prosecuted in the Federal courts before Federal judges, and the Administrator appears as plaintiff, not judge.

Granted, the Administrator makes important determinations concerning coverage under the law and other rulings which affect employers. So does the Secretary of Labor under other statutory requirements. Indeed the Secretary of Labor, under the Walsh-Healey Public Contracts Act signs complaints alleging violations of the provisions of Government supply contracts, and he also adjudicates the same cases in an appellate capacity. Certain of these duties he has delegated to the Wage and Hour Administrator, who serves also as the Administrator of the Public Contracts Division. Under Reorganization Plan No. 6, the functions of the Administrator which would be transferred to the Secretary of Labor do not require greater impartiality and fairness than functions already vested in the Secretary by acts of Congress.

The whole matter of the fitness of the Department of Labor to administer statutes which affect the interests of employers and employees alike was considered by this Congress last year in connection with Reorganization Plan No. 2 of 1949, transferring the Employment Service to that Department. The same old arguments of bias were trotted out, as they are today. The Congress, I am happy to say, approved Reorganization Plan No. 2 of 1949, showing very clearly that it placed no credence in the argument.

Finally, we should take heed of the judgment of the Administrator himself, the man who has been entrusted with the actual administration and who can testify from experience. In his statement before the committee, Mr. William R. McComb, Administrator of the Wage and Hour and Public Contracts Division, Department of Labor, restated what he had told another committee of the House previously. His words are worth quoting—hearings on Reorganization Plan No. 6 of 1950, page 96:

I do not believe it is sound administration to hold an official responsible for administration of the law and yet have important functions under the law performed by employees not subject to his direction or control. This has been the situation in the administration of the Fair Labor Standards Act in recent years. I am still of the belief that it is unsound in principle and unsatisfactory in practice.

The transfer of complete authority to the Secretary of Labor as provided in S. 653 is a satisfactory way to correct this anomalous situation. I believe that the placement of full responsibility in the Secretary's office will result in considerable improvement in the administration of the act. The Secretary has indicated in his testimony and has assured me that he intends to delegate his responsibility to the Administrator with full responsibility to act, subject to the Secretary's general direction and control. I believe this policy of centralized responsibility, to be exercised under the direction and control of the Secretary, will result in an effective as well as impartial administration of the law.

I want to comment on the memorandum which was quoted by the gentleman from Texas [Mr. LUCAS], where he made reference to a task force report. It was not a task force report. It was a memorandum by Professor Taylor, a consultant to the task force. It was not adopted by the Hoover Commission. It was not even given the dignity of a recommendation to cover the memorandum which Mr. Taylor threw on the table for their consideration.

The Commission did not decide to set up a separate task force as recommended by Mr. Taylor for the Labor Department. A perusal of the memorandum further will show that Professor Taylor was concerned mostly with the subject of collective bargaining and not with the wage-and-hour problem.

In voting on this matter, remember that a "no" vote is required if you are in favor of the Hoover Commission recommendation. If you are in favor of the President's plan of reorganization you will vote "no." If you are against the President's plan, and if you are against the Hoover Commission recommendations, then you will vote "yes" on the disapproving resolution which is before us. In other words, a "no" vote will sustain the plan.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. RICH. Is that not the way the New Deal is doing everything? In order to accomplish something you vote "no" and everything is just cockeyed?

Mr. HOLIFIELD. May I say to my friend we always enjoy his wit and his amiable personality. As a matter of fact the Congress directed this procedure.

Mr. DAWSON. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. SHELLEY].

Mr. SHELLEY. Mr. Chairman, I rise in opposition to House Resolution 522 and in support of Reorganization Plan No. 6. I rise not only to oppose House Resolution 522 in its specific attack upon Reorganization Plan No. 6, but to express my most vigorous opposition to the underlying menace beneath the whole series of hamstringing resolutions which have appeared, and will appear, to jeopardize the chances for bringing to successful fruition the program of major reforms embodied in the Hoover Commission recommendations. I rise also to support not only Reorganization Plan No. 6 but to emphasize my support of the major part of those recommendations and the President's admirable and conscientious attempt to carry out the Commission's basic program through the series of reorganization plans which he has submitted.

The President has been not too subtly accused on the floor of the House this afternoon of playing politics and using the Hoover Commission as a camouflage behind which to play his game. I say that the program of opposition, of which House Resolution 522 is only a part, is a far more deadly game, even were it true that the President's plans were colored by political motivations, a charge which I do not for one moment believe and strongly deny. It is the game of pressure groups and special interests each seeking to project and expand its niche of influence, motivated by desire for personal and private profit at the expense of the public welfare and at enormous cost in terms of economy and efficient administration of governmental affairs. It is the old philosophy of "the public be damned" seeking to penetrate to the floor of this House, and to corrupt the thinking of a body whose philosophy should be "the public be served."

The effect of submission to the pressures of every set of special interests who fear the results of efficient administrative programs is not hard to predict. The painstaking work and concentrated thought upon which the recommendations of the Hoover Commission and the President's reorganization plans were based will be nullified. The regime of confusion, inefficiency, and mismanagement which the program seeks to overthrow will continue to reign triumphant.

That is no imaginary danger, gentlemen. The Senate has already seen fit to reject four of the 21 plans originally submitted by the President during this session. More of them are being attacked in that body and in the House. Should we, without the gravest consideration, pass House Resolution 522 this afternoon we will set for ourselves a precedent which cannot but endanger the whole plan of the Hoover Commission as implemented by the President's individual reorganization plans.

One of the most important features of the master plan is embodied in the recommendations for streamlining the organization of the executive departments. Reorganization Plan No. 6 effectuates that streamlining for the Department of Labor. Other plans, with similar recommendations for other executive departments have either been submitted or are forthcoming. If we reject plan No. 6 now for one particular reason or set of reasons we must, in all consistency, apply that reasoning to other plans as they come before us.

Let us examine the principal argument advanced for rejecting plan No. 6. The quasi-judicial functions of the Wage and Hour and Public Contracts Division of the Department, as vested in the Division Administrator in his present independent status, are cited as necessitating continued separation of that Division from the administrative authority of the Secretary of Labor. It is stated that without such separation the wage-and-hour provisions of the Fair Labor Standards Act may be so administered as to be prejudicial to the interests of one of the parties at interest—the employer in this case, since it is charged that the Department of Labor is inherently biased in favor of the employee. Passing over without comment the implied slur upon the integrity of the holders of one of the highest offices in this Government—the present occupant of which has my most complete confidence—I turn to broader considerations.

I venture to assert that there is practically no law upon the statute books which does not require of its administrative agent quasi-judicial functions. The policeman on his beat exercises quasi-judicial authority in his determination of whether to make an arrest for any offense. Yet we do not deprive him of this authority, although it might conceivably be used in a manner prejudicial to the interests of the criminal. We repose in him a degree of trust worthy of the responsibility placed in him. The courts exist for the purpose of passing final judgment on how well he upholds that trust. This situation is exactly parallel to the problems in administering the wage-and-hour laws. The Administrator makes his initial determination—just as does the policeman. If the party charged with a violation of the law does not wish to plead guilty and accept this determination, then he may appeal to the courts.

Now, gentlemen, bearing this in mind and following the argument to its logical conclusion, if we accept the validity of prejudicial effect in administration as a sound basis for rejecting plan No. 6, then we should proceed to set up a new, independent administrative agency for every new piece of legislation which we place upon the books. Further, rather than centralize the administrative authority of the various departments, as this plan does for the Labor Department, and as the Hoover Commission has so strongly recommended, we should throw the whole Commission report out the window and continue to subsidize the chaos out of which we piously say we want order to emerge. That is exactly what we will do if we listen to the kind of reasoning which has been advanced today, in considering the many other phases of reorganization of the Government with which we shall have to deal.

Let me point out to you also that plan No. 6 will have no harmful effect on the present administration of the wage-and-hour laws. It does not abolish the position of Administrator—he will continue to perform his duties as before and as required by existing law. It will not change one iota of the procedures for administration which are now being followed and which are likewise fixed by law. It will simply channel the operations of this Division, and other agencies of the Labor Department, through the head of the Department of which it is a part. It will relieve the Chief Executive of part of the burdensome load of direct responsibilities which so hamper him in performance of his duties. It conforms admirably to the well known management principle which relates an executive's efficiency of performance inversely to his span of control—the number of individuals reporting directly to him.

The Labor Department is cited in the Task Force Report on Departmental Management as one of those characterized as the holding-company type. Their characteristics include restriction of the responsibility of the department head and heterogeneity of its constituent units. On page 5 of that task force report we find the statement that "in general we believe that such a structural arrangement is undesirable and should be eliminated wherever possible." Reorganization Plan No. 6 goes far toward eliminating the first of these undesirable characteristics. If we accept the plan we can be sure that we are in complete harmony with the spirit of the Hoover report and do no violence to its letter.

Mr. DAWSON. Mr. Chairman, I yield such time as he may require to the gentleman from Missouri [Mr. BOLLING].

Mr. BOLLING. Mr. Chairman, I want to go on record at this time as being 100 percent in favor of the President's Reorganization Plan No. 6 of 1950 and 100 percent opposed to House Resolution 522, introduced by the esteemed Congressman from Texas.

To my mind, plan 6 is a sensible and praiseworthy effort to put to wise use the President's powers under the Reorganization Act. It is a conscientious attempt to improve the administration and enhance the efficiency of one of the important departments of our Government. It is fully in accord and harmony with the recommendations of the Hoover Commission. Speaking frankly, I regard the objections raised to this reorganization plan as being very much in the nature of a tempest in a teapot.

But I would confine my remarks, Mr. Chairman, to the argument—if I may so dignify the objection—that the Secretary of Labor either could not or would not impartially and dispassionately administer the duties and functions of the Wage and Hour Administrator under the Fair Labor Standards Act, which duties and functions this plan would vest in the Secretary of Labor. It is alleged that this is true because the Secretary of Labor is required by law to be an advocate of the cause of workingmen.

Adherents of this view warn us, in effect, that if this plan goes through, we may picture the Secretary of Labor one day at his desk about to make a decision involving the Fair Labor Standards Act and musing to himself as follows:

> Now, let's see. It's true that I took an oath to uphold the Constitution and laws of the United States. And it's also true that the people expect me to be an honest administrator. But wait. The organic act of 1913 establishing the Department of Labor says its purpose is "to foster, promote, and develop the welfare of the wage earners of the United States." Therefore, what I must do is to consider merely what the employees want, and act accordingly.

Absurd? Of course it is absurd, and I submit, Mr. Chairman, that the charge of bias raised in opposition to this plan is unwarranted and is not justified by the realities of the situation.

There has been no charge of bias from any source, to my knowledge, in the Secretary of Labor's exercise of his duties and functions under the Walsh-Healey and Davis-Bacon Acts. Why should it be assumed that he would suddenly become biased if he were given certain duties and functions under the Fair Labor Standards Act?

It simply is not accurate to say that a fair administration of these duties and functions by the Secretary of Labor is incompatible with the organic duty of his Department to "foster, promote, and develop the welfare of the wage earners of the United States." This overlooks the fact that the act itself is a remedial and humanitarian statute, one of the purposes of which is to promote, within the framework of our processes, the interest of wage earners.

The most impartial and unprejudiced administration of this act that can be conceived would still, in the broad view, promote the interest of wage earners. Not to promote that interest would require the most flagrant disregard of Congress' intent when it enacted the law. This does not mean, of course, that in the administration of the act, and in the exercise of duties and functions under it, that there must be a slavish adherence to what, in any given instance, the particular wage earners might desire.

And so, rather than foreseeing a conflict between the Secretary of Labor's organic duty and his administering of the Fair Labor Standards Act, it would appear that the very best way he could fulfill his organic duty would be to administer the act fairly and honestly and in the manner that Congress intended.

But in any event, the charge is completely lacking in logic. It overlooks the fact that the organic act is applicable not only to the Secretary of Labor, but to every official and employee of the Department of Labor, including the Wage and Hour Administrator himself. If any conflict of duties did exist, then the Administrator has been living with it since 1938. Yet the opponents of the plan are sufficiently pleased with the way the Fair Labor Standards Act has been administered up to now that they tell us we dare not transfer the power. I say that they cannot have it both ways. They cannot tell us that the organic act would preclude impartial administration by the Secretary, and in the same breath contrast the fair and honest enforcement of past years by administrators who were bound by that same organic act. I mean no disrespect to two high officials of our Government when I say that if there is no sauce for the goose there should be no sauce for the gander.

Mr. Chairman, for myself, may I say that I have every confidence that the Secretary of Labor is aware of these broad considerations and that he will not lightly disregard his oath of office and his duty to be a public servant whose integrity is not open to honest doubt. I see no reason why the Secretary could not, or would not, without favor or prejudice or partisan spirit, administer the duties and functions which this reorganization plan would vest in him.

Mr. DAWSON. Mr. Chairman, I yield such time as he may require to the gentleman from Missouri [Mr. KARSTEN].

Mr. KARSTEN. Mr. Chairman, I rise in support of the President's Reorganization Plan No. 6.

Some of the interests opposing this plan appear to be very badly informed. Some of the statements made in opposition to the plan are ridiculous.

Let me give you an example: Mr. Rowland Jones, Jr., president of the American Retail Federation, testified before the Committee on Expenditures in the Executive Departments on March 30, 1950. During his testimony Mr. Jones repeatedly referred to the judicial and quasi-judicial authority which he said the Administrator of the Wage and Hour Division now has, and which, according to Mr. Jones, would be transferred to the Secretary of Labor under this reorganization plan. I quote from his testimony:

> Thus, were Reorganization Plan No. 6 to be approved, the Secretary of Labor would become the repository of the powers as prosecutor, judge, and jury not only in cases of alleged violation of the act but also in all controversies concerning interpretation of the act and regulations thereunder.

Now, Mr. Chairman, there is no way to characterize that statement as incorrect. It is simply untrue. What are the facts? Who has the powers of prosecutor, judge, and jury under the Wage and Hour Law at present? If it is a criminal prosecution, the United States Attorney is the prosecutor, the United States district judge is the judge, and a Federal jury is the jury. If the case is a civil action for injunction, it is prosecuted by the Labor Department attorneys representing the Administrator and tried in the Federal courts. If it is a civil action by the Administration for back wages, the situation is the same. The case is prosecuted by Labor Department lawyers in either a Federal or a State court.

Would this reorganization plan take these powers away from the United States attorneys and the Federal and State court systems of this country? Absolutely not. The only change in the system would be that civil actions would be brought in the name of the Secretary of Labor rather than in the name of the Administrator. This would obviate the necessity of bringing two separate actions in the event that both child-labor and wage-hour violations are involved. Under the present condition of divided authority, child-labor actions must be brought in the name of the Secretary

and wage-hour actions in the name of the Administrator.

One would think that Mr. Jones, representing a group which, according to him, has a particular and important interest in the Wage and Hour Division and in the Fair Labor Standards Act, would be better informed than to make the statement that under this reorganization plan the Secretary of Labor would become the repository of the powers of prosecutor, judge, and jury in cases of alleged violation of the act. The Administrator does not now have such powers; the Secretary of Labor would not have such powers under the reorganization plan.

There is one very significant fact in this whole situation which I think should be brought to the attention of the Members of this House. Some opponents of this plan have contended that it would take powers away from the Administrator and that the Secretary would not delegate powers back to him. Let us see what has actually happened in the past. There is a statute administered by the Department of Labor which Mr. Jones could have made his sweeping statement about with some degree of accuracy. That statute is the Walsh-Healey Public Contracts Act. Under that statute the Secretary of Labor has the power to issue complaints, to sit as judge and jury in an administrative hearing, and to render a decision which, if supported by preponderance of the evidence, is binding in the United States courts. I repeat, the statutory authority under that act is in the Secretary of Labor and in no one else. Now, let us see what the Secretary has done with that statutory power.

Who makes the inspections to determine whether violations of the act have occurred? Those inspections are made by the Wage and Hour and Public Contracts Divisions under the supervision of the Administrator. Who has the authority to settle such cases administratively? The Administrator of the Wage and Hour Division has that authority. And, finally, who has the power to render the final decision, after an administrative hearing? Again it is the Administrator. Under the present procedure, the initial hearing is before an examiner who holds his position pursuant to the Administrative Procedure Act. If an appeal is taken from his decision, it is subject to review on the question of liability by the Administrator, and by him alone, insofar as the administrative proceeding is concerned. Subsequently, suit may be instituted by the Attorney General in the district courts to enforce the decision of the Administrator, but the point I am emphasizing is, it is the Administrator and not the Secretary who makes the final administrative determination as to liability.

This delegation by the Secretary of his statutory authority is, in my opinion, an effective answer to those critics of Reorganization Plan No. 6 who maintain that the concentration of responsibility in the Secretary is unsound. It is a particularly effective answer when it is remembered that no such statutory authority is involved in the Fair Labor Standards Act. Under that act, contrary to statements which have been made, violations are prosecuted in the courts, not in the Department of Labor, and before Federal judges, not before the Secretary of Labor.

Mr. Chairman, I am going to support the President's Reorganization Plan No. 6 and I hope it will be adopted.

Mr. DAWSON. Mr. Chairman, I yield such time as he may require to the gentleman from Georgia [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I am in favor of Reorganization Plan No. 6 and shall vote against the resolution opposing the plan. I do this, in the first place, because I am committed to support and try to put into effect the recommendations of the Committee on the Reorganization of the Executive Branch of our Government, commonly known as the Hoover Commission. I have committed myself to these ends because I am convinced that it is only in this way that we shall get responsibility, efficiency, and economy in our Government. Reorganization Plan No. 6 is strictly in line with the Hoover Commission recommendations.

One of the plans, No. 12, I had grave doubts about. While this plan was sent down by the President, the Hoover Commission had taken no direct stand either for or against the transfer of the functions of the general counsel of the Labor Relations Board to the Secretary of the Board. But my main doubt about the plan came from the fact that it seemed to violate a principle which I think is sound in law and equity and in justice, that the same person or board should not be prosecutor, judge, and jury. While I realize that the present conflict between the general counsel and the Labor Relations Board is most confusing and a detriment to the proper conduct of the business devolving upon the Board and the general counsel, nevertheless, I think that that is a matter of personalities which the President can handle without violating the fundamental principle which, it seems to me, would be violated if Reorganization Plan No. 12 had been adopted.

When the matter was before the committee, of which I am a member, I voted against the resolution which would have killed plan No. 12. However, I reserved the right to oppose the plan and to vote for the resolution on the floor of the House. As it came about, the Senate acted adversely upon the plan and it was defeated so it never reached the floor of the House for action.

I recite these facts because somewhat the same argument has been made against Reorganization Plan No. 6. However, in my opinion, the argument does not apply to Reorganization Plan No. 6 since the duties of the Administrator of the Wage-Hour Act are administrative and are not, in my opinion, even quasi-judicial in their nature.

Under this plan, the Secretary of Labor would be authorized to exercise all functions of all other officers, employees, and agencies of the Department of Labor. Merely to state the effect of the reorganization plan is to contend for its adoption. The functions of the Department of Labor under the plan would be within the jurisdiction of the Secretary. The Secretary's authority would be coextensive with the operations of the Department. This makes good sense to me. It is in line with the recommendations of the Hoover Commission and the President. It makes good sense to the Commission and to the President.

The existing law which reposes independent administrative authority in the Administrator of the Fair Labor Standards Act, an officer within the Department of Labor, creates an anomoly, which I feel should be eliminated. The Administrator is in the Department of Labor but not of the Department of Labor. The Secretary of Labor is accountable for the efficient operations of his department, but a subordinate officer has independent authority respecting one of the most important operations of such department, namely, administration of the Fair Labor Standards Act.

One argument that has been advanced for the continuance of the present situation and disapproval of Reorganization Plan No. 6 is that the authority of the Administrator was set up by Congress and that Congress has in the past amended the Fair Labor Standards Act but continued its original method of administration. The facts are true but this argument is unsound. If taken seriously, it can be utilized to block any and every reorganization plan submitted by the President or reorganization undertaken by Congress. Congress has the authority and the responsibility to adopt new policies when new considerations come to their attention. If Congress feels it necessary to follow a pattern in this matter, then the most compelling pattern is not the present paradoxical set-up of Fair Labor Standards administration in the Department of Labor, but rather the established Government pattern in which the executive department heads are vested with administrative authority concerning the functions of their department.

The extent or degree of administrative authority under the Fair Labor Standards Act would in no wise be changed or broadened by the proposed plan. The great concern expressed over a change in the basic administrative policies or an application of such policies, I believe, has no realistic foundation. The Department of Labor, under the general direction and supervision of the Secretary, administers a number of laws and in my observation such laws are administered successfully. The Wage Determination statutes, such as the Davis-Bacon and Public Contracts Acts, the Wagner-Peyser Act, relating to the United States Employment Service and the unemployment insurance program of the Federal Government, you will find have been administered effectively and fairly. In the view of this experience, the loud cry of wolf rings with a particularly hollow sound.

It is my opinion that Reorganization Plan No. 6 is in keeping with the letter and the spirit of the Reorganization Act of 1949. I think its justification grows consistently out of that part of section 2 (1) of the act, which authorizes the President to examine and reexamine all of the agencies of the Government to determine what changes are necessary

to accomplish, among other purposes, "the more effective management of the executive branch of the Government and its agencies and the most expeditious administration of the public business."

In the interest of more effective management of the Department of Labor and the most expeditious administration of the public business, I intend to support Reorganization Plan No. 6.

Mr. DAWSON. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, I am opposed to the Lucas resolution which we are now considering. I concur in all that has been said by the distinguished chairman of the House Committee on Expenditures in the Executive Departments in favor of the President's Reorganization Plan No. 6.

This plan would concentrate control and authority in the same person who has the responsibility for the operation of our important Department of Labor.

Some of the captious arguments urged against this plan revolve around the antagonism against our distinguished and able Secretary of Labor.

Permit me to direct your attention to the fact that the Administrator is as much subject to discipline and removal by our President as any member of his Cabinet.

In the light of that fact, it must be obvious that those who raise the cry of politics to this plan lack any sound ground for opposition.

Many Members opposing this plan have been asking for reference to support therefor by the Hoover Commission.

Permit me to direct the following to their attention, which conclusively disposes of the question.

Reference to House Document No. 55 of this Congress shows that recommendation No. 14 provides:

> Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

In the same document, at page 32, we find this important comment:

> The line of authority from departmental heads through subordinates is often abridged by independent authorities granted to bureau or division heads, sometimes through congressional act or stipulations in appropriations. Department heads, in many instances, do not have authority commensurate with their responsibilities. Such bureau autonomy undermines the authority of both the President and the departmental head. There is, therefore, a lack of departmental integration in performing the department's major mission.

In House Document No. 119 of this Congress the point under discussion is specifically dealt with at page 5. The Hoover Commission report is there concerning itself with the Department of Labor. It says:

> We have urged in our first report that the foundation of good departmental administration is authority from the Congress for the Secretary to organize and control his Department. The granting by the Congress of independent authority to subordinates, of which there are several instances in the Department, should be eliminated.

The Secretary of Labor has the ultimate responsibility imposed upon him by law to administer statutory provisions. This plan will vest him with the control of all the personnel to whom the detail of enforcement must be delegated.

We approve the plan by voting against this resolution.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. RICH] may extend his remarks in the RECORD immediately following the comments of the gentleman from Massachusetts [Mr. MCCORMACK] in which the gentleman referred to Mr. RICH. And, may I say by way of explanation, it was at the time that the gentleman from Pennsylvania said he did not yield to him, but this is in order that the gentleman may be able to make a reply.

Mr. McCORMACK. Mr. Chairman, reserving the right to object, and, of course I shall not object, I have no recollection of the occasion.

Mr. HOFFMAN of Michigan. It was something complimentary, and the gentleman from Pennsylvania wanted to return the compliment.

Mr. McCORMACK. Under the circumstances, Mr. Chairman, I must withdraw my reservation of objection.

Mr. RICH. The gentleman from Massachusetts and I always exchange compliments.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DAWSON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TAURIELLO].

Mr. TAURIELLO. Mr. Chairman, let me express myself at this time as being wholeheartedly and enthusiastically in favor of the President's Reorganization Plan No. 6 of 1950. I am, therefore, in accord with what has been said here today in support of that plan. I sincerely believe it to be a faithful effort to effectuate in the Department of Labor the recommendations of the Hoover Commission. I believe it will improve the efficiency of operation of that Department, particularly with respect to the administration of the Fair Labor Standards Act. I believe that it will be a boon to the businessmen of this country whose employees are covered by the provisions of that act. And I do not for one second believe that this plan will, to the slightest degree, affect the fair, honest, and impartial enforcement of that act.

But, if I may, Mr. Chairman, I would like to direct my comment to one objection which has been raised to this reorganization. It is said that its undesirability is demonstrated by the fact that, on three occasions, the Congress has refused to vest in the Secretary of Labor the duties and functions of the Wage and Hour Administrator. I submit that this is an oversimplification which distorts the true facts.

It is true that when the Fair Labor Standards Act was originally enacted in 1938, the powers of enforcement were lodged in an independent administrator in the Department of Labor. Legislative history shows that this was a compromise between the creation of an independent agency and the vesting of powers under the act in the Secretary of Labor. We should not forget, however, that in those days a Federal wage-and-hour law of such scope was a great experimental voyage on uncharted legislative seas. Congress could well have thought—as it did—that the administrative framework adopted was the most practicable at that time. There may have been personalities involved. But we cannot assume that Congress intended to engraft onto the substantial portions of the law a structural rigidity of administration which was to last for all time to come. Now that the provisions of this great statute have become part of the warp and woof of our commerce and our law, the time has arrived to bring its administration in harmony with the most recent recommendations for the executive branch of our Government.

It is also said that Congress in 1947 rejected Reorganization Plan No. 2 of that year which would have accomplished what the present plan seeks to do. But the statement does not go far enough. It must be remembered that the primary purpose of the 1947 plan was to relocate the United States Employment Service in the Department of Labor. It is clear from the legislative history that this was the principal reason for the disapproval of that plan. It should also be noted that when Congress so acted in 1947, it did not have before it the benefit of the exhaustive study and research which buttress the report of the Hoover Commission.

Finally, it is said that Congress, in enacting the 1949 amendments to the Fair Labor Standards Act, did not change the administration of the act. An inference is claimed that Congress thereby expressed its desire that no change be made. This inference is unwarranted. The Senate Committee on Labor and Public Welfare, in its report on the amendments, stated clearly that "with respect to the proposal to consolidate administration of the Fair Labor Standards Act under the Secretary of Labor, this can as well be accomplished through the exercise by the President of powers conferred upon him by the Reorganization Act of 1949, in the light of the over-all reorganization of Government labor functions envisaged by the Commission on Organization of the Executive Branch of the Government, as in special legislation."

I submit that at no time has Congress unequivocally rejected the change embodied in this plan. For the first time, standing alone, this proposed administrative reorganization is now before the Congress. It has supporting it not only the Secretary of Labor, but the Wage and Hour Administrator himself. It has supporting it the weight of the Hoover Commission report. It has supporting it the principles of good management.

It has supporting it not only logic, but experience.

Mr. Chairman, I reiterate my approval of Reorganization Plan No. 6, and urge the rejection of House Resolution 522.

Mr. DAWSON. Mr. Chairman, I yield 5 minutes to our distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman, the pending resolution has been discussed from every angle on both sides, and the several speakers have addressed themselves to the issue involved. The debate has been on a very high and instructive plane.

The evidence is overwhelming, as I view it, in favor of the reorganization plan of the President being sustained and the disapproving resolution being rejected. This is consistent, as the various speakers have said, with the recommendations of the Hoover Commission. Two million dollars was appropriated by this Congress to enable that Commission to make its investigations, survey, and report. This plan is consistent with efficiency in the executive branch of the Government. It certainly will go a long ways toward taking off the shoulders of the President some of the tremendous tasks that devolve upon him now by law.

There are other departments of the Government in which the same plan has been recommended by President Truman—namely, Justice, Interior, Agriculture, and Commerce—and no disapproving resolutions have been filed against any of those plans, which involve identically the same policy of efficiency in a department as is involved in the reorganization plan relating to the Labor Department. Certainly if this plan is to be rejected the other plans should be rejected.

It seems to me that this is a reorganization which is sound and constructive, and I hope that the disapproving resolution will be rejected, which will mean that the Reorganization Plan No. 6 involved in the resolution pending before the House will go into operation.

Mr. DAWSON. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. LANHAM] to correct the RECORD.

Mr. LANHAM. Mr. Chairman, I want to call attention to a mistake in the report of the hearings on page 45.

The record reads:

> Mr. LUCAS. I am surprised at my friend, HENDERSON LANHAM, quoting from the Wall Street Journal to this committee.
>
> Mr. LANHAM. I read both sides of the street, and try to waltz down the middle.

I was not reported correctly. What I said was:

> I read both sides of the street, and try to walk down the middle.

I would like to have that correction made.

Mr. MADDEN. Mr. Chairman, Reorganization Plan No. 6, as recommended by the Hoover Commission and submitted by the President of the United States, should be ratified by this Congress.

All functions relating to labor-management problems should be under one head and that executive should be the Secretary of Labor. The functions of the Labor Department are executive and the President of the United States was elected by the people to carry on the executive functions of our Government. It is the function of the President to coordinate the interests of management and labor so that these interests will harmonize and be more effective with the other segments of our national economy.

Reorganization Plan No. 6 provides that all functions vested in any other officer, agency, or employee of the Department of Labor are transferred to the Secretary of Labor. This plan conforms and is in the same pattern of streamlining organization which was recommended for each of the other executive departments by the Hoover Commission on Organization of the Executive Branch of the Government.

By adopting this plan, the Department of Labor will not gain any more powers, authority, functions, or responsibility than it already has. It will merely centralize authority in the Secretary of Labor, where it should be. The public looks to the Secretary of Labor for responsibility and accountability of functions concerning labor-management relations, which are at present outside of his authority and should be placed under his jurisdiction as Reorganization Plan No. 6 provides.

Members who are opposed to this plan feel that it will give the Secretary of Labor additional power, which is not true. Under the present set-up, responsibility for mismanagement and inefficiency in the Wage and Hour Division is thrown on the shoulders of the Labor Department, of which the Secretary of Labor is the head. He receives all criticism for improper functioning of the Wage and Hour Division, although the authority and operating is under a separate executive. Opponents of this plan say that the Wage and Hour Division has done a good job. Only recently the Wall Street Journal, which cannot be classified as a friend of labor or the administration, complained that the present administration of the wage-hour law is being done by a horde of snoopers and so set their opinion out in an editorial.

Robert L. L. McCormick, research director of the Citizens' Committee for the Hoover Report, in testifying at the hearings for Reorganization Plan No. 6, stated that the plan should be adopted, and that the responsibility should be under the Secretary of Labor. He further stated that this would place the responsibility solely where it belongs and if it does not function properly, the Secretary of Labor, being the President's appointee, is more directly responsible to the people.

Thus, if there are abuses of the administration of the wage-hour law or of any other law, it becomes a campaign issue and can be taken to the people for ratification or rejection. Under our system of the executive department, the President must delegate this authority down the line and these various department heads are directly responsible to him as he is directly responsible to the people of the country.

The adoption of this plan will merely be another step toward streamlining the operations of our Government and placing into operation the practical recommendations of the Hoover Commission.

Mr. DONOHUE. Mr. Chairman, Reorganization Plan No. 6 does conform specifically to the organizational pattern for each of the executive departments which was expressly recommended by the Commission on Organization of the Executive Branch of the Government. It is identical and in no respect different from the parallel plans proposed by the President for the Departments of Justice, Interior, Agriculture, and Commerce. It is important that we bear in mind that the Department of Labor will not, through this plan, add anything to its present powers, authority, functions, or responsibilities by operation of this legislation. It will accomplish one of the basic needs and long-delayed reforms so essential in the executive branch of the Government, for it will centralize authority in the Secretary of Labor where he is presently the repository for its correlatives, responsibility, and accountability.

A great amount of discussion has been had on the status of the Wage and Hour Administrator. Here we have one of those anomalous situations engendered by compromise, where independent grants of authority to subordinate officials have weakened the structure of the Department.

It is a pertinent point to demonstrate that the Wage and Hour Administrator and the Secretary, both political appointees, confirmed by the Senate, are working together in harmony and cooperation. However, this same harmony and cooperation that has been obtained is based upon the compatible premise of personal grounds, rather than the requisite legislative basis that should underlie such departmental integration.

One last point might be urged. Every examination of the functions of the Wage and Hour Administrator induces the conclusion that he does not act in a quasi-judicial capacity. He has no similarity in his duties to any agency which would require a separation of prosecutive from judicial functions. His determinations are not final; he is merely a plaintiff in the Federal courts attempting appropriate enforcement for a violation of law.

Reorganization Plan No. 6 will not confer upon the Secretary any aura of quasi-judicial powers which involve wage and hour administration.

In the matter of structural organization and the strengthening of the framework of business organization, a direct and attributable answer cannot be made in economy by allusions to dollar-and-cents savings. Economy will essentially flow from increased efficiency, arising out of a delineation of clear-cut authority extending from the very top of the Department to the bottom. Duplication in practices, overlapping personnel and procedures are made patent, and remedial steps auguring well for savings to the taxpayer will result from legislation of

this nature. Reorganization must of itself necessarily mean change; but every change should bring progress. Reorganization Plan No. 6 supplies that answer.

The CHAIRMAN. Are there further requests for time? [After a pause.] The Chair hears none.

The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the House of Representatives does not favor the Reorganization Plan No. 6 of 1950 transmitted to Congress by the President on March 13, 1950.

Mr. DAWSON. Mr. Chairman, I move that the Committee do now rise and report the resolution (H. Res. 522) rejecting Reorganization Plan No. 6 of 1950, back to the House with the recommendation that it be not agreed to.

The motion was agreed to.

Accordingly the Committee rose; and Mr. PRIEST having assumed the chair as Speaker pro tempore, Mr. GARY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 522, directed him to report the same back to the House with the recommendation that it be not agreed to.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution, not having received the affirmative vote of a majority of the authorized membership of the House, the resolution is not agreed to.

So the resolution was rejected.

DISAPPROVING REORGANIZATION PLAN NO. 5—DEPARTMENT OF COMMERCE

Mr. DAWSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 546) disapproving Reorganization Plan No. 5; and pending that motion I ask unanimous consent that debate on the resolution may continue not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Michigan [Mr. HOFFMAN] and myself.

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, and I shall not, I have had no requests for time. I think the debate may be concluded in half an hour, although I am glad to have the reservation of an hour. We will try to get through on this side in 10 minutes.

Mr. DAWSON. And we will try to get through in 10 minutes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DAWSON] asks unanimous consent that debate on the resolution continue not to exceed an hour, the time to be equally divided and controlled by the gentleman from Michigan [Mr. HOFFMAN] and himself.

Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 546, disapproving Reorganization Plan No. 5, with Mr. GARY in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

Mr. DAWSON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the question that now comes up is the same question that was raised in reference to Reorganization Plan No. 6 of 1950. The same arguments that could have been made for rejection of plan No. 6 could be made and will be made upon plan No. 5. The same arguments for plan No. 5 would be the same ones used for plan No. 6. So I am not going to take the time of the committee that has listened to all the arguments, and knows the purpose of these plans.

There is only one difference between the two and that is in the exemption of one or two agencies other than the Board of Examiners. That exemption is made because of the peculiar nature of the agencies. For instance, in plan No. 5 the Inland Waterways Corporation and the Advisory Board of the Inland Waterways Corporation are exempted from the plan of reorganization. That has been a deliberate act and aimed at recognition of the corporate structure of these particular institutions. The third and last exemption involves the Civil Aeronautics Board. This body has its functions vested in a board possessing in large measure the qualities of an independent regulatory board, and reposes within the structure of the Department of Commerce largely for housekeeping purposes. So for that reason the exemption was made.

I am going to ask, Mr. Chairman, that we vote "nay" on House Resolution No. 546, rejecting Reorganization Plan No. 5 of 1950.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, there is no use in taking other than a realistic view of the situation as it is here today. Apparently there is no disposition to carry on an effective opposition to any of these reorganization plans. I have done my part by attending the hearings in preparing reports.

In answer to the gentleman from Illinois, I do want to say this plan No. 5 does exempt the Civil Aeronautics Board, but if you will take a look at plan No. 13 you will find that the President grabs it there. I cite that to show the hypocrisy in the method of treating the Hoover recommendations.

Reorganization Plan No. 5 of 1950, prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, proposes to transfer to the Secretary of Commerce all functions of all other officers of the Department of Commerce, except those specifically exempted, as follows:

DEPARTMENT OF COMMERCE

SEC. 1. Transfer of functions to the Secretary: (a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) in hearing examiners employed by the Department of Commerce, nor to the functions of the Civil Aeronautics Board, of the Inland Waterways Corporation, or of the Advisory Board of the Inland Waterways Corporation.

SEC. 2. Performance of functions of Secretary: The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. Administrative Assistant Secretary: There shall be in the Department of Commerce an Administrative Assistant Secretary of Commerce, who shall be appointed, with the approval of the President, by the Secretary of Commerce under the classified civil service, who shall perform such duties as the Secretary of Commerce shall prescribe, and who shall receive compensation at the rate of $14,000 per annum.

SEC. 4. Incidental transfers: The Secretary of Commerce may from time to time effect such transfers within the Department of Commerce of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

The four agencies whose officers are specifically exempted from the operation of plan No. 5 are the hearing examiners employed by the Department of Commerce; the Civil Aeronautics Board; the Inland Waterways Corporation; and the Advisory Board of the Inland Waterways Corporation.

No explanation is made as to why these bodies or agencies have been exempted, but the Secretary of Commerce in his testimony ventured the explanation that the hearing examiners employed by the Department of Commerce were to be exempted because of the judicial functions which they perform. Perhaps the functions of the Civil Aeronautics Board were also thought to be judicial or quasi judicial in nature and to thus warrant exemption from the operation of the plan. The Secretary has made the point that the inland waterways bodies were exempted because of the corporate form of organization.

Unless rejected, plan No. 5 will, among others, transfer to the Secretary of Commerce all functions of the Patent Office.

By plan No. 5 the Secretary is authorized to redelegate all functions which he acquires by virtue of the plan to such subordinates as he may select.

The Hoover report to the Congress on the Department of Commerce carries on page 8 a proposed organization of the Department of Commerce which shows some 16 bureaus or agencies grouped together as parts of the Department of Commerce. In this group is the Patent Office. A number of the other agencies of the group of 16 have for some time been under the general supervision of

the Secretary of Commerce while others are for the first time, under plan No. 5, to be placed under the Secretary of Commerce.

THE PATENT OFFICE—THE REASON FOR

Evidently believing that genius and effort should be rewarded, the public protected, the framers of the Constitution provided that—

The Congress shall have power * * * to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.[1]

To implement that constitutional provision, as far back as April 10, 1790, the Congress enacted legislation to promote the purpose therein enunciated.

In 1802, the Patent Office was established as a distinct bureau in the Department of State with an official then known as the Superintendent of Patents.

There was a general revision of the patent laws in July of 1836, when the Office was reorganized and the official in charge was designated as Commissioner of Patents.

In 1849, the Patent Office was transferred to the Department of Interior and, in April of 1925, in accordance with statutory authority previously given, it was transferred to the Department of Commerce. It now administers, not only the patent laws, but the Federal trade-mark laws under Fifteenth United States Code, page 1051.

Notwithstanding the fact that the Patent Office, its officers, and employees are housed in the Department of Commerce—Thirty-fifth United States Code, page 1—it has been and is an independent quasi-judicial, quasi-legislative office—*Butterworth* v. *Hoe* (112 U. S. 50)—with a history running back to the adoption of the Constitution.

The present statute creates the offices of Commissioner of Patents, one First Assistant Commissioner, two Assistant Commissioners, and nine Examiners in Chief appointed by the President by and with the advice and consent of the Senate. All other officers, clerks, and employees are appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents—Thirty-fifth United States Code, section 2.

The Commissioner of Patents, under the direction of the Secretary of Commerce, shall superintend or perform all duties respecting the granting and issuing of patents directed by law; and he shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, from time to time establish regulations, not inconsistent with law, for the conduct of proceedings, in the Patent Office.

The Examiners in Chief shall be persons of competent legal knowledge and scientific ability. The Commissioner of Patents, the First Assistant Commissioner, the assistant commissioners, and the Examiners in Chief shall constitute a board of appeals, whose duty it shall be, on written petition of the appellant, to review and determine upon the validity of the adverse decisions of examiners upon applications for patents and for reissues of patents and in interference cases. Each appeal shall be heard by at least three members of the board of appeals, the members hearing such appeal to be designated by the Commissioner. The board of appeals shall have sole power to grant rehearings.[2]

Since 1870 the Patent Office has had a seal of its own. The seal provided for the Patent Office prior to July 8, 1870, shall be the seal of the Office, with which letters patent and papers issued from the Office shall be authenticated—United States Code, title 35, section 3.

By subsequent statutory provisions of chapter 1 of title 35 of the code, covering 78 pages, the Congress over the years has attempted to safeguard the integrity of the Patent Office and the procedure governing the granting and use of patents. The most casual reading of the statutory provisions shows clearly that the Patent Office was created as, and was intended to be, not an executive, but a quasi-judicial, quasi-legislative office.

No protest has apparently been made to the enactment into law of Reorganization Plan 5 on behalf of any bureau purported to be covered by the plan except the United States Patent Office.

But as to the Office, industry and the entire patent bar have spoken as one in favor of the rejection of the plan, on the ground that the independence and efficiency of that Office should not be destroyed by including the Patent Office in the scope of its operation.

So far as appears, it has not been contended by any person interested in the welfare of the patent system that Reorganization Plan No. 5 is defective in any respect other than that it includes the Patent Office.

NO ECONOMY OR INCREASED EFFICIENCY

Industry and the patent bar are unanimous in the approval of all moves for economy and efficiency. But no showing has been made that economies would be realized or efficiency of operation increased by the enactment into law of plan 5 insofar as the operation of the Patent Office is concerned.

The Secretary of Commerce, who should know whether inclusion of the Patent Office in the operation of the plan would promote economy or increased efficiency of operation, has not so stated. That he does not believe that such economies can be effected or that efficiency can be increased is evident from the fact that he has issued assurances to the effect that, if Reorganization Plan 5 becomes law, he will immediately redelegate to the Commissioner of Patents and others in the Patent Office the duties and functions which they now perform.

It is clear that no change in the Patent Office structure is warranted at this time on the theory that economy and increased efficiency will result.

A JUDICIAL AGENCY

It is doubtful if there is any other executive bureau of the Government—any agency or office—more judicial in its functions than is the United States Patent Office. That its functions are judicial or quasi judicial in nature is known throughout the land, to the hundreds of thousands of inventors who have received patents, to business, both big and little, to all manufacturers, and to all those who follow the legal profession.

Each application for patent is taken up for examination by an examiner who has especially qualified himself for that purpose. He has been selected by the Patent Office as a result of a written examination prepared by the Patent Office and solely on the basis of his knowledge and ability. Even the subordinate examiners are called upon to decide daily whether or not, in view of all the facts at hand and the applicable law, an applicant for patent has made an invention for which a patent should be issued.

The Patent Office as a whole is engaged daily in establishing or refusing to establish property rights of the citizens—a strictly judicial function. Judicial temperament of the highest quality is required, as is vast experience, extensive training, and a knowledge of the patent law obtained by careful study of the decisions rendered from time to time by the Federal courts in patent cases.

The Board of Appeals of the Patent Office, comprising nine examiners, the Assistant Commissioners, and the Commissioner, are selected by the President because of special fitness and are confirmed by the Senate after investigation as to fitness. They are versed in the law and are eminently qualified to give proper weight to the many technical facts inherent in all patent decisions.

The Commissioner of Patents and Assistant Commissioners, and many subordinates, are likewise engaged day by day in the examination of applications for registration of trade-marks and, in the trade-mark field, the Commissioner has most important decisions to make.

Again, these decisions of the Commissioner are of a judicial nature, as has been recognized and established by the courts.

One most interesting decision establishing the fact that the Commissioner of Patents is entirely independent of his superior, insofar as his judicial acts are concerned, is the early case of *Butterworth* v. *Hoe* (112 U. S. 50). In that case—and it was decided in 1884—the Court in a unanimous decision called attention to one of the objectives of the patent law. It said:

The general object of that system is to execute the intention of that clause of the Constitution, article I, section 8, which confers upon Congress the power "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." The legislation based on this provision regards the right of property in the inventor as the medium of the public advantage derived from his invention; so that in every grant of the limited monopoly two interests are involved, that of the public, who are the grantors, and that of the patentee. There are thus two parties to every application for a patent, and more, when, as in case of interfering claims or patents, other private interests compete for preference. The questions of fact arising in this field find their answers in every department of physical science, in every branch of mechanical art; the questions of law, necessary to be applied in the settlement of this class of public and private rights, have founded a special branch of technical jurisprudence. The investigation of every claim

[1] Art. I, sec. 8, the Constitution.

[2] 35 U. S. C., secs. 6 and 7.

presented involves the adjudication of disputed questions of fact, upon scientific or legal principles, and is, therefore, essentially judicial in its character, and requires the intelligent judgment of a trained body of skilled officials, expert in the various branches of science and art, learned in the history of invention, and proceeding by fixed rules to systematic conclusions (pp. 58–59).

Then the Court speaking of the duties and functions of the Commissioner of Patents, said:

The conclusion cannot be resisted that, to whatever else supervision and direction on the part of the head of the Department may extend, in respect to matters purely administrative and executive they do not extend to a review of the action of the Commissioner of Patents in those cases in which, by law, he is appointed to exercise his discretion judicially. It is not consistent with the idea of judicial action that it should be subject to the direction of a superior, in the sense in which that authority is conferred upon the head of an executive department in reference to his subordinates. Such a subjection takes from it the quality of a judicial act. That it was intended that the Commissioner of Patents, in issuing or withholding patents, in reissues, interferences, and extensions, should exercise quasi-judicial functions, is apparent from the nature of the examinations and decisions he is required to make, and the modes provided by law, according to which, exclusively, they may be reviewed (p. 67).

The Secretary of Commerce may or may not be a lawyer but the Commissioners of Patents have always been chosen from the ranks of patent lawyers and, no doubt, on the theory that a patent lawyer of considerable capacity must be in charge of the Patent Office in order that it may function in a proper manner. If it were not for the fact that the Commissioner must necessarily perform judicial functions, any good administrator could be placed in charge of the Patent Office. But the Commissioner, Assistant Commissioners, members of the Board, and other members of the examining corps function as judges in patent matters.

The Commissioner has, among his judicial functions—

(a) The right to decide appeals as a member of the board of appeals—Thirty-fifth United States Code, page 7;

(b) The right to disbar attorneys—Thirty-fifth United States Code, page 11;

(c) The right to determine who shall receive patents—Thirty-fifth United States Code, page 36;

(d) The right to decide which invention shall be kept secret and which made public—Thirty-fifth United States Code, page 42;

(e) The right to decide whether or not an interference should be declared between two applicants for the same invention—Thirty-fifth United States Code, page 52; and

In trade-mark matters, the Commissioner has—

(a) The right to decide who shall receive certificates—Fifteenth United States Code, page 1051;

(b) The right to decide inter partes controversies between rival applicants for registration—Fifteenth United States Code, page 1068;

(c) The right to decide all controversies on appeal—Fifteenth United States Code, page 1070; and

(d) The right to prescribe rules and regulations governing trade-mark registration procedures—Fifteenth United States Code, page 1051.

The Commissioner also has certain supervisory functions over which the Secretary of Commerce has presently only a veto power and these functions are of importance, although not as important as his judicial functions. Thus he—

(a) Selects his employees, although the Secretary must actually appoint them—Thirty-fifth United States Code, page 2;

(b) Makes the rules under which the Patent Office operates, although here the Secretary has a veto power—Thirty-fifth United States Code, page 6; and

(c) Performs all duties relative to the lawful issue of patents subject to the direction of the Secretary—Thirty-fifth United States Code, page 6.

These various functions as above set forth will all be transferred to the Secretary of Commerce if the reorganization plan becomes law.

The Secretary of Commerce is a political appointee, a very busy man. No Secretary of Commerce has ever been a patent lawyer and none is likely to be versed in patent law through experience. The Secretary will, therefore, inevitably be forced to exercise his right to redelegate powers to the Commissioner and to others in the Patent Office, as the present Secretary has promised to do. But no Secretary is required by the plan to redelegate the functions which he acquires under the plan to any certain individual in the Patent Office.

THE AMERICAN WAY, OUR WAY

Whatever else may be said of "a profit motive" or "the incentive system," the writers of the Declaration of Independence seemed to feel that ability and use of it were desirable and to be encouraged.

Few, if any, will argue that we as a people are superior either physically or mentally to those in other lands—in fact, our Nation has often been referred to as the "melting pot of the world." We are of no distinct race, creed, or color but, as a Nation, under our system of government, we have the greatest degree of individual liberty, freedom of action, and material prosperity possessed by any people. Hence, it must be our system of government rather than our physical or mental characteristics which has made us what we are.

One of the important factors contributing to the attainment of that enviable position in the world is the fact that the Congress has wisely exercised the power given it by the Constitution "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries," when it created the office of Commissioner of Patents, making it a quasi-judicial position, requiring that examiners be men of ability with technical training, insisting that the Office be free from political interference, its decisions reviewable only by the courts.

As to the wisdom of the proposition that, at least for a limited time, the individual who, through the exercise of his talent, created something new and useful should enjoy the benefit of his effort, there was evidently some argument at the time the Constitution was written; otherwise, express protection would not have been given by section 8 of article 1 of that document.

The Patent Question Under Free Trade, published in London in 1864; Copyright and Patents for Inventions—Pleas and Plans for Cheaper Books and Greater Industrial Freedom, published in London, Paris, New York, and Philadelphia in 1883, indicate that the arguments submitted to the writers of the Constitution still continue.

In December of 1941 President Franklin D. Roosevelt, by Executive order, appointed a National Patent Planning Commission, for the purpose of making a study "of our existing patent laws and procedure, together with appropriate action taken by a commission familiar with the problems of science, industry, agriculture, labor, and the consumer."

The National Patent Planning Commission in its report stated:

This system has accomplished all that the framers of the Constitution intended. It is the only provision of the Government for the promotion of invention and discovery and is the basis upon which our entire industrial civilization rests * * * the basic principles of the present system should be preserved.

In recent years there has been advanced by those who would share the wealth, take from those who have to give to those who have not, establish socialism, the proposition that the laws giving and protecting patents and copyrights should be repealed. It has been argued, and by honest and sincere individuals, that even though one may work long and intensely in an effort to discover something new and useful, when successful, the result should be freely, without compensation, given to all.

The question as to just how far the Congress and the courts should go under the constitutional power "to promote the progress of science and useful arts" has perplexed the Justices of the United States Supreme Court.

It has been affirmatively established by the Court that for a limited period a patentee has a monopoly in the use of his patent. As to just how far the patentee can go by agreement with others in authorizing or limiting by the licenses the use of that patent raises another question, that is, whether the agreement violates the Sherman Act prohibiting monopolies.

In the case of *U. S.* v. *Line Material Company* (333 U. S. 287) three opinions were written. In the prevailing opinion it was said that it was well settled "that the possession of a valid patent or patents does not give the patentee any exemption from the provision of the Sherman Act beyond the limits of the patent monopoly."

Mr. Justice Douglas, with whom Justices Black, Murphy, and Rutledge concurred, agreeing with the majority in holding the agreement in the Line Mate-

rial case to be a violation of the Sherman Act, desired to overrule a previous decision of the Court in *U. S.* v. *General Electric Company* (272 U. S. 476), in which it was held that certain price-fixing agreements were not a violation of the Sherman Act, said:

But I would be rid of *United States* v. *General Electric Company*.

Justice Douglas evidently would strictly limit the monopoly given a patentee. The Justice further said:

Congress, faithful to that standard, has granted patentees only the "exclusive right to make, use, and vend the invention or discovery." * * * And as early as 1853 the Court, speaking through Chief Justice Taney, defined the narrow and limited monopoly granted under the statutes as follows: "The franchise which the patent grants consists altogether in the right to exclude everyone from making, using, or vending the thing patented, without the permission of the patentee."

* * * The effort through the years has been to expand the narrow monopoly of the patent. The Court, however, has generally been faithful to the standard of the Constitution, has recognized that the public interest comes first and reward to inventors second, and has refused to let the self-interest of patentees come into the ascendency. As we stated in *B. B. Chemical Co.* v. *Ellis* (314 U. S. 495, 498), "The patent monopoly is not enlarged by reason of the fact that it would be more convenient to the patentee to have it so, or because he cannot avail himself of its benefits within the limits of the grant." From *Motion Picture Patents Co.* v. *Universal Film Mfg. Co.* (243 U. S. 502), which overruled *Henry* v. *A. B. Dick Co.* (224 U. S. 1), to *International Salt Co.* v. *United States* (332 U. S. 392), decided only the other day, the Court has quite consistently refused to allow the patentee's "right to exclude" to be expanded into a right to license the patent on such conditions as the patentee might choose. For the power to attach conditions would enable the patentee to enlarge his monopoly by contract and evade the requirements of the general law applicable to all property. The philosophy of those decisions was summed up in *Mercoid Corp.* v. *Mid-Continent Investment Co.* (320 U. S. 661, 666), where we said:

"The necessities or convenience of the patentee do not justify any use of the monopoly of the patent to create another monopoly. The fact that the patentee has the power to refuse a license does not enable him to enlarge the monopoly of the patent by the expedient of attaching conditions to its use. * * * The patent is a privilege. But it is a privilege which is conditioned by a public purpose. It results from invention and is limited to the invention which it defines. When the patentee ties something else to his invention, he acts only by virtue of his right as the owner of property to make contracts concerning it and not otherwise. He then is subject to all the limitations upon that right which the general law imposes upon such contracts."

The Court, however, allowed an exception in this long line of cases. In *United States* v. *General Electric Co., supra*, decided in 1926, it followed *Bement* v. *National Harrow Co.* (186 U. S. 70), decided in 1902, and sustained a price-fixing provision of a license to make and vend the patented invention. By that decision price-fixing combinations which are outlawed by the Sherman Act (*United States* v. *Socony-Vacuum Oil Co.* (310 U. S. 150)) were held to be lawful when the property involved was a patent. By what authority was this done?

The patent statutes do not sanction price-fixing combinations. They are indeed wholly silent about combinations. So far as relevant here, all they grant, as already noted, is the "exclusive right to make, use, and vend the invention or discovery" (Rev. Stat., sec. 4884, 35 U. S. C. sec. 40). There is no grant of power to combine with others to fix the price of patented products. Since the patent statutes are silent on the subject, it would seem that the validity of price-fixing combinations in this field would be governed by general law. And since the Sherman Act outlaws price-fixing combinations it would seem logical and in keeping with the public policy expressed in that legislation to apply its prohibitions to patents as well as to other property. The Court made an exception in the case of these price-fixing combinations in order to make the patent monopoly a more valuable one to the patentee. It was concerned with giving him as high a reward as possible. It reasoned that if the patentee could not control the price at which his licensees sold the patented article, they might undersell him; that a price-fixing combination would give him protection against that contingency and therefore was a reasonable device to secure him a pecuniary reward for his invention. Thus the General Electric case inverted clause 8 of article I, section 8 of the Constitution and made the inventor's reward the prime rather than an incidental object of the patent system.

In that manner the Court saddled the economy with a vicious monopoly.

Writing of the attempt of the Government to limit the application of the General Electric case and to make that decision applicable to the case then pending, the dissenting judges wrote:

The long and unfaltering development of our patent law often has been touched upon in our decisions. However, in the face of the direct attack now made upon some of its underlying principles, the infinite importance of our inventions justifies a brief review here of the development and nature of the patent rights attacked.[3]

Mr. Justice Burton, with whom the Chief Justice and Mr. Justice Frankfurter concurred in dissenting, recognizing the attempt to limit the reward given a patentee, called attention to the fact that a patent was—

A reward for the invention or discovery of something new, something before unknown, something added to the sum total of human knowledge, utility, well-being; something which the inventor or discoverer, despising the lure of money or fame, might have withheld from his fellow men. By the monopoly that goes with a patent, then, the Government recompenses and, for a limited time, protects the inventor or discoverer who gives to the world the use and benefit of his invention or discovery. This is a kind and a degree of mutuality that negatives monopoly in the old or the current concept. Monopoly in the latter sense of the term gave to an individual or a group complete dominion of something already existent. A patent awards monopoly to the producer of something original, something superadded to the common store. So it is that two things bearing the same name need not be of the same nature.

It has been contended that there sometimes occurs a clash between the antitrust laws and the patent statutes. I might suggest that since the first antitrust legislation in 1890, the patent laws and the antitrust laws have coexisted without any irreconcilable conflicts between them. They have each of them at least one common objective; namely, the retention by the public of a right once acquired by it. As a matter of fact, patents accomplished more than the retention of the acquired rights. Their influence is creative; they operate to multiply and expand acquisitions by the public.[4]

The Justice then added:

The exceptional recent activity in seeking, by statutory amendment, a change in the patent laws as interpreted in the Bement and General Electric cases indicates a widespread understanding that, if such interpretation is to be changed, the remedy calls for congressional action. The resistance to such a change which has been shown by Congress is impressive (333 U. S. 362).[5]

Under the authority given it by the Constitution, the Congress has consistently sought to encourage inventions by giving the patentee a limited monopoly and, through the Sherman Act, preventing the misuse of that monopoly. The courts through the years have upheld Congress in that attempt. It would be the most unwise, by the indirect method proposed in this plan, to make it possible for a political appointee to destroy the established legislative and judicial policy with reference to patents.

To date the Patent Office has been and now is a quasi-judicial office. It has served the inventor and the public with ability and fairness.

Plan No. 5 would discard the method of dealing with patents as it has been established by the Congress and the courts, destroy the judicial character of

[3] 333 U. S. 331, 332.

[4] 333 U. S. 338, 339.

[5] Many bills relating to these issued have been introduced in Congress and referred to appropriate committees. Not one has been reported back to either House of Congress.

As early as 1912, H. R. 22345, 62d Cong., 2d sess., proposed that a patentee be not permitted to fix the price of articles to be sold by others under his patent.

During the hearings held by the Temporary National Economic Committee, the Department of Justice recommended many fundamental as well as minor changes in the patent law. These included the prohibition of price-limiting patent licenses comparable to those here at issue (Preliminary Report, Temporary National Economic Committee, S. Doc. No. 95, 76th Cong., 1st sess., pp. 16–17 (1939)).

The Department of Commerce took an opposite position. It submitted recommendations for retaining but improving the patent system substantially in accordance with its traditional underlying policies. The Final Report of the Temporary National Economic Committee incorporated the substance of the proposals of the Department of Justice. It included a recommendation that patentees be not permitted to limit the price at which a licensee might sell a product made under the license (Final Report, Temporary National Economic Committee, S. Doc. No. 35, 77th Cong., 1st sess., pp. 36–37 (1941)).

In 1941, the President appointed the National Patent Planning Commission to submit recommendations on questions dealt with in the report. * * * In 1943, among the examples of the proposed reforms which it concluded "would not be a beneficial innovation in our patent system," it listed "outlawing certain limitations in patent licenses, * * *." This evidently referred to the above-mentioned proposals of the Temporary National Economic Committee to outlaw price restrictions and other limitations in patent licenses (Report of the National Patent Planning Commission, H. Doc. No. 239, 78th Cong., 1st sess., p. 9 (1943)).

Bills to the same general effect as the proposals of the Temporary National Economic Committee have been introduced and referred to committees of Congress but have advanced no further.

the Patent Office, make it a part of, and subject to, a political appointee.

The Secretary of Commerce is a busy man. Obviously he has no time to himself perform the functions of a Commissioner of Patents or of any member of that organization, nor does the plan contemplate that he shall perform any of those functions. If the plan becomes law, he is authorized to, and necessarily he must, redelegate those functions to individuals of his own choosing.

While the statute creating the Department of Commerce outlines and circumscribes some of the duties of the Secretary of Commerce, he is nevertheless a part of, and subject to and guided by a political machine. Under the two-party system of government, that is to be expected—it is inevitable. A political party operates from the top down and the Secretary of Commerce can but carry out, implement, the political philosophy of his party.

A Henry Wallace was once Vice President. But for a turn in fortune's wheel he might have been President. He was Secretary of Commerce. Most people are familiar with some of Henry Wallace's political theories. Had Plan No. 5 been in effect when he was Secretary of Commerce, would he, who advocated the killing of little pigs, the plowing under of crops, the giving of a pint of milk to everyone in the wide, wide world, have been an advocate of legislation to repeal the laws protecting patents and trademarks?

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from California.

Mr. HOLIFIELD. The gentleman does not want the House to believe that this changes any of the patent laws, or that the Commissioner of Patents by this plan is deprived of any of his duties or responsibilities in complying with all the laws on patents? In fact, the present law puts him under the Secretary of Commerce in most instances outside of those instances which have been excluded for the purpose of protecting the rights of the industry in obtaining patents. Any of the decisions which the Commissioner of Patents or the Secretary of Commerce makes is appealable to any court of law. Therefore ample protection is given to applicants for patents.

Mr. HOFFMAN of Michigan. The cases I have cited show that the Supreme Court is fully aware of that situation and recognizes the fact that the administration of the law could change our whole economic philosophy. All you need to do is read the Supreme Court decisions.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Michigan.

Mr. DONDERO. Following up the statement made by the gentleman from California, what is the justification for this plan?

Mr. HOLIFIELD. The justification is to line up the clear line of authority of the department head so that he cannot only be responsible but have supervision over his subordinates.

Mr. DONDERO. But this is an independent agency.

Mr. HOFFMAN of Michigan. Let me answer that question for the gentleman. The Patent Office has been held by the United States Supreme Court in Butterworth against Hoe to be a quasi-legislative, quasi-judicial office. The Supreme Court of the United States said so.

Mr. Hoover in his original report said that there was no intention to deal with quasi-legislative, quasi-judicial agencies. Mr. Hoover so reported in his letter to the Speaker of the House in connection with the 1949 reorganization bill, yet here, in spite of the fact that this has been by the Supreme Court declared to be one of those agencies with which reorganization was not supposed to deal, along comes a plan.

I assume the purpose is to get it under the control of the Secretary of Commerce. There is no efficiency, no economy, I would say to the gentleman, involved in this case. There is not a word of testimony in the record that indicates there will be any efficiency or any economy in it.

I will tell you what is the matter with all these plans. Let me quote you from real authority from the other body, the upper body, the body that has the learning and the dignity and all the things that are necessary to make statesmen. It comes from a majority Member over there:

> The congressional-declared purpose of the whole reorganization authorization is to bring more efficiency and greater economy into the Federal Government. It is my judgment, after study of many of the plans which are being submitted to us, that many of them tend more in the direction of centralizing power in the executive branch of the Government than they do in the direction of reorganizing the executive branch for the purpose of obtaining greater efficiency or economy.

That is from the CONGRESSIONAL RECORD of May 11. You will find it on page 6865.

The whole procedure as I have said before, is to pin the Hoover label on a quack remedy, to get Republicans to go along with it, and they will wake up to find out you have centralized government. You can yell all you want to about socializing the Government, you are getting it in these plans the President is sending down.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is it not a fact that our former colleague from Texas, Fritz Lanham, who was chairman of the Patents Committee for a good many years, came before our committee, and he tore this apart in every way possible, saying it was poor legislation. Yet the Democratic House today wants to put through what a lot of good, sound Democrats said was the wrong kind of legislation. Will the chairman explain how these New Deal and Fair Deal Democrats are handling affairs now when so many of the good Jeffersonian Democrats got sick and tired and got out of Congress? Can he explain that?

Mr. DAWSON. That is not so very hard to explain. Mr. Lanham was before our committee.

Mr. RICH. And he opposed this one in every way possible, did he not?

Mr. DAWSON. He was once a Member of Congress. Do you know his present occupation?

Mr. RICH. I know he is a fine fellow. I do not know what he is doing now. I suppose he is trying to earn an honest livelihood instead of putting through a lot of legislation which the present administration wants.

Mr. DAWSON. Then I am of the opinion if you knew what he is doing now, that would explain to you his interest in appearing before the committee at that time.

Mr. RICH. Are you ashamed to tell what he is doing?

Mr. HOFFMAN of Michigan. Did the gentleman from Pennsylvania get an answer to his question?

Mr. RICH. No, I did not get an answer. They never answer anything on that side.

Mr. HOFFMAN of Michigan. Mr. Chairman, the gentleman from Illinois, the chairman of our committee, asked did we know the present occupation of Mr. Lanham. In what way is that question relevant here? I think most of the Members of the House know Mr. Lanham, a former Member of the House.

Mr. DAWSON. I think he testified because if a person was paid to protect certain interests and asked to be heard as a witness we would hear him and we would also ask what his occupation was and what his interest was in the subject matter. He so testified before the committee, which would show the interest he had in the matter and why he came there. Once more, a small group of people, the patent attorneys, felt that any change might interfere with their status quo and that would place them against the reorganization plan to reorganize the Government.

Former President Hoover told the sales executive club of New York on Tuesday, May 14:

> Violent campaigns are being waged against many Presidential plans. Practically every single item in the program has invariably met with opposition of some vested official or it has disturbed some vested habit or has offended some organized minority.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, the gentleman from Illinois has used pretty near 5 minutes of my time. Will the gentleman yield me 5 minutes of his time?

Mr. DAWSON. I yield to the distinguished ranking minority member of the committee 5 minutes of my time.

Mr. Chairman, will the gentleman permit me to read the balance of this statement?

Former President Hoover added:

> It has aroused paid propagandists of these vested officials, vested habits, and organized propaganda groups, all of whom are in favor of every item of reorganization except that which affects the bureau or activity in which they are specifically or specially interested.

Mr. HOFFMAN of Michigan. In reply to that, I would say that is the old, old argument and we always have it

whenever we try to cut something somewhere someone always objects.

Mr. Chairman, what I really wanted to say, however, is that no Member of the House sitting today thinks for one moment that the opinion or testimony of Fritz Lanham would be influenced by the fact that he is employed by any group. If that argument were to apply here, then what about the Department of Labor which by law is not only authorized, but directed to look after the interests of the wage earner?

Mr. DAWSON. I will explain the difference to the gentleman if he wishes.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. DONDERO. Mr. Chairman, I was a Member of the House when Mr. Lanham was a Member. No finer or more honorable man ever represented his constituency in this body than Fritz Lanham. Whatever he said to the committee was said on the basis of sound judgment rather than any personal interest. I am here to defend the name of Fritz Lanham against any imputation that he would do wrong to further any special interest if he did not believe in it.

Mr. DAWSON. And no one would rally to his defense more quickly than I would, and I do not think he meant to do a wrong. I merely stated that his employment brings him within the group of people that former President Hoover was talking about when he said they are all for reorganization until it affects that special little group which they are specifically interested in. Then they are against reorganization. He did not appear before any other plan, but only appeared against this one.

Mr. HOFFMAN of Michigan. Let us get back to the resolution.

Economy and efficiency are desirable, but far more desirable and essential to people who would be free is the integrity and independence of those who interpret and administer our laws. As suggested by Justice Brandeis, efficiency and economy mean little to the individual who has lost his freedom of action.

Plan No. 5 should be rejected, for it gives no promise of either efficiency or economy, it would destroy the integrity of an agency which has functioned without serious criticism, which has promoted the progress of science and useful arts, encouraged the able and industrious, while, at the same time, it has protected the public.

Plan No. 5 should be rejected by an affirmative vote for House Resolution 546.

Mr. DAWSON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I want to take just a minute to sincerely, though briefly, as a member of this committee, tell you of the great esteem and admiration I feel for our chairman. During both sessions of the Eighty-first Congress, he has been charged with the responsibility of guiding the reorganization plans through the hearings of our committee and then on the floor for the consideration of the Congress. He, at all times, has shown—and I am sure I speak for all the members of my committee—great tact, great understanding, and a great human heart. He has demonstrated great powers of intellect, and the ability to rise above the petty side of any issue to the loftier principles and policies involved.

I am personally grateful for the opportunity I have had in my short time in the Congress to be able to serve under his leadership. I hope I will have the honor and privilege of serving with him in this capacity and in others for many years to come.

The CHAIRMAN. The time of the gentleman from New York [Mr. ROOSEVELT] has expired.

Mr. DAWSON. I thank the gentleman very much and I appreciate his words and I am embarrassed.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, I ask unanimous consent that I may insert this article by a good old Democrat on the whistle-stop campaign, at this point in the RECORD.

The CHAIRMAN. The gentleman is out of order. That request will have to be made in the House.

Mr. RICH. That is too bad.

The CHAIRMAN. The gentleman can get that permission in the House.

Mr. RICH. You think I can?

The CHAIRMAN. Undoubtedly.

Mr. DAWSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, first permit me to say that I wholeheartedly join in the commendatory remarks just made by the gentleman from New York [Mr. ROOSEVELT], concerning my friend and colleague the distinguished gentleman from Illinois [Mr. DAWSON].

I am going to show the gentleman from Pennsylvania [Mr. RICH] how to get the item he holds in his hand into the RECORD.

I hold in my hand an editorial published in today's Washington News entitled "Republicans, Be Smart"——

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that the gentleman is not speaking on the resolution.

Mr. ROONEY. I am addressing my remarks to the pending resolution.

Mr. HOFFMAN of Michigan. A point of order, Mr. Chairman. The gentleman is not speaking to the resolution.

The CHAIRMAN. The gentleman will proceed in order.

Mr. ROONEY. Mr. Chairman, I submit that I am proceeding in order and I assure you and the gentleman from Michigan that I shall show the pertinency of this in a very few seconds.

This editorial, as I have said, is entitled "Republicans, Be Smart." It reads in part as follows:

> If Republicans in Congress want to do something really smart, they should rally to the defense of the Hoover Commission's Government reorganization program.
>
> Bureaucrats who don't want to be disturbed by reorganization, Congressmen who want to protect their pet agencies, special-interest groups which would profit by keeping things as they are, all are attacking in force.

The gentleman from Michigan should carefully listen to this. It is meant for those on his side of the aisle.

Mr. HOFFMAN of Michigan. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The gentleman from New York is proceding in order.

Mr. HOFFMAN of Michigan. But he is not speaking to this present resolution.

The CHAIRMAN. The recommendations of the Hoover report are involved in this resolution, and the Chair rules that the gentleman from New York is proceeding in order.

Mr. ROONEY. I wish the gentleman from Michigan would carefully listen to the balance of this. He might gain something. I repeat:

> Bureaucrats who don't want to be disturbed by reorganization, Congressmen who want to protect their pet agencies, special-interest groups which would profit by keeping things as they are, all are attacking in force.
>
> In most cases, these (reorganization) plans accord closely with recommendations of the Hoover Commission.
>
> They would promote the efficiency and economy in Government which the Republican Party professes to consider so vitally important.
>
> Yet many Republicans seem inclined to vote against a large number of these plans on the misguided theory that it's good politics to oppose practically anything Mr. Truman favors.
>
> Such Republicans, actually, contemplate undoing major parts of the great job done by a bipartisan commission headed by their party's own elder statesman, Herbert Hoover.
>
> They should avoid such a foolish mistake. They should earn for their party credit for saving and making effective the best hope this country may ever have for sound and sensible reorganization of the Government.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to my distinguished friend.

Mr. RICH. It is not a fact that Republicans are opposing things that Mr. Hoover has recommended. What we oppose is the New Deal philosophy of trying to center everything in Washington.

Mr. ROONEY. Of course that last sentence is so much hogwash insofar as this debate is concerned.

Mr. RICH. Now you yielded to me.

Mr. ROONEY. Yes, for an intelligent question. But I did not yield to you for a speech. I understood the gentleman was going to ask a question. I respectfully suggest that the gentleman carefully read the Scripps-Howard editorial. He might learn something.

The CHAIRMAN. The time of the gentleman from New York [Mr. ROONEY] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I will say to the gentleman from New York [Mr. ROONEY] that we have heard several times today, and of course it is a fact, that a law is no better than those who administer it. It matters little or not at all what laws the Congress may write as long as we have an administration whose standard of honesty is measured by the statement of the President that he was on a nonpolitical trip. There is no use writing

any law unless it is honestly interpreted and administered. I doubt if there is a man or woman in the country who can read or write who does not know that the President's recent journey was a campaign trip, paid for by the taxpayers.

Mr. ROONEY. Mr. Chairman, will the gentleman yield for a question?

Mr. HOFFMAN of Michigan. He will give you time. I am through.

Mr. DAWSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, at this late date, when most of the reports of the Commission on Organization have been published for well over a year, it would at first appear to be unnecessary to elaborate upon the principles upon which those reports were based. These principles were fundamentally sound. They have been given wide publicity. They have received—as has the work of the Commission on organization generally—a wide and a well-justified acclaim. Everyone professes to be in favor of the idea of reorganization and of the Hoover Commission recommendations for carrying it out—in general. There the agreement ends.

As soon as the attempt is made to apply these basic and generally accepted principles to specific situations, the "yes, but" boys begin to make themselves heard. They are in favor of reorganization; but they want reorganization if, and only if, it can be accomplished without making any change in some department, agency, or service in which they happen to be particularly interested. They want the other fellow's department or agency reorganized, in the interests of economy and efficiency, as long as their own remains untouched. The most popular means of achieving this objective is to establish a claim for exemption.

Mr. Chairman, and Members of the House, I want to emphasize the fact, as forcefully as I know how, that no worthwhile reorganization of the executive branch of Government will ever be achieved on the basis of such a philosophy. This task of Executive reorganization is one of the largest and most important now confronting the Congress and the American people today. It can be accomplished only by resolute adherence to sound principles of organization and management. The Commission on Organization has indicated very clearly what those principles are. The question before us is equally clear: Are we going to apply these principles systematically and consistently, or are we going to reject this plan or that because it does not strike our fancy, thereby making a mockery of the whole reorganization movement?

The group of reorganization plans now before the Congress represents a part of an over-all plan to bring about an Executive organization in the Federal Government in which: First, authority and responsibility will be concentrated in the head of the department or agency for all or substantially all functions performed by that particular unit of Government; second, there will be straight-line responsibility, and unbroken line of authority extending from the head of the agency on down through bureau and division chiefs, section and unit heads, to the individual employee.

This is the purpose, and it is the only purpose, of Reorganization Plan No. 5. This plan was drawn up and submitted in four sections, which I would like to discuss—briefly—in the order in which they appear in the text of the plan.

Section 1 deals with the transfer of functions to the Secretary of Commerce; it reads:

> Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Secretary of Commerce all functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department.

The exceptions listed in subsection (b), which will be discussed a little later, are four in number, as follows:

First. Functions vested by the Administrative Procedure Act of 1946 in hearing examiners employed by the Department of Commerce.

Second. Functions of the Civil Aeronautics Board.

Third. Functions of the Inland Waterways Corporation.

Fourth. Functions of the Advisory Board of the Inland Waterways Corporation.

This transfer of functions from the heads of subordinate units to the head of the Department is important. The task force of the Commission on Organization on Department Management called attention to the anomalous situation then generally existing throughout the Federal service—a situation in which the head of the Department was held responsible by the President, by the Congress, and by the American people, for the administration of various units and services over which he had either inadequate legal authority, or, in many cases, no authority at all. Secretary Sawyer, in his testimony on Reorganization Plan No. 5, at the hearing of the Senate Expenditures Committee on April 27, 1950—page 25—commented very effectively on this point when he said:

> During my tenure as Secretary of Commerce, I have had many occasions to consider the nature of my legal responsibilities in connection with the various activities conducted by the Department. It has struck me rather forcefully that I am held responsible to Congress, to the President, and to the people for faithful execution of several functions for which the direct statutory authority is scattered among different bureau officials of the Department.

The obvious solution to this unsatisfactory situation is to make such changes in the law as may be necessary to transfer this scattered authority from the Bureau officials to the Secretary. This is exactly what the Commission on Organization recommended, and exactly what this first section of Reorganization Plan No. 5 seeks to accomplish. In its Report on General Management, the Commission said—page 7:

> Any systematic effort to improve the organization and administration of the Government, therefore, must: * * * (2) Establish a clear line of control from the President to these Department and agency heads and from them to their subordinates with correlative responsibility from these officials to the President, cutting through the barriers which have in many cases made bureaus and agencies partially independent of the Chief Executive.

In its Report on the Department of Commerce, the Commission recommended an internal organization of the Department, divided into four main services. Under the heading of Industrial and Commercial Service is included a number of agencies such as the Patent Office, the Bureau of Standards, the Bureau of the Census, the National Investors Council, etc. The Commission states in connection with its proposed internal organization:

> We do not, however, recommend a hard and fast rule. The Secretary should determine the organization and be free to amend it (p. 6).

It seems clear from this reference that the Commission intended the Patent Office to be one of the units of administration under the full and active supervision and direction of the Secretary of Commerce. Inasmuch as the Commission was very emphatic that the Secretary of Commerce should have authority to organize and control his Department and that separate authority to subordinates should be eliminated, the fact that the Commission made no specific recommendation for the Patent Office indicates much more strongly that the Commission did not intend to except that unit.

The Secretary of Commerce now has by law considerable control over the Commissioner of Patents and the Patent Office. The United States Code—1946 edition—deals with patents in title 35. Thus section 1 of that title recited that—

> There shall be in the Department of Commerce an office known as the Patent Office.

Section 2 provides that there shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. Section 2 goes on to say:

> The First Assistant Commissioner and the Assistant Commissioners shall perform such duties pertaining to the Office of Commissioner as may be assigned to them respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the Office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents, in accordance with existing law.

Section 6 of this title, prescribing duties of the Commissioner, recites as follows:

> The Commissioner of Patents, under the direction of the Secretary of Commerce, shall superintend or perform all duties respecting the granting and issuing of patents directed by law; and he shall have charge of all books, records, papers, models, machines, and other

things belonging to the Patent Office. He may, subject to the approval of the Secretary of Commerce, from time to time, establish regulations, not inconsistent with law, for the conduct of proceedings of the Patent Office.

Section 11 authorizes the Commissioner of Patents, subject to the approval of the Secretary of Commerce, to prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing applicants or other parties before his Office.

Further indication of the direction that the Secretary of Commerce now exercises over the Patent Office is given in Executive Order No. 9424, February 18, 1944, 9 F. R. 1959. This order directed the Secretary of Commerce to cause to be established in the Patent Office a separate register for the recording of all rights and interests of the Government in relation to patents and also authorized the Commissioner of Patents, with the approval of the Secretary of Commerce, to prescribe such rules and regulations as he might deem necessary to effectuate his purposes.

I cannot leave this question of the authority of the Secretary of Commerce over the Commissioner of Patents without making some observations on the general subject of exemptions. It is the desire of the administration, and of all of us who are sincerely interested in reorganization, that these basic principles of organization be applied throughout the Federal service on as nearly a uniform basis as possible. At the same time, it is realized that some exceptions must of necessity be made. The Bureau of the Budget, which, through its Division of Administrative Management, has the responsibility for the actual drafting of these plans, has had to grapple with this problem. In making decisions with regard to exemptions, it has acted on the basis of two very sound principles: First, that the number of exemptions should be held to an irreducible minimum; second, that such exemptions as are provided for should not only be justified, but that they be applied consistently wherever a given situation occurs.

The exemptions provided for in Reorganization Plan No. 5 have already been enumerated. The functions of the hearing examiners are exempted from transfer in this and other plans in the Nos. 1 to 6 group, in recognition of the need for independence for any primarily judicial work handled by them. They were not exempted in plans Nos. 7 to 13 because the limited transfer provided in those plans did not affect the status of the examiners. The exemption of the Civil Aeronautics Board in this plan was in accord with the general recognition of the principle that an independent board may be a necessary and effective instrument for fulfilling regulatory responsibilities. The Inland Waterways Corporation—and its Advisory Board—like other corporations connected with other departments, was exempted in recognition of its corporate form of organization, and in the belief that the existing arrangements afford the heads of departments adequate authority with respect to the corporations located within their respective departments.

During his appearance at the Senate committee hearing on Reorganization Plan No. 5, Mr. Frederick J. Lawton, Director of the Bureau of the Budget, testified that some consideration was given to the possibility of exempting the Patent Office from the effect of the plan, but that an adverse decision was reached on the ground that exemption could not be adequately justified. One such exemption invites others, and to the extent that such pressures are acceded to, you have—in the words of Mr. Lawton—"a series of semi-independent or semi-autonomous groups within a department" which the Secretary would find it either difficult or impossible to modify at some future time, should the need arise.

We followed the belief of the Hoover Commission, which we shared—

Continued Mr. Lawton, page 14—

that straight-line authority with responsibility and accountability in the department head for the functioning of his Department was the proper form of administrative organization for the executive branch.

There were, furthermore, certain other aspects of the situation of the Patent Office which seemed to justify this position and to make inadvisable an exemption regarding it. There is already in existence an appeals procedure, and a United States Court of Customs and Patents Appeals. These procedures and this court should provide assurance to the most questioning persons that the rights of petitioners will be no less secure in the future, if Reorganization Plan No. 5 becomes effective, than they have been in the past under the existing organizational arrangements.

Section 2 of the plan deals with the performance of the functions of the Secretary, granting him full authority to delegate any of his functions, including any of those transferred to him under the provisions of this plan. This provision is in full accord with sound principles of management. No high ranking executive officer, whether he be in public or in private employment, can possibly perform personally any considerable portion of the duties assigned to him. And that is not his job. His is the responsibility for organizing and directing the use of manpower, money, and materials in such a manner as to get the job done in the most economical and efficient basis possible.

I have been particularly impressed with the fact that in one instance after another, as these reorganization plans have been under consideration, and hearings have been held on them, the plea has been made that the concentration of authority in the hands of the Secretary might be all right as long as the group testifying had confidence in the Secretary, but that, at some future time, we might get a Secretary who was incompetent, dishonest, or personally unacceptable. The argument runs that, therefore, we should continue with an admittedly poor and inadequate administrative organization, for fear that some time in the future, the President of the United States might make a poor or unsatisfactory appointment to a particular Cabinet post.

Mr. Chairman, I must say that I have very little patience with this approach to problems of public administration on the basis of apprehension and fear. I refuse to accept and to act upon the theory that every official appointed by the President of the United States, the responsible head of this great Government, may turn out to be a scoundrel. Public administration in a democratic society simply cannot operate on any such basis. In our democracy, government functions under law. Our system presupposes responsibility under law in the selection of officials and in their administration of their duties, and its assumes—I believe it must assume—public trust and confidence in these officials, once they have been selected and duly appointed.

There are already in the Constitution and in the statutes adequate remedies available in that almost insignificant number of cases in which high public officials prove faithless to the trust and responsibility that has been imposed in them, or in which they prove to be incapable of discharging their duties. They may be removed by the Chief Executive, by whom they were appointed, and to whom they are administratively responsible. Their conduct of their office may be made the subject of investigation by a committee of the Congress, or in other instances, where the rights of private individuals or organizations are involved, resort may be had to the courts. I see no justification for hampering our efforts at executive reorganization because of the remote possibility of abuses for which suitable remedies are already clearly provided by law.

This type of arguments seems to me to be particularly lacking in merit, as related to Reorganization Plan No. 5. In this connection, it is claimed that the Patent Office should have been exempted because, while the present Secretary of Commerce is all right, some future Secretary might not be. Fear is expressed that the Commissioner of Patents might be subjected to pressure by a politically selected Secretary of Commerce, but may I remind you that there are no qualifications of any sort established by law for either of these positions. Both officials are selected by, are responsible to, and are removable by the President of the United States. What reasonable basis there may be for having a greater confidence in the one than in the other, or for distrusting the one more than the other, I am completely at a loss to understand.

According to information furnished to the Committee on Expenditures and included in its Report on Reorganization Plan No. 5 (H. Rept. No. 1976), there are eight bureaus and offices, including the Patent Office, whose powers and duties, now vested by law in the Bureau

Chief, would be transferred to the Secretary of Commerce. These are:

Weather Bureau.

Civil Aeronautics Adminstration.

Bureau of the Census.

National Bureau of Standards.

Bureau of Foreign and Domestic Commerce.

Coast and Geodetic Survey.

Patent Office.

Bureau of Public Roads.

Why the Secretary of Commerce would be any more likely to exert political pressure on the Patent Office, or why the effect of such pressure would be more disastrous in that office than in any one of these other agencies, I am likewise at a loss to understand. An example of another pressure group defending their own pet bureau—unwilling, and so forth.

Secretary of Commerce Sawyer has publicly stated that, if this plan No. 5 goes into effect, he will immediately delegate his duties with regard to the Patent Office to the Commissioner of Patents so that there will, in fact, be no disturbance of existing operating arrangements. In view of this assurance by the Secretary, and of the fact that by force of circumstances, any succeeding Secretary would in all probability do the same, I see no reason for alarm regarding the effect of the operation of this plan.

Sections 3 and 4 of Reorganization Plan No. 5 are uniform with similar provisions in other plans, and seem to have caused no controversy. Section 3 provides, in accordance with the recommendations of the Commission on Organization, for the establishment of a new Administrative Assistant Secretary of Commerce who shall perform such duties as the Secretary of Commerce shall prescribe. Section 4 provides for such incidental transfers as may be deemed necessary in order to carry out the provisions of this reorganization plan.

I have tried to make clear the purpose and effect of Reorganization Plan No. 5, and to consider such objections to it as have come to my attention. These objections do not seem to me to be valid, or in harmony with the purposes and objectives of the movement for executive reorganization. We, as Members of the Eighty-first Congress, passed last year the Reorganization Act of 1949, authorizing the President to prepare and submit to us, specific plans for the improvement of the organization of the executive departments and agencies. We made this authorization because, on the basis of past experience, this appeared to be a likely means of securing effective action in the field of reorganization.

Acting under the provisions of that law, in complete good faith, the President has now sent up more than 30 reorganization plans since that act was passed. He is doing his part, and I trust we will continue to do ours. We will not be doing our part if we accede to every plea of every pressure group that dislikes some particular provision in a reorganization plan, nor will we get an effective reorganization by that method. As President Robert L. Johnson, of the citizens' committee said in an address a few days ago:

> Reorganization can be nibbled to death by its friends as easily as it can be bludgeoned to death by its enemies.

Mr. DAWSON. Mr. Chairman, I ask unanimous consent that all Members have permission to extend their remarks on House Resolution 522 and House Resolution 546, Reorganization Plans Nos. 6 and 5, respectively.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOLLING. Mr. Chairman, I am in favor of the President's Reorganization Plan No. 5, and will vote against House Resolution 546, which, if passed, would defeat this plan and further delay the reorganization of the executive establishment.

Mr. WAGNER. Mr. Chairman, in their report on general management of the executive branch, the Committee on Organization of the Executive Branch, after a thorough and objective review of operations of the executive branch, made the following observations which, in my opinion, are directly pertinent to plan No. 5:

> The President and, under him, his chief lieutenants, the department heads, must be held responsible and accountable to the people and the Congress for the conduct of the executive branch.
>
> Responsibility and accountability are impossible without authority—the power to direct. The exercise of authority is impossible without a clear line of command from the top to the bottom, and a return line of responsibility and accountability from the bottom to the top.
>
> Any systematic effort to improve the organization and administration of the Government, therefore, must: * * * (2) Establish a clear line of control from the President to these department and agency heads and from them to their subordinates with correlative responsibility from these officials to the President, cutting through the barriers which have in many cases made bureaus and agencies partially independent of the Chief Executive.
>
> (c) The line of authority from departmental heads through subordinates is often abridged by independent authorities granted to bureau or division heads, sometimes through congressional act or stipulations in appropriations. Department heads, in many instances, do not have authority commensurate with their responsibilities. Such bureau autonomy undermines the authority of both the President and the department head. There is, therefore, a lack of departmental integration in performing the department's major mission.

And in recommendation No. 18:

> Each department head should receive from the Congress administrative authority to organize his department and to place him in control of its administration. * * * Each department head should determine the organization and be free to amend it.

In the report on the Department of Commerce, the Commission restated its position as follows:

> We have urged in our first report that the foundation of good departmental administration is that the Secretary shall have authority from the Congress to organize and control his organization and that separate authority to subordinates be eliminated.

The Honorable Charles Sawyer, Secretary of Commerce, in a statement before the Committee on Expenditures in the Executive Departments of the House of Representatives, stated:

> There is little that I can add to the words of this distinguished Commission except to say that my experience, both in business and as Secretary of Commerce, leads me to give my full support to the Commission's findings and recommendations on this subject. Reorganization Plan No. 5 is entirely consistent with these recommendations. Based upon my experience, it is difficult for me to believe that any business concern would give to subordinate officials authorities independent of the responsible head of the firm. Likewise, I do not believe that any business concern would be inclined to freeze organizational arrangements so as to make it impossible to adjust to changing conditions and new circumstances. There is no doubt in my mind that plan No. 5 is sound in theory and in practice. Only the most compelling evidence should be permitted to dilute or obstruct this plan. In my judgment, such evidence has not yet been presented.

The CHAIRMAN. Are there further requests for time? [After a pause.] The Chair hears none. The Clerk will read the resolution.

The Clerk read as follows:

> *Resolved*, That the House of Representatives does not favor the Reorganization Plan No. 5 transmitted to Congress by the President on May 13, 1950.

Mr. DAWSON. Mr. Chairman, I move that the Commttiee do now rise and report the resolution (H. Res. 546) disapproving Reorganization Plan No. 5, back to the House with the recommendation that it be not agreed to.

The motion was agreed to.

Accordingly the Committee rose; and Mr. PRIEST having assumed the chair as Speaker pro tempore, Mr. GARY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 546) disapproving Reorganization Plan No. 5, had directed him to report the same back to the House with the recommendation that it be not agreed to.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution not having received the affirmative vote of a majority of the authorized membership of the House, the resolution is not agreed to.

So the resolution was rejected.

FEDERAL AID HIGHWAY ACT OF 1950

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565, and ask for its immediate consideration.

The Clerk read as follows:

> *Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7941) to amend and supplement the Federal-Aid Road Act, ap-

proved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes, and all points of order against said bill are hereby waived. That after general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COX. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. WADSWORTH] and at this time I yield myself 1 minute.

Mr. Speaker, this resolution provides for the consideration of the bill H. R. 7941, which is a highway bill. This is an important bill, but it is one in which there is unanimity of opinion on both sides of the aisle. It simply provides for an authorization of appropriation to carry on a road-building program which has been in effect for some years.

Mr. WADSWORTH. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, the gentleman from Georgia has already described the rule which is now before the House and the effect of its adoption in bringing up for consideration the bill H. R. 7941. It is not my intention to take up the time of the House at this moment except to say that, speaking personally, I have grave doubts as to the wisdom of committing the United States Government to such large expenditures in the future.

Mr. COX. Mr. Speaker, this bill is an important bill and does provide for an appropriation of an enormous sum of money, but it is an amount which probably is necessary for the carrying on of a program that has been outlined and it is for something we have been carrying on a long time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

(Mr. WHITTINGTON asked and was given permission to revise and extend the remarks he expects to make in Committee of the Whole on the bill H. R. 7941 and to include certain tables and other matter.)

Mr. WHITTINGTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7491) to amend and supplement the Federal Aid Road Act, approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

Mr. HOFFMAN of Michigan. Mr. Speaker, if the gentleman will yield, are you going to vote on this bill tonight?

Mr. WHITTINGTON. There are 2 hours of general debate. As far as I am concerned, I am going to go along until the gentleman and the other leaders ask me to stop work for today. Personally I trust we may finish general debate, read the first section, and that the Committee will then rise.

Mr. HOFFMAN of Michigan. Some of the Members of the House want an opportunity to vote on the bill. We would like to know if it is to be taken up tomorrow or disposed of tonight.

Mr. WHITTINGTON. I have answered the gentleman as best I can. I am not trying to dodge or equivocate. There are 2 hours of general debate on the bill. I would assume that if we finish the general debate the House would like to complete the bill this evening, but I cannot make any positive statement to that effect at this time.

Mr. HOFFMAN of Michigan. May I inquire of the leadership whether the bill is to be voted on tonight?

Mr. WHITTINGTON. I do not see the gentleman from Massachusetts [Mr. MARTIN] or the gentleman from Massachusetts [Mr. MCCORMACK] on the floor at the moment, but I will endeavor to find out and inform the gentleman as soon as I can locate them, and ascertain their wishes.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present, but I withhold it until we find out if the bill will be voted on tonight.

The SPEAKER pro tempore. The Chair will count.

Mr. HOFFMAN of Michigan. Mr. Speaker, I withdraw my point of order for the present. I want a roll call on the bill, though, when the vote comes up.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 7941, with Mr. KARSTEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WHITTINGTON. Mr. Chairman, I yield myself 25 minutes.

Mr. Chairman, a country without roads is a country which has never developed. Highways and progress have always gone hand in hand. Civilizations have advanced as highways have been constructed. The early roads of the United States were the roads of hope. They led the pioneers to new lands. They were the means of opening up new lands and extending civilization. In response to the need for transportation in the first 40 years of the Republic, Congress appropriated funds for a number of road projects. Thomas Jefferson early recognized the importance of roads. He stated that it was much more rational to spend public money for roads than for waging war. George Washington in 1785 in a letter to Patrick Henry said that the convenience of the country required that roads leading from one public place to another should be straightened and established by law. Appropriations were made for the Cumberland or National Road, and for roads for military and mail purposes. Travel was by coach, by canal, and by boat. The steamboat supplemented the stagecoach. With the advent of the railroads prior to the War Between the States, and with the expansion of railroads following that war, appropriations for Federal roads were discontinued. The stagecoach was supplanted by the passenger coach. The steamboat was supplanted by the passenger train. River traffic largely disappeared with the beginning of the twentieth century.

ONE HUNDRED YEARS

For almost 100 years there were no Federal appropriations for road construction. The roads were built and maintained by the States and counties, and the streets were constructed by the municipalities.

THE AUTOMOBILE

With the advent of the automobile in the beginning of the twentieth century better roads become imperative. Appropriations for experiments were made by Congress, and in 1912 Congress made a modest appropriation to construct a few roads as an example for State and local road building. Federal appropriations for roads, which were only small for about 40 years and then disappeared for almost 100 years, became a necessity when the motor vehicle was perfected. As Herbert Spencer said: "Progress, therefore, is not an accident, but a necessity." Good roads became imperative. They are responsible for the development of the motor vehicle and for the industrial and agricultural progress of the country. The growth and development of the United States today depends on adequate roads and streets.

FEDERAL AID ROAD ACT OF 1916

The Federal Aid Road Act of 1916 was the beginning of the present system of Federal aid. It was amended and perfected in 1921. It made provision for Federal aid for primary roads. Construction costs were on a 50–50 basis. Authorizations have been passed for 2-year periods since.

EXPANSION

In 1934 and in 1936 the policy of Federal aid was expanded and extended to embrace secondary roads. Railway grade crossings were eliminated. As the production of motor cars increased, highway construction increased. It was stepped up in the 1930's and particularly during the depression of that decade. During World War II, except in aid of the war effort in the construction of defense highways and access highways, highway construction was materially reduced and in many cases highway construction was delayed.

FEDERAL AID HIGHWAY ACTS OF 1944 AND 1948

Before the end of hostilities in 1944 Congress made provision for the continued expansion of Federal aid for highways. The act of 1944 provided for continued aid to primary roads and it extended and largely increased aid for secondary roads. It provided for aid for urban areas. It provided for the continued elimination of railway grade crossings. For the first and only time

authorizations were provided in the act of 1944 for each of the 3 years. On account of the increased cost of construction and the scarcity of material, construction was delayed. The act was amended to extend the time in which States could match Federal funds. The 1944 act provided for annual appropriations of $500,000,000 for each of the 3 years and also provided for an interstate system of approximately 40,000 miles primarily on Federal and State highways connecting all of the States of the Union.

The act of 1948 continued provisions of the act of 1944 and authorized appropriations of $450,000,000 for each of the two fiscal years, 1950 and 1951.

THE PENDING BILL

The Federal Aid Highway Act of 1950 now under consideration continues the main provisions of the acts of 1944 and 1948 and authorizes $500,000,000 for primary, secondary, and urban roads for each of the fiscal years 1952 and 1953. Comprehensive hearings were conducted and are available to the membership. The bill was unanimously reported by the Committee on Public Works. The report on the bill is full and complete and contains a detailed description of the bill section by section with the approximate apportionment among the States pursuant to the provisions of the bill.

TWO YEARS

Existing authorizations expire with the fiscal year 1951, and the bill, as stated, is for authorizations for the next two fiscal years in accordance with the policy that has obtained for more than 25 years of making authorizations every 2 years. Among other reasons for the passage of the pending bill is the fact that the legislatures of some 44 States of the Union convene in 1951 when provisions are made for matching Federal aid funds. The bill should be passed during the present session so that all of the States may be advised as to the program for the fiscal years 1952 and 1953, as the State legislatures must make provision for matching the Federal funds. The President in his budget message recommended $500,000,000 Federal aid for each of the said 2 years.

GENERAL PROVISIONS

As was the case with the 1944 and 1948 acts, 45 percent of the $500,000,000 annual authorization is for primary roads; 30 percent for secondary, feeder, or farm-to-market roads; and 25 percent for urban areas. All of the reasons for passing the acts of 1944 and 1948 apply with equal force for continuing and enlarging the highway program as provided in the pending bill. There is additional support for the authorization particularly on account of the phenomenal increase in the number of motor vehicles registered throughout all of the States. For 1949 the number of motor vehicles registered reached an all-time record of 44,350,000. The terms and provisions of the acts of 1944 and 1948 generally apply to the pending bill.

In addition to the $500,000,000 the bill authorizes an additional sum of $70,000,000 for each of said fiscal years for expenditure on the national system of interstate highways located on parts of the Federal aid highways designated in accordance with provisions of section 7 of the 1944 act. The bill also provides that any States that issue bonds for toll-free facilities to accelerate the improvements on the national system of interstate highways may apply for the funds apportioned to the States not to exceed the amounts apportioned to the States. The interstate system is in aid of national defense. The general public will benefit. Wider and better roads must be constructed.

There is a constructive provision in the bill that instead of penalizing the entire State for the failure of a county or other local subdivision to maintain the roads constructed with the Federal aid funds, the penalty will be confined only to the county or other legal subdivision.

The costs of rights-of-way especially in the urban areas and in the large centers of population have materially increased. The bill provides that the Federal share on account of the costs of rights-of-way shall therefore be increased from one-third not to exceed one-half.

Floods occur in some of the States every year. Federal aid highways, roads, and bridges are damaged. From time to time authorizations have been made for emergency relief funds in the repair or reconstruction of roads that have suffered serious damages from floods, hurricanes, tidal waves, earthquakes, severe storms, and other catastrophes. For such emergency work $10,000,000 is authorized to be appropriated.

There is a section in the bill to promote safety. The Commissioner of Public Roads is authorized and directed to assist in carrying out the program of the President's Highway Safety Conference and to cooperate with the State Highway Departments to advance the cause of safety on the streets and highways with a provision that not to exceed $75,000 of the administrative funds of the Bureau of Public Roads, may be used to promote safety.

In addition to the authorizations for the Federal-aid program, the bill contains the authorizations for work in the national forests, national parks and monuments, parkways, and roads on Indian reservations in substantially the same amounts as authorized by the 1944 act.

The local interests are required to maintain all Federal-aid roads. The plans for the construction of roads, while approved by the Commissioner of Public Roads, are executed by the State Highway Departments. As provided by section 12 of the act of 1921 the Federal statute with respect to minimum wages and hours is applicable to highway construction. The forest highways, the park roads and trails, and the parkways are constructed by the Bureau of Public Roads, and all Federal laws with respect to construction including the Fair Labor Standards Act respecting hours and minimum wages, and including the Bacon-Davis act with respect to the prevailing wages are applicable to the Bureau of Public Roads. The Forest Service constructs the roads and trails in the national forests and the Department of the Interior constructs the Indian roads.

CONTRACT OBLIGATIONS

The bill continues the authority for contract obligations that have obtained in all previous authorizations. Such authority is essential and was first provided in order to prevent the accumulation of appropriations in the Federal Treasury. It has obtained as I recall ever since the Budgeting and Accounting Act was passed during the Harding administration. Such authority is essential to the sound administration of the program and prevents appropriations from being made until the funds are required for payment.

MATCHING

The States are required to match the funds generally on a 50–50 basis but in the public lands States because of the ownership of lands in those States by the Federal Government and because of nontaxable Indian lands as provided in the Federal Aid Highway Acts including section 11 of the act of 1921, section 4 of the act of 1925, and section 5 (a) of the act of 1944 for years, the Federal contribution is in excess of 50 percent.

Under leave to extend, I include the following percentage of Federal and State cost of Federal aid highway projects prepared by the Bureau of Public Roads:

Percentage of Federal and State cost of Federal-aid highway projects

State	Federal share	State share
Alabama	50.0	50.0
Arizona	71.66	28.34
Arkansas	50.0	50.0
California	58.33	41.67
Colorado	56.66	43.34
Connecticut	50.0	50.0
Delaware	50.0	50.0
Florida	50.0	50.0
Georgia	50.0	50.0
Idaho	62.59	37.41
Illinois	50.0	50.0
Indiana	50.0	50.0
Iowa	50.0	50.0
Kansas	50.0	50.0
Kentucky	50.0	50.0
Louisiana	50.0	50.0
Maine	50.0	50.0
Maryland	50.0	50.0
Massachusetts	50.0	50.0
Michigan	50.0	50.0
Minnesota	50.0	50.0
Mississippi	50.0	50.0
Missouri	50.0	50.0
Montana	57.06	42.94
Nebraska	50.0	50.0
Nevada	82.69	17.31
New Hampshire	50.0	50.0
New Jersey	50.0	50.0
New Mexico	63.80	36.20
New York	50.0	50.0
North Carolina	50.0	50.0
North Dakota	50.0	50.0
Ohio	50.0	50.0
Oklahoma	52.78	47.22
Oregon	62.04	37.96
Pennsylvania	50.0	50.0
Rhode Island	50.0	50.0
South Carolina	50.0	50.0
South Dakota	56.17	43.83
Tennessee	50.0	50.0
Texas	50.0	50.0
Utah	73.76	26.24
Vermont	50.0	50.0
Virginia	50.0	50.0
Washington	53.68	46.32
West Virginia	50.0	50.0
Wisconsin	50.0	50.0
Wyoming	64.98	35.02
District of Columbia	50.0	50.0
Hawaii	50.0	50.0

Also under leave to extend, I include the following apportionment of Federal aid highway funds to the States under the provisions of the bill for roads on the interstate system, for primary, secondary, and urban roads, to wit:

Approximate apportionment of Federal-aid highway funds, pursuant to H. R. 7941 [1]

State	Interstate system ($70,000,000)	Primary ($225,000,000)	Secondary ($150,000,000)	Urban ($125,000,000)	Subtotal—primary, secondary, and urban ($500,000,000)	Total ($570,000,000)
Alabama	$1,246,000	$4,605,000	$3,620,000	$1,160,000	$9,385,000	$10,631,000
Arizona	505,000	3,291,000	2,305,000	338,000	5,934,000	6,439,000
Arkansas	838,000	3,711,000	2,958,000	486,000	7,155,000	7,993,000
California	4,551,000	10,273,000	5,734,000	10,830,000	26,837,000	31,388,000
Colorado	519,000	3,948,000	2,661,000	872,000	7,481,000	8,000,000
Connecticut	862,000	1,421,000	784,000	2,660,000	4,865,000	5,727,000
Delaware	505,000	1,083,000	722,000	205,000	2,010,000	2,515,000
Florida	1,064,000	3,392,000	2,284,000	1,816,000	7,492,000	8,556,000
Georgia	1,364,000	5,419,000	4,117,000	1,433,000	10,969,000	12,333,000
Idaho	505,000	2,746,000	1,924,000	206,000	4,876,000	5,381,000
Illinois	3,605,000	8,442,000	4,587,000	8,788,000	21,817,000	25,422,000
Indiana	1,704,000	5,325,000	3,587,000	3,084,000	11,996,000	13,700,000
Iowa	1,128,000	5,354,000	3,826,000	1,432,000	10,612,000	11,740,000
Kansas	831,000	5,466,000	3,843,000	1,034,000	10,343,000	11,174,000
Kentucky	1,235,000	4,040,000	3,247,000	1,141,000	8,428,000	9,663,000
Louisiana	1,122,000	3,372,000	2,531,000	1,472,000	7,375,000	8,497,000
Maine	505,000	1,886,000	1,360,000	520,000	3,766,000	4,271,000
Maryland	928,000	1,872,000	1,204,000	1,846,000	4,922,000	5,850,000
Massachusetts	2,011,000	2,832,000	772,000	6,234,000	9,838,000	11,849,000
Michigan	2,711,000	6,925,000	4,191,000	5,931,000	17,047,000	19,758,000
Minnesota	1,271,000	5,856,000	4,042,000	2,031,000	11,929,000	13,200,000
Mississippi	909,000	3,923,000	3,175,000	505,000	7,603,000	8,512,000
Missouri	1,679,000	6,408,000	4,399,000	2,829,000	13,636,000	15,315,000
Montana	505,000	4,450,000	3,029,000	247,000	7,726,000	8,231,000
Nebraska	549,000	4,289,000	3,015,000	660,000	7,964,000	8,513,000
Nevada	505,000	2,871,000	1,931,000	83,000	4,885,000	5,390,000
New Hampshire	505,000	1,083,000	722,000	454,000	2,259,000	2,764,000
New Jersey	2,080,000	2,919,000	1,061,000	5,593,000	9,565,000	11,645,000
New Mexico	505,000	3,585,000	2,483,000	246,000	6,314,000	6,819,000
New York	6,141,000	10,295,000	4,134,000	17,314,000	31,743,000	37,884,000
North Carolina	1,649,000	5,339,000	4,370,000	1,394,000	11,103,000	12,752,000
North Dakota	505,000	3,220,000	2,298,000	175,000	5,693,000	6,198,000
Ohio	3,409,000	7,797,000	4,605,000	7,531,000	19,933,000	23,342,000
Oklahoma	982,000	4,831,000	3,529,000	1,147,000	9,507,000	10,489,000
Oregon	741,000	3,932,000	2,714,000	1,115,000	7,761,000	8,502,000
Pennsylvania	4,537,000	8,797,000	5,096,000	9,755,000	23,648,000	28,185,000
Rhode Island	505,000	1,083,000	722,000	1,011,000	2,816,000	3,321,000
South Carolina	854,000	2,955,000	2,429,000	595,000	5,979,000	6,833,000
South Dakota	505,000	3,419,000	2,424,000	194,000	6,037,000	6,542,000
Tennessee	1,380,000	4,717,000	3,638,000	1,526,000	9,881,000	11,261,000
Texas	3,214,000	14,227,000	10,074,000	4,527,000	28,828,000	32,042,000
Utah	505,000	2,545,000	1,698,000	465,000	4,708,000	5,213,000
Vermont	505,000	1,083,000	722,000	188,000	1,993,000	2,498,000
Virginia	1,324,000	4,115,000	3,215,000	1,492,000	8,822,000	10,146,000
Washington	1,102,000	3,783,000	2,582,000	1,885,000	8,250,000	9,352,000
West Virginia	828,000	2,360,000	1,970,000	712,000	5,042,000	5,870,000
Wisconsin	1,432,000	5,236,000	3,559,000	2,451,000	11,246,000	12,678,000
Wyoming	505,000	2,746,000	1,865,000	130,000	4,741,000	5,246,000
Hawaii	----------	1,083,000	722,000	428,000	2,233,000	2,233,000
District of Columbia	505,000	1,083,000	722,000	1,299,000	3,104,000	3,609,000
Puerto Rico	----------	1,137,000	1,173,000	843,000	3,153,000	3,153,000

[1] The population factors used in computing these apportionments were based on 1949 Census Bureau estimates of total population (1948 estimates for Hawaii and Puerto Rico), and on 1940 ratios of rural and urban population to total population. The area factor used was based on 1940 census data and the factor for mileage of rural delivery and star routes was based on 1949 data. The apportionments are subject to revision upon availability of 1950 data for population, area, and mileage of rural delivery and star routes.

ANALYSIS OF THE BILL, SECTION BY SECTION

I shall now undertake to explain the bill, section by section.

AUTHORIZATION OF APPROPRIATIONS

Section 1, as I have already stated, authorizes the appropriation of $500,000,000 for each of the fiscal years 1952 and 1953, and divides the amount 45 percent or $225,000,000 for primary roads, 30 percent or $150,000,000 for secondary roads, and 25 percent or $125,000,000 on the Federal-aid highway system in urban areas. The section provides that said sums shall be apportioned among the States in the manner now provided by law. There is a modification that will enable the latest available Federal census to be used instead of the census of 1940. This will enable the latest available population figures to be used in apportioning both secondary and urban funds.

ADDITIONAL AUTHORIZATION FOR INTERSTATE HIGHWAYS

Section 2 (a) of the bill authorizes an additional sum of $70,000,000 for each of the said two fiscal years to expedite construction on the national system of interstate highways. If the State uses Federal-aid funds on said national system of interstate highways, it would be possible to increase the Federal share above the 50 percent pro rata by as much as one-half of the State's 50 percent, assuming the State contributed 50 percent of the cost of the roads. It will be remembered that under the Defense Highway Act of November 11, 1941, the Federal share under that act was 75 percent of the costs. It will also be remembered that during the war access highways were constructed at the sole expense of the Federal Government. The interregional highway system is in the aid of national defense. It is proper, therefore, to increase the Federal contribution.

Section 2 (b) provides for accelerating the improvement of the interstate system by issuing bonds and applying for the State apportionment within authorizations for the payment of said bonds. No payment, however, is authorized except from the State's apportionment, and there is no commitment nor obligation on the part of the United States to provide such funds.

AVAILABILITY

I have already inserted a table which shows the approximate amount of the funds which each State will receive of the amounts authorized by sections 1 and 2 of the bill based upon the 1940 Federal census. Under sections 1 and 2 the States have 2 years in which to match the funds apportioned to them. There is a provision that sums shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Commissioner of Public Roads. Any money not expended within the period provided by the law would lapse. These provisions are identical with those respecting the period of availability of the funds authorized by the Federal Aid Highway Act of 1948.

FOREST HIGHWAYS AND FOREST DEVELOPMENT ROADS AND TRAILS

Section 3 of the bill authorizes an appropriation of $20,000,000 for forest highways for each of the fiscal years 1952 and 1953. This is the same amount that was authorized in the Federal Aid Highway Act of 1948, but is $5,000,000 less than was authorized by the Federal Aid Highway Act of 1944. It also authorizes $17,500,000 for forest development roads and trails, which is the identical amount carried in the Federal Aid Highway Act of 1948. There is the omission of a limitation that will provide slightly more funds than are needed for the construction of forest roads in Alaska. The forest highways are constructed by the Commissioner of Public Roads, and the forest roads and trails are constructed by the Forest Service.

PARK ROADS AND TRAILS

Section 4 (a) provides for an authorization of $10,000,000 for each of the two fiscal years for roads, trails, and bridges in national parks and monuments and approach roads thereto. These are the same amounts authorized in the Federal Aid Highway Act of 1948. The construction is done by the Commissioner of Public Roads. There are provisions for maintenance and limitation on the amounts that may be used in the construction of minor roads.

PARKWAYS

Section 4 (b) authorizes $13,000,000 for each of the two fiscal years for the construction and maintenance of parkways to give access to the national parks and monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States. This is $3,000,000 more than was authorized in 1944 and 1948. This increase is due to the fact that new parkways have been acquired or added to the parkway system of the United States since 1948. It is provided that not more than $500,000 shall be used for the maintenance of parkway roads and not more than $400,000 shall be used for the construction of minor roads and trails.

INDIAN LANDS

Section 4 (c) authorizes $6,000,000 for each of the two fiscal years for the construction, improvement, and maintenance of roads and bridges within Indian reservations and provides access to Indian reservations and Indian lands, which is the same amount that was authorized in the acts of 1944 and 1948.

PREVIOUS PROVISIONS

Section 5 provides that all provisions of the acts of 1944 and 1948 not inconsistent with the provisions of the bill shall remain in full force and effect.

MAINTENANCE

Section 6 amends section 14 of the Federal Aid Highway Act of 1921 so as to penalize the agency that is responsible for the maintenance of the Federal-aid road. The whole State will not be penalized in case a county or municipality fails to maintain a road. The penalty will be limited to the county or municipality.

RIGHTS-OF-WAY

Section 7 provides for an increase in the Federal share of the cost of rights-of-way from one-third to one-half. The evidence presented to the committee showed that in addition to the simplification in handling Federal aid, such provision is necessary in view of the increased costs of rights-of-way, especially in urban areas.

COOPERATION WITH STATE HIGHWAY DEPARTMENTS WITHIN NATIONAL PARKS

Section 8 is a new provision. It amends the existing law so as to authorize the Secretary of Commerce in which Department the Bureau of Public Roads is located to cooperate with the State highway departments and with the Department of the Interior in construction of the public highways within national parks and monuments and to pay all or any part of the cost thereof from funds apportioned to the States in the same manner as has been authorized in Indian reservations since the Federal Aid Highway Act of 1921.

EMERGENCIES

Section 9 authorizes the use of not to exceed $10,000,000 of any money heretofore or hereafter appropriated for emergency repairs, restoration, and reconstruction of Federal-aid highways damaged by floods, storms, or other catastrophes. Similar legislation was previously made in the acts of 1934, 1938, and 1943.

SAFETY

Section 10 authorizes the expenditure of not to exceed $75,000 by the Commissioner of Public Roads out of administrative funds to promote safety.

DELEGATION OF AUTHORITY

Section 11 authorizes the Secretary of Commerce to delegate to the Commissioner of Public Roads any authority vested in him under the provisions of the bill. The Bureau of Public Roads was formerly under the Department of Agriculture, then under the Administrator of Public Works, and then it was in the Federal Works Agency. More recently it was in the General Services Administration, and now it has been transferred to the Department of Commerce.

Sections 12, 13, and 14 are self-explanatory.

INCREASED COSTS

There has been an increase in the costs of construction from 1940 to 1949, of approximately 123½ percent. The increase since 1945 has been 48 percent, but little construction was done during and following the war. Generally the cost of construction today is double the prewar costs. For the last 2 or 3 years the average cost of highways per mile in Mississippi where I live is approximately $56,000, or to be exact, $55,700 per mile for 26.5 miles, while the average cost per mile throughout the United States is $86,200, or to be exact, for 22- or 24-foot concrete that is the average cost at 3,000 miles. An authorization of $500,000,000 is thus the equivalent of a prewar authorization of $250,000,000.

SELF-LIQUIDATION

For the fiscal year 1949 the Government collected $1,326,054,091 in highway-user taxes, of which $503,648,471 were derived from 1½-cent Federal gasoline tax. The policy of Federal aid for highways is self-liquidating.

TOTAL AUTHORIZATION

The total authorization including Federal aid for highways in the sum of $500,000,000 and including the aggregate of the authorizations for interregional national forests, national parks and monuments, parkways, and roads on Indian reservations of $136,000,000, totals the sum of $636,000,000.

THE FEDERAL-AID HIGHWAY SYSTEM

There are in the United States 3,300,000 miles of highways, roads, and streets. In the rural areas there are 3,000,000 miles, and over 300,000 miles are in the urban areas. Federal aid is being extended to 636,037 miles of roads today. The primary system in rural areas contains 219,588 miles. The secondary system is 398,488 miles. Urban roads total 18,000 miles. The interstate highway system is included in the primary and urban roads. It embraces 37,800 miles.

In the State system there are 349,929 miles. The city streets contain 316,537 miles. In addition there are 72,000 miles of roads under Government control in the national parks, forests, and reservations.

OBSOLESCENCE

The average life of a Federal-aid road is 30 years. Obsolescence is multiplying. Twelve thousand miles of primary roads must be reconstructed annually, and 30,000 miles of secondary roads must be reconstructed annually. Roads are wearing out.

REGISTRATIONS

There has been an increase of 35 percent in the estimated registrations of automobiles, busses, and trucks since 1940, and today they aggregate 44,350,000 miles. There has been an increase of more than 38 percent in the vehicle miles of traffic since 1940.

LOADS AND SIZES

The average load carried by trucks in 1948 was 38 percent higher than in 1941 and 73 percent higher than in 1936. Not only are the loads larger, but many of the trucks resemble boxcars and many of the trailers look like pullmans. Roads are being destroyed and lives are being lost on the highways. More roads and better roads are essential. Safety is most important.

NEW CONSTRUCTION

There were 20,000 miles of new construction in highways in 1948 but the production in that year of automobiles, busses, and trucks placed bumper to bumper aggregated 20,000 miles.

RURAL AND URBAN AREAS

One-half of the traffic is in the rural areas, and one-half in the urban areas. More and better streets, as well as more and better roads, are needed.

DIVERSION

The Federal-Aid Highway Act of 1934, known as the Hayden-Cartwright Act, penalized States for diverting gasoline taxes. That provision is permanent law. The inhibition against diversion as stipulated in said act remains.

There is a growing sentiment against diversion. The committee was advised that 21 States have amended their constitutions so as to prohibit the diversion of road-user taxes.

INCREASES OF STATE GASOLINE TAXES

As I recall, in the past 2 or 3 years some 20 of the States, as disclosed by the hearings, have increased the State gasoline taxes for road purposes. The highest State gasoline tax is in Louisiana. The tax is 9 cents per gallon, as I recall. Kentucky has an 8-cent tax. A number of other States have a tax of 7 cents a gallon. In a number of the larger States the rate is 3 cents a gallon. Generally the rate ranges from 3 to 9 cents a gallon in the States.

While there has been a tendency to increase the taxes, diversion is becoming less frequent.

THROUGH ROADS

A number of States like New York and New Jersey are expending hundreds of millions of dollars in constructing throughways, and other States like Pennsylvania and Ohio are spending large amounts in extending the Pennsylvania Turnpike. There is acute need for divided four-line highways, especially in the urban areas and within 10 miles of all large cities. Express highways are also being constructed in many parts of the country. The need for highways of all types was never greater.

THE PACE

While Federal aid contributes to the construction of approximately 15 percent of all highways, roads, and streets annually, it sets the pace for all road and street construction. Improvements are being made as a result of the experiments carried on in the laboratory of the Bureau of Public Roads. Foundations are being stabilized. Soil studies are contributing to a better type of road. The experiments are resulting in more economical local roads. The Bureau of Public Roads is leading in better road construction.

THE FUTURE

There is a $250,000,000,000 economy in the United States today. Production is not only essential in the economy of the United States but in the progress of the

Nation. The Federal Government is profoundly interested in highway construction. Employment is provided for millions. For the expanding population and for the progress of the Nation, production must be increased, and production without transportation is impossible.

The Federal-Aid Highway Act of 1950 will not only set the pace for the highway needs of the present but will provide for the highway needs of the future. The policy of Federal aid has been tried. It has been tested. It should be continued and expanded to provide for the multiplying needs of a $250,000,000,000 national economy and for a population of 152,000,000.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. STEFAN. Mr. Chairman, I wish to take this opportunity to commend the gentleman from Mississippi [Mr. WHITTINGTON] for his most unusual report on this very important Federal aid highway authorization bill. His wide knowledge of all highway matters is well known to all of us who serve on the committee on roads of the House.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I yield myself six additional minutes.

Mr. STEFAN. I wish the gentleman would be so kind as to turn to page 3 of the bill which he so completely explained. There are two questions I would like to propound of the gentleman. I have reference to this new feature for interregional highways which the gentleman indicates will take in about 40,000 miles of existing primary roads. Does that refer to the table on page 5 of the report headed "Interstate system—$70,000,000"?

Mr. WHITTINGTON. It does.

Mr. STEFAN. And indicates that the State of Nebraska will receive under that $549,000?

Mr. WHITTINGTON. That is right.

Mr. STEFAN. That is the new feature. This would be matched the same as the other money, 50 percent by the State and 50 percent by the Federal Government?

Mr. WHITTINGTON. Yes. The gentleman understands the $70,000,000 is not going to build 40,000 miles of interregional highways. Those highways are estimated to require something like 500 to 600 million dollars and it is further estimated it will probably take 20 years to rebuild and recondition them. This is to encourage the State to use their funds in rebuilding those interregional roads where they come through the States. The States will match and under this provision the Federal Government will allocate the additional sum that the gentleman mentioned to the State of Nebraska to supplement the matching.

Mr. STEFAN. That $549,000 will be in addition?

Mr. WHITTINGTON. Yes.

Mr. STEFAN. In addition to what they will match on the $70,000,000?

Mr. WHITTINGTON. Yes. Nebraska will be allocated $549,000 out of the $70,000,000 for each of the 2 years, in addition to the allocations to Nebraska out of the $500,000,000 authorized. Assuming the State of Nebraska matches 50–50 and the State of Nebraska applies to rebuild or to straighten out or to reconstruct an interregional section in its primary system, the State may apply to the Commission of Public Roads to increase the Federal contribution from 50 to 75 percent, so that Nebraska will only pay 25 percent, because the Nation at large will get more benefit from that interregional section than from other primary Federal-aid roads.

Mr. STEFAN. Is this $70,000,000 part of the $500,000,000?

Mr. WHITTINGTON. No. I said it was in addition. It is contained in this bill for the first time.

Mr. STEFAN. The bill authorizes $660,000,000?

Mr. WHITTINGTON. Yes. The bill, as I stated, authorizes the $500,000,000 for each of the 2 years for primary, secondary, and urban roads; and secondly, the $70,000,000 for international systems; and thirdly, the usual appropriations that are made for the forest roads, for the forest trails, for the park roads, and for the parkways, and $10,000,000 may be used for emergencies, for repairs. The aggregate of the $500,000,000, the $70,000,000, and the parks and other roads, is $660,000,000, substantially the same amount that we authorized in 1944 and again in 1948, with the said sum of $70,000,000 to supplement the Federal share, if desired, to 75 percent on those parts of the primary and urban roads that are on the interregional system, as explained in the report.

Mr. STEFAN. The gentleman has explained that very thoroughly, and I thank him very much. Now turn to page 9 of the bill, section 14, and the proviso beginning in line 14:

> *Provided*, That in any State wherein the highway department is without legal authority to maintain highways so constructed—

And so forth.

Mr. WHITTINGTON. I understand the gentleman's question.

Mr. STEFAN. Is that a new proviso?

Mr. WHITTINGTON. It is, sir. I have mentioned it.

Mr. STEFAN. I want to say to the gentleman that I am very much worried about that proviso because it penalizes counties where perhaps they cannot do any maintenance work. You know, the Federal Government does not pay the States one penny for maintenance and repairs of highways.

Mr. WHITTINGTON. I anticipate the gentleman's question. The committee went into this section very carefully. Let me say that under existing law the States and the State highway departments are required to maintain Federal-aid roads, but when there is a county road, a farm-to-market road or a secondary road, that road is located at the request of the county authorities and approved by the State highway commission and those county authorities have got to provide for the maintenance of that road. This section stipulates that if the county authorities fail in Nebraska in one county to maintain the road as they have agreed to maintain it, the whole State of Nebraska, all the other counties in the State shall not be penalized and be prevented from getting any further Federal aid until that road has been repaired.

Mr. STEFAN. I do not read it that way.

Mr. WHITTINGTON. Even so, that is the way it should have been read. That was recommended to us by the State highway departments in the United States and I think it is most constructive.

Mr. STEFAN. The language of the bill is to the effect that if it is not being properly maintained he shall call such fact to the attention of the highway department.

Mr. WHITTINGTON. I stated that. That county is to be penalized alone without penalizing the entire State.

Mr. STEFAN. The States have not been getting anything at all for maintaining or repairing their highways.

Mr. WHITTINGTON. The Federal Government helps to build them and under the Federal Aid Highway Act the Federal Government has not maintained the roads. The Federal Government aids to build them.

Mr. STEFAN. Are you penalizing them if they do not maintain them?

Mr. WHITTINGTON. We have been authorizing that ever since we had a Federal-aid program.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Ohio.

Mr. McGREGOR. Is it not true that under existing law the whole State can be penalized because of the act of a portion of a State and we have corrected that in this bill so the whole State cannot be penalized on account of one section?

Mr. WHITTINGTON. I believe that is crystal-clear to everybody.

Mr. STEFAN. Does this meet with the approval of the various State road engineers?

Mr. WHITTINGTON. Yes. It was recommended very highly by them, as were the other provisions of this bill.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. DONDERO. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we are living in an age of rapid transportation. The automobile has come in our day and generation as a means of rapid transportation. The entire Nation uses that particular method to travel from place to place, for pleasure and for business.

Fifty years ago there were about 8,000 registered cars in the United States. According to the National Commissioner, Bureau of Public Roads, today we have approximately 44,000,000 registered automobiles in the United States. By the end of 1950 it is predicted that that number will be increased to 45,000,000 cars, or about 78 percent of the automobiles of this world, one car for every 3.6 people in the United States. Great Britain has one car for 18 people, and the rest of the world one car for every 222 people. This is convincing evidence, when we consider the number of cars in this country, 78 percent of the world's

supply, of the wide distribution of the wealth of our country among the people of the Nation. It might be well for those among us who praise the ideologies of other countries, where we find but 1 car for every 222 people, to take note of the advantage and the privileges we have in America under the free enterprise system and free government in the United States.

During the World Columbian Exposition in Chicago in 1893 a motto was engraved over the doorway of the Transportation Building. It was a motto or quotation from one of Bacon's sayings. It was this:

> There be three things that make a nation great and strong; strong men, a fertile soil, and the easy conveyance of goods from place to place.

That last one includes good roads.

What Bacon said a century or two centuries ago applies with equal force today as we consider this bill, H. R. 7941, for the building of good roads in the United States. The bill is larger than the one we considered in the Eightieth Congress. I could wish that it were somewhat smaller. We could build and construct the necessary roads of our country if the bill was somewhat lower, but the amounts included in the bill have been recommended by the Public Roads Administration. Your Committee on Public Works listened to testimony for days and the consensus of opinion was that this program as outlined would best advance Federal-State highway construction at the present time.

I happen to come from the automobile capital of the world. Within the metropolitan area of Detroit, where I have the honor to represent a district, 14 different makes of automobiles are manufactured. Of course, automobiles and good roads are inseparable. You cannot have one without the other.

As has been so well stated by the able chairman of our committee, the roads of the Nation are wearing out. Travel greatly exceeds anything we have seen before. Earlier in the week when we were considering the road between Washington and Baltimore it was shown that over 32,000 vehicles traversed that road every day, an example of the immense amount of traffic that passes over our roads and highways. Naturally it wears them out. The average life of these roads runs from 20 to 30 years.

Unless this great system of roads is kept up and new roads built, quite naturally our method of transportation in time of peace and certainly in time of war will be greatly depreciated. It would soon adversely affect the business and economy of the Nation. For that reason it seems to me we must continue, as we have for many years past, to provide funds out of Federal money to assist the States in building and expanding this great network of roads.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. BROWN of Georgia. What percentage of the $500,000,000 is allocated to the secondary roads?

Mr. DONDERO. It is $150,000,000.

Mr. WHITTINGTON. That is correct, it is 30 percent of $500,000,000, or $150,000,000.

Mr. BROWN of Georgia. Then it is the same on a percentage basis as was allocated a couple of years ago?

Mr. WHITTINGTON. Yes; it is the same percentage as was allocated in the bill which the gentleman from Michigan [Mr. DONDERO] reported and which the House passed in 1948.

Mr. DONDERO. That is correct.

Mr. WHITTINGTON. If the gentleman will yield further.

Mr. DONDERO. Certainly I yield to my colleague.

Mr. WHITTINGTON. It is fair to say that the principal provisions of this bill are a repetition of the provisions of the act of 1948 as well as the act of 1944, except as we have pointed out in amendments to which both the gentleman from Michigan [Mr. DONDERO] and I have made reference in our remarks.

Mr. DONDERO. That is correct, with the one exception of $70,000,000, which is a new section, and which has already been called to the attention of the committee.

Mr. WHITTINGTON. That is correct.

Mr. ANGELL. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. ANGELL. Will the gentleman state to the committee the amount of revenue received from gasoline and oil taxes?

Mr. DONDERO. Yes; I will do that in just a moment. I have that in mind.

Mr. ANGELL. It is true, is it not, that much more money is raised by taxes on gasoline and oil than is put back into the roads?

Mr. DONDERO. Yes; far in excess.

I want to place in the RECORD the names of the automobiles manufactured either in the congressional district which I have the honor to represent, immediately adjoining, or in southeast Michigan including the Detroit area. These are the cars that are made in the automobile capital of the world: Cadillac, Buick, Oldsmobile, Pontiac, Chevrolet, Lincoln, Mercury, Ford, Chrysler, DeSoto, Dodge, Plymouth, Packard, and Hudson. There are 14 different makes.

To answer the inquiry of the gentleman from Oregon [Mr. ANGELL] as to how much money the people of the United States paid for the privilege of using the good roads and how much we pay in Federal taxes on gasoline, oil, and automobile accessories, as well as on automobiles. Last year the amount was $1,345,000,000. It is estimated that for this year the amount will be about $1,500,000,000. In this bill we are asking the Federal Government to pay back to the people of the States $636,500,000 each year for 1952 and 1953, or less than the 50 percent collected.

Mr. McSWEENEY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. McSWEENEY. Is it not true that any educational program would have to be predicated to a great extent on the ability to get our children to school over a system of roads?

Mr. DONDERO. Oh, yes. And it also includes the transporting of people, whether to the office or factory, and other places of employment. It is one of the most important things we have to consider. All men cannot live near their place of employment. In my area some of them live as far away as 25 miles from their work. They need good roads to travel back and forth between their homes and their places of employment.

The whole economy of the United States, as I mentioned a minute ago, is closely linked with good roads.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. SHORT. While good roads are essential to maintain our domestic economy in time of peace, they are almost indispensable to the winning of a modern war because wars are lost or won by transportation.

Mr. DONDERO. The gentleman is entirely correct. We found that out in the last war.

How many miles of roads do we have in the United States? There are 632,000 miles of Federal-aid highways. At the present time we have 3,200,000 miles of roads and streets, classified as follows: The Federal-aid primary system comprises 231,000 miles, the secondary system 372,761 miles; the State primary system 39,000 miles; State secondary system 143,000 miles; other State roads 16,768 miles; county roads, 1,500,000 miles; township and other local roads, 634,000 miles; local city streets, 255,000 miles.

Mr. SHORT. Mr. Chairman, will the gentleman yield again at that point.

Mr. DONDERO. I yield.

Mr. SHORT. Considering the enormous size of the United States, more than 3,000,000 square miles, certainly our mileage of good roads is far below what it should be at this time.

Mr. DONDERO. We could use many more miles of good roads in this country to properly and adequately provide transportation for that increased number of automobiles and other motor vehicles which are coming onto the market and on the roads every day.

Mr. SHORT. It certainly would reduce the number of death casualties that occur each year. I think the Members should recall that during the war our road-building program was seriously interrupted. Many of our roads were pounded to pieces, particularly in those States that had great military installations, and particularly in the States where maneuvers were held. Those of us who visited Louisiana, Texas, and other States, witnessed highways literally torn to pieces because of the heavy trucks, even tanks, heavy artillery, bulldozers, steam shovels, and every other type of modern equipment.

Mr. DONDERO. I might say that my own city of Detroit, where great military installations were located during the past war, experienced that same amount of destruction in streets and roads, because of the heavy vehicles passing over them.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. STEFAN. The gentleman indicates that this year the gasoline tax and

other taxes would amount to around $1,500,000,000?

Mr. DONDERO. That is correct.

Mr. STEFAN. That is this year?

Mr. DONDERO. This year. It was $1,345,000,000 in 1949.

Mr. STEFAN. In the calendar year 1950 it will be $1,500,000,000?

Mr. DONDERO. That is the estimate.

Mr. STEFAN. We just passed a bill in the House appropriating approximately $455,000,000 for the road program for the fiscal year 1951. This bill makes authorization for the years 1952 and 1953?

Mr. DONDERO. Yes.

Mr. STEFAN. This half billion dollars that we are appropriating from the General Treasury of the Government must be matched by an equal amount from the States, making approximately a billion dollars?

Mr. DONDERO. That is correct.

Mr. STEFAN. Will the gentleman tell the membership what is the story of the gasoline taxes today; what is the highest tax and what is the lowest?

Mr. DONDERO. I think the State of Louisiana is one of the highest States in the Union. It ranges from 3 cents to 9 cents.

Mr. WHITTINGTON. The gentleman is correct. As a matter of fact, probably 20 States have increased the gasoline taxes in the last 2 or 3 years.

Mr. STEFAN. Because they cannot raise enough revenue to match the Federal contribution?

Mr. WHITTINGTON. No, not exactly that.

Mr. STEFAN. If they do not raise this tax, can they meet the Federal contribution requirements? Are some States up against it?

Mr. WHITTINGTON. For both purposes. Generally they want additional roads. Frankly, the people of this Nation are road conscious, and they are raising the taxes on gasoline in many States.

Mr. STEFAN. That is a very important question that I raise, and I would like to have the question answered. Are there some States in the position today where they cannot meet the Federal contribution?

Mr. DONDERO. I cannot answer the question directly, but I doubt it.

No evidence was presented to our committee, that any State was not able to do it.

Mr. STEFAN. Maintenance and repair of our roads and highways is one of the greatest problems facing our country today. States cannot get Federal funds for this purpose under present laws. The States must pay this huge expense for maintenance and repairs 100 percent from their own funds. It results in some States having serious trouble in matching Federal funds for the regular road construction programs. That is one reason why some roads in some States cannot be constructed. It results in shrinking the programs in some States to expand their programs on primary and also secondary roads. There have been some suggestions that sometime in the future demands may be made upon the Federal Government to come to the aid of States in their tremendous maintenance and repair problem.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DONDERO. Mr. Chairman, I yield myself three additional minutes.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. WHITTINGTON. The information furnished the committee by the Bureau of Public Roads is that all States will be able to match the funds that have been allocated to them up to the 1st of July and that no State will be in default. The gentleman will keep in mind that each State has 2 years within which to match. If they default, that money goes back into the Treasury and is allocated to the other States.

Mr. STEFAN. Has there been some diversion of the gasoline and road tax?

Mr. WHITTINGTON. There has not been much. There was back during the depression, to provide for unemployment. Under the laws of some States, by constitutional provision, some of the gas funds have been used, but that could not be called "diversion," because it has been so from the beginning. But under the general Federal-aid road laws, including the act of 1934, a State is penalized if it diverts its gasoline taxes to other purposes.

Mr. DONDERO. Permit me to say, as an indication of the extent the roads of this country are being used, last year the testimony before our committee showed that 32,000,000 people visited our national parks and recreation centers. About one person out of every five of the entire population. I mention that to show the need for more and better highways.

It may be of some interest to know the amount and how these excise taxes are levied on automobiles, gasoline and oil, and where we get this $1,345,000,000 which was collected last year from the automobile users of this country. I have the figures before me. These are Federal taxes only.

Seven percent on automobiles and motorcars. That is 7 percent excise tax. Five percent on trucks, busses, tractors, and semitrailers. Five percent on parts and accessories. One and one-half cents a gallon on gasoline. Six cents a gallon on lubricating oils.

As chairman of the Committee on Public Works in the Eightieth Congress, I supported a Federal-aid highway bill that corresponds substantially to the authorizations of H. R. 7941. I urge the adoption of H. R. 7941, which is reported to the House by the unanimous vote of the Committee on Public Works, that our highways may keep pace with the growing motor transportation needs of our Nation.

Mr. WHITTINGTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. PATMAN].

DUTY OF FEDERAL GOVERNMENT TO MEET NEEDS OF PEOPLE WITHIN THE CONSTITUTION

Mr. PATMAN. Mr. Chairman, today it seems that every effort to have our Federal Government meet the needs of our people is branded by some people as socialistic.

Yet, those who recklessly bandy about the charge of socialism never seem to recognize the fact that the Government has certain responsibilities. They like to ignore the fact that the Constitution of the United States placed upon the Federal Government the benefit of promoting the general welfare.

They like to ignore the fact that the Congress of the United States by almost unanimous vote enacted the Murray-Patman Employment Act of 1946.

They like to forget section 2 of the Employment Act of 1946 which declares that it is the responsibility of the Federal Government to utilize all its plans, functions, and resources to promote maximum employment, production, and purchasing power.

The philosophy which guided Congress in making this historic declaration has been recited time and again by thoughtful Americans in both of our great political parties. That some thought has been expressed on many occasions by those whom the President appointed and the Senate confirmed to administer the Employment Act. To take one example from many, Leon H. Keyserling, now Chairman of the Council of Economic Advisers, wrote an article in June 1945 for a businessman's magazine located in Detroit, called Bildor. In this article, long before anyone thought there was to be a council of economic advisers, Mr. Keyserling, who is widely recognized as one of the ablest and most courageous men in Government today, said:

> A democratic and free society, in its own self-interest and self-preservation, cannot afford to let any part of its population fail to enjoy at least basic minimum standards with respect to such things as their health, their shelter, their food, and their clothing, plus protection against unemployment, accident, and old age.

He then pointed out that private business also has a responsibility, that in fact the primary task of the Government is to encourage private enterprise:

> Our system of private enterprise should be encouraged and stimulated to do as big a job as it can, but insofar as it falls short of providing these basic securities, the people should act through the medium of their Government in striving for the balance.

The same article provided an affirmative answer to the phony charges of socialism which at that time were being uttered by the devotees of Hayek's The Road to Serfdom. Let me quote from the same article:

> The practical application of this philosophy will place private enterprise on a basis of more stable and flourishing prosperity than ever before, and will consequently offer the prospect of a tapering off of the volume and scope of governmental activity. Conversely, the rejection of this philosophy, by confusing freedom with license or irresponsibility, and by confusing security with socialism, can lead only to bitter internal divisions, economic breakdown, and a vast increase in governmental activity.
>
> This economic policy seems to present to us, in modern dress, the same central problem of our democracy which Lincoln had in mind when he talked about a government strong enough to protect the interests of the people and yet not so strong as to invade their liberties. We must arrive at that

middle ground of cooperation between enterprise and Government which is essential in the American tradition; adjust this cooperation to the complex economic problems of today and tomorrow; and make this cooperation the vehicle for keeping our Government democratic and our enterprise truly free.

It seems to me that in this important but now forgotten article, the Acting Chairman of the Council of Economic Advisers expressed the sentiments felt by the great majority of the Members of Congress when they voted for the Employment Act of 1946.

At a time when we need above all a practical and realistic understanding of the responsibilities of the American Government, at a time when free enterprise is being challenged throughout the world, we would all do well to stick by this philosophy rather than be led astray by those who brand almost every governmental action as socialistic.

RFC TRANSFER TO DEPARTMENT OF COMMERCE MISUNDERSTOOD BY BUSINESS WEEK

The President's recent proposals with respect to the RFC have been the subject of interesting and completely contradictory interpretations. The May 13 issue of Business Week carries an article titled "Truman's Death Knell for the RFC" which claims that the reorganization plan transferring the Corporation to the Department of Commerce will "virtually kill" the RFC and make it "a stand-by agency prepared to finance production and construction in case of war." On the other hand, a Washington Post editorial, also on May 13, criticizes the President for not converting the RFC into a stand-by agency and for recommending a broadening of its lending powers. It is small wonder that the average citizen who wants to find the facts is often confused. A careful reading of the President's message transmitting Reorganization Plan No. 24 relating to the RFC and his special message on small business lends no support to the charge that the President is attempting either to kill the RFC or greatly to expand its operations.

NO ULTERIOR MOTIVE

There is no need to search for an ulterior motive. The proposed reorganization has the single and laudable purpose of improving Government organization and making more effective the Government's services to business, particularly small business. The President expressed this purpose clearly when he said:

> This reorganization plan is an important step in simplifying the organization of the executive branch of the Government and also in making more effective the various Government services to business.

In his small business message the President stated:

> Moreover, by concentrating in the Secretary of Commerce the supervision of the principal services to small business, we can more effectively mobilize the variety of resources available to the Government in meeting these problems.

ORDER RESTORES FORMER SITUATION

The transfer of the RFC to the Department of Commerce merely restores the situation which existed from February 1942 to February 1945. As many Members of the House will recall, the removal of the RFC from the jurisdiction of the Secretary of Commerce was motivated by reasons wholly unrelated to any congressional determination as to the appropriate role and organization of the RFC. The Hoover Commission unanimously recommended that the RFC should be placed again within an executive department. The Commission was divided as to whether this Department should be Commerce or the Treasury.

The President gave careful study to the Hoover Commission's recommendation. In his judgment, the activities of the RFC, like those of the Department of Commerce, are designed to assist the development of American business and industry; they are not related to those of the Treasury which is neither a lending agency nor an agency charged directly with the responsibility for promoting business. He, therefore, in accordance with the specific direction of the reorganization act that the Government be organized according to major purposes, recommended that the RFC be returned to the Department of Commerce.

SAME AS IN AGRICULTURE

I have long advocated the strengthening of the Government's services to business, especially small business. We have already demonstrated in the field of agriculture what can be done and we should profit from this experience in approaching problems of small business. The small-business man needs and should be afforded assistance similar to that now furnished to the farmer. By grouping in one agency the principal services to business, both financial and nonfinancial, the reorganization plan follows the pattern established in 1939, when the major agricultural credit programs were transferred to the Department of Agriculture.

It is only by this kind of organization that we can make it easier for the small-business man to take advantage of the various forms of Federal assistance available to him. It is only through unified supervision that we can assure the most effective and coordinated direction of our aids to small business. The purpose of the reorganization is to provide such unified supervision. This is its exclusive purpose.

CORPORATE POWERS OF RFC BOARD NOT AFFECTED

An analysis of Reorganization Plan No. 24 makes it clear that, except for placing the RFC under the supervision, coordination, and policy guidance of the Secretary of Commerce, it in no way alters its corporate powers or the functions of its Board of Directors. The Corporation's status within the Department of Commerce will be much the same as that of those 35 wholly owned Government corporations, including the Federal intermediate credit banks, Federal Crop Insurance Corporation, Federal Savings and Loan Insurance Corporation, and Commodity Credit Corporation, which are already within departments or agencies or subject to the supervision of department heads. In addition to the RFC, there are at the present time only two independent wholly owned Government corporations—the Export-Import Bank and the Tennessee Valley Authority.

The President has recommended that certain housing functions be transferred from the RFC to the Housing and Home Finance Agency. The purpose of these transfers, just as in the case of the RFC transfer to Commerce, is to improve Government organization by grouping programs according to their major purpose. The removal of these housing functions will not weaken the RFC, but, on the contrary, will enable the Corporation better to concentrate its energies on the fulfillment of its basic mission.

REORGANIZATION PLAN NO. 24

Reorganization Plan No. 24, by itself, neither decreases nor increases the functions of the RFC. It is hoped, however, that the provision of other types of aids, such as insurance of bank loans up to $25,000 and the establishment of privately owned national investment companies, will substantially reduce the need for direct loans by the RFC. But the RFC will still have a vital role to play. The RFC is our last line of defense, and it must not only be retained, but also strengthened so that it can meet reasonable demands for credit which private institutions are unable or unwilling to provide. The RFC can perform this essential job most effectively if its operations are closely integrated with other services to business under the supervision of the Secretary of Commerce.

(Mr. PATMAN asked and was given permission to revise and extend his remarks.)

Mr. WHITTINGTON. Mr. Chairman, I yield 8 minutes to the gentleman from Maryland [Mr. FALLON].

Mr. FALLON. Mr. Chairman, I strongly urge that the purposes of H. R. 7941, which is now being considered, be acted upon favorably. This bill, providing approximately $600,000,000 per year for a 2-year period in Federal grants to States for highway construction is of tremendous importance to each of the 48 States—not only as a means of improving the highways which is a most important factor, but as a means of supplementing the employment and utilizing the labor for national benefit.

As chairman of the Subcommittee on Roads of the Public Works Committee, I approached the President last year concerning the need for better highways and he indicated his interest and strong support for better roads throughout the country, realizing I am sure that ease of intra and interstate transportation, or travel, has contributed greatly to the growth and wealth of this country, as well as the understanding existing between our people.

During the time that hearings were held on this legislation, I heard many qualified persons testify and their testimoney proves conclusively the unquestioned need for bringing the country's highway transportation system to a higher standard of efficiency. As I just pointed out, the Nation's economy would benefit in many ways if adequate highway facilities are provided.

During the recent war, great numbers of our armed forces were engaged in road building. Had we had adequate highways, this would not have been nec-

essary and their endeavors could have been utilized to a much better advantage. Thousands and thousands of miles of road were built by the Army.

The use of the highway today is expanding at a record-breaking rate. When the automobile became a necessity, instead of a luxury, good roads likewise became a necessity for the rich and the poor, for business and pleasure.

The trucking industry is of tremendous importance. Nearly 8,000,000 trucks now operate throughout the United States, an increase of 3,000,000 since the war. It is estimated today that 60 percent of all commodities move over our highways. Many of these roads are outmoded and in need of constant repair. At the time they were built, no one could envision the traffic as it is at present and the cost of maintenance and repairs is a constant recurring one. Thousands of miles must be rebuilt wider, heavier, and in many instances, straighter.

While maintenance organizations are performing a splendid job, nevertheless, it is an expensive one because money spent for maintenance and repairs does not have the same economic value as money spent for construction. In other words, the more money spent for maintenance and repairs, the less there is to be expended in capital outlay.

The motor truck is an integral part of our economic life, and from the reports of the improvements which are taking place in the motor industries, it is safe to assume that this is not a passing phase of our development. It is a specific fact which cannot be disputed that adequate highway facilities will advance greatly the economic value of motor transportation thereby stimulating growth in other industries and vitally effecting the Nation's economy. From the President down, I do not believe there is any variance in opinion over the fact that there is need for a larger highway-construction program. The problem to overcome is the financing. That is our problem today. The passage of this bill would be a partial present solution.

While I do not cry "war," I have brought continually to the attention of the House and to the committee of which I am a member the importance of being prepared and one of the factors of preparedness is a mobile nation. Should the cold war develop into a warm one, we have no assurance now where the attack would first come. Certainly we know that railroads and large industries would be among the first targets. Good roads would give an added avenue for escape or attack, as well as transportation to and from any section.

In speaking for this bill, I feel that I should bring to the attention of the House, the services of our good chairman, the Honorable WILLIAM M. WHITTINGTON. He has been in Congress since 1924 and will have served continuously 26 years the end of this session. Under his able chairmanship, there have been many pieces of important legislation developed and passed, among them legislation improving the highways of our country.

I should like to say, at this time, that it has been a distinct honor and pleasure to serve on the Public Works Committee with Mr. WHITTINGTON. He is respected by the Members for his honesty, fairness, and his impartiality. They recognize that he is one of the best-informed men in the country on the subject of flood control, roads, and rivers and harbors. Men in Government and private industries who have cause to contact the committee are all impressed by the qualifications which I have just outlined.

As you all know, Congressman WHITTINGTON is retiring at the end of this session. It will be a loss to the State of Mississippi and to the Nation as a whole. I feel that the passage of this legislation today would be one of the culminating achievements of his career as chairman of the Public Works Committee.

Mr. DONDERO. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. McGREGOR].

Mr. McGREGOR. Mr. Chairman, I first want to concur in the statement made by the distinguished gentleman from Maryland with regard to the activities of our retiring chairman of the Committee on Public Works.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Michigan.

Mr. DONDERO. I should like also to confirm what the gentleman from Maryland said about our distinguished chairman. I join heartily in the remarks and the sentiment he expressed regarding the gentleman from Mississippi [Mr. WHITTINGTON], our chairman, who will retire voluntarily from Congress this session.

Mr. McGREGOR. I have served under his leadership for about 10 years. Without question he is more familiar with the subjects that come before his committee than many, many of the witnesses that appear before us who are supposed to be experts in their particular lines. At a later time I expect to say more relative to our distinguished chairman.

Mr. Chairman, I want to discuss with you just a few minutes the bill that is before us for consideration, H. R. 7941. I concur in the statement made by previous speakers that without question this legislation must be passed. My personal opinion is that there should be a few changes made, but in the over-all picture we must recognize the needs of our highway system.

I know of no project submitted to the people that will give more employment than a mile of road construction. Its ramifications are broad. It really gives employment in the area where it is absolutely needed.

However, I do want to call to your attention the fact that in this particular piece of legislation we are starting on a new procedure. Let us not be misguided about it, because section 2 definitely starts us into a new field. Prior to section 2 of this bill we have always had a 50–50 matching basis. I have heard a number of Members on the floor asking if there is a section in the bill that has a 75–25 matching basis. I definitely say there is. That is section 2. It is based on 75 percent of the money being allocated by the Federal Government and 25 percent being matched by States. I refer to that portion of the bill which calls for $70,000,000 for the interstate highway system.

I recognize the fact that the 75 percent will not be used if the States do not want to use it. They can still go along on a 50–50 matching basis. But when we come down to the actual reality of the subject, there are very few States that will not ask for the 75 percent of Federal funds.

Let us all remember that there is not a State in this Union that is not better fixed financially than our Federal Government. We are saying, "Let us give the interstate system 75 cents from Federal Government and 25 cents from State." If you are going to do that for the interstate system and take care of some of the city folks, we of the rural districts in a very short period of time will say that what is good for one group is good for another. The first thing you know we will be outside the category of a 50–50 matching clause and away on a 75–25 basis.

Some of you know that I have been quite interested for a long time in what are known as farm-to-market roads. Here we establish a new procedure. This bill is in excess of the bill of the last biennium. At that time we carried an authorization for $450,000,000. This one is for $500,000,000, on a 50–50 matching basis, and $70,000,000 for the interstate system on a 75–25 basis. So in reality we have before us today a bill carrying $120,000,000 over what the authorization was for the last biennium.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. It is fair to say in that connection, and of course the gentleman is correct, that, when we passed the authorization back in 1948, when that bill left the House it carried $500,000,000 and we agreed to $450,000,000 in conference.

Mr. McGREGOR. The gentleman is correct, as he usually is, but the bill that was passed and is now law calls for $450,000,000. This one calls for $500,000,000 plus the $70,000,000. So I believe my statement is still correct that we are $120,000,000 over what the existing law provides.

I think we recognize that in the last year we have completely destroyed approximately 23,000 miles of highways and have constructed only approximately 20,000 miles of highways. In other words, our highway system is 3,000 miles worse off than it was last year. What is causing this, as was so ably brought out by the distinguished gentleman from Maryland and other speakers, is that our tremendous load increases have so depreciated and torn up our roads that it requires practically all the money our States have to take care of the maintenance. They do not have the money to match the Federal funds for construction costs.

Getting back to my pet theory, that is, farm-to-market roads, I am of the firm belief that the activities of those officials in charge of our highway program are such that they have not carried out the

intent of the Congress. I refer to Public Law 834 of the Eightieth Congress, and I quote from the law:

In selecting county and township roads on which funds are to be expended, the State Highway Department shall cooperate with township trustees and other appropriate local road officials.

It was my privilege to introduce that amendment 2 years ago. I appreciate the fact that our committee accepted it and the Eightieth Congress accepted it, but I cannot help but make the observation that we still have too many muddy roads in the United States, because on the local road distribution we have 49.4 percent of the miles unsurfaced and 50.6 percent of the miles surfaced. In other words we still have 49.4 percent of mud roads.

Again I say, Mr. Chairman, it is time that we gave further consideration to these matters and insist that the proper officials of the highway department, whether it is of our State or of our National Government, get our farmers out of the mud before we spend $70,000,000 for an interstate highway system based on a 75–25 matching formula.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. WHITTINGTON. The gentleman from Ohio is very modest. No member of the committee, or of the House, has been more vigilant in behalf of the township roads, or as we know them, in many cases the county roads, than the gentleman from Ohio. If the gentleman will permit me, I should like to point out to the committee that as a result of his vigilance and persistence the committee has been advised that none of those roads are to be selected or approved, and that whatever work is done on the farm-to-market or feeder roads will be done at the request of the local authorities, and that the Bureau of Public Roads will see to it, and if anybody brings it to their attention they will see that the State highway commission does not disregard the township or county authorities.

The gentleman from Ohio is entitled to much of the credit. The committee was advised by the Commissioner of Public Roads that the recommendations of the township and county authorities would have the consideration of the Commissioner even in cases where the highway department might refuse to approve.

Mr. McGREGOR. I thank my chairman for those remarks, because under the existing law it says that the State highway department shall advise and take into consideration and consult with the local and township and county commissioners and township trustees. Some of our highway officials have taken that particular clause with a grain of salt, and when they establish secondary and farm-to-market road systems and programs the various county commissioners and township trustees have not been called upon to make suggestions before the road program is finally adopted. So I am very glad to hear from our chairman that the Public Roads Administrator will insist that local officials, both county and township, will be consulted as to how and where the money will be spent. This will be good news to the farmers, school-bus drivers, and mailmen of our Nation.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. STEFAN. I think the language of the law was "in cooperation with the county commissioners and county supervisors." I believe that was an amendment which I suggested at the time the bill was written.

Mr. McGREGOR. That is right.

Mr. STEFAN. Has there been any change in it at all? Is the word "cooperation" in the law, or is it an authorization? Do they have some authority or some responsibility?

Mr. McGREGOR. It says, and I quote from the law:

In selecting county and township roads, on which funds are to be expended, State highway departments shall cooperate with the township trustees and other appropriate local road officials.

Mr. STEFAN. Yes; I wanted to know just exactly what the language was.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DONDERO. Mr. Chairman, I yield three additional minutes to the gentleman from Ohio.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. WHITTINGTON. If the gentleman from Ohio will pardon my interrupting him, since the gentleman from Nebraska has asked that question, I am glad the gentleman from Ohio went into the matter of the township and county roads because no man is more responsible for the initiation of this program which was started in such a modest way in 1934 and 1936 than the gentleman from Nebraska [Mr. STEFAN]. With the permission of the gentleman from Ohio, I would like to say I have refreshed my memory and in response to his question with the respect to diversion that the committee, as disclosed by the hearings, was advised, as I have already stated, that 21 of the States now have a constitutional inhibition against diversion and that the provisions of the Federal Aid Act of 1934 against diversion still obtain.

Mr. STEFAN. I thank the gentleman from Mississippi, as well as the distinguished gentleman from Ohio.

Mr. McGREGOR. I might say to the distinguished gentleman from Nebraska that I, too, recall distinctly his activity with respect to the farm-to-market secondary roads. I am sure it will do his heart good, as well as the heart of the gentleman from Ohio who is now speaking, when our chairman tells us that today he has been advised by the Public Works Administration that our county commissioners and township officials and local officers are going to be given some consideration when the road program is mapped out. They will have some say as to where the money is to be spent, and that, Mr. Chairman, is the intent of Congress.

Mr. STEFAN. I want to thank the greatest booster of the farm-to-market roads that the State of Ohio ever had.

Mr. McGREGOR. I thank the gentleman very kindly.

Mr. Chairman, in my opinion, this bill must pass. There are some amendments which will probably be suggested because I think the House should decide whether or not they want to start on the 75–25 matching basis or continue the 50–50 matching basis. I think we should decide whether or not we want to increase this authorization $120,000,000. Personally, I recognize the tremendous need for an adequate highway program.

Mr. WHITTINGTON. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. PICKETT], a member of the committee.

Mr. PICKETT. Mr. Chairman, for the third time in the history of our Government, we have under consideration a comprehensive bill to further Federal aid on the primary, secondary, and urban highways of this Nation. There is no substantial change in the provisions of this bill from that contained in the original act.

A brief review of the history of Federal aid in the construction of our highway system will call to mind that the basic act, commonly known as the Federal-Aid Road Act, was approved July 11, 1916. Since that time, great progress has been made by the program of mutual assistance between the Federal, State, and local units of government in the construction of main highways, farm-to-market roads, as the secondary or feeder system of roads is usually called, and urban-highway development. However, it was not until the Federal-Aid Highway Act, approved for the postwar period became effective in 1945 that any substantial emphasis was laid on farm-to-market road improvement by the combined efforts of National, State, and local governments.

Because of the benefits derived from the improvements by hard-surfacing and better construction of the farm-to-market road system by those who live both in the towns and in the country; because of the importance of continued development and expansion of that program to the economy of this Nation, I want to emphasize that phase of the subject.

I note with some pride that the first money made available for allocation to the farm-to-market road system was appropriated after I came to Congress, the date of approval being December 28, 1945. That appropriation was made by Public Law 269 of the Seventy-ninth Congress.

The act authorizing money to be appropriated permitted the expenditure of $150,000,000 per year of Federal funds, for each of the three postwar fiscal years of 1946, 1947, and 1948. The funds were to be apportioned among the several States on the basis of a formula written into the bill. The formula provided the apportionment should be made as follows:

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of

rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States.

The act provided in effect that the moneys allocated under that formula to be spent in the respective States should be matched by State and other funds on a 50–50 basis, except for rights-of-way costs.

In 1948 the Congress enacted the Federal Aid Highway Act of that year carrying authorizations for each of the fiscal years ending June 30, 1950 and 1951. The same fundamental principles were contained in that authorization as were written in the original act, although the sum of money authorized was not quite so large.

Your committee, of which I have the honor to be a member, is again recommending to the Congress the extension of the principles of Federal aid that have been incorporated in the two preceding acts. This bill provides for $150,000,000 per year of Federal money to be allocated to the States under the same formula as the previous law for farm-to-market roads.

While the sums allocated to the various States are substantial in keeping with the application of the formula written into the law, my own State of Texas will receive a far larger sum than any other State for farm-to-market road purposes during each of the years involved. That is the result of the physical facts: Texas is the largest State in area; more than one-half of its population lives in rural areas; and it has the greatest mileage of rural delivery and star routes of any State. Texas will receive, according to the estimated apportionment, the sum of more than $10,000,000 per year for each of the 2 years to be used in the construction of farm-to-market roads. That amount of money will be matched by the State in the required proportions. Therefore the total sum of money to be available for farm-to-market roads for the 2 years in question will exceed $20,000,000 per year.

While the sum involved is large, the need is far greater. Since the program began during my service in Congress, it has been diligently prosecuted. We have completed construction of 6,099 miles of farm-to-market roads in Texas in 4 years. The mileage programmed and in some stage of advancement, but not yet completed, totals 2,452. That in itself is a substantial accomplishment, but there are thousands of miles yet to be improved. Many miles of roads are in the planning stage and will be constructed in due course under an orderly program.

We in Texas have our share of the total number of motor vehicles registered during the year 1949 throughout the Nation. According to the best evidence available the number in the United States approximated the all-time record of 44,350,000. Along with our share of that staggering number of motor vehicles traveling the highways, we in Texas have our portion of the hazards of highway travel and sustain our portion of accidents resulting in death and injury to persons and property destruction. Only by continued improvement in engineering and technique in construction, as well as by diligent application of sound principles of driving, can those hazards be reduced.

In order that continued progress may be made we must authorize and appropriate the Federal funds for farm-to-market road improvement. I am glad to add my endorsement of a continuation of the Federal aid highway program in general, and the farm-to-market road system in particular. By passing this bill we continue the road to prosperity for those who bring their produce from the farm to the market place in town, transport our children in safety and comfort to their schools, carry the mail to the rural homes with dispatch, and travel to worship in our churches in security.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield gladly.

Mr. WHITTINGTON. Is it not true that respecting the provisions of this bill as to existing law, as well as respecting the provisions that have been embraced in this bill for the first time, every section of this bill was carefully considered by the committee and by the full committee, and the committee had the benefit not only of the advice of the counsel for the committee but the benefit of the advice of the counsel for the Bureau of Public Roads. That advice was considered before these sections were adopted one at a time by the committee and embraced in this bill?

Mr. PICKETT. As is always the case, my chairman is eminently correct. May I say further that we had not only the advice and counsel of those persons and groups to whom the chairman has referred, but we had that of highway engineers and other experts throughout the United States during the course of the hearings prior to the committee's consideration of the bill in executive session.

Mr. DONDERO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. CUNNINGHAM], a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I wish to concur in what has been said already by other members of the committee regarding our distinguished and able chairman, the gentleman from Mississippi [Mr. WHITTINGTON]. He has rendered valuable service to his committee, to the Congress, and to the country; and I regret that he will not return to Congress in the future.

This bill, H. R. 7941, is basically a reenactment of the law first passed in 1944 and extended in 1948. As pointed out by the gentleman from Ohio and others, the only difference is some variation in amounts. The amount for the farm-to-market roads will be the same as it was started in 1944. At that time it was stated that the measure would give for the farm-to-market roads seven times more Federal aid in any 1 year than had ever been given in any previous legislation by this Congress.

This is a good bill; it is one that is necessary for the social and economic development of the United States. I predict that this bill, which extends previous law, will serve as a basis for all Federal-aid highway legislation for a long time to come.

I have jotted down some reasons why this legislation is necessary, although I recognize there are others who think it should be larger in amount as well as those who think it should be less; but, certainly, the sum arrived at in this bill and as agreed upon unanimously in the committee is a substantial and fair amount at the present time. although in the future, if I understand properly the picture according to the testimony, it will be necessary to authorize larger amounts than called for in this measure.

There are today over 12,000,000 more motor vehicles using the highways of the United States than there were in 1940. Obviously this calls for new and improved and better highways if we are to give them the facilities they are entitled in connection with the use of our highways and to do the job they are supposed to do. We are collecting today from the highway users more money than has ever been collected in the form of excise taxes, paid into the Federal Treasury from the gasoline tax, the tax on lubricating oils, tires, tubes, new automobiles, and automobile parts. I do not know what it will be for the present fiscal year, but the estimates are it will exceed $1,200,000,000, possibly as much as a billion and a half and maybe more.

So, generally, this bill, as well as the law in the past that we are extending, is only giving back to the highway users approximately one-third of the money they have paid into the Federal Treasury. That is not exorbitant. In fact, if we do not give back more proportionately in the future to what they are paying in now I do not see how we can keep the highways in the State of repair that will be necessary for the automobile traffic.

Another point, Mr. Chairman, why this measure is necessary is the way the highways are wearing out. You all realize that the majority of the paved highways and hard-surfaced roads in the United States today were built about 20 to 25 years ago. Someone told me the average is about 23 years. They are beginning to wear out. They are wearing out rapidly today and a tremendous amount of work will be necessary to rehabilitate them and to keep them in the state of repair they have been in in the past without building new ones. It has been estimated that at the rate these highways are now wearing out it will take more money each year than is authorized by this bill or in the previous pieces of legislation just to keep the present highways in a proper state of repair without widening them and without building more highways.

Mr. Chairman, certainly with those facts before the Committee of the Whole there is no reason why this bill should not be passed by an overwhelming vote. The country needs it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WHITTINGTON. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. JONES].

Mr. JONES of Alabama. Mr. Chairman, in the consideration of this bill before the committee one of the most refreshing things to come to my attention was the fine relationship that existed between the various State highway departments and the Bureau of Public Roads. It attested the splendid work

that had been done by these two organizations in bringing about a program of highway construction and reconstruction throughout the various States. From that wealth of intercourse between those two agencies, most of the changes proposed in this bill have been advanced through the interchange of ideas and working together.

It is a fine demonstration of teamwork, of the ability of the Federal Government with its Federal aid program and the States to carry out a program that will inure to the national interest. There is nothing in this bill that will impair those relationships, there is nothing that will incite differences between the agencies that I have mentioned. The bill keeps that fine relationship intact.

One of the tremendous problems that we faced in the committee and that probably is faced by every committee in the consideration of legislation of prime importance to the country, was to keep in mind the thought in these days of peril that we must give a proper accounting of our action in relationship to national defense. So it was that we wrote into the bill section 2, that authorizes $70,000,000 to be spent on the interstate highway system. This interstate highway system is comprised of some 40,000 miles of roads. It was brought about by the Highway Act of 1944, section 7. This was the result of the studies that had been made by the State highway departments and the Bureau of Public Roads, and of course took into consideration the highway needs of national defense.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. In connection with the interstate highway system, the hearings disclose that for the fiscal year 1949 the improvements on that system accounted for 30 percent of the total amount programmed for primary and urban roads? Twenty-three percent of the primary funds and 46 percent of the urban funds were interstate improvements.

In that connection, it is fair to say that the purpose of this $70,000,000 was to enable the most speedy completion of the interstate system, in which all of the people of the country are interested, and at the same time to make available to the States funds, much needed otherwise, that they need on their State primary, secondary, and urban systems.

Mr. JONES of Alabama. I appreciate the distinguished chairman's observation. The explanation he has given is my understanding of the situation we considered in the committee, and which prompted the inclusion of this section.

Mr. WHITTINGTON. Those who feel that there is an increase here might well keep in mind that during the war those municipalities, the communities where there were roads constructed and reconstructed in aid of the war effort, received 75 percent Federal aid, so that there is nothing new in this 75-percent proposition. This interregional highway system is essential to our national defense.

Mr. JONES of Alabama. The gentleman's observation reminds me of the military maxim of N. B. Forrest. After the War Between the States the great Confederate general was querried on what he attributed his great military successes to. He stated that his military successes were based upon the theory of getting there first with the most.

So it is with a national highway bill. The measure of the success of a national defense highway system depends on the ability to mobilize and get to a fixed point with the least amount of time, trouble, and inconvenience. So it is that we have given thought to adequately preparing our national defense by building up a fine highway system that will connect this Nation from one end to the other.

As has been repeatedly stated by members of the committee who have spoken on this bill, it is evident that there are not sufficient moneys to do all the things we would like to see done. We would like to see an even greater expanded program for rural roads and the immediate relief of urban traffic problems, which are manifold, and certainly are obvious to all who use the city streets in the large municipalities of our country. We would like to see other improvements made. But we realize that in view of the overall situation this bill will give assistance and get the program once more on a sound footing.

So, Mr. Chairman, I support this measure. I know the passage of this bill will contribute to the economic growth and well-being of our great Republic.

Mr. WHITTINGTON. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. FERNANDEZ].

Mr. FERNANDEZ. Mr. Chairman, on tomorrow the Subcommittee on Indian Affairs will have before it the top officials of the Bureau of Indian Affairs, to discuss the resolution introduced by the distinguished gentlewoman from Utah [Mrs. BOSONE], in an effort to determine what steps are being taken and what steps can be taken, to relieve the American Indians as soon as possible from the restrictions, the hardships, and the burdens of wardship, and to relieve the Government from all unnecessary activities over the several Indian tribes. I predict that these discussions will be very important and productive of some profound changes in our Indian policy.

I hope that in those discussions, consideration will also be given to some more immediate problems and to the steps that need to be taken to relieve those problems pending the time when all restrictions and hardships imposed on the Indians by wardship may be totally ended.

There are tribes, such as for example the Taos Pueblo Tribe, where the rights of the individual Indian have been totally neglected.

It has become more and more evident that, so far as the individual Indian citizen in that pueblo is concerned, he has absolutely no protection under our revered Bill of Rights.

For example, the Indians in that pueblo have no right of assembly whatever. Young veterans who have attempted to hold meetings in the pueblo for the purpose of discussing their common problems, have been prohibited from doing so by the tribal council. The superintendent, an official of the Government, who called a meeting together for the purpose of discussing ways and means of providing space for GI training, was barred from attending the meeting by a road blockade thrown up at the gates of the reservation. The Indian veterans who desired to confer at a meeting with the superintendent, were forced to find byways in the middle of the night to avoid the road blockade and hold their meeting outside the pueblo with their own superintendent. Some of them were forced to break a human blockade standing arm to arm across the road by driving a car in low gear through that blockade.

They have been forced to organize and attend GI classes outside the reservation, in defiance of the tribal authorities who prohibited it.

They have no freedom of worship in the religion of their choice. On the contrary, their children are taken out of schools to carry out religious duties imposed upon them by the council in their ancient religion, even though they now belong to and believe in some other religion.

The council has interfered with their right to vote at State and general elections by the threat of arrest and fine. Last year the Governor, who insisted on registering as a citizen for the general election, was forced to resign as governor of the pueblo because of his refusal to arrest others who were registering and because of his own determination to himself register for the election.

They have no right of trial by jury, no right of appeal, and in fact no adequate courts of any kind to deal justly with them and with their problems.

They have no right to install electricity in their own homes; they have no right to install telephone services in their own homes; they have no right to install water facilities in their own homes. This is effectively denied them by the council on the theory that it violates ancient customs of the pueblo.

Although individual Indians have been assigned their little tracts of land on which they have built their homes, they are restricted in the improvements they can make in their own homes and restricted in the control over their own places of abode. The council has undertaken to eject from the reservation Indians from other tribes who have intermarried with Taos Pueblo Indians, who have lived therein in the homes of their spouses for many years, and have children as the result of such marriage. The Federal court has sustained the right of the pueblo to eject those people, thereby effectively also ejecting the Pueblo Indian spouses and the children of such marriage.

All of this has been done arbitrarily by the council.

The Pueblo Indians have no right of self-government, in that no popular elections are permitted, the council members who do the governing being either hereditary members or members added to the council from time to time through selection by the council itself.

The tribe has no constitution written or otherwise, has no ordinances or rules written or otherwise, and has refused

to permit the adoption of a constitution for the government of their people, and has refused to permit assemblies for the discussion of any such matters. It rules without constitution and without laws through arbitrary interpretation of customs, respecting the validity of which the council and the governor are the sole judges.

Indians who in any way fail to submit to that kind of rule are harassed, abused, and are entirely without protection. The council gives them none, and they have no appeal to State or any other courts. The council refuses to permit the submission of a constitution for these people.

We have thrust upon the Indians the rights, duties and responsibilities of citizens, and yet we continue to deny them the most elementary civil rights.

Unless some action is taken by the subcommittee to investigate and act upon this deplorable situation, it is my intention to introduce a bill in the nature of a bill of rights for these unfortunate Indians, in order that they may have a forum where they may have the right to be heard about their desperate situation. It is my intention to introduce a bill that will give them the protection any ordinary citizen is entitled to in the sanctity of his own home. Too long have we upheld the rights of the tribal councils, wholly failing to protect the rights of the individual Indian. The Bureau of Indian Affairs has completely failed in any progressive thinking that will extend to the individual Indians, limiting themselves to creating power between themselves and the tribal councils. The Government pays attorneys and expenses for the protection of the rights of the tribal authorities, and no action and no thinking is directed toward the most elemental rights of the Indian citizens themselves. By the authority of the Federal Government we have forced these people to live under the most autocratic dictatorship.

I have patiently waited on a request transmitted by me to the Indian Office on behalf of veterans in the Taos Pueblo for a ruling to the effect that the Indians in that pueblo have at least the right to assemble and discuss their problems among themselves. I have patiently waited only to be advised that there are rulings and opinions from the solicitors which prevent the Bureau of Indian Affairs from writing a letter or an order declaring such right, which the Indian people can present to their council in their efforts to exercise at the very least the right to assemble. We cannot wait forever. The Indians are patient and I am patient, but there comes a time when action is demanded. It is with regret that once again I have to take the floor to say things that will be interpreted and criticized as an attack on the Bureau of Indian Affairs. No one appreciates more than I do the difficulties and the problems confronting the Bureau of Indian Affairs, but when they are unable to move even in the most simple request, and to find a solution to such a request, I can hold back no longer.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated the sum of $500,000,000 for the fiscal year ending June 30, 1952, and a like sum for the fiscal year ending June 30, 1953.

The sum herein authorized for each fiscal year shall be available for expenditure as follows:

(a) $225,000,000 for projects on the Federal-aid primary highway system.

(b) $150,000,000 for projects on the Federal-aid secondary highway system as set forth in paragraph (b) of section 3 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), as amended or supplemented by the Federal-Aid Highway Act of 1948 (62 Stat. 1105).

(c) $125,000,000 for projects on the Federal-aid highway system in urban areas.

The said sums, respectively, for any fiscal year, shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944: *Provided*, That the census figures used in making said apportionments shall be those shown by the latest available Federal census.

Any sums apportioned to any State under the provisions of this section and under the provisions of section 2 hereof shall be available for expenditure in that State for two fiscal years after the close of the fiscal year for which such sums are authorized, and any amount so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Commissioner of Public Roads for the improvement of specific projects as provided by this act.

Mr. WHITTINGTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KARSTEN, 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. 7941) to amend and supplement the Federal-Aid Road Act, approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes, had come to no resolution thereon.

THE WHISTLE-STOP CAMPAIGN

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an article entitled "The Whistle-Stop Campaign."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, let me insert this article by a good old Democrat on The Whistle-Stop Campaign:

THE WHISTLE-STOP CAMPAIGN

The wheels of the old Pendergast machine recently rolled across the Nation with the Chief aboard dropping a little oil here and there.

The Chief is for everything the taxpayers can pay for plus a balance that goes on the cuff. Nowhere did men and women, who have something to think with, hear him reiterate F. D. R.'s safe and sane platform of 1932 which was ballyhooed when F. D. R. toured the Nation preaching economy and promising to run the bureaus out of Washington.

But after March 4, 1933, F. D. R. threw the platform into the ashcan and got out the alphabet soup which he ladled out from the Three A's to X Y Z, and he set up so many bureaus that the boys had to find office space all over the Nation. The greatest spending spree was the order of day and night.

Prior to and during this time the Boys from Moscow were crying for recognition. Neither Coolidge nor Hoover would lend an ear. But Joe took control by bullets instead of ballots, and then—who admitted this Al Capone gangster? You guessed it—The New Deal.

In 1915 and 1916 Paris and London sold the U. S. A. a fine bill of goods when we joined them to destroy the Kaiser and save the world. The doughboys threw in their weight and won the war. After this job was done Wilson set up a peace treaty, and then the boys had to pay most of the bills too, with Paris and London running out on their payments.

Then Hitler came into power and built up a war machine. Colonel Lindbergh made a tour of Germany and returned and reported the facts. Washington only sneered at him. And then Hitler marched into the Ruhr while neither Paris nor London made any effort to stop him. In the second act, Hitler made a corridor through Poland and signed up a teammate—Uncle Joe of Moscow. Joe's boys overran the helpless small nations and helped sack Poland while Hitler was doing all right in the west with France knocked out and England on her knees.

In London, Winston Churchill—the greatest salesman on earth—said, "Give us the materials and we will do the job." He got the materials. Then he wanted the money. The United States of America piped over. Then he wanted the men. The flower of our youth was again conscripted and the greatest Army and Navy in the world was set up until D-day, when Hitler was driven out of France and the GI's marched across Germany and would have captured Berlin. But they were held back so Joe's boys could march in with the implements of war and money and know-how furnished by good old Uncle Sucker.

With MacArthur alone knocking out the Japs, Uncle Joe never turned a hand to help, but F. D. R. went to Yalta and permitted Joe to come in for the glory after the Japs were defeated.

Hitler and Stalin both got their power through gangsterism and knew each other's tricky methods, so when these two fell out among themselves we saddled ourselves with Pal Joe. Mothers and fathers often wonder why their sons were snatched away from them to leave their bones scattered all over the world to win a pair of wars we did not promote.

When a nation has the greatest army and navy, plus the atomic knowledge, it would seem that a smart administrator could say to Joe, "This is the Second World War we won, we saved you, and now—by gad—we are going to draw the lines and write the peace treaty." Did we do this? No. Bungling Washington junked the Navy and air power and reduced the Army, and Joe is riding high and handsome in Germany. And another conscription bill is in the hopper to recruit another million young men to go over and eventually fight Pal Joe. Who has been the boss in Washington since 1933?

We won both wars. But since 1945 we have had a pipeline from the United States Treasury and our resources are flowing everywhere.

We do all this in the name of democracy, but we have been financing a socialistic government in England, and the Chief is riding around telling the people what his Fair Deal is going to do for them.

As Al Smith always said, let's take a look at the record. When you stop and think, we never had a Federal income tax, nor an inheritance tax until Woodrow Wilson was President, and that the country was in fine shape without these taxes and had a small national debt. Now we have had two unnecessary wars and after 5 years of supposed peace, we have the same war taxes on our wages, our food, clothing, and practically everything we buy, and the national debt is so big and even if the Federal workers were reduced by half, the generations born today will not see a penny of the wasted money returned to the Treasury. It is to be regretted that the Chief at the whistle stops did not tell the people about what has happened under the administrations of F. D. R. and H. T. But the people are waking up, and know we need men to run the show, the type of men now in the limelight such as BYRD and TAFT.

The Chief's Chicago production was "corny" with a lot of "hams" on the bill.

EXTENSION OF REMARKS

Mr. SHORT asked and was given permision to extend his remarks and include an article entitled "Water Resource Projects and the Budget" which exceeds two pages and is estimated by the Public Printer to cost $218.68.

Mr. SMITH of Wisconsin (at the request of Mr. BARRETT of Wyoming) was given permission to extend his remarks in three instances and include extraneous matter.

Mr. VAN ZANDT asked and was given permission to extend his remarks and include a speech delivered by him at Du Bois, Pa., last night.

Mr. HESELTON asked and was given permission to extend his remarks and include an editorial.

Mr. GAMBLE asked and was given permission to extend his remarks and include a speech.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks.

Mr. JENSEN asked and was given permission to extend his remarks and include a letter and an article from the Malvern (Iowa) Leader.

Mr. PHILBIN asked and was given permission to extend his remarks and include certain resolutions.

Mr. DONOHUE asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. FURCOLO asked and was given permission to extend his remarks and include an editorial, also extraneous matter.

Mr. ROOSEVELT asked and was given permission to extend his remarks and include a statement by Mr. Justice Jackson of the Supreme Court of the United States.

Mr. MURPHY (at the request of Mr. PRICE) was given permission to extend his remarks.

Mr. KEOGH (at the request of Mr. PRICE) was given permission to extend his remarks and include an address of Hon. WALTER A. LYNCH.

Mr. O'HARA of Illinois asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. JENISON asked and was given permission to extend his remarks and include an editorial.

Mr. HILL (at the request of Mr. MARTIN of Massachusetts) was given permission to extend his remarks.

Mr. LATHAM (at the request of Mr. DONDERO) was given permission to extend his remarks and include extraneous matter.

Mr. O'NEILL asked and was given permission to extend his remarks and include an editorial.

LEGISLATIVE PROGRAM

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PRIEST. Mr. Speaker, I have asked for this time to announce, at the direction of the majority leader, that following the conclusion of the highway bill tomorrow, it is expected to take up the bill, H. R. 7579, from the Committee on Armed Services, extending the Synthetic Rubber Act.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. PRIEST. I yield.

Mr. WHITTINGTON. So that we may have the information for the benefit of the Members of the House, the consideration of the pending bill will be unfinished business, and will be resumed when the House convenes tomorrow?

Mr. PRIEST. That is my understanding.

MOTHER RUSSELL DAY

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia.

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, the people of Georgia set aside last Thursday, May 11, as a day to especially honor a beloved Georgian, Mrs. Ina Dillard Russell. The day was designated as "Mother Russell Day."

Mrs. Russell is the widow of former Chief Justice Richard B. Russell, Sr., of the Georgia Supreme Court, who was one of Georgia's outstanding statesmen and whose life was a record of service to our people. Mrs. Russell is the mother of the junior Senator from the State of Georgia, one of the most able Members of that body, who was Governor of the State of Georgia, before his election to the Senate, and whose remarkable ability has won for him national and international recognition.

Another of Mrs. Russell's sons is a distinguished jurist in the State of Georgia, now serving as a judge of the United States circuit court of appeals. All of the children of this beloved couple are outstanding in their respective fields of endeavor, and it was most fitting that this day be set aside to honor and pay tribute to the mother of this remarkable family of men and women of whom we are justly proud.

On the occasion of these ceremonies in Winder, Ga., Rev. George Scotchmer, offered a beautiful and touching prayer. Reverend Scotchmer was for a number of years pastor of the Winder Presbyterian Church. He is now pastor of the Pryor Street Presbyterian Church in Atlanta.

His prayer is so appropriate that I have included it as a part of these remarks. I believe this prayer will be an inspiration to everyone who reads it. It is a beautiful recognition of the fact that Christian motherhood, of which Mrs. Russell is such a shining example, is one of the finest blessings of Almighty God.

Our Father, upon this coronation day in the life of this sainted mother, make us careful to remember Him who through the years has been the source of her strength and the secret of her greatness—even Jesus Christ our Lord. We rejoice that in the morning of her life she received Him who is the bright and morning star and that He continued with her as the sun of righteousness through the heat of high noon, and that He the Light of the World is increasingly her light in these sunset years—crowning her with His radiant mercies and granting her gracious harbingers of greater glories still ahead.

We thank Thee for the foundation upon which she has premised her life—even Thine infallible word, O Lord. We rejoice that by its counsel, its consolation, its revelation of Thy redemption in Christ, she has been bulwarked to face triumphantly the trials and vicissitudes of life, and has grown in the likeness of Him who is the living word of God.

We thank Thee for the inspiration she has received in Thy church and the blessing she has brought to Thy church in these years of unselfish Christian service.

And we would not forget to thank Thee for the children who rise up to call her blessed and who have been led into the highway of holiness by her precepts and example.

We pray as we honor her this day that Thou wilt be pleased to give America many many mothers of her kind. May her tribe increase until she be typical rather than unique among the daughters of this land.

Now, Lord, we ask that Thou will bless her with Thy presence and grant her length of years and strength of days. Honor us with Thy benediction as we honor her, for we ask it in the name of Him who loved us and gave Himself to us. Amen.

SPECIAL ORDER TRANSFERRED

Mr. KARSTEN. Mr. Speaker, our colleague the gentleman from Rhode Island [Mr. FOGARTY] had a special order for today. On his behalf I ask unanimous consent that the special order be transferred to Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Colorado [Mr. MARSALIS] is recognized for 10 minutes.

SIXTY-FOURTH ANNIVERSARY OF THE CITY OF LAMAR, COLO.

Mr. MARSALIS. Mr. Speaker, situate in southeastern Colorado near the Kansas border and within the Third Congressional District is the city of Lamar. Located in the rich and fertile Arkansas River Valley this progressive and growing city is also within the great Wheat Belt that takes in part of eastern Colorado.

Having fully recovered from the bleak period of the simultaneous Dust Bowl and depression, this bustling agricultural and marketing center is now enjoying a period of good times and its future outlook was never brighter. With the John Martin Dam insuring a more uniform and stable water supply for irrigation and with the surrounding wheat farmers cooperating in the soil-conservation program for the preservation of their wheatlands, this city at the turn of the half century is looking ahead to a most promising future.

And so in 1950 the city of Lamar has decided to celebrate its sixty-fourth anniversary in a most decided and glorious manner. Its actual anniversary date is on May 24. However, one day was felt far insufficient for the occasion planned. Instead the whole week starting Sunday, May 21, and concluding the following Saturday night has been set aside for the purpose of a great homecoming for its former residents, friends, and visitors. Elaborate programs, dinners, and entertainment have been provided. All citizens, veterans' groups, service clubs, and school children are cooperating in this great community endeavor.

I should like now to dwell on the history of the founding of this city. It was named in honor of a great American who in 1886 was serving as Secretary of the Interior under President Grover Cleveland. Prior to his term as Secretary of Interior, Lucius Q. C. Lamar had served most ably in the House and Senate, representing the State of Mississippi. It was while serving in the House in 1874 that he first won national attention by his chivalrous eulogy upon the death of Charles Sumner which contributed much to bind up sectional wounds and to reunite the North and South. As Secretary of Interior Lamar was one of the first to recognize the great possibilities of the West and to promote its development. It was no doubt this farsighted public policy that endeared him to the hearts of the founders of Lamar and caused them to name their city in his honor.

In making preparation for their homecoming celebration, officials of the committee checked into the descendants of Secretary Lamar and found them living here in Washington. They discovered Marjorie Ayers Lamar, age 16, and her sister, Mrs. Peter W. Peirce, age 21, to be his great granddaughters. They thereupon contacted these young ladies and prevailed upon Marjorie Lamar to become "Miss Lamar" for the homecoming celebration and Mrs. Peirce to accompany her sister as chaperon. It has been my good fortune to make the acquaintance of Miss Lamar and Mrs. Peirce and I found each attractive, gracious and charming—worthy descendants of so great a statesman. They will most certainly add great color and dignity to this celebration. They will be flown to and from Colorado and will be taken on scenic trips over part of that great State while there. These trips they will never forget, nor will they ever forget the fine hospitality that the people of Lamar and Colorado will extend them.

In further preparing for this occasion the committee also invited the Honorable Oscar L. Chapman, present Secretary of the Interior, and a Colorado man, to be a guest and speaker during this celebration. He will speak on the Friday night program honoring his predecessor in office, Secretary Lamar. Everything points to a most successful homecoming and those citizens and organizations which have worked and planned so hard for it are entitled to great credit for a job well done.

Mr. Speaker, the first half of the twentieth century has seen the greatest progress of any comparable period in the history of the world—this in spite of two world wars and a present period of world uncertainty and fear. It is indeed most refreshing to see Lamar and other future-minded cities going ahead with plans to make even greater progress during the second half of this century. They are proceeding in keeping with the best American tradition. I am proud to represent in Congress the people of such a fine, progressive city.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PLUMLEY (at the request of Mr. ARENDS), for 2 weeks, on account of official business.

To Mr. MAHON (at the request of Mr. LUCAS), for 1 week, on account of official business.

To Mr. HOEVEN (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of official business.

To Mr. EDWIN ARTHUR HALL, for an indefinite period, on account of illness in the family.

To Mr. KEARNEY (at the request of Mr. COLE of New York), for 1 week, on account of official business.

To Mr. WILLIAM L. PFEIFFER (at the request of Mr. ARENDS), for 2 days (May 18 and 19), on account of death in family.

To Mr. STIGLER (at the request of Mr. MORRIS), for May 18 to May 31, on account of official business.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4433. An act to make retrocession to the Commonwealth of Massachusetts over certain lands in Shirley, Mass.;

H. R. 4732. An act to direct the Secretary of the Army to convey certain lands to the Two Rock Union School District, a political subdivision of the State of California, in Sonoma County, Calif., and for other purposes; and

H. R. 6171. An act to authorize commissioned officers of the Army, Navy, Air Force, and Marine Corps to administer certain oaths, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 469. An act for the relief of Cathryn A. Glesener;

S. 1145. An act for the relief of Persephone Poulios;

S. 2071. An act for the relief of Mrs. Alice Willmarth;

S. 2258. An act for the relief of Dr. Apostolos A. Kartsonis;

S. 2308. An act for the relief of William Alfred Bevan;

S. 2427. An act for the relief of Masae Marumoto;

S. 2431. An act for the relief of Sumiko Kato;

S. 2443. An act for the relief of Mrs. Georgette Ponsard;

S. 2479. An act for the relief of A. D. Strenger and his wife, Claire Strenger;

S. 2568. An act for the relief of Carmen E. Lyon; and

S. 3122. An act to authorize the Secretary of the Navy to convey to the Goodyear Aircraft Corp., Akron, Ohio, an easement for sewer purposes in, over, and across certain Government-owned lands situated in Maricopa County, Ariz.

BILLS AND JOINT RESOLUTION PRESENTED THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on May 16, 1950, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 1151. An act to amend the act establishing grades of certain retired noncommissioned officers;

H. R. 1354. An act to provide for a per capita payment from funds in the Treasury of the United States to the credit of the Indians of California;

H. R. 2387. An act authorizing the Governor of Alaska to fix certain fees and charges with respect to elections;

H. R. 2783. An act to authorize the Secretary of the Interior to convey a certain parcel of land, with improvements, to the city of Alpena, Mich.;

H. R. 3494. An act 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;

H. R. 5097. An act for the administration of Indian livestock loans, and for other purposes; and

H. J. Res. 466. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the First United States International Trade Fair, Inc., Chicago, Ill., to be admitted without payment of tariff, and for other purposes.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until tomorrow, Friday, May 19, 1950, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1452. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 9, 1950, submitting a report, together with accompanying papers and illustration, on a preliminary examination and a survey of St. Joseph Bay, Fla., authorized by the River and Harbor Act approved on March 2, 1945 (H. Doc. No. 595); to the Committee on Public Works and ordered to be printed, with an illustration.

1453. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 28, 1950, submitting a report, together with accompanying papers and illustrations, on a cooperative beach erosion control study of the shore of Lake Erie in Lake County, Ohio, appendix IX, prepared under the provisions of section 2 of the River and Harbor

Act approved on July 3, 1930, as amended and supplemented (H. Doc. No. 596); to the Committee on Public Works and ordered to be printed, with eight illustrations.

1454. A letter from the national president, American War Mothers, Kansas City, Mo., transmitting the report of the American War Mothers for the period October 1, 1948, to October 1, 1949; to the Committee on Veterans' Affairs.

1455. A letter from the Secretary of the Treasury, transmitting the annual report for the fiscal year ending June 30, 1949, of the exchange stabilization fund created by section 10 (b) of the Gold Reserve Act of 1934, including a summary of operations of the fund from its establishment to June 30, 1949, pursuant to section 10 (a) of the Gold Reserve Act of 1934, approved January 30, 1934, as amended; to the Committee on Banking and Currency.

1456. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a draft of proposed legislation entitled "A bill to strengthen the common defense by extending for 5 years the authority for the Texas City tin smelter operation"; to the Committee on Banking and Currency.

1457. A letter from the Acting Attorney General, transmitting a letter relative to the case of Helga Jonsson or Helga Gudmundsdottir and Sigmundur Magnus Jonsson, file Nos. A-7739525 and 7740698 CR 27226, requesting that they be withdrawn from those before the Congress and returned to the jurisdiction of the Department of Justice; to the Committee on the Judiciary.

1458. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to amend title 14, United States Code, entitled 'Coast Guard'"; to the Committee on Merchant Marine and Fisheries.

1459. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated December 22, 1949, submitting a report, together with accompanying papers, on a preliminary examination of Gardiners Bay, N. Y., authorized by the River and Harbor Act approved on July 24, 1946; to the Committee on Public Works.

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. MORRIS: Committee on Public Lands. S. 1719. An act to amend section 3 of the act of Congress approved June 28, 1906, relating to the Osage Indians of Oklahoma; without amendment (Rept. No. 2079). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee on Public Lands. S. 3093. An act to amend section 82 of the Hawaiian Organic Act relating to the Supreme Court of the Territory of Hawaii and temporary vacancies therein; without amendment (Rept. No. 2080). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORRIS: Committee on Public Lands. H. R. 3125. A bill to amend the Jurisdictional Act of August 30, 1935, affecting the Chippewa Indians of Lake Superior; with amendment (Rept. No. 2081). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON: Committee on Public Lands. H. R. 6986. A bill relating to the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes; without amendment (Rept. No. 2085). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Expenditures in the Executive Departments. Sixth intermediate report of the Government Operations Subcommittee of the Committee on Expenditures in the Executive Departments, relative to further inquiry into the operations of the Maritime Commission; without amendment (Rept. No. 2104). Referred to the Committee of the Whole House on the State of the Union.

Mr. KILDAY: Committee on Armed Services. H. R. 8198. A bill to provide for the organization of the Army and the Department of the Army, and for other purposes; with amendment (Rept. No. 2110). 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. MORRIS: Committee on Public Lands. H. R. 6699. A bill to authorize the sale of certain land on the Rosebud Indian Reservation, S. Dak., allotted to Susan Eagle Dog; without amendment (Rept. No. 2082). Referred to the Committee of the Whole House.

Mr. MORRIS: Committee on Public Lands. H. R. 6703. A bill to authorize the sale of certain allotted inherited land on the Rosebud Indian Reservation, S. Dak.; without amendment (Rept. No. 2083). Referred to the Committee of the Whole House.

Mr. MORRIS: Committee on Public Lands. H. R. 6963. A bill authorizing the Secretary of the Interior to issue a patent in fee to Cuy C. Hickenlively; with amendment (Rept. No. 2084). Referred to the Committee of the Whole House.

Mr. MORRIS: Committee on Public Lands. H. R. 7293. A bill authorizing the Secretary of the Interior to issue a patent in fee to Charlotte Geisdorff Kibby; with amendment (Rept. No. 2086). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 3995. A bill for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi; without amendment (Rept. No. 2087). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 5979. A bill for the relief of John Tweit; without amendment (Rept. No. 2088). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 6173. A bill for the relief of Sun Yip Chin and Chung Lum (Lum Chung); without amendment (Rept. No. 2089). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 6461. A bill for the relief of Jirina Zizkovsky; with amendment (Rept. No. 2090). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 7074. A bill for the relief of Hiroko Fujiwara Matsuoka and Mimiyo Matsuoka; with amendment (Rept. No. 2091); Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 7078. A bill for the relief of Mrs. Eiko Yamada Nagatoshi and her son; with amendment (Rept. No. 2092). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 7114. A bill for the relief of John Joseph Griffin; without amendment (Rept. No. 2093). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 7428. A bill to admit Mrs. Erna Tvedt to the United States for permanent residence; without amendment (Rept. No. 2094). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 7608. A bill for the relief of Mitsuko Morita; without amendment (Rept. No. 2095). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 7706. A bill for the relief of Ayako Kurihara; without amendment (Rept. No. 2096). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. R. 7961. A bill for the relief of Chiyoko Yano; without amendment (Rept. No. 2097). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 8067. A bill for the relief of Mrs. Yup Boon (Joan) Kim Skanes; without amendment (Rept. No. 2098). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 8117. A bill for the relief of Yoshiko Emory; without amendment (Rept. No. 2099). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 8119. A bill for the relief of Midori Ohta (also known as Mary Stephen); without amendment (Rept. No. 2100). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 8125. A bill for the relief of Mrs. Hisae Kawauchi Kelly; without amendment (Rept. No. 2101). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 8155. A bill for the relief of Chiyo Furumura Yoshida; without amendment (Rept. No. 2102). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 8180. A bill for the relief of Parue K. Tsugami; with amendment (Rept. No. 2103). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 274. An act for the relief of Constantin E. Aramescu; without amendment (Rept. No. 2105). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 356. An act for the relief of Hugo Geiger; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1856. An act for the relief of Sisters Maria Rita Rossi, Maria Domenica Paone, Rachele Orlando, Assunta Roselli, Rosa Innocenti, and Maria Mancinelli; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2108. An act for the relief of Italo Vespa de Chellis; without amendment (Rept. No. 2108). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2611. An act for the relief of Roland Roger Alfred Boccia, also known as Roland Barbera; without amendment (Rept. No. 2109). 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. PACE:

H. R. 8540. A bill to amend the cotton-acreage allotment and marketing-quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. HOLIFIELD:

H. R. 8541. A bill to provide a permanent secondary market for home mortgages insured or guaranteed by the Veterans' Administration, and for other purposes; to the Committee on Banking and Currency.

By Mr. KENNEDY (by request):

H. R. 8542. A bill to authorize the coinage of 25-cent pieces in commemoration of the three hundredth anniversary of the pine-tree shilling; to the Committee on Banking and Currency.

By Mr. KLEIN:

H. R. 8543. A bill to rescind the order of the Postmaster General curtailing certain postal services; to the Committee on Post Office and Civil Service.

By Mr. BARRETT of Wyoming:

H. R. 8544. A bill for the relief of certain counties in the State of Wyoming; to the Committee on the Judiciary.

By Mr. CROCK:

H. R. 8545. A bill to provide for the carrying of mail on star routes, including screen-vehicle service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEE:

H. R. 8546. A bill to amend the Philippine Property Act of 1946; to the Committee on Foreign Affairs.

By Mr. SASSCER:

H. R. 8547. A bill to repeal section 9 of the Central Intelligence Agency Act of 1949; to the Committee on Armed Services.

By Mr. VINSON:

H. R. 8548. A bill to permit the appointment to the position of senior specialist in the Legislative Reference Service of retired officers of the Armed Services without loss of pensions and other benefits, and for other purposes; to the Committee on Armed Services.

By Mr. BAILEY:

H. R. 8549. A bill to provide for the conveyance of Holly River State Park to the State of West Virginia; to the Committee on Agriculture.

By Mr. BLACKNEY:

H. R. 8550. A bill to authorize the issuance of a special series of stamps commemorative of the one hundredth anniversary of the founding of the Rebekah degree, Independent Order of Odd Fellows; to the Committee on Post Office and Civil Service.

By Mr. LANE:

H. R. 8551. A bill to provide for the issuance of a special postage stamp in honor of freedom of the press, with a likeness of Heywood Broun on said stamp; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN of Michigan:

H. R. 8552. A bill to amend the act of July 6, 1945, as amended, with respect to automotive-equipment-maintenance payments to special-delivery messengers in post offices of the first class, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PHILLIPS of California:

H. R. 8553. A bill to amend section 2455 of Revised Statutes, as amended, to provide for preferences to States in securing isolated or disconnected tracts of public domain; to the Committee on Public Lands.

H. R. 8554. A bill to amend the act of June 29, 1934 (48 Stat. 1269), as amended, to provide for preferences to States in the selection of lands under the school indemnity selection laws; to the Committee on Public Lands.

By Mr. SMITH of Virginia:

H. R. 8555. A bill to promote the extension of the park, parkway, and playground system of the National Capital in the northern Virginia environs of Washington; to the Committee on Public Works.

By Mrs. ROGERS of Massachusetts:

H. J. Res. 473. Joint resolution to authorize the Administrator of Veterans' Affairs to continue providing automobiles and other conveyances to certain disabled veterans, and to provide funds therefor; to the Committee on Appropriations.

By Mr. JENKINS:

H. J. Res. 474. Joint resolution requesting the President of the United States to withdraw on January 1, 1951, all trade-agreement concessions made since 1947 on glassware, chinaware, and pottery; to the Committee on Ways and Means.

By Mr. KEE:

H. J. Res. 475. Joint resolution authorizing the President or such officer or agency as he may designate to conclude and give effect to agreements for the settlement of intercustodial conflicts involving enemy property; to the Committee on Foreign Affairs.

By Mr. JENKINS:

H. Con. Res. 208. Concurrent resolution expressing the sense of the Congress that the President should rescind foreign-trade agreements with Communist-controlled countries; to the Committee on Ways and Means.

By Mr. McGREGOR:

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress that the President should rescind foreign-trade agreements with Communist-controlled countries; to the Committee on Ways and Means.

By Mr. BOGGS of Delaware:

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the President should rescind foreign-trade agreements with Communist-controlled countries; to the Committee on Ways and Means.

By Mr. BURNSIDE:

H. Con. Res. 211. Concurrent resolution expressing the sense of the Congress that the President should rescind foreign-trade agreements with Communist-controlled countries; to the Committee on Ways and Means.

By Mr. KILDAY:

H. Res. 605. Resolution to provide for the consideration of the bill (H. R. 8198) to provide for the organization of the Army and the Department of the Army, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, requesting passage of legislation providing funds for public-works projects for the Commonwealth of Massachusetts; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Massachusetts, requesting passage of a Federal Fair Employment Practices Act; to the Committee on Education and Labor.

Also, memorial of the Legislature of the State of Massachusetts, requesting passage of legislation reducing to 60 years the age for eligibility for old-age assistance; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CHESNEY:

H. R. 8556. A bill for the relief of Stanislaw Poborski; to the Committee on the Judiciary.

By Mr. HINSHAW:

H. R. 8557. A bill for the relief of Jose Encarnacion Ortiz; to the Committee on the Judiciary.

By Mr. KENNEDY:

H. R. 8558. A bill for the relief of Kimiko Yamaguchi; to the Committee on the Judiciary.

By Mr. McCORMACK:

H. R. 8559. A bill for the relief of Mrs. Mary E. Free; to the Committee on Post Office and Civil Service.

By Mr. O'TOOLE:

H. R. 8560. A bill for the relief of Rocco Carmelo Andriello, M. D.; to the Committee on the Judiciary.

By Mr. PETERSON:

H. R. 8561. A bill for the relief of Harriet T. Johnston; to the Committee on the Judiciary.

By Mr. JOSEPH L. PFEIFER:

H. R. 8562. A bill for the relief of Yukie Yabe and Gabriel Eugene Yackanich; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H. R. 8563. A bill for the relief of Alonzo P. Brown; to the Committee on the Judiciary.

By Mr. WILLIS:

H. R. 8564. A bill for the relief of David Thomas Church; 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:

2139. By Mr. HESELTON: Resolutions of the General Court of the Commonwealth of Massachusetts, memorializing Congress to pass a Federal Fair Employment Practices Act; to the Committee on Education and Labor.

2140. Also, resolutions of the General Court of the Commonwealth of Massachusetts, memorializing Congress to pass legislation providing funds for public-works projects for the Commonwealth of Massachusetts; to the Committee on Public Works.

2141. Also, resolutions of the General Court of the Commonwealth of Massachusetts, memorializing Congress to pass legislation reducing to 60 years the age of eligibility for old-age assistance; to the Committee on Ways and Means.

2142. By Mr. LANE: Memorial of the General Court of Massachusetts, requesting Congress to pass legislation providing funds for public-works projects for the Commonwealth of Massachusetts; to the Committee on Appropriations.

2143. Also, memorial of the General Court of Massachusetts, requesting Congress to pass a Federal Fair Employment Practices Act; to the Committee on Education and Labor.

2144. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, urging funds for public-works projects in Massachusetts; to the Committee on Appropriations.

2145. Also, memorial of the General Court of Massachusetts, urging enactment of a Federal Fair Employment Practices Act; to the Committee on Education and Labor.

2146. Also, memorial of the General Court of Massachusetts, urging legislation providing for payment of old-age assistance at age 60; to the Committee on Ways and Means.

2147. By Mrs. ROGERS of Massachusetts: Memorial of the General Court of Massachusetts, to pass a Federal Fair Employment Practices Act; to the Committee on Education and Labor.

2148. Also, memorial of the General Court of Massachusetts, to pass legislation providing funds for public-works projects for the Commonwealth of Massachusetts; to the Committee on Appropriations.

2149. Also, memorial of the General Court of Massachusetts, to pass legislation reducing to 60 years the age for eligibility for old-age assistance; to the Committee on Ways and Means.

2150. By Mr. SMITH of Wisconsin: Resolution of Bishop McGavick Post, No. 421, Catholic War Veterans, Inc., La Crosse, Wis., opposing any form of compulsory health insurance or any system of political medicine designed for national bureaucratic control; to the Committee on Interstate and Foreign Commerce.

2151. By the SPEAKER: Petition of Stephen A. Mascaro, assistant secretary, Louisiana State Bar Association, New Orleans, La., stating their opposition to the granting of admiralty jurisdiction to the bankruptcy court, as is proposed in House bill 3111, Eighty-first Congress; to the Committee on the Judiciary.

2152. Also, petition of Jose Palermo Jordan, chairman, Industrial Soldiers Association, Guayama, P. R., requesting that legislation be passed giving relief to and making justice for those who gave their best efforts for the cause of democracy; to the Committee on the Judiciary.

SENATE

FRIDAY, MAY 19, 1950

(Legislative day of Wednesday, March 29, 1950)

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 beseech Thee that Thou wilt make this moment of devotion a pavilion of Thy peace, as trusting only in Thy mercy we bring our soiled souls to Thy cleansing grace. We come with heavy burdens on our minds and hearts for our Nation and for the world. We come with deep anxiety concerning the future our children will inherit from our hands. Yet we live and labor in the faith that Thy truth is marching on, even in the perplexities of these terrific days. Take us, we pray Thee, as we are, with unfulfilled purposes and disappointed hopes, with impulses, strivings, longings, so often frustrated and thwarted; and even with what is broken and imperfect in us make Thy radiant dreams for all Thy children come true. We ask it in the name of Him who made human life a sacrament and a cross a throne. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 18, 1950, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

LEAVES OF ABSENCE

On his own request, and by unanimous consent, Mr. YOUNG was excused from attendance on the sessions of the Senate on Monday, Tuesday, and Wednesday of next week.

Mr. GREEN. Mr. President, under date of February 22 the Senate unanimously passed Senate Resolution 231, authorizing the Senate Committee on Foreign Relations, or any duly authorized subcommittee thereof, to conduct a full and complete study and investigation as to whether persons who are disloyal to the United States are, or have been, employed by the Department of State. As a result a special subcommittee, of which I am a member, was immediately established and has been operating since that time. On Monday, April 24, this special subcommittee, by vote, appointed me and the Senator from Massachusetts [Mr. LODGE] a special committee of two for the purpose of investigating the security program of the Department of State and its foreign establishments.

In this connection it is necessary for this special committee of two to visit Frankfurt-am-Main, Germany, and possibly other places in Europe, for the purpose of conducting the investigation abroad. It is expected that we shall depart on May 23 or shortly thereafter and that we shall return to Washington approximately on June 6.

I am asking that we be excused from attendance at sessions of the Senate and its committee meetings during that time.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

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

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

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Oklahoma [Mr. THOMAS] are absent by leave of the Senate.

The Senator from California [Mr. DOWNEY] and the Senator from North Carolina [Mr. GRAHAM] are absent because of illness.

The Senator from Delaware [Mr. FREAR] is absent by leave of the Senate on official business.

The Senator from Montana [Mr. MURRAY] is absent because of a death in his family.

The Senator from Florida [Mr. PEPPER] is absent on public business.

The Senator from Kentucky [Mr. WITHERS] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from North Dakota [Mr. LANGER], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Oregon [Mr. MORSE] are absent by leave of the Senate.

The VICE PRESIDENT. A quorum is present.

SENATOR VANDENBERG, OF MICHIGAN

The VICE PRESIDENT. For himself and for the entire membership of the Senate, the Chair expresses the pleasure and happiness we all feel in the presence today of the distinguished senior Senator from Michigan [Mr. VANDENBERG]. The Chair hopes that his health may continue to improve until it is entirely restored. [Applause, Senators rising.]

PRESENCE IN THE GALLERY OF DISTINGUISHED JURISTS

Mr. MYERS obtained the floor.

Mr. ROBERTSON. Mr. President, will the Senator yield so that I may make a short announcement?

Mr. MYERS. I yield for that purpose.

Mr. ROBERTSON. Mr. President, I feel highly honored today to have in the family gallery as my guests an old college mate who is the chief justice of Virginia Court of Appeals, Chief Justice Edward W. Hudgins. He is accompanied by a very distinguished jurist from Ohio, Carl V. Weygandt, chief justice of the Supreme Court of Ohio, by F. D. G. Ribble, dean of the University of Virginia Law School, whose opinions on constitutional law have been quoted more frequently by the United States Supreme Court than those of any other lawyer, and by John L. Walker, former president of the Virginia Bar Association. These distinguished jurists have come here today to look upon the greatest legislative body in the world. If at some future date they are forced to hand down decisions expressing a contrary viewpoint, I feel it will be our own fault.

ANNOUNCEMENT AS TO TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, if the Senator from Pennsylvania concludes his address before 1 o'clock and sufficient time intervenes, Senators will be permitted to present petitions and memorials, introduce bills and joint resolutions, and submit routine matters for the RECORD. If not, I shall make a unanimous-consent request for that purpose immediately after the vote on the cloture petition.

FEDERAL FAIR EMPLOYMENT PRACTICE ACT

The Senate resumed consideration of the motion of Mr. LUCAS to proceed to the consideration of the bill (S. 1728) to prohibit discrimination in employment because of race, religion, or national origin.

Mr. MYERS. Mr. President, at the beginning, I want to emphasize the grave responsibility which was placed upon this body by the action of its Members in the last session in adopting a new cloture rule which requires the votes of 64 Senators to impose a limit on debate. This new rule was adopted by the Senate shortly after both political parties concluded their presidential campaigns in which they solemnly pledge their support to platforms that promised the American people positive action by Congress in eliminating discriminatory employment practices.