in and near the vicinity of the Army camps of the United States; to the Committee on Military Affairs.

3456. Also, petition of sundry members of the Charleston Woman's Club, Charleston, Ill., urging that men in the armed service be forbidden to buy or receive liquor; to the Committee on Military Affairs.

SENATE

FRIDAY, NOVEMBER 20, 1942

(Legislative day of Tuesday, November 17, 1942)

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

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

Dear God and Father of us all, whate'er our name or sign, under the canopy of Thy goodness and mercy we pause to seek Thy face. Gather our wandering minds and our wayward spirits into Thy secret place where, even before we lift our own voices concerning the affairs of these perplexing times, we may have ears to hear those voices which tell us the meaning and worth of life. On the tablets of our hearts may there be written Thy decrees.

In days when eyes are fixed on the victory of our righteous arms may we not forget that he that is slow to anger is better than the mighty and he that ruleth his own heart better than he that taketh a city. Let all that is low, abominable, selfish, vindictive, and of a mean report be put away from us, and may all things pertaining to Thy spirit live and grow in us. Enrich us with those durable satisfactions of life so that the multiplying years may not find us bankrupt in those things that matter most, the golden currency of faith and hope and love. We ask it in the name of man's Best Man, love's Best Love. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, November 19, 1942, was dispensed with, and the Journal was approved.

SENATORS FROM MISSISSIPPI AND NEW HAMPSHIRE—CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of JAMES O. EASTLAND, duly chosen by the qualified electors of the State of Mississippi a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

The VICE PRESIDENT also laid before the Senate the credentials of STYLES BRIDGES, duly chosen by the qualified electors of the State of New Hampshire a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

SENATOR EXCUSED FROM ATTENDANCE

Mr. TAFT. Mr. President, I ask leave of the Senate to be absent tomorrow in order to attend the funeral of a friend in Cincinnati.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the Senator from Ohio is excused from attending the session tomorrow.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed the following bills of the Senate, severally, with amendments, in which it requested the concurrence of the Senate:

S. 658. An act authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines who were killed in action or have died of wounds or injuries received, or disease contracted in line of duty, during the World War;

S. 2723. An act to amend the Pay Readjustment Act of 1942; and

S. 2740. An act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes.

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

H. R 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes;

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; and

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia.

Under permission subsequently granted during the course of today's proceedings, the following routine business was transacted:

PETITION

Mr. CAPPER presented a petition of sundry citizens of Yates Center, Kans., praying for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. R. 7408. A bill to amend the act of October 9, 1940, entitled "An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes"; without amendment (Rept. No. 1703).

By Mr. WALSH, from the Committee on Naval Affairs:

S. 2769. A bill to authorize the rank of rear admiral in the Dental Corps of the United States Navy; without amendment (Rept. No. 1704).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

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

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on November 19, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 2122. An act to amend the District of Columbia Traffic Act of 1925;

S. 2503. An act to provide for the payment of retired pay to certain retired judges of the police and municipal courts of the District of Columbia; and

S. 2515. An act to amend the Federal Explosives Act, as amended, by removing from the application of the act explosives or ingredients in transit upon aircraft in conformity with statutory law or rules and regulations of the Civil Aeronautics Board.

BILLS INTRODUCED

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

By Mr. DAVIS:

S. 2901. A bill for the relief of Jacob Oblock; to the Committee on Claims.

S. 2902. A bill to prevent discrimination against blind persons and persons with impaired visual acuity in the administration of the civil-service laws and rules; to the Committee on Civil Service.

By Mr. PEPPER:

S. 2903. A bill for the relief of W. P. Richardson, as successor and assignee of W. P. Richardson & Co., of Tampa, Fla., a partnership composed of W. P. Richardson, George W. Hessler, and L. C. Park, by reason of certain claim arising within the World War period; to the Committee on Claims.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or ordered to be placed on the calendar as indicated:

H. R. 7633. An act to increase the pay and allowances of members of the Army Nurse Corps, and for other purposes; to the Committee on Military Affairs.

H. R. 7768. An act to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof; to the calendar.

H. R. 7781. An act to define the real property exempt from taxation in the District of Columbia; to the Committee on the District of Columbia.

ISSUANCE OF CERTIFICATES OF WAR NECESSITY BY OFFICE OF DEFENSE TRANSPORTATION

Mr. O'MAHONEY (for himself and Mr. WHEELER) submitted the following resolution (S. Res. 314), which was referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investi-

gation and study of (1) the circumstances and conditions surrounding the issuance by the Office of Defense Transportation of ODT Order No. 21 (relating to certificates of war necessity), (2) the administration of the provisions of such order, (3) the standards under which certificates of war necessity are issued pursuant to such order, and (4) any other matters relevant thereto. The committee shall report to the Senate at the earliest practicable date the results of such investigation and study, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and Seventy-eighth Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ARMISTICE DAY ADDRESS BY SENATOR WALSH

[Mr. WALSH asked and obtained leave to have printed in the RECORD a radio address delivered by him on Armistice Day entitled "Winning the War," which appears in the Appendix.]

THE MILITANT POWER OF WORK—ADDRESS BY SENATOR AUSTIN

[Mr. WILLIS asked and obtained leave to have printed in the RECORD an address by Senator AUSTIN at Indianapolis, Ind., November 19, 1942, at the annual dinner of the national executive committee of the American Legion, which appears in the Appendix.]

THE RELATION OF THE WAR TO OUR CIVILIAN ECONOMY—ADDRESS BY HON. JAMES F. BYRNES

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an address on the subject The Relation of the War to Our Civilian Economy, delivered by Hon. James F. Byrnes on November 16, 1942, in connection with the New York Herald Tribune Forum, which appears in the Appendix.]

SUPPORT OF WAR MEASURES BY CATHOLIC CHURCH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article from the New York Herald of November 16, 1942, entitled "Catholic Church Supports War as Duty of United States," which appears in the Appendix.]

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS—ARTICLE BY ARTHUR KROCK

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an article entitled "The Legal and Policy Issues in the Filibuster," written by Arthur Krock and published in the New York Times of November 19, 1942, which appears in the Appendix.]

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The VICE PRESIDENT. The question is, Shall tne point of order made by the Senator from Mississippi [Mr. DOXEY] that House bill 1024 is unconstitutional be sustained by the Senate? The Senator from Mississippi.

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

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. BILBO. I yield, provided I do not lose the floor.

The VICE PRESIDENT. It is so understood. The clerk will call the roll.

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

Aiken	Gillette	Radcliffe
Andrews	Green	Reed
Austin	Guffey	Russell
Bankhead	Herring	Schwartz
Barbour	Hill	Shipstead
Barkley	Johnson, Calif.	Shott
Bilbo	Kilgore	Smith
Brewster	La Follette	Spencer
Bulow	Langer	Stewart
Bunker	Lee	Taft
Burton	Lucas	Thomas, Idaho
Byrd	McKellar	Thomas, Okla.
Capper	McNary	Truman
Caraway	Maybank	Tunnell
Chandler	Mead	Tydings
Chavez	Millikin	Vandenberg
Clark, Idaho	Murdock	Van Nuys
Connally	Nelson	Wagner
Davis	Norris	Walsh
Doxey	Nye	Wheeler
Ellender	O'Mahoney	White
George	Overton	Wiley
Gerry	Pepper	Willis

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senator from Montana [Mr. MURRAY], the Senator from Texas [Mr. O'DANIEL], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from Connecticut [Mr. MALONEY] has been called from the city to attend the funeral of the late Democratic national committeeman from Connecticut.

Mr. MCNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Sixty-nine Senators have answered to their names. A quorum is present.

The question is, Shall the point of order made by the Senator from Mississippi [Mr. DOXEY] that House bill 1024 is unconstitutional be sustained by the Senate?

Mr. BILBO. Mr. President——

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

Several Senators rose.

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

Mr. BILBO. I yield.

Mr. BARKLEY. I wish to state for the benefit of all Senators that I think we all understand the rule, and that we should observe it. I do not believe insertions in the RECORD are of sufficient urgency that we cannot forego the pleasure for the time being. I shall have to object to the Senator yielding for the purpose of mere insertion of matters in the RECORD.

Mr. BILBO. Mr. President, I am not unmindful of the rules of the Senate, but at this time I wish to ask unanimous consent that I may yield the floor, preserving my parliamentary status, and finish my speech later. I was in the midst of the statement of a matter which should be concluded, but the senior Senator from Wyoming [Mr. O'MAHONEY], who was chairman of the subcommittee during the hearings on the bill, and who heard all the testimony and all the discussions, would like to speak on the bill, and I ask unanimous consent that I may yield the floor in order that he may address the Senate. I am sure every Senator desires to hear the Senator from Wyoming, because he has specialized on this question. After he shall have spoken, I should like to conclude my remarks.

Mr. GUFFEY. I object.

Mr. BARKLEY. I desired to comment for a moment on the request, but objection has been made.

Mr. BILBO. The Senator from Pennsylvania objects, as usual, and I shall yield the floor, in the hope that the Senator from Wyoming [Mr. O'MAHONEY] may be permitted to speak.

THE CONSTITUTIONAL QUESTION

Mr. O'MAHONEY. Mr. President, because of the fact that, through no choice of my own, but by the action of the chairman of the Committee on the Judiciary, I was made chairman of the subcommittee to study the measure now under discussion——

Mr. CONNALLY. Mr. President, there is some confusion, and I hope all Senators will give heed to the Senator from Wyoming, because he understands the question we are considering as thoroughly and as well as any other Senator on the floor.

Mr. O'MAHONEY. I hope the compliment of the Senator from Texas may be deserved, but I doubt it.

I was about to say that I feel an obligation to discuss this matter because I

was chairman of the subcommittee to which was referred the bill introduced by my distinguished friend, the Senator from Florida [Mr. PEPPER]. I presided at all hearings which were held, and listened to all the testimony. I entered the hearings with a feeling, which I still retain, that the poll tax as a requirement for voting should be abolished. So what I have to say has nothing whatever to do with the merits of the poll tax as a qualification for voting.

I do not stand here to advocate in my own person or to urge upon the Members of the Senate that they should advocate the erection of poll-tax requirements as a means of preventing any person or any class from participating fully in the electoral franchise. So long as I can remember, I have been an advocate of universal suffrage, including woman suffrage.

I make this preliminary statement, Mr. President, because I feel that it is important to an understanding of what I am about to say to know that I am moved only by a deep conviction that the constitutional questions involved in this debate are about as important as any which have been presented to the Senate and to the Congress throughout the long life of Congress and that these questions deal with the rights of the people and the States.

This Government of ours is a dual government. It was envisaged by the founders as an indestructible Union of indestructible States, and the framers went to great length to make certain that the States, as States, should retain their sovereignty and their right of self-government for their own people. Can there be any doubt of that?

Mr. President, this body would not be in existence if it were not for the underlying conviction of the framers of the Constitution that the States, as States, were sovereign and equal entities. It was provided in the fundamental law, after much study and much consideration, that all the States should be equal in the Senate. No matter how large in area or how small, no matter how large in population or how small, all the States are represented upon this floor and have been from the beginning, as equal sovereignties. The provision that each State should be represented in the Senate by two Members was written into the Constitution precisely because the framers were fearful that without such a provision the time would come when the populous States, States in which great cities should arise, would control the Government, overwhelming the power and authority of the small States. There was no other reason for it. There can be no other reason for it.

THE STATES HAVE EQUAL SOVEREIGNTY

Not only is it the fact that the framers of the Constitution decreed that the States should all be equal in representation in the Senate, but they took another step to provide carefully against the exercise of the power of a majority to overwhelm a minority. Having drafted the Constitution, having carefully prescribed what the powers of the Federal Government should be, and what the reserve powers of the States should be—and, indeed, the reserve powers of the people—they said in words that can not be misunderstood that if there were to be any change in that fundamental law it should be made by constitutional amendment. Article V of the Constitution, like the provision which creates the equality of the States in the Senate, was designed for the purpose of making it necessary when any fundamental change of our system was desired, to present that change to the people through the States before it should become effective in order to maintain State power.

Oh, Senators may say that is a difficult and wearisome process. Mr. President, the framers of the Constitution made it a difficult and wearisome process. They provided that a resolution of amendment to the Constitution should first be passed by two-thirds vote of each body, and then before it should become effective that it should be ratified by three-fourths of the States. Why did they do that? Because again it was their desire to protect the minorities; it was their desire to protect the small States and the scattered population from being overridden by central power.

And here we stand today in 1942, in the Capitol at Washington, and we see all about us the erection again of the central power which the framers of the Constitution sought to break down. I am not referring now to what is transpiring in the United States of America itself. I am referring to the fact that throughout the world the central authority has again become almost supreme, and we are engaged in this war only because central arbitrary power has risen and we are seeking to reverse the trend.

This Government of ours, when it was established in 1787, was the high-water mark of a struggle which had continued for centuries to break down the arbitrary central power of the king and bring about the distribution of political power among the people. The founding fathers were so jealous of the idea of the distribution of power that they were careful, in the ways I have already indicated, to preserve minorities against majorities.

CENTRALIZATION OF POWER

Mr. President, I say that the bill which is now presented to us seems to me to involve something far more important than the question whether the payment of a poll tax should be a qualification for voting. The issue here is whether or not by a majority vote of the Senate and the House of Representatives we shall undertake to amend the fundamental law without going to the trouble and the care of submitting a constitutional amendment. In other words, what this question means is whether or not we shall abandon the States as a part of our dual sovereignty, and centralize power in the Federal Government to do here precisely the thing which, having been done abroad, has involved us in this war.

Is it a small matter? O Mr. President, pick up the Congressional Directory; look at the list of Federal bureaus which control the affairs of the people. Disregarding altogether such executive departments as the Department of State, the Treasury Department, the Post Office Department, the War Department, and the others, I ask Senators to turn only to those pages of this volume which list some of the independent offices, agencies, and establishments which control the economic and political life of the people of America. This steady trend toward centralization has been in progress for more than a generation. It has crept up on us almost without our observing it. Much of it has been necessary. I myself have voted for the creation of many of these boards and commissions, because prior to the time that Washington stepped in to control and regulate the economic life of the people, there was a central financial power in New York which was doing the same thing. It was centralism in monopoly which required the people of the United States to turn away from their habitual exercise of State power and appeal to Federal power to prevent what they considered to be an abuse.

The danger is that we are rapidly tending toward an almost equal abuse upon the other side. There is not a Member of this body or of the other House who has not in his daily life as a Senator or a Representative observed innumerable instances of the extent to which the multitudinous Federal agencies are exercising discretionary power over the lives of the people, many of them in almost conflict with one another.

Only yesterday, Mr. President, some of us had a conference with Mr. W. M. Jeffers, who is called—and perhaps the term is rather significant—the "rubber czar." It is significant that to a greater and greater degree we are setting up "czars" who, by their own personal decrees, may govern and control the lives of the people. I do not quarrel with that practice. I know that it is necessary in order to win the war; but it is important that we understand precisely what we are doing.

In the conference with Mr. Jeffers some of us were endeavoring to determine what we could advise our constituents with respect to what they should do to obtain a satisfactory certificate of war necessity for the operation of necessary trucks. We found, as everyone knows, that the Office of Defense Transportation, the Office of Price Administration, and the Rubber Division under Mr. Jeffers, all have jurisdiction of the question whether a farmer shall receive 50 or 112 gallons of gasoline for a 1,000-mile journey. The determination is made, not in the county or the State where the farmer or the commercial operator conducts his business, but in a bureaucratic office in Detroit. The clerk in Detroit, who tells the farmer or commercial operator how much gasoline he may have, without ever having seen the county or the town in which he operates, is not elected by the people. He is an appointive official.

Let me suggest that beginning at page 385 of the Congressional Directory, one will turn page after page listing independent offices and establishments, until he reaches page 423, before exhausting the mere listing of those which were established before the war.

BUREAUCRACY IN THE SADDLE

The point I am making, Mr. President, is that the trend toward centralism—which could not be avoided, but which must be understood—has brought about such a condition that the affairs of the people of the United States are conducted by appointive officials, most of them serving without fixed tenure, and not by elected officials. Bureaucracy has risen to power. It supervises the affairs of the people from ocean to ocean, from the Gulf to Canada; and there is no way under heaven for the people to express their resentment against such conditions except by voting against Members of Congress, who have had little or no part in the responsibility for what is being done except to the degree they have permitted the bureaus to expand.

Mr. President, if an explanation of the last election is desired it may be found in the fact that the Government has been removed from the people, and that between them and the officials who direct their economic and political lives this vast bureaucratic establishment has been erected.

Only the President of the United States is elected by all the people of the United States. Senators represent the States; Members of the House represent their respective districts. If they so much as dare to utter a sentiment on behalf of their people at home, they are denounced in the newspapers and upon the air as little men, with no national point of view; politicians who are guided only by selfish motives.

Let nobody make a mistake. The warning in the last election was a warning to reestablish direct control between the people of the country and the public officials who administer the law.

Great as is the President of the United States, wise as has been his social and international policy, lofty as will be his place in the record of history, we know perfectly well that it is, nevertheless, absolutely impossible for him to pass upon the innumerable details which day by day are handled in the various bureaus, affecting the interests of the people of the United States.

So, Mr. President, I assert that this is a most important constitutional question. It may be that we should abandon the States. I do not think so. Throughout my service in this body, to the best of my ability I have resisted every attempt which has been made to invade the authority of the States. But, if the States are to be abandoned, it seems to me that those who have taken an oath to maintain and support the Constitution as it is written have no recourse except to work for that change in the manner prescribed by the Constitution itself.

THE POWER TO FIX QUALIFICATIONS OF ELECTORS

We now come to the question whether or not the pending bill represents a constitutional attempt to exercise constitutional congressional power. To me the answer to the question is so clear that I wonder how it can be debatable. At the very outset of the hearing on the pending bill I propounded the constitutional questions and asked the advocates of the bill to present arguments in support of their contention that the power to fix the qualifications of voters resides in a majority of Congress rather than in the States. The answer to that question has been merely the ingenious and clever stringing together of words, phrases, and emotional appeals by special pleaders who found themselves confronted by language and history which no person can misunderstand.

Bear in mind the fact that the framers of the Constitution clearly intended to make the States equal, and that they were careful to preserve in the States those powers which were not delegated to the Federal Government. We are confronted with the question of what they did about determining who should be the electors and who should fix the qualifications of the electors.

Let it be remembered that the men who sat in the Constitutional Convention and drew this instrument, which everyone recognizes as one of the most remarkable instruments ever drafted, did not provide for popular election of Senators. They provided that Senators should be elected by the State legislatures; and of course they neither exercised any jurisdiction, nor attempted to exercise any jurisdiction, over the qualifications of members of the legislatures. Their decision was that so far as the Members of the Senate were concerned the selection should be made by whomever the people of the several States might choose to send to the State legislatures.

Even in the matter of the election of the President, they erected a barrier between the people and the Chief Executive by creating the electoral college. The idea was that a group of wise men should be chosen as electors by the several States—chosen independently in the several States; let us not forget that—that such electors should meet in their own States, that they should not come together in any general body to debate, but that, meeting separately in their several States, they, in the exercise of their judgment, should choose the President. The genius of the people of America for self-government was so great, however, that though we have never changed the electoral college, the electors now, as a matter of course, vote for the candidates chosen by the parties by whom they in turn are nominated.

Of course, it may be pointed out here with respect to the election of Senators that the seventeenth amendment made no change in the fundamental concept of the independence of the States or the right of the States to determine the qualifications of the voters.

Bearing in mind that Senators as Federal officials were not to be elected by the people, and that the President was not to be elected by the people, we find the explanation of section 2 of article I, which is the only provision in the Constitution dealing with voters' qualifications. It has already been read during the course of this debate; but for the sake of the continuity of my argument let me read it again:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

What is the answer? One of the principal advocates of the bill before us, in an article which he prepared for a law journal, acknowledged that for years it was generally assumed that the sole power to fix the qualifications requisite for electors for the House of Representatives resided in the States; and he said there never was any thought otherwise until some bright mind conceived the idea of separating the qualifications requisite for electors of Federal officials from those requisite for electors of State officials, and of arguing that a poll-tax requirement is not a qualification, but merely an interference with the manner of holding an election, because section 4 of the first article provides:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

So the argument of the proponents of this bill must be that the poll-tax requirement is not a qualification, but an interference with the manner of holding an election.

Can anyone say that that is not a strained construction—so strained, Mr. President, that some of the advocates of the bill are not content to rely upon it, but say that the real basis of the bill lies in the provision of the Constitution by which the United States is required to guarantee to each State a republican form of government. Then we are asked to believe that a poll-tax requirement is a violation of the principles of a republican form of government. How can that be contended in the face of the fact that the men who drafted the section, the men who drafted the Constitution, had been chosen by the people of States in every one of which there was some form of a property-ownership or tax-payment qualification?

O Mr. President, the poll-tax requirement as a prerequisite for voting was not abolished in the State of Massachusetts—and I speak of Massachusetts because I was born there and because I know that it has been one of the most progressive and liberal States of the Union—until 1892. It was not abolished in the State of Pennsylvania until 1933. So during all that time, from the moment when the Constitution was written by men chosen in States which recognized the ownership of property and the payment of taxes as qualifications for voting, right down to this decade, the right of the States to impose or to repeal such a qualification had been recognized; and no one sought to question it until the bright idea dawned that, by calling red blue, we could amend the Constitution—a qualification is not a qualification. Let the Congress by a majority vote so declare, and the necessity of amending the Constitution as the founding fathers directed us to do in article V would be obviated.

WHAT DID THE FRAMERS INTEND?

Mr. President, let us examine the matter. We need have no doubt as to what the framers of the Constitution meant or what were the conditions under which they were operating. All that has been set down very clearly in Madison's notes on the Constitutional Convention. The committee on detail, which had worked laboriously and very ably in drafting the Constitution, brought in the section providing that the qualifications requisite for electors of Members of the House of Representatives shall be the same as those requisite for electors of the most numerous branch of the State legislature.

Gouverneur Morris, a very distinguished and able delegate from the State of New York, was fearful that if the power to fix the qualifications requisite for electors was left to the States they would probably extend those qualifications in such a manner as to be injurious to certain classes of the population of New York. New York at that time, as now, was very jealous of the rights of big business. So Gouverneur Morris said, "Let us fix these qualifications in the Constitution. Let us take this power away from the States."

This is what he said according to Madison's notes. I read from page 385 of volume 5 of Elliot's debates:

Mr. Gouverneur Morris moved to strike out the last member of the section beginning with the words "qualifications of electors", in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Clearly what Gouverneur Morris wanted to do was to provide by specific language in the Constitution not only that the right of fixing the qualifications of those who should vote for Federal electors should be withdrawn from the States but that the right of suffrage should be confined to freeholders, namely, the owners of real property.

Mr. Fitzsimmons seconded the motion.
Mr. Williams was opposed to it.

Mr. Wilson, of Pennsylvania, then rose to discuss the matter and this is what he thought, according to Madison's notes.

This part of the report was well considered by the committee, and he did not think it could be changed for the better.

Observe this language:

It was difficult to form any uniform rule of qualifications for all the States.

What is the meaning of the words "difficult to form a uniform rule"? Obviously it was Mr. Wilson's opinion that there should not be a uniform rule, but that the States should be left to their discretion.

Unnecessary innovations he thought, too, should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature.

So the bright idea of separating the qualifications of those who are to vote for Federal officials from the qualifications of those who are to vote for State officials was not understood for the first time when this bill was drafted; it was foreseen by the members of the Constitutional Convention, and they warned against it, and they defeated the motion of Gouverneur Morris which would have effected it.

But that is not all, Mr. President. Morris continued the debate. He said:

Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it in several of the States.

Here is the testimony of Gouverneur Morris that at the time the Constitution was drafted the qualification that only those who owned land could vote already existed in several of the States. So the requirement to pay a tax as a qualification for voting was well understood by these gentlemen, and they knew it to be a qualification because they were debating the very question of whether ownership of property should or should not be a qualification. In these circumstances how idle it is for any person to ask "What possible relationship can there be between the payment of a tax and qualification for voting?" That is the burden of the majority report. The payment of a poll tax is not a qualification, the report contends. It has nothing to do with the ability or the integrity or the character of the voter. Granted; but the point, Mr. President, is only that the framers of the Constitution were of the opinion that the qualifications should be fixed by the States, and they were living in States in which such a qualification was universal in one form or another.

Now listen to what Morris said:

Another objection against the clause, as it stands—

That is the clause we are talking about, section 2 of article I—

is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

What can you say about that, Mr. President? Morris was arguing against this clause which we find in the Constitution, saying that it was objectionable because it makes the qualifications of the National Legislature depend on the will of the States. What is the use of arguing, as the proponents of this bill do, about a tax payment not being a qualification when the man who objected to it and sought to make it even more rigorous than it was in some of the States clearly and unmistakably declared that unless that provision were changed the power to fix the qualifications would remain with the States?

THE STATES ARE THE BEST JUDGES

Now let us listen to Mr. Oliver Ellsworth, of Connecticut.

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

Observe this language:

The States are the best judges of the circumstances and temper of their own people.

The proponents of this bill, however, tell us that that is not the case; that the States shall not be permitted to continue to be the judges of the temper and the circumstances of their own people, but the States in this regard shall be overridden by a majority in the House and the Senate, and the constitutional provision with respect to the qualifications of electors shall be not what the Constitution says it shall be but what a majority of the Congress at any time may determine it to be.

Observe, Mr. President, if we have the right by a majority vote to decide through an act of Congress in a negative way that such and such shall not be regarded as a qualification, then, most certainly the reverse is true, and we have the equal right by a majority to say positively what the qualifications shall be. So the minute we take this step, though we may argue ourselves into the belief that we are doing it for a salutary purpose, we are opening the door to some future Congress to do what we do but to do it in reverse and take away the right of the people to vote.

I say, Mr. President, that as long as we hope or desire to maintain the dual form of government, which is the only excuse for the existence of a Senate, then we have no recourse, it seems to me, than carefully to observe all the provisions of the Constitution, for, if we once undertake to amend the Constitution by majority vote, we turn over to the majority of the people, regardless of State lines, the power to invade every State represented on this floor and to order and regiment the lives of the people of that State.

There are some other comments in this debate by Mr. Dickenson:

Mr. Dickenson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without principle with which our country, like all others, will in time abound.

There, Mr. President, if I may so characterize a member of the Constitutional Convention, spoke the reactionary mind of that day. I cite the statement only to show what the framers were thinking about.

Mr. Ellsworth came back to the debate to ask:

How shall the freehold be defined? Ought not every man, who pays a tax, to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers who will bear a full share of the public burdens, be not allowed a voice in the imposition of them?

Then observe this sentence:

Taxation and representation ought to go together.

I have heard some talk about Mr. Madison and about his idea of what the qualifications should or should not be. Let us read his own comment:

Mr. MADISON. The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature.

Here was Madison arguing for the definition of qualifications, not by the States nor by the Congress, but by the Constitution.

A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms.

Whether the constitutional qualification ought to be a freehold, would with him, depend much on the probable reception such a change would meet with in States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject on its merits alone, the freeholders of the country would be the safest depositories of republican liberty.

FRAMERS LEFT POWER WITH THE STATES

Therefore it seems to me to be perfectly clear, from the text of the debate in the Constitutional Convention itself, that the men who drafted this instrument knew precisely what they were doing, and when they defeated Gouverneur Morris' amendment to fix the qualifications in the Constitution, they did so precisely because they wanted that right to fix qualifications to remain with the States. This was because, in the words of Mr. Wilson, that it would be disagreeable to have two sets of electors, one voting for State officers and the other voting for Federal officers.

The proposal was voted down in the Constitutional Convention. The proponents of the bill ask us to vote it up by a statute. They contend that although the Constitutional Convention said that the qualifications for those who are to choose the only Federal officials who are to be elected by the people shall be the same as the qualifications of those who are to choose the most numerous branch of the State legislature, we should now alter that program, that procedure, that policy, and should make the qualifications different. So they say that the new Supreme Court which we now have, with a much more liberal point of view than the courts which have preceded it, will follow this reasoning, this special pleading advocacy of an amendment to the Constitution by legislative enactment. It is said they will sustain the proposal, and why not let them do it? Why not surrender your own judgment, Senators and Representatives, and pass it on to the Supreme Court, and let them be the judges of the constitutionality of the law?

O Mr. President, when we stood upon this rostrum and took the oath to support and maintain the Constitution, I conceive it to be a fact that by that oath we declared that, so long as we were Members of the Senate, creatures of the Constitution, which made the States equal, we would exercise our judgment and our conscience as to whether the bills we passed upon were within our power or not, and that we would not take the easy way, the slipshod and impatient way, of passing the judgment along to the Supreme Court. If that were done, I fear me that the proponents of the bill would not gain very much satisfaction. How easy it is to pull a sentence or two or a paragraph out of a decision of a court and argue from that without reviewing the facts.

WHAT THE SUPREME COURT SAYS

The Supreme Court decision upon which the proponents of the bill rely is the decision rendered by the present Court on May 26, 1941, in the case of United States against Classic. It is reported in Three Hundred and Thirteenth United States Reports, at page 299.

Now let me show how easy it is to gain a misconception of the meaning of a judicial opinion. In the syllabus of this case, paragraph 3 says:

The right of the people to choose Representatives in Congress is a right established and guaranteed by article I, section 2, of the Constitution and hence is one secured by it to those citizens and inhabitants of the States who are entitled to exercise the right.

The right to vote for Representatives in Congress is a right "derived from the States," only in the sense that the States are authorized by the Constitution to legislate on the subject, as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its power to regulate elections under section 4, and its more general power, under article I, section 8, clause 18, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

The advocates of the bill read that syllabus as an indication that this Supreme Court will be ready to abandon the theory of the Constitution that the power to fix the qualifications of electors for Federal officers resides in the States.

This case came to the Supreme Court from the State of Louisiana. The question which was involved in the case was whether or not a criminal law, sections 18 and 19 of the Criminal Code, I think, applied to primary elections as well as to general elections.

There had been a question in the minds of lawyers and of judges as to whether or not power to regulate elections contained in section 4 of article I extended to primaries. This was one of the points that was raised in the famous Newberry case. Four members of the Supreme Court decided that, since primaries were unknown to the drafters of the Constitution, the constitutional power to regulate elections did not extend to primaries. Four members of the Court decided that it did, and one member of the Court, as I recall, took the position that if the primaries were established after the adoption of the seventeenth amendment, then the power did extend to the primaries. But here was not involved any question of the election of a Member of the Senate or a Member of the House. Here was involved a criminal indictment, in which certain election officials were charged with fraud, which was prohibited and penalized by the criminal code.

Mr. OVERTON. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Wyoming yield to the Senator from Louisiana?

Mr. O'MAHONEY. Certainly.

Mr. OVERTON. Is it not true that in the Newberry case the constitutionality of a Federal statute which undertook to regulate primary elections was involved, while there was no statute regulating the conduct of primary elections involved in the Classic case?

Mr. O'MAHONEY. In the Classic case the Criminal Code which forbade certain practices which were deemed to be corrupt was involved, so a statutory power was involved. But that statute had been written and adopted before the primary law was adopted, and in terms it applied to the general election, not to the primary.

Mr. OVERTON. That is correct, but the point I was undertaking to make was that in the Newberry case a statute, passed by Congress, undertaking to regulate in detail general elections and primary elections, and imposing penalties, was involved, and that situation did not obtain in the Classic case.

Mr. O'MAHONEY. That is correct. I wish to read a few extracts from the decision by Mr. Justice Stone, now Chief Justice of the United States, in the Classic case:

Two counts of an indictment found in a Federal district court charged that appellees, commissioners of elections, conducting a primary election under Louisiana law, to nominate a candidate of the Democratic Party for Representative in Congress, willfully altered and falsely counted and certified the ballots of voters cast in the primary election.

Observe—

The questions for decision are whether the right of qualified voters to vote in the Louisiana primary and to have their ballots counted is a right "secured by the Constitution" within the meaning of sections 19 and 20 of the Criminal Code, and whether the acts of appellees charged in the indictment violate those sections.

Observe the first question for decision was—

Whether the right of qualified voters to vote in the Louisiana primary—

I emphasize the word "qualified." Mr. Justice Stone did not say all citizens, all persons born or naturalized; he said the question is "whether the right of qualified voters." Is there any word or paragraph in this decision which undertakes to say that the State of Louisiana did not have the right to fix those qualifications? Not a word, Mr. President; not a paragraph.

Again I read, on page 308, language to show exactly how the mind of the Court was working:

The charge, based on these allegations, was that the appellees conspired with each other, and with others unknown, to injure and oppress citizens in the free exercise and enjoyment of rights and privileges secured to them by the Constitution and laws of the United States, namely, (1) the right of qualified voters who cast their ballots in the primary election to have their ballots counted as cast for the candidate of their choice.

THE CONSTITUTION "COMMANDS" US

I now turn to page 310. This is what Mr. Justice Stone said, and I doubt not it indicates what he thinks.

Article I, section 2, of the Constitution—

That is the provision upon which this whole argument is based. Here is the Supreme Court talking about the provision which we must set aside if we undertake to support this bill.

Article I, section 2 of the Constitution—

Says Mr. Justice Stone—

commands that "The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The Supreme Court tells us that this provision of the Constitution, article I, section 2, "commands" that the qualifications of the electors shall be those of electors for the most numerous branch of the State legislature. Can any more important, any more mandatory, any more undebatable word be used than the word "commands"? It is the word that this Supreme Court uses in interpreting this section of the Constitution.

Mr. BANKHEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. O'MAHONEY. I yield.

Mr. BANKHEAD. Does the Senator intend on that point to advert to the repetition of that command in the seventeenth amendment to the Constitution which provides for the election of United States Senators?

Mr. O'MAHONEY. I think it may be important to do that.

Mr. BANKHEAD. I think it would, because it is the only provision in the entire Constitution I know of that is repeated in exactly the same language, thus adding emphasis to it.

Mr. O'MAHONEY. I made a brief reference to that a moment ago, when a Senator handed me a note. I shall read it since the Senator from Alabama has made the suggestion. I read from the seventeenth amendment:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Then comes the sentence—

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. BANKHEAD. May I now inquire of the Senator if he has observed that that language is a repetition of the language of section 2 of article I; a language which was adopted by the Congress and by the people 125 years after section 2 had been adopted and written into the Constitution?

Mr. O'MAHONEY. The Senator is quite right, and that leads me to make this observation. In the light of the debate which I have already read earlier today it is clear that if the framers of the Constitution had wanted to make a Federal rule of qualification, since it is clear that they knew exactly what the issue was, they would have written it into the Constitution. One member, seconded by another member of the Convention, indeed tried to do that, and the effort was defeated, and then, as the Senator from Alabama has so cogently remarked 125 years later, when the people of the country were providing for the popular election of United States Senators, they decreed again that the qualifications of the electors who should choose the Senators should be the same as those of the electors of the most numerous branch of the respective State legislatures. There can be no question, it seems to me, of the meaning of the language.

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

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. The Senator from Wyoming stated that the framers of the Federal Constitution could, if they had desired, have adopted a uniform standard, and they deliberately rejected that theory. Did they not in section 2 of article I adopt a Federal standard, and was not that Federal standard a varying standard depending upon what each State did within that State, and when the State once did do it, it then became a Federal requirement, because the Constitution commands, as the Senator so well points out, that the elector shall have the qualification—not may, but shall have, the qualification—of an elector for the most numerous branch of the State legislature?

Mr. O'MAHONEY. The drafters of the Constitution, and the States, when they amended the Constitution to provide for popular election of Senators, did precisely what the Senator from Texas said; they decreed that the Federal qualifications in each State should be those which each State adopted for itself. That is not only my view, the view of the Senator from Texas, the view of the minority on the Judiciary Committee; it has been the view of every person who has commented upon the Constitution from the time it was written and adopted down to the hour when the sponsors of the proposed legislation undertook to separate Federal qualifications from State qualifications.

Let me now go back to Mr. Justice Stone and the Classic case. I am quoting again:

> Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate the times, places, and manner of holding elections for Representatives.

Mr. President, to contend that a qualification known by all the framers of the Constitution to be a qualification is not a qualification is to repudiate common sense.

We have the plain language of the Constitution, the declarations of the delegates who participated in the constitutional debate, and, finally, the clear language of the Supreme Court of the United States.

The whole question involved in the Classic case was whether or not the criminal code extended to primary as well as to the general elections. Before discussing the question I desire to read one or two more sentences from the opinion delivered by Justice Stone. I read from page 314:

> The right of qualified voters to vote at the congressional primary in Louisiana and to have their ballots counted is thus the right to participate in that choice.

Again we find the words "qualified voters."

> We come then to the question whether that right is one secured by the Constitution. Section 2 of article I commands—

And here is the word again—

> That Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it prescribes.

How can the proponents of the bill get any comfort out of the Classic case, Mr. President, when the spokesman of the Court has said in simple words:

> Section 2 of article I commands that Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it—

That is, section 2, article I, of the Constitution—

> prescribes.

Let him who argues that Congress has the right to amend the Constitution by a majority vote and by statutory enactment gain comfort if he can from this most recent pronouncement of the Supreme Court. We are asked, "What are you bothering about? Why do you expose yourself?"—and, in the language of the day "Why do you stick your neck out? Let the Supreme Court do it." What comfort can the person who offers that easy avenue of escape from legislative duty obtain from the language of Justice Stone?

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

Mr. O'MAHONEY. I yield.

Mr. OVERTON. Does not the able Senator from Wyoming think that the language of Justice Stone is perhaps even stronger than he has suggested, when it is considered that in the sentence which he just read the word "it" may refer to the State itself rather than to the Constitution of the United States? The language is:

> Electors, the qualifications of which it—

The State—

> prescribes.

Mr. O'MAHONEY. I will say to the Senator from Louisiana, that, in my judgment, the word "it" refers to the Constitution and not to the State. I believe the grammar of the context requires that construction.

Mr. OVERTON. Either construction would strongly support the argument made by the able Senator from Wyoming.

Mr. O'MAHONEY. The sentence which I just read is followed by another, reading as follows:

> The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution and hence—

Observe this phrase:

> and hence is one secured by it to those citizens and inhabitants of the State entitled to exercise the right.

Nowhere is there any suggestion that the title to exercise the right is to be conveyed anywhere or in any way except as decreed in section 2 of article I, namely, by the States when they fix the qualifications of electors for the most numerous branch of the legislature.

Mr. President, it would be possible to spend a great deal of time in threshing out the pending question and refining the argument. I do not propose to do so. I do not think it is necessary. However, I desire to add another word lest those who think that, because the present

Supreme Court is supposed to be one of more liberal and advanced ideology than the courts which have gone before it will overthrow the Constitution and, at the behest of a majority, authorize Congress by indirection to do by statute what should be done only by an amendment to the Constitution. I invite their attention to the fact that in the Classic case, which revolved about the power of Congress by statute to punish offenses in the conduct of a primary, three members of that Court—Justice Douglas, Justice Murphy, and Justice Black—dissented. They said that Congress could not extend the criminal law to primaries without an explicit declaration to that effect.

I cite that dissent, Mr. President, to demonstrate the fact that the three members of the Court who at least in popular thought are believed to be among the most liberal members of that body were careful in their determination to adhere to a strict construction of a statute. If those three justices held that view with respect to a statute, who will say that they will likely toss out the window the provisions of the Constitution as the Senate is requested to do?

Mr. OVERTON. Mr. President, will the able Senator from Wyoming yield for a further question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. O'MAHONEY. I yield.

Mr. OVERTON. There is certain language in the pending bill which I do not understand, and I should like to ask the Senator from Wyoming if he can state why it has been inserted by the proponents of the bill.

The bill as amended by the committee provides as follows:

> That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers.

The Constitution provides that each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives, thereby leaving entirely to the State the determination of the manner in which electors shall be selected. With this in mind, as well as the fact that section 2 of article I, and the seventeenth amendment, are the only two constitutional provisions which refer to the qualifications of electors, and that they refer to the qualifications of electors solely for electing Representatives and Senators, why has there been incorporated in the pending bill an attempt to regulate the action of the States in determining how electors for President and Vice President shall be chosen? Was that matter discussed before the committee?

Mr. O'MAHONEY. No; it was not discussed in the hearings, I assume, because the members of the committee felt that the purpose of the sponsors of the bill was obvious, namely, to provide that all Federal officials should be elected by electors possessing qualifications to be prescribed by Congress; and since the President is a Federal official, it was deemed necessary to include him. Since he could not be included in any way except through the Presidential electors, it would be necessary to amend the Constitution with respect to the selection of Presidential electors as well.

However, I do not give a great deal of weight to that viewpoint because by their own action, by custom and by force of habit, the people have already provided that electors shall become merely rubberstamps, so to speak, for the great mass of the voters.

THE MAJORITY REPORT

I now desire to refer to one or two of the statements and arguments which appear in the majority report. It is probable that I have already covered this question in my main argument; but I believe it is important to make specific allusion to the language used in the majority report. I now read from page 2 thereof:

> The qualification of a voter is generally believed to have something to do with the capacity of a voter.

Mr. President, I submit that that statement is a complete misconception of history and of argument.

The qualifications requisite for electors were not deemed to have anything to do, except indirectly, with the capacity to vote. Can there be any doubt of it, since it was necessary by constitutional amendment to extend the right of suffrage to women?

No one—

Says the report—

> can claim that the provision of the Federal Constitution above quoted would give a legislature the right to say that no one should be entitled to vote unless, for instance, he had red hair or had attained the age of 100 years or any other artificial, pretended qualification which, in fact, had nothing to do with the capacity or real qualification of the voter.

Mr. President, the answer to that is that that is precisely what the States did do. For more than 100 years they said that a woman could not vote—a pretended, artificial exclusion or, to use the exact language of the majority report, an "artificial, pretended qualification which, in fact, had nothing to do with the capacity or real qualification of the voter."

So the argument that the poll-tax-payment prerequisite is not a qualification completely falls to the ground. The word "qualification" was used not in the sense of determining the intellectual capacity, the character, the vision, the statesmanship, or the patriotism of those who should vote, but purely to designate the rules and regulations which the States chose to put around the exercise of the right to vote. Who is there to say that, from that point of view, a boy of 21 is more qualified than a boy of 20? Just the other day, the distinguished Senator from Michigan said he would introduce a constitutional amendment to provide that, since those who fight should vote, the Constitution should be amended so as to provide that boys of 18, 19, and 20 should be qualified voters. Is not the arbitrary age of 21 a purely artificial choice, wholly unrelated to any specific measure of inherent individual quality? By habit and custom, we have decided that the age of 21 is the proper age for coming into the adult rights of citizenship; so qualifications, as referred to in the Constitution, have no relation whatsoever to personal ability but solely to the terms and conditions on the basis of which the right to vote shall be extended.

Here again the report says:

> We believe there is no doubt but that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the States power to set up qualifications, by using other artificial means and methods which in fact have no relation whatever to qualifications.

That statement is utterly contrary to the whole history of our development.

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

Mr. O'MAHONEY. I yield.

Mr. MURDOCK. Does the Senator take the position that the poll-tax laws and poll-tax provisions of the Constitutions of the eight Southern States were enacted as qualifications for voting; or, as was argued by at least some of the attorneys general of the Southern States, is it the Senator's position that the poll-tax law was not a qualification for voting but purely a revenue measure? The attorneys general made the argument in support of its being a revenue measure, rather than a qualification for voting, that it applied not only to the voters of the States but to everyone, including aliens, and that the only effect it had on voting was that the payment of the poll tax was made a prerequisite for voting, rather than a qualification.

It seemed to me that all the attorneys general from the South whom I heard explicitly took the position that it was a revenue measure, not a measure enacted as a qualification for voting.

Mr. O'MAHONEY. Mr. President, my recollection of the hearings is that for the most part those who came before us from the so-called poll-tax States told us, in effect, that, given time, with a little patience, and without the application of force by the Federal Government, the States themselves would extend the right of suffrage.

Mr. MURDOCK. However, what the Senator has said does not answer my question.

Mr. O'MAHONEY. Perhaps not.

Mr. MURDOCK. I agree that they said that. If I did not make myself clear, may I interrupt the Senator in order to ascertain whether his position is that the purpose of the poll-tax is to

impose a qualification requisite for voting, or whether the Senator believes, as was stated by the attorney general of South Carolina, as I recall, that the poll tax was enacted, not for the purpose of imposing a qualification for voters, but purely, solely, and exclusively as a revenue-raising measure, for the benefit of the schools of South Carolina. If the attorneys general from the South take the position that the poll tax was enacted, not as a qualification for voting, but purely and simply as a revenue-raising measure, and merely placing the burden of paying the tax as a requirement for voting, it seems to me that we must make the distinction as to whether the poll-tax law is a measure imposing a qualification or requirement requisite for voting or whether it is a revenue measure.

Mr. BILBO. Mr. President, will the Senator yield so that I may ask a question?

Mr. MURDOCK. If the Senator from Wyoming will yield. I have not the floor.

Mr. BILBO. If the Senator will yield, let me say that if payment of a poll tax is a prerequisite for voting, would not it be a qualification requisite for voting?

Mr. MURDOCK. That is the question which is before the Senate today—whether the prerequisite of the payment of the poll tax is a qualification or whether it is not. If it is not a qualification, it does not come within section 2 of article I of the Constitution, from which the distinguished senior Senator from Wyoming is arguing.

Mr. BILBO. I am attempting to ascertain how the attorneys general argued the matter. Of course, the States differ in their requirements in that respect; the requirements in all the States are not exactly the same.

Mr. MURDOCK. That is true.

Mr. BILBO. I am endeavoring to ascertain whether any attorney general argued that if the payment of a poll tax is a prerequisite for voting, it is not a qualification for voting.

Mr. MURDOCK. I should say, if the Senator will further yield, that the argument of the attorney general of South Carolina was, in answer to my question, that the poll-tax law was enacted, not as a qualification requisite for voting, but purely and simply as a revenue-raising measure for the benefit of the schools of South Carolina. He pointed out that it applies not only to the voters of South Carolina but to aliens who may be resident in South Carolina.

Mr. BILBO. He may have a situation entirely different from that in other States. I know his situation is different from that in Alabama.

Mr. McKELLAR. Mr. President, will the Senator yield for a moment?

Mr. MURDOCK. Very well, if I may have the permission of the Senator from Wyoming.

Mr. McKELLAR. So far as concerns the constitutional provision of the State of Tennessee, it specifically provides for the presentation of a poll-tax receipt, without the presentation of which a voter shall not be qualified to vote or shall not have the right to vote. The Tennessee Constitution makes specific provision to that effect; that provision is in the constitution itself. However, regardless of whether the provision were in the constitution, it would be a qualification, because the effect of it is to bring about a qualification. There may have been various purposes in having such provisions enacted by the States; but whatever the purposes were, the fact remains that they are qualifications, and so intended.

Mr. O'MAHONEY. Mr. President, I think that the history of poll-tax legislation is a definite and clear answer to the Senator's question. Our decision does not depend upon what this or that witness may have had in the back of his head. Our decision must depend upon facts, history, and the interpretation of the Constitution and of the poll-tax statutes.

The poll-tax statutes, in the first place, were adopted in several States for the purpose of extending the suffrage. It was felt by the legislatures of those States that it was improper to confine the suffrage only to those who were owners of property. It was felt, for example, as in the State of Pennsylvania, that the sons of a farmer who had reached the age of 21 and were living on the farmer's homestead should not be deprived of the right to participate in an election because they were not the owners of real property. So a statute was enacted to provide a poll tax. Furthermore, the poll tax, as in the State of Massachusetts, which abandoned it only as late as 1892, applied to all, to aliens as well as to citizens; but the requirement was, as the Senator from Tennessee has said, that in order to vote one must have paid a poll tax. In other words, it was the payment of the tax which was the prerequisite of voting, and, therefore, a qualification. So my answer to the Senator from Utah is precisely that it is a qualification.

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

Mr. O'MAHONEY. Certainly.

Mr. TYDINGS. I should like to ask the Senator a question. When a State recognizes the qualifications which a voter must have as outlined in the Federal Constitution, I ask whether or not, in addition thereto, it may make other qualifications provided they do not conflict with the qualifications set forth in the Federal Constitution? Do I make my question plain?

Mr. O'MAHONEY. Well, the qualifications set forth in the Federal Constitution are simply that the electors shall have the qualifications requisite for electors for the most numerous branch of the legislature.

Mr. TYDINGS. Yes. What, then, would be the objection——

Mr. O'MAHONEY. The Senator's question is indicative of a rather general misconception.

Mr. TYDINGS. That is what I am coming to.

Mr. O'MAHONEY. There are a great many people who think that the Constitution prescribes independent Federal qualifications; but that is not the fact.

Mr. TYDINGS. The Senator is correct.

Mr. O'MAHONEY. The Constitution adopts the qualifications fixed by the States.

Mr. TYDINGS. What I am getting at, and what prompted me to ask the question, was this: As I understood, the Senator from Utah raised the question, by inference, that a State could not impose upon a voter any additional qualifications which the Federal Constitution itself does not impose; in other words, the Senator puts it as a bar to the right of a citizen to vote if, for example, the State sees fit to extend the qualifications by providing, say, that the voter must be able to read or write. I was wondering whether the Senator had had occasion, in his researches, to reach a conclusion as to whether such an act on the part of the State would or would not be constitutional.

Mr. O'MAHONEY. The State, unquestionably, has the right to fix the qualifications it decides for the electors who are to choose the members of the most numerous branch of the State legislature.

Mr. GEORGE. Provided, of course, the qualifications fixed do not offend some provision of the Constitution, as the fifteenth or nineteenth amendments.

Mr. O'MAHONEY. Certainly.

Mr. TYDINGS. For example, then, a State, as I take it, could make a law that no person shall be entitled to vote who canhot read. Am I correct about that? I am not questioning whether it would be wise or whether it would be unwise; I am talking about the right.

Mr. O'MAHONEY. Exactly.

Mr. TYDINGS. So that, if a State could do that, it would not be a bar to Federal suffrage at all?

Mr. O'MAHONEY. Not at all.

Mr. TYDINGS. That is my thought about it.

Mr. GEORGE. Mr. President, if the Senator from Wyoming will pardon me, I think the Senator from Utah, who is not on the floor, undoubtedly meant to raise the question which has been frequently raised, that a distinction has been sought to be drawn, first, upon the proposition that the so-called poll tax is a revenue measure and that the prohibition against voting until the payment of a poll tax has been shown is an unauthorized abridgment of the right of a citizen who is qualified to vote; in other words, that it is an undue limitation upon what is asserted to be a Federal right of the voter to cast his vote.

In the Breedlove case, as the distinguished Senator from Wyoming will recall, the opinion, written by Mr. Justice Butler, as I recall, did say that the Georgia poll tax was a revenue measure, but that the provision that the voter could not vote until the tax had been paid was not an undue limitation or infringement upon the right of the citizen to vote; in

other words, that the State had a right to collect this tax if it levied it as a tax, and it had the right to provide that the payment of the tax should be a necessary condition and qualification for registration and voting as a means of collecting revenue. I think Mr. Justice Butler's opinion in the Breedlove case would probably have to be very narrowly restricted to the Georgia poll-tax question.

Mr. O'MAHONEY. The Senator is quite right. As I pointed out, the argument of the proponents of this proposed legislation depends, first, upon the contention that a qualification which was recognized by the framers of the Constitution is, in fact, not a qualification but an interference with the manner of holding elections, or, secondly, that, though these restrictions upon the right to vote were recognized and universal at the time the Constitution was drafted, nevertheless, their existence now in 8 of the 48 States constitutes a denial of a republican form of government.

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

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. I have wanted for some days to correct an impression which seems to prevail. I desire to call the attention of the Senator from Wyoming to the fact that in the State of Vermont the legislature authorized municipalities to impose poll taxes for voting in municipal elections. That is now the law of the State; it is a requisite to the exercise of suffrage in the municipal elections in Vermont. That was told to me by a voter who saw another voter rejected because he had not paid his tax. So I consulted the Senator from Vermont [Mr. AUSTIN] and he confirmed what I am stating. So the poll tax is not as yet wiped out in the other sections of the country.

If the Senator will permit one more brief interruption I shall be through, and shall not bother him further.

Mr. O'MAHONEY. I am glad to yield.

Mr. CONNALLY. A moment ago the Senator was discussing—and very soundly discussing—the point that the Federal Government had never in the Constitution or by statute defined Federal suffrage or Federal franchise, and what it consisted of, because under section 2 of article I the Constitution adopted the qualifications provided by the States. It is perfectly conceivable, is it not, that, under that article, one State might prescribe that a man may vote when he is 18 and another State might provide he may not vote until he is 23 or 25?

Mr. O'MAHONEY. Precisely.

Mr. CONNALLY. Or one State can say that a voter must register a month ahead of the election and another say that he must register 2 months ahead of the election or 6 months ahead of the election, and so on. So that bears out the contention of the Senator, that nowhere, up till now, has there been any effort to fix what shall be a Federal franchise apart from the State franchise.

Mr. O'MAHONEY. Mr. President, I was about to conclude.

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

Mr. O'MAHONEY. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator will also recall, from reading the proceedings of the Constitutional Convention, that one of the arguments made by those who had prepared and were espousing this particular portion of the Constitution was that different laws and different qualifications were provided in the several States, and the writers of the Constitution did not want to stir up the voters in any particular State where they had been in the habit and custom of voting as provided by the State laws and constitution. It seems to me, from a reading of the history of the Convention, that that was the commanding argument, that the States had already adopted qualifications of various kinds, and that they should not be interfered with, and that argument prevailed in the Convention, I am sure the Senator recalls.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. President, I have been pointing out the arguments which have been advanced by the supporters of the measure we are discussing, first, that a qualification is not a qualification; second, that a poll-tax qualification is a denial of a republican form of government.

There are two other arguments—third, that the fourteenth amendment gives the Congress the right to pass the proposed legislation; and, finally, fourth, that a poll-tax prerequisite is a tax upon a Federal function, and therefore unconstitutional.

It seems to me these arguments can be disposed of very quickly. Section 2 of article XIV of the amendments is the section which deals with this matter. It reads as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

It seems to me reading of that section leaves no possibility for any other conclusion save this, first, that the men who drafted it were still of the belief that the qualifications for those who would vote for Federal officials should be the same as of those voting for State officials, because otherwise they would not all have been grouped in the same clause.

> When the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State—
>
> Of a State—
>
> or the members of the legislature thereof is denied.

Here we have the same group of officers, all officers, Federal and State, grouped together.

Finally, there is the closing phrase, that if there is a denial of the right to vote, or an abridgment, the recourse is to be found, not in changing the qualifications, not in altering the qualifications, not in extending them or restricting them, but in a reduction of representation as set forth in these words:

> The basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Wyoming yield to the Senator from Texas?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. Is not the provision the Senator just read a recognition of the right of the State to fix the qualifications, and, except in the particulars where it seeks to prohibit it, it is therefore free to fix any other qualification it may see fit to exercise? Is not that necessarily implied by the rule of exclusion?

Mr. O'MAHONEY. It is in express words, practically, a recognition of the State's right to do this thing, but it says, "If you do it, you do it at this peril."

As to the last argument, that it is a burden upon a Federal function, on page 5 of the majority report I find this sentence:

> It therefore follows that these State poll-tax constitutional amendments were in direct violation of this statute and, therefore, absolutely unconstitutional.

Here, I note, the sentence I have just read refers to the statute of readmission in the case of Virginia. That follows exactly the same line of argument that is made on the tax question. Here is the sentence I wanted to read, found on page 4:

> One might add that, since voting is one of the fundamental governmental rights, the right to tax this fundamental privilege by a State would be giving to the State the power to destroy the Federal Government. No State can tax any Federal function.

The obvious answer to that is that if such a statute in any State levying a poll tax, and making it a requirement to vote, is in fact a burden upon a Federal function, and therefore unconstitutional, no legislation is necessary. If it is unconstitutional, all that has to be done is for those who feel that the right is abridged, that an unconstitutional act is performed, to take the case to the Supreme Court and have it passed upon. There is no law superior to the Constitution. That

is the fundamental law. It is the supreme law of the land, and if, as the proponents of the bill argue, poll-tax laws are in violation of the Constitution upon either one of these two grounds, namely, as being a tax upon a Federal function, or a violation of the constitutional statute of readmission, then all that is necessary is to take the case to the Supreme Court.

If it be said that a poor man who could not afford a dollar and a half, or $5, or $10, or what not, to pay a poll tax, cannot afford to take a case to the Supreme Court, the answer is that the same organizations which sent their attorneys to appear before the Committee on the Judiciary of the United States Senate, and which have defended and properly so, in my judgment, the invasion of civil rights in various parts of the Union, can bring the case.

Mr. President, as I stated at the outset, the question before us is not a bald question of whether or not the payment of a poll tax should be a requirement for voting. I personally believe poll-tax requirements should be abolished. I know that when 40 of the 48 States have already decreed that poll-tax payments shall not be a requisite, it will be only a matter of time before the remaining 8 States will follow in their path, if only we are patient, if only we are tolerant. But if we undertake to apply the force of a mere majority to compel States to act, then we shall have the effect of impeding the reform.

Governors of States came before the committee, among them the Governor of Alabama, who testified that he had personally urged upon his Alabama legislature the repeal of the statute which provides for cumulative payment of taxes. It has been reported to me that two of the other States would in all probability repeal the poll-tax laws in the coming sessions of the legislatures.

There is a steady trend everywhere in America toward the liberalization of the standards of voting. If we attempt to break down State rights in order to hasten that reform the inevitable result will be the continued expansion of the Federal power, and it seems to me of overwhelming importance that we in the Senate particularly shall do nothing about which there is the slightest constitutional doubt which will tend to destroy the capacity of the States, as States, to function as the framers of the Constitution provided and deemed that they should function.

Mr. President, in my judgment, the bill is absolutely unconstitutional and would bring about evil far greater than those evils which are now being corrected by State action, but which it seeks to eradicate by the application of legislative force.

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

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

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

Andrews	Davis	Norris
Austin	Doxey	O'Mahoney
Bankhead	Ellender	Overton
Barbour	George	Russell
Barkley	Gillette	Shott
Bilbo	Green	Smith
Brewster	Herring	Stewart
Bulow	Hill	Tunnell
Bunker	McKellar	Tydings
Burton	McNary	Vandenberg
Byrd	Maybank	Van Nuys
Capper	Mead	Wagner
Caraway	Milliken	White
Chandler	Murdock	Willis
Connally	Nelson	

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Forty-three Senators having answered to their names, a quorum is not present. The clerk will call the names of absent Senators.

Mr. CONNALLY. Mr. President——

Mr. RUSSELL. I move that the Senate adjourn until Monday next.

Mr. BARKLEY. On that motion I ask for the yeas and nays.

Mr. McNARY. Mr. President, a parliamentary inquiry. What is the motion?

Mr. BARKLEY. I will say to the Senator from Oregon that the motion is to adjourn until Monday.

The PRESIDING OFFICER. The Chair understood the motion to be to adjourn; not to adjourn until Monday.

Mr. RUSSELL. Yes; the motion was to adjourn until Monday next.

Mr. BARKLEY. Yes; the motion was to adjourn until Monday. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that a motion to adjourn until Monday is not in order in the absence of a quorum, but that a motion to adjourn is in order.

Mr. RUSSELL. I ask the Chair to restate his ruling.

The PRESIDING OFFICER. A motion to adjourn until Monday is not in order in the absence of a quorum. A motion to adjourn is in order.

Mr. RUSSELL. I move that the Senate do now adjourn until 12 o'clock noon tomorrow.

Mr. BARKLEY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. STEWART (after having voted in the affirmative). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Texas [Mr. O'DANIEL] and allow my vote to stand.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. MCCARRAN] is absent conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

The Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oklahoma [Mr. LEE], and the Senator from Illinois [Mr. LUCAS] are detained in various Government departments.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Texas [Mr. O'DANIEL], the Senator from Arkansas [Mr. SPENCER], the Senator from Maryland [Mr. TYDINGS], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from Connecticut [Mr. MALONEY] is absent attending the funeral of the Democratic national committeeman from Connecticut.

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

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 22, nays 37, as follows:

YEAS—22

Andrews	Connally	Overton
Austin	Doxey	Russell
Bankhead	Ellender	Schwartz
Bilbo	George	Shott
Bulow	Hill	Smith
Bunker	McKellar	Stewart
Byrd	Maybank	
Caraway	O'Mahoney	

NAYS—37

Aiken	Kilgore	Taft
Barbour	La Follette	Thomas, Okla.
Barkley	Langer	Truman
Brewster	McNary	Tunnell
Burton	Mead	Vandenberg
Capper	Millikin	Van Nuys
Chandler	Murdock	Wagner
Chavez	Nelson	Walsh
Davis	Norris	White
Gerry	Pepper	Wiley
Gillette	Radcliffe	Willis
Green	Reed	
Herring	Shipstead	

NOT VOTING—37

Bailey	Butler	Glass
Bone	Clark, Idaho	Guffey
Bridges	Clark, Mo.	Gurney
Brooks	Danaher	Hatch
Brown	Downey	Hayden

Holman	McFarland	Thomas, Idaho
Hughes	Maloney	Thomas, Utah
Johnson, Calif.	Murray	Tobey
Johnson, Colo.	Nye	Tydings
Lee	O'Daniel	Wallgren
Lodge	Reynolds	Wheeler
Lucas	Smathers	
McCarran	Spencer	

So the Senate refused to adjourn.

Mr. RUSSELL. Mr. President, I now move that the Senate adjourn until Monday next. I understand that some Senators who would not support the previous motion will support the one I now make.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). The question is on agreeing to the motion of the Senator from Georgia.

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. STEWART (when his name was called). I make the same announcement as on the last vote, that I have a general pair with the Senator from Oregon [Mr. HOLMAN], which I transfer to the junior Senator from Texas [Mr. O'DANIEL], and will vote. I vote "yea."

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from New Jersey [Mr. SMATHERS] is absent because of illness in his family.

The Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. THOMAS] have been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. MCFARLAND] are conducting hearings in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

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The Senator from Idaho [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Oklahoma [Mr. LEE], and the Senator from Illinois [Mr. LUCAS] are detained in various Government departments.

The Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Colorado [Mr. JOHNSON], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], the Senator from Texas [Mr. O'DANIEL], the Senator from Arkansas [Mr. SPENCER], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from Connecticut [Mr. MALONEY] is absent attending the funeral of the Democratic national committeeman from Connecticut.

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

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 24, nays 35, as follows:

YEAS—24

Andrews	Connally	O'Mahoney
Austin	Doxey	Overton
Bankhead	Ellender	Russell
Bilbo	George	Schwartz
Bulow	Hill	Smith
Bunker	Kilgore	Stewart
Byrd	McKellar	Tunnell
Caraway	Maybank	Tydings

NAYS—35

Aiken	La Follette	Shott
Barbour	Langer	Taft
Barkley	McNary	Thomas, Okla.
Brewster	Mead	Truman
Burton	Millikin	Vandenberg
Capper	Murdock	Van Nuys
Chandler	Nelson	Wagner
Chavez	Norris	Walsh
Davis	Pepper	White
Gerry	Radcliffe	Wiley
Green	Reed	Willis
Herring	Shipstead	

NOT VOTING—37

Bailey	Gurney	Murray
Bone	Hatch	Nye
Bridges	Hayden	O'Daniel
Brooks	Holman	Reynolds
Brown	Hughes	Smathers
Butler	Johnson, Calif.	Spencer
Clark, Idaho	Johnson, Colo.	Thomas, Idaho
Clark, Mo.	Lee	Thomas, Utah
Danaher	Lodge	Tobey
Downey	Lucas	Wallgren
Gillette	McCarran	Wheeler
Glass	McFarland	
Guffey	Maloney	

So the Senate refused to adjourn to Monday next.

Mr. RUSSELL. Mr. President, I hold in my hand an editorial——

Mr. BARKLEY. Mr. President——

Mr. RUSSELL. Does the Senator from Kentucky desire me to yield?

Mr. BARKLEY. I do not know who was recognized.

The PRESIDING OFFICER. The Chair recognized the Senator from Georgia.

Mr. BARKLEY. I merely desire to say that I have no desire to discuss the point of order, but I merely express the hope that we may vote on it.

Mr. RUSSELL. I do not think anyone has any doubt that the Senator from Kentucky is anxious to vote on the point of order.

Mr. President, there is published in my State a newspaper known as the Atlanta Journal, now owned by former Gov. James M. Cox, of Ohio, a distinguished Democrat, and a former candidate for President of the United States. In that newspaper there appears an editorial on the question before the Senate, and I should like to have it read at the desk by the clerk.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will read as requested.

The legislative clerk read as follows:

[From the Atlanta (Ga.) Journal]

POLL-TAX POLITICS

Regardless of the merits or demerits of the general proposition that poll taxes should be abolished, it was extremely ill-advised that such an issue was set aflame in Congress at this juncture. When all the energy we can muster and all the teamwork we can inspire are needed to win the most fateful war in our history, why drag in a dissension-breeding question that has no claim to urgent or primary importance? Those who have insisted on passage of the bill to outlaw poll taxes as a requirement for voting, in Federal elections, must have foreseen the sort of controversy they were inciting. Theirs is the first, the basic responsibility for the filibuster tactics in the Senate and for the breach in Democratic ranks at a time when concord is so greatly needed for the country's good as well as the party's.

The bill is aimed at the eight Southern States—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia—which still levy an annual poll tax, $1 in most of them and in none more than $2, as a prerequisite to voting. In all other States where it ever existed this type of taxation, so far as it concerns the suffrage right, has been abandoned, and there are many observers who believe that it is on the way to self-repeal in all the South. North Carolina, Louisiana, and Florida have led in that direction by legislative acts of their own. But this free process is quite a different thing from forcing the States by a Federal act into surrendering what they consider an essential right of self-government. Though legal opinions differ, there are able authorities who maintain that the pending anti-poll-tax bill does violence to that section of the Constitution under which the States alone have power to determine the qualifications of their electors. Certainly, it does violence to common sense and to the common interests of America by precipitating, in the midst of our war for survival, a controversy that makes for disunion and impedes the most urgent business of Congress.

The fact is, this coercive measure was thrust forward partly, if not principally, as a device for catching votes in doubtful fields of northern politics. It has no bearing on broad national issues. It applies solely to one region, and there to problems which can be worked out to far better advantage by free discussion and local initiative than by another Federal force bill. We in the eight Southern States that still retain a poll tax as a prerequisite to voting would do well to study the matter with open and realistic minds. But politicians on Capitol Hill who are fiddling for pet "reforms" while the gales of fate are blowing would do better still to get down to the grim business of winning the war.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Brewster	Chandler
Andrews	Bulow	Chavez
Austin	Bunker	Connally
Bankhead	Burton	Davis
Barbour	Byrd	Doxey
Barkley	Capper	Ellender
Bilbo	Caraway	George

Gerry	Murdock	Stewart
Green	Nelson	Taft
Herring	Norris	Thomas, Okla.
Hill	O'Mahoney	Truman
Kilgore	Overton	Tunnell
La Follette	Pepper	Tydings
Langer	Radcliffe	Vandenberg
Lee	Reed	Van Nuys
McKellar	Russell	Wagner
McNary	Schwartz	Walsh
Maybank	Shipstead	White
Mead	Shott	Wiley
Millikin	Smith	Willis

Mr. McNARY. The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from South Dakota [Mr. GURNEY], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. THOMAS], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

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

Mr. BILBO. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. McNARY. Mr. President, may I make an announcement?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. BILBO. Certainly.

Mr. McNARY. I announce that the senior Senator from New Hampshire [Mr. BRIDGES] is necessarily absent because of a serious eye infection.

Mr. BILBO. Mr. President, yesterday, while I was discussing the pending motion the distinguished and beloved Senator from Oregon [Mr. McNARY] introduced into the RECORD as I was speaking—and I was glad to concede that privilege to him—a letter from Perry W. Howard, the Republican national committeeman from my State. I have read the letter carefully, and I find no fault with the letter at all; it is a very frank letter. I did not in my remarks say whether Mr. Howard was for or against this measure. I only said that he told the committee very frankly that it would not help any Negro in Mississippi to cast his vote. But Howard was afraid that the impression might go out that he was opposed to the proposed legislation. I did not mean to convey that idea.

Since he has written this letter, in an attempt to get himself and his position before the country, I wish to refer to his testimony before the committee; but I do not want the country to believe the things he said before the committee. I read from his testimony:

> There is one phase that peculiarly affects colored people and prevents them from voting in certain States—in my State we have the only State in which there are 1,800,000 colored people and only 700,000 whites.

Howard is a distinguished attorney, and I understand he is a good lawyer. I am at a loss to know why an informed and intelligent lawyer would go before a Senate committee and make such a wild statement as that there are 1,800,000 Negroes in Mississippi and only 700,000 whites. In order to keep the record straight, I am pleased to give the population of the races in Mississippi according to the 1940 census.

There are 2,183,796 inhabitants of Mississippi, of all races. There are 1,106,327 white people. There are 1,100,339 native whites. There are 5,988 foreign born. There are 1,074,578 colored people. In other words, Lawyer Howard missed the number by about 800,000, when he stated the number of Negroes. If he is as far from the truth in his other statements as he was in giving to the committee the statement of the population of his State, I doubt whether what he said is worthy of belief.

He makes another statement which was an attack upon Mississippi. He said:

> That constitution is so arranged that the first line, for example, goes east, and the second line goes south, and so on throughout the reading of the constitution. So, no one can read it.

There is not a word of truth in that statement. The Constitution of Mississippi is published in all the official documents of Mississippi. It is printed as other State constitutions are printed, and why this leading Republican from Mississippi should go before a Senate committee and make a wild statement of that character passeth all understanding.

He said again in his testimony:

> We are going to send more colored soldiers than white soldiers out of Mississippi.

That is another absurd statement, because the last census shows that the white people in Mississippi are 30,000 in excess of the colored people, and how does Lawyer Howard estimate that Mississippi will send more colored soldiers than white soldiers into the war? As a matter of fact, I have called the attention of the War Department to the fact, and I have mentioned it also on the floor of the Senate, that because of the existence of 250,000 cases of syphilis among the million Negroes of Mississippi, the War Department has been turning down and sending back, after the draft boards have sent them to the Army encampments, practically half the Negro soldiers who are picked for service in the war.

Not only that, but in the beginning the Army rejected all soldiers who were below the fourth grade in their schooling, and because of the illiteracy of a great many Negroes in Mississippi, of military age, a great many of them are sent back when they are drafted, because of illiteracy. How Lawyer Howard can reason Mississippi will send more Negroes to the Army than whites is beyond my comprehension. As a matter of fact, I think it will be found that the records show that there are about two whites to every Negro, although the populations are practically the same.

He said further:

> We [the Negroes] are allowed to register, perhaps, but not allowed to vote.

I know of no Negroes who have been driven away from the polls in Mississippi with shotguns. I know of certain Negroes who voted in the Democratic primary in Mississippi, because, as good citizens, they had paid their poll taxes, and had been permitted to register.

He again stated:

> So I say again, that there is an injustice, a definite injustice where there are 1,800,000 colored people in the State, and of that number only about 2,000 actually vote.

There are in my State between two and three thousand Negroes who are qualified to vote, and who do vote. They go to the polls in November and vote. There is no way to keep them from voting, unless one uses a shotgun, and certainly we are not a lawless people. They have a right to go to the polls and vote, and they do vote. I resent the wholesale misinformation being disseminated by this Republican committeeman from Mississippi, that we have resorted to force to keep the Negro from the poll box in Mississippi.

I am glad to state that Lawyer Howard is very much in favor of the proposed legislation, because he is smart enough to know that if the Congress by a majority can force this measure through, and get the Supreme Court of the United States to approve it—and I verily believe the Supreme Court would approve it, although it is unconstitutional, I do not hesitate to say the next step will be that other qualifications of Mississippi voters and of the voters in other States will be tinkered with. That is admitted. It has already been done in the bill designed to permit the soldiers of the war to vote. It was provided, in the face of the constitution of my State, that both the poll tax and the necessity for registration should be eliminated, which I think makes the law clearly unconstitutional. But it is just another effort to do in the name of the war effort things which are absolutely unconstitutional. That is why there is such urgency for this proposal, that it is in the interest of the war effort, and it is on that ground that it is hoped it may get by.

So much for Mr. Howard, the Republican national committeeman from the State of Mississippi.

At this juncture I wish to read an editorial from a leading daily newspaper of my State, a newspaper which has never supported me in all my political career, but since this fight has been under way, because of the appreciation of all the people of my State, practically 99 percent of the people, of my efforts to stop this rape of the Constitution, this newspaper has this to say:

> BILBO COMES THROUGH
>
> Senator BILBO comes through.
>
> Mississippians time after time "work up a mad" against BILBO, in a multitude of little things.

I will say for Mississippians that we have our differences, we have our family quarrels. We are all Democrats. There are not enough Republicans in Mississippi to fill the Federal offices when the Republican ticket wins in the Nation. We

are all Democrats. We have our family differences, and we fight. We talk about each other; we denounce each other; but in a great crisis such as the present one, when a majority of the Congress seeks to rape the Constitution and take from the sovereignty of Mississippi its inherent constitutional right to fix the qualifications of its electors, even for Federal officers, we all stand together against the common enemy. So this newspaper proceeds to say:

Along comes BILBO in a crisis to defend Mississippi and the South in bigger things.

The bigger things drive all the little things away.

At the moment BILBO, with other loyal southern Senators, is fighting administration efforts to outrage and to enslave the solid South.

In the anti-poll-tax fight Senator BILBO takes the dynamic lead.

To defy our national administration requires far above the average in courageous statesmanship.

BILBO and his fellow southern Senators are fighting in a sacred cause—

"States' rights"—the constitutional privilege of local State-wide home rule.

With greedy enemies in all quarters of the globe, we fight to defend democracy from certain death.

Hence, in the name of heaven, why declare war against the cradle of our real democracy at home?

The obvious answer: Low-down, filthy national politics.

Our seamen drown, soldiers die, airmen crash—who cares?

Politics still reigns supreme in Washington.

BILBO and associates will fight unto the end—for moral and political integrity.

Freedom may win or lose in the Senate of the free United States.

In either case, two inescapable realities present themselves:

We glory in Senators who "defy the lightning" in defense of constitutional liberty.

Second, the scars of Washington injustice will forever rankle in the southern breast.

"The land of the free; the home of the brave."

The words of the Master Teacher still ring true—to paraphrase—

"What shall it profit a nation to save liberty around the world, only to lose its own immortal democratic soul?"

I appreciate those words of approval and commendation of my feeble efforts to protect constitutional government, even in the midst of a war. I repeat, as I have said frequently in the last 4 days of this discussion, what I say nearly every day, while we are not responsible for this matter being before the Senate and are not responsible for the prolonged discussion and for the impasse we have reached, at any time when there is any measure affecting the war upon which the Senate should act, if we are guaranteed a parliamentary status, we will lay this fight aside until the war measure has been attended to. But we will not agree to take up anything else and surrender our rights, because, I repeat, I think we are performing just as great a service in trying to save the Government at home from the enemies within as are the soldiers on the battle fronts of the world trying to save the Government by fighting and defeating the enemies abroad.

Mr. President, when we suspended the discussion yesterday evening I was placing in the RECORD the figures of the population of white people and colored people in the 48 States. I am sure the American people will be glad to have the figures brought to their attention through the CONGRESSIONAL RECORD. The RECORD will be a handy reference for them.

I ask unanimous consent that the release from the Department of Commerce dealing with the racial composition of the population of the United States, be inserted in the RECORD at this point without reading.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Without objection, it is so ordered.

Mr. BILBO. I appreciate the unanimous consent granted. I am glad the Senator from Pennsylvania [Mr. GUFFEY] has left the Chamber.

The matter ordered to be printed in the RECORD is as follows:

RACIAL COMPOSITION OF THE POPULATION, FOR THE UNITED STATES, BY STATES, 1940

(This release shows the total population of the United States by race for regions, divisions, and States. Statistics on the Japanese population were presented separately in release Series P-3, No. 23, issued December 9, 1941, and statistics by race for each State are presented in release series P-6.)

The white population of the United States constituted 89.8 percent of the total population on April 1, 1940; the Negroes, 9.8 percent, and other races 0.4 percent, Director J. C. Capt of the Bureau of the Census, Department of Commerce, announced today on the basis of final 1940 Census tabulations. Changes in the racial composition of the United States population between 1930 and 1940 were negligible. The whites constituted the same proportion of the total population in 1930 as in 1940, the Negroes constituted 9.7 percent of the 1930 population, and other races 0.5 percent. The census returns also show that only 9.7 percent of the whites were foreign born in 1940, as compared with 12.7 percent in 1930.

WHITE POPULATION

Between 1930 and 1940 the white population as a whole increased by 7.2 percent, the same proportionate increase as that for the entire population. Native whites increased 10.9 percent, whereas foreign-born whites decreased 18.3 percent. These changes contrast sharply with those of the decade 1920 to 1930 during which the white population as a whole increased 16.3 percent, the native whites 18.7, and the foreign-born whites 2 percent.

The 18.3 percent decrease in the foreign-born white population between 1930 and 1940 is in large measure due to the curtailment of foreign immigration during this decade, there having been a net loss through emigration of 47,000 persons. The foreign-born white population has, therefore, not been replenished by new immigrants; and the mortality among its members has been relatively high during this intercensal decade because of the large percentage of old persons in this group. Unless the present quota laws are relaxed—which hardly seems probable—the foreign-born white will have ceased to form a numerically important element of our population within 20 or 30 years.

NEGRO POPULATION

In 1940, Negroes numbered 12,865,518, an increase of 974,375, or 8.2 percent, over the number enumerated in 1930. This rate of increase was only a little greater than that for the total population (7.2) and was considerably lower than the rate of increase for Negroes in the preceding decade—13.6 percent. The regional and divisional patterns of Negro population increase were quite different from those for the total population. In all three divisions of the South the Negroes showed a smaller proportional increase than the total population between 1930 and 1940, while in the divisions of the North and West their rates of increase were uniformly greater than those for the total population. The Negro population increased 15.8 percent in the North during the decade just past, 5.8 percent in the South, and 41.8 percent in the West. These facts indicate that there was a large migration of Negroes during the 1930's from the South to the North and West, probably out of the rural areas in the South to the urban areas of other parts of the country. Over three-fourths of the Negro population (77 percent) still lived in the South in 1940, but this represents a slight decrease from the proportion of 78.7 in 1930. The North had 21.7 percent of the total Negro population in 1940, as compared with 20.3 in 1930, and the West had 1.3 in 1940, as compared with 1 in 1930.

OTHER NONWHITE RACES

There were 333,969 Indians enumerated in the United States in 1940, mainly concentrated in the West North Central, West South Central, Mountain, and Pacific States. This number represents an increase of five-tenths of 1 percent over the number enumerated in 1930, which was 332,397. The Indian population enumerated by the Census Bureau is somewhat smaller than that reported by the Office of Indian Affairs on the basis of their registration records. Because of differences in definitions used by the two agencies and differences in methods of collecting the statistics, it is quite probable that many persons classified as Indian by the Office of Indian Affairs are returned by census enumerators as Negro or white.

The Asiatic races—Chinese, Japanese, Filipino, Korean, and Hindu—were concentrated mainly in the West, 76 percent of them living in the 3 Pacific Coast States, Washington, Oregon, and California. Of these 5 races, only the Chinese and Filipinos increased their numbers, the Chinese showing a gain of 3.4 percent and the Filipinos an increase of eight-tenths of 1 percent. The other 3 races decreased, the Japanese by 8.6 percent, the Hindus by 23.2 percent, and the Koreans by 8 percent. Members of other nonwhite races than those already discussed—Hawaiians, Samoans, Siamese, etc.—numbered 788, as compared with 780 in 1930.

Table 1 shows the population of the United States, by race, with nativity for the whites, for 1940 and 1930, and the amount and percent of increase or decrease. Table 2 presents the racial distribution for 1940 by regions, divisions, and States.

TABLE 1.—*Population, by race, for the United States, 1940 and 1930*

[A minus sign (−) denotes decrease]

Race	1940	1930	Increase, 1930-40	
			Amount	Percent
All classes	131,669,275	122,775,046	8,894,229	7.2
White	118,214,870	110,286,740	7,928,130	7.2
Native	106,795,732	96,303,335	10,492,397	10.9
Foreign-born	11,419,138	13,983,405	−2,564,267	−18.3
Negro	12,865,518	11,891,143	974,375	8.2
Other races	588,887	597,169	−8,276	−1.4
Indian	333,969	332,397	1,572	.5
Chinese	77,504	74,954	2,550	3.4
Japanese	126,947	138,834	−11,887	−8.6
Filipino	45,563	45,208	355	.8
Hindu	2,405	3,130	−725	−23.2
Korean	1,711	1,860	−149	−8.0
All other	788	780	8	1.0

TABLE 2.—*Population by race, for the United States, by divisions and States, 1940*

Region, division, and State	All classes	White			Negro	Other races							
		Total	Native	Foreign-born		Total	Indian	Chinese	Japanese	Filipino	Hindu	Korean	All other
United States	131,669,275	118,214,870	106,795,732	11,419,138	12,865,518	588,887	333,969	77,504	126,947	45,563	2,405	1,711	788
Regions:													
The North	76,120,109	73,206,738	63,836,960	9,369,778	2,790,193	123,178	83,136	25,738	4,971	8,126	597	350	260
The South	41,665,901	31,658,578	31,032,902	625,676	9,904,619	102,704	94,139	4,926	1,049	2,351	169	40	30
The West	13,883,265	13,349,554	11,925,870	1,423,684	170,706	363,005	156,694	46,840	120,927	35,086	1,639	1,321	498
The North:													
New England	8,437,290	8,329,146	6,830,905	1,498,241	101,509	6,635	2,483	3,238	340	499	32	15	28
Middle Atlantic	27,539,487	26,237,622	21,715,022	4,522,600	1,268,366	33,499	9,303	16,408	3,060	4,088	342	149	149
East North Central	26,626,342	25,528,451	22,957,377	2,571,074	1,069,326	28,565	19,732	4,799	816	2,782	204	166	66
West North Central	13,516,990	13,111,519	12,333,656	777,863	350,992	54,479	51,618	1,293	755	757	19	20	17
The South:													
South Atlantic	17,823,151	13,095,227	12,804,158	291,069	4,698,863	29,061	25,076	2,047	442	1,410	50	17	19
East South Central	10,778,225	7,993,755	7,948,859	44,896	2,780,635	3,835	2,756	944	43	70	12	9	1
West South Central	13,064,525	10,569,596	10,279,885	289,711	2,425,121	69,808	66,307	1,935	564	871	107	14	10
The West:													
Mountain	4,150,003	3,978,913	3,716,924	261,989	36,411	134,679	122,031	2,853	8,574	883	119	197	22
Pacific	9,733,262	9,370,641	8,208,946	1,161,695	134,295	228,326	34,663	43,987	112,353	34,203	1,520	1,124	476
New England:													
Maine	847,226	844,543	760,902	83,641	1,304	1,379	1,251	92	5	30	1	------	------
New Hampshire	491,524	490,989	422,693	68,296	414	121	50	63	4	3	------	------	1
Vermont	359,231	358,806	327,079	31,727	384	41	16	21	3	1	------	------	------
Massachusetts	4,316,721	4,257,596	3,408,744	848,852	55,391	3,734	769	2,513	158	250	20	12	12
Rhode Island	713,346	701,805	564,021	137,784	11,024	517	196	257	6	39	4	2	13
Connecticut	1,709,242	1,675,407	1,347,466	327,941	32,992	843	201	292	164	176	7	1	2
Middle Atlantic:													
New York	13,479,142	12,879,546	10,026,016	2,853,530	571,221	28,375	8,651	13,731	2,538	2,978	243	114	120
New Jersey	4,160,165	3,931,087	3,235,277	695,810	226,973	2,105	211	1,200	298	333	47	12	4
Pennsylvania	9,900,180	9,426,989	8,453,729	973,260	470,172	3,019	441	1,477	224	777	52	23	25
East North Central:													
Ohio	6,907,612	6,566,531	6,047,265	519,266	339,461	1,620	338	921	163	115	40	33	10
Indiana	3,427,796	3,305,323	3,194,692	110,631	121,916	557	223	208	29	81	5	6	5
Illinois	7,897,241	7,504,202	6,534,829	969,373	387,446	5,593	624	2,456	462	1,930	41	54	26
Michigan	5,256,106	5,039,643	4,356,613	683,030	208,345	8,118	6,282	924	139	581	113	70	9
Wisconsin	3,137,587	3,112,752	2,823,978	288,774	12,158	12,677	12,265	290	23	75	5	3	16
West North Central:													
Minnesota	2,792,300	2,768,982	2,474,078	294,904	9,928	13,390	12,528	551	51	250	3	1	6
Iowa	2,538,268	2,520,091	2,403,446	117,245	16,694	883	733	81	29	37	------	1	2
Missouri	3,784,664	3,539,187	3,425,062	114,125	244,386	1,091	330	334	74	328	6	16	3
North Dakota	641,935	631,464	557,192	74,272	201	10,270	10,114	56	83	16	------	------	1
South Dakota	642,961	619,075	575,023	44,052	474	23,412	23,347	36	19	4	1	------	5
Nebraska	1,315,834	1,297,624	1,215,771	81,853	14,171	4,039	3,401	102	480	52	2	2	------
Kansas	1,801,028	1,734,496	1,683,084	51,412	65,138	1,394	1,165	133	19	70	7	------	------
South Atlantic:													
Delaware	266,505	230,528	215,695	14,833	35,876	101	14	39	22	26	------	------	------
Maryland	1,821,244	1,518,481	1,436,766	81,715	301,931	832	73	437	36	272	10	2	2
District of Columbia	663,091	474,326	440,312	34,014	187,266	1,499	190	656	68	567	4	3	11
Virginia	2,677,773	2,015,583	1,992,596	22,987	661,449	741	198	208	74	252	8	1	------
West Virginia	1,901,974	1,784,102	1,742,320	41,782	117,754	118	25	57	3	16	11	6	------
North Carolina	3,571,623	2,567,635	2,558,589	9,046	981,298	22,690	22,546	83	21	31	7	2	------
South Carolina	1,899,804	1,084,308	1,079,393	4,915	814,164	1,332	1,234	27	33	36	2	------	------
Georgia	3,123,723	2,038,278	2,026,362	11,916	1,084,927	518	106	326	31	48	2	3	2
Florida	1,897,414	1,381,986	1,312,125	69,861	514,198	1,230	690	214	154	162	6	------	4
East South Central:													
Kentucky	2,845,627	2,631,425	2,615,794	15,631	214,031	171	44	100	9	14	3	1	------
Tennessee	2,915,841	2,406,906	2,395,586	11,320	508,736	199	114	60	12	2	2	8	1
Alabama	2,832,961	1,849,097	1,837,140	11,957	983,290	574	464	41	21	42	6	------	------
Mississippi	2,183,796	1,106,327	1,100,339	5,988	1,074,578	2,891	2,134	743	1	12	1	------	------
West South Central:													
Arkansas	1,949,387	1,466,084	1,458,392	7,692	482,578	725	278	432	3	7	2	------	3
Louisiana	2,363,880	1,511,739	1,484,467	27,272	849,303	2,838	1,801	360	46	612	15	1	3
Oklahoma	2,336,434	2,104,228	2,083,869	20,359	168,849	63,357	63,125	112	57	33	17	12	1
Texas	6,414,824	5,487,545	5,253,157	234,388	924,391	2,888	1,103	1,031	458	219	73	1	3
Mountain:													
Montana	559,456	540,468	484,826	55,642	1,120	17,868	16,841	258	508	155	7	99	------
Idaho	524,873	519,292	495,176	24,116	595	4,986	3,537	208	1,191	24	4	20	2
Wyoming	250,742	246,597	229,818	16,779	956	3,189	2,349	102	643	76	------	19	------
Colorado	1,123,296	1,106,502	1,036,031	70,471	12,176	4,618	1,360	216	2,734	276	8	24	------
New Mexico	531,818	492,312	477,065	15,247	4,672	34,834	34,510	106	186	13	19	------	------
Arizona	499,261	426,792	389,955	36,837	14,993	57,476	55,076	1,449	632	239	65	13	2
Utah	550,310	542,920	510,622	32,298	1,235	6,155	3,611	228	2,210	69	13	15	9
Nevada	110,247	104,030	93,431	10,599	664	5,553	4,747	286	470	31	3	7	9
Pacific:													
Washington	1,736,191	1,698,147	1,494,984	203,163	7,424	30,620	11,394	2,345	14,565	2,222	23	12	59
Oregon	1,089,684	1,075,731	988,092	87,639	2,565	11,388	4,594	2,086	4,071	573	21	24	19
California	6,907,387	6,596,763	5,725,870	870,893	124,306	186,318	18,675	39,556	93,717	31,408	1,476	1,088	398

Mr. BILBO. Mr. President, it will be interesting to the country, and to the Senate as well, to know what the outstanding newspapers of the Nation are saying about the filibuster and the facts involved in this issue. The Washington Evening Star of Thursday, November 19, carried an article by Mr. Gould Lincoln. I will say for Mr. Lincoln that he has the reputation of writing and giving to the public some very able articles. He attempts to be accurate in the information he gives. I shall read the article into the RECORD so it will appear in the body of the RECORD as a part of my speech:

[From the Washington Star of November 19, 1942]

FILIBUSTER AGAINST POLL TAX BILL FORCED TO PREVENT PLAIN INVASION OF CONSTITUTION

(By Gould Lincoln)

It is a sad commentary that only a "filibuster" is standing in the way of the passage by the Senate of a measure which in the opinion of some of the best legal minds in the country is clearly unconstitutional—the so-called poll-tax bill.

The principal question at issue is not whether a poll tax, as a requisite of voting in elections, is a good thing. It is whether the Congress shall undertake, by a simple law, to repeal a provision of the Constitution. It involves, moreover, a complete control by the Federal Government over election in the State.

Obviously, if Congress by the enactment of a law can prevent a State's imposing a poll tax as a qualification for voting, it can prevent a State's imposing a law for registration of the voters. It can prevent a State's imposing a 6-months' residential qualification for voting.

At this point let me remark that it has already been intimated on the floor of the Senate by the sponsors of the bill that such action will become necessary, that it will be legal, that it will be constitutional; that they will pass a bill to remove the residential qualification and the registration qualification of

voters. They have already done so in the soldiers' voting measure. That is one reason why we are fighting to the finish, and will continue to fight to the end against this bill, for we know that if they can have this bill passed and get the Supreme Court to O. K. it, then the floodgates will be open, and they will go on with all sorts of regulation of the voters of the various States of the Union, in order to control the Congress, in order to operate the affairs of the Government from the banks of the Potomac River.

Mr. President, it is not the poll tax we are fighting. I repeat that I have been fighting to repeal the poll tax law in my State for 5 years, in connection with party primaries. I am in favor of repealing the poll tax. But the passage of the pending measure will prepare for something else, and that something else is on the way. Those who are scheming for control of the country's affairs from the banks of the Potomac, and certain sponsors of this kind of legislation, say "We must remove the educational qualification for voting, and the registration qualification for voting." Mr. President, that will be the next sort of bill with which we will have to contend, and the same group and the same forces will be behind it.

It can, in fact, do anything it wants to control elections in every voting precinct in the country.

Said Mr. Lincoln:

And when it does, gone will be the very shadow of State sovereignty. The dual system of government set up under the Constitution will have been smashed to atoms. Everything will be centralized in Washington.

I wish to say that if any Senator who favors the bill is present on the floor and feels that he has to vote for it in order to save his political scalp from the groups who are determined to put this legislation through, I pray to God he will be big enough in the hour of the vote to rise above his own selfish interest and his own ambition, and tell the authors of the proposed legislation to go to, and that he will vote to preserve the Constitution and protect the people of this Nation, and also to uphold the Constitution as he has sworn to do.

The Constitution itself provides a method of amending the fundamental law of the land—and the passage of an act of Congress is not the method. In every case where the voting qualifications have been changed for the entire Nation, during more than 150 years of this country's existence, a constitutional amendment has been submitted first to the States, in accordance with the constitutional plan for amendment.

Why is it that certain groups—Negroes, the C. I. O., the American Federation of Labor, the Railroad Brotherhoods, the Communist Party, Mr. Browder, if you please—are not satisfied to have Senators say that they would like to fulfill their obligations and live up to the oaths they took when they became Senators? Why are they not satisfied by the promise that an effort will be made to reach the objective sought by the constitutional route, by amending the Constitution of the United States itself? Why do not Senators proceed in that manner? They had better do so and thus save their own consciences.

It requires a two-thirds vote of the House and Senate to submit such an amendment to the States for ratification, and ratification may be had only when three-fourths of the States have approved the amendment. This was the course followed when Negroes were enfranchised nationally. It was the course adopted to give the women the vote nationally.

Before the woman suffrage amendment was adopted in 1920, some of the States permitted women to vote. Miss JEANNETTE RANKIN was elected to the House in Montana in 1916, for example. Yet Congress did not seek to impose woman suffrage on the Nation as a whole by the mere passage of a law.

Montana gave the women the right to vote by State law. Women were qualified to vote for members of the most numerous branch of the State legislature. Under the Constitution a woman who is given the right to vote and is an elector in the State also has the right to be elected to the Congress of the United States, and a woman was elected to Congress before universal woman suffrage was provided. The Congress did not undertake to force all the other States to do what Montana did, to give women the right to vote, but the representatives of the States came to the Congress and said, "We want woman suffrage throughout the Nation, and we will obtain it in the constitutional way. We will pass a measure by a two-thirds vote of each House of Congress. We will then submit the amendment to the States, and when 36 States of the Union approve the amendment, then we shall have universal woman suffrage."

That was the way it was done in 1920. But there are a few smart, keen manipulators and dreamers who are trying to take hold of the Government and run it from Washington, who are trying to take advantage of the war situation, and to do what they are doing in the name of the war effort.

They propose to do away with the constitutional method of amending the Constitution and slide through and push through and cram through a law, because they have a majority on the floor of the House and the Senate. They propose to pass legislation in violation of the inherent constitutional right of eight States of the Union who have not seen fit up to this good hour to repeal the poll-tax provision as a prerequisite for voting in their States.

Mr. President, as the Senator from Wyoming [Mr. O'MAHONEY] said earlier today, they could not maintain their position under section 2 of article I of the Constitution, and the only peg they have on which to hang their hats, the only constitutional argument on which they are basing their right to pass the proposed legislation, is that to impose a poll tax upon the voter is a violation of a republican form of government.

What must the people of Massachusetts think about that? What must the people of Pennsylvania think about it? The Senator from Wyoming told the Senate earlier today that Massachusetts, until 1892, had a law which made the payment of poll tax a prerequisite for voting. Massachusetts repealed the poll-tax law. Pennsylvania also had a poll-tax law in effect until 1933. Is it possible that all through the years, since 1789, when the Federal Government began to function, poor old Massachusetts and poor old Pennsylvania, two of the Original Colonies, were denying the people of their States a republican form of government, in Massachusetts until 1892 and in Pennsylvania until 1933? That is the grounds upon which the argument is now made that this monstrosity is constitutional.

Two reasons exist for the present effort to trample on the Constitution and put through this poll-tax law. One is that too many have come to a conclusion that the poll tax as a requisite for voting denies to thousands of citizens—particularly in the South—the right to participate in the elections of Senators and Representatives in Congress, and of Presidents and Vice Presidents. It is all wrong, they say, to make a money qualification, no matter how small, a necessary preliminary to exercising the right of franchise, the greatest right any citizen has.

Perhaps it is wrong. For the sake of the argument I will grant that it is wrong. I will grant that it is not a wise qualification; and if it is desired to get rid of it, my permission to do so is given. But, my God, do not rape the Constitution to do it. Do it in a constitutional way.

The other reason is not admirable. It is a desire to influence the Negro vote in States where the Negroes do vote in large numbers—particularly in such big States as New York, Pennsylvania, Illinois, and Ohio, where the Negro vote might at times hold the balance of power. Today only eight States in the Union have a poll tax as requisite of voting. All of them are located in the South—Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia. All of them have large Negro populations. The poll tax has operated to keep many of them from the polls on election day. So the promise is made to the Negroes in the other States that their brothers in these eight States of the South shall be enfranchised by the repeal of all poll taxes and permitted to vote for Members of Congress and for President and Vice President.

Yet Lawyer Howard came before the committee and very frankly told it that the pending bill would not turn the trick, that it would not help the Negroes in Mississippi, or in any of the eight States which have a poll tax. However, that does not deter those who are urging the proposed legislation, because they are smart enough to know that if they could succeed in having the bill passed they could later bring about the abolition of registration, educational qualifications, or anything else which now stands in the way, in order to enfranchise the Negro vote in those eight States.

That is why they would urge this bill until kingdom come, even though they know that it would not qualify a single Negro to vote in any of the eight States. But that is not what they are thinking about; they are thinking about what is to come after the proposed legislation is

established as a policy of the Government, approved by the Supreme Court.

Both the Republicans and the Democrats in Congress—except those from the South—have for the most part made this promise in the hope that the Negroes will support their party when elections are held and their votes are needed in Illinois, New York, and other States where their vote may be the balance of power. In the Senate, not all of the Republicans nor all of the Democrats, outside of the solid South, believe the proposed law is constitutional—and not all of them are prepared to vote for its passage. But a majority of both will support the legislation if it can be forced to a vote.

I am willing to hazard the guess—I have no information on the subject—that in the corridors of the Senate Chamber, the leading Negro lobbyists in Washington are calling out Democratic Senators and telling them that if they will vote for the bill the Negroes will stand by the Democratic Party, and that they are also calling out Republican Senators and telling them that if they will support the bill the Negroes will vote for the Republican ticket at the next election.

I continue reading from the article:

Article I, section 2 of the Constitution reads: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislature." These eight States which still have the poll-tax law, provide that the payment of a poll tax shall be a requisite for electors of the members of their State legislatures.

Pennsylvania had a poll tax as a prerequisite for voting from about 1789 until 1933. How must a Senator from Pennsylvania feel when he seeks by his vote to cram the proposed law down the throats of the eight poll-tax States merely because they did not follow his State in abolishing the poll-tax law which had been in existence in Pennsylvania for nearly 140 or 150 years?

I continue reading:

The pending bill does not seek to prevent the States from imposing poll taxes on electors who vote for the members of the State legislatures. It merely seeks to prevent the imposition of such a tax on electors who vote in the States for Members of Congress and for President. The supporters of the bill have acknowledged that Congress has no power to fix or alter qualifications of voters for State officials. They seek to distinguish, however, between the election of a State officer and a Member of Congress.

To do this they deny that the payment of a poll tax is a "qualification" for voting. They insist that a poll tax is an interference in the "manner" of holding a Federal election.

As shown today by the able Senator from Wyoming [Mr. O'MAHONEY], from the days of the founding fathers to the present time the poll tax has always been regarded as a qualification for voting, just as the owning of certain real estate is a qualification, or just as the owning of a certain amount of personal property is a qualification.

I continue reading:

It is a tenuous line of argument, especially in view of the fact that when the Constitution was first adopted all the States had property or tax qualifications for voters and continued them in effect.

Gradually the States themselves have repealed their laws requiring the payment of poll taxes as a requisite for voting. It is a matter which should be left to the States. Tennessee is about to repeal its poll-tax law today.

When fanatical "drys" in this country insisted on national prohibition—forcing dry laws on States which were not ready for them and did not wish them—they sought a constitutional amendment. They did not seek to impose the Federal bill on the States by a mere act of Congress.

The Senate has been forced to be a spectacle to the entire world—with a filibuster in full swing—for days now by the insistence of the proponents of the anti-poll-tax bill. In the midst of a great war, this measure is pushed to the front. A majority of the Members of the Senate regret that this has been done. Better a filibuster, however, with all its antics, than a plain invasion of the Constitution.

That is exactly the way the opponents of the pending bill feel in making this fight.

Better a filibuster, however, with all its antics, than a plain invasion of the Constitution.

That is why they are pledged in their hearts to remain here until the 3d day of January next rather than to see the proposed legislation become a law.

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

Mr. BILBO. I yield.

Mr. LANGER. What does the able Senator from Mississippi propose to do after January 3?

Mr. BILBO. That depends altogether on what is done by the proponents of the pending measure. If they again undertake to rape the Constitution by this kind of legislation the senior Senator from Mississippi will be found doing the same thing he is doing today, and he will become stronger as the years go by.

In this connection, and for the benefit of the American people, I desire to read into the RECORD an editorial from the Washington Post of today, November 20. The Washington Post is the outstanding Republican newspaper in the Nation's Capital.

Throw it out. Six days of filibustering in the Senate have been a heavy drain upon the prestige of that legislative body.

Remember that the blame for this filibuster does not rest upon my shoulders. It rests upon the shoulders of our distinguished leader, the Senator from Kentucky [Mr. BARKLEY], the Senator from Nebraska [Mr. NORRIS], and the Senator from Florida [Mr. PEPPER]—the sponsors of the bill—who brought it up in the Senate in the midst of a war, and during the closing days of the Seventy-seventh American Congress. The opponents of the bill repeatedly went to them and begged them not to bring it up because if they insisted upon doing so it would be necessary for us to fight to the bitter end rather than allow the Constitution to be raped and the sovereignty of the States to be destroyed. Why fight a war and save the American scheme of government and then sit idly by and see enacted into law a measure designed to centralize government on the banks of the Potomac River and wreck government within the States?

Six days of filibustering in the Senate have been a heavy drain upon the prestige of that legislative body. Citizens who are interested in getting on with the war cannot avoid a feeling of disgust when they realize that some representatives of the people are willing to put aside all the momentous issues of our day and indulge in an endless gabfest designed to prevent action on a bill.

In the midst of the war situation, our leader, the Senator from Kentucky [Mr. BARKLEY], the Senator from Florida [Mr. PEPPER], and the Senator from Nebraska [Mr. NORRIS] are willing to put aside all the war measures and all the momentous issues of the day, open the box, and turn loose this gabfest. They knew it was coming. They were warned that it was coming. They were promised it.

This loss of prestige will hurt the Senate as a body as well as the Senators who are turning themselves into mere talking machines.

My action in this behalf may be displeasing to Mr. Earl Browder, to Mr. Walter White, of the N. A. A. C. P., to A. Philip Randolph, and to a few other men of that type. I may have little popularity at the other end of Pennsylvania Avenue; but what do I care, when I know that I am fighting to save the American dual system of government. Or, to put it on a political basis, what do I care, when 99 percent of the people of Mississippi are 100 percent behind me on this question?

The editorial continues:

By now it is obvious, however, that the filibustering southerners would rather block the anti-poll-tax bill than preserve the dignity of the Senate or get ahead with the solution of war problems.

I repeat that I would agree any day to stop in order to solve or help solve any war problem or to pass any war legislation.

The position they have taken is especially indefensible in wartime, but they have already demonstrated that they have no intention of conforming to democratic procedure.

That is what we are conforming to—to a procedure that will save the democratic, representative form of government.

That throws a special burden upon the Senate majority, and particularly upon Majority Leader BARKLEY, to stop this morale-destroying performance before any further damage is done.

I am glad the editorial writer has in this instance found the proper place to put the blame.

The editorial continues:

After all, the leaders of the Senate have the foremost responsibility of preventing that body from going into a seemingly endless tailspin during wartime. Knowing the volatile character of the issue this bill raises, they should not have permitted it to encroach upon the closing weeks of the session. In any event, their obligation to end the filibuster is now apparent, and that can apparently be done only by withdrawing the bill from further consideration. Indeed, the advocates of this measure would be well advised to transfer their fight from Washington to the capitals of States still taxing the voting privilege. That is where the fight should have been made in the first place.

That is very fine advice to our leader. I hope he will take it.

It is unsatisfactory, of course, to have any bill blocked by a filibuster, but it would also

be unwise for Congress to pass a bill so repugnant to the Constitution as this seems to be. Certainly the bill is not worth what its intrusion upon a wartime session of Congress is costing in terms of congressional prestige and wasted legislative time. There is now no alternative to throwing it out, and the sooner the better.

Mr. President, in that connection, from the same edition of the Washington Post I desire to read into the RECORD an article by the Honorable Mark Sullivan, under the title "Senate Filibuster Serves an Informative Purpose."

Here is a writer who has found some real good in this filibuster. Let us see what it is:

The Senate filibuster against the bill forbidding poll taxes in States can perform a useful service in respects not directly connected with the issue. It can enable the public to learn how easily, and how frequently, it is led into incorrect impressions about public matters. Demand for passage of the poll-tax bill, and criticism of those who oppose, is based upon a welter of misconceptions.

I have received a dozen or so letters, I suppose, from persons living in various sections of the United States who criticize me for my filibustering, if you want to call it that, or prolonged discussion of the measure, and denouncing me for it. They did not make me angry. I was rather moved to compassion, pity, and sympathy for the poor, deluded fools. They did not know what they were talking about. As the Saviour was on the cross, being crucified, he prayed, referring to his persecutors: "Father, forgive them; for they know not what they do." And I forgive these wild outbursts from these uninformed people scattered over the United States, because they do not know what is involved in this issue.

I read further from the article by Mark Sullivan:

A telegram of protest against the filibuster and endorsement of the poll-tax measure was sent to the Senate and made public, by 21 persons, including some of the highest standing. The telegram charged that Senators opposing the measure "are endeavoring to continue the discriminatory poll tax. * * *" By "discriminatory" the signers of the telegram meant discrimination on grounds of race, discrimination between Negroes and whites. That this was their meaning is proved by a further sentence in the telegram, calling for "immediate repeal of those laws which encourage discrimination because of race, color, or religion."

There are many ill-informed people who think that the poll tax is a discrimination between whites and Negroes, and is imposed to keep the Negroes from voting. It is imposed on the white people just as it is on the Negroes. There is no discrimination.

Now the poll-tax laws in eight Southern States are not discriminatory as between the races. They are not discriminatory in any respect whatever. To call these laws discriminatory, it would be necessary to say that literally every law of any kind is discriminatory. The sole discrimination is between those who conform to the law, and those who do not. The poll-tax laws merely say that a citizen, before voting, must have paid a poll tax. The law applies to whites exactly the same as to Negroes. A Negro can pay the tax and vote, exactly as a white person can. Nonpayment of the tax is a bar to a white man voting, the same as to a Negro. True, there is discrimination between races in some Southern States. But the poll-tax laws are not discriminatory.

An incorrect impression, almost universal, is that those opposing the poll-tax bill in Congress are by that fact trying to preserve poll taxes as such. This is not true. In the debates, Senator after Senator from Southern States have said they think the poll-tax laws ought to be repealed. Senator CONNALLY, of Texas, as I recall, used the word "outmoded." He meant that just as poll-tax qualifications for voting, and similar qualifications, have been repealed in Northern States, most of which formerly had them, so ought they now be repealed in Southern States. The sole insistence of most of the southern Senators is that the repealing be done by the States themselves, voluntarily—not imposed on the States by compulsion of the Federal Government.

Actually, poll taxes have already been repealed by all the Southern States except eight. In one of these, Tennessee, action looking toward repeal is under way. True, in some of the remaining States the poll tax is embedded in the constitution, and hence is cumbersome to repeal.

That is true in my State, and I will say that we are making progress. We adopted our constitution in 1890. Section 241 of the constitution provided that before any citizen could vote he was required to pay on or before the 1st of February of the year in which he offered to vote all taxes which he had an opportunity to pay for the 2 successive years preceding. That meant all taxes. He had to pay personal taxes, real-estate taxes, and poll taxes. Thereafter, we commenced to liberalize that provision of our constitution. In 1934 we had an election in which we voted to take out of section 241 of our constitution the words "all taxes," and to substitute therefor the words "all poll taxes." Today, under the provisions of the Constitution of Mississippi, all a man has to do to enable him to vote is to pay his poll tax. Until 1935, if a man owed $1,000, $2,000, $5,000, or $10,000 in taxes he had to pay every cent of it before he could vote. Now all that a rich man has to do is to pay the poll tax, just as the poor man has to pay the poll tax.

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

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. BILBO. I yield.

Mr. LANGER. What is the total voting population in Mississippi?

Mr. BILBO. The largest vote we have polled in any Democratic primary has been 375,000, or in the neighborhood of that number.

Mr. LANGER. How many voters of voting age reside in the State?

Mr. BILBO. I really do not know. I shall obtain that information for the Senator and shall put it in the RECORD one day next week.

Mr. LANGER. Do 20 percent of the people of Mississippi vote?

Mr. BILBO. We now have a population of 2,183,000, in round numbers, and in the State we have approximately 300,000 qualified voters. I suggest that the Senator figure out the percentage for himself.

Mr. LANGER. How many voters voted in the last election?

Mr. BILBO. In the last Democratic primary for United States Senator, in which only one seat was in issue—Senator DOXEY'S seat—130,000 votes were cast.

Mr. LANGER. How many votes were cast in the November election?

Mr. BILBO. I have not seen the returns for the election held on the 3d of November. It would not make any difference how many there were, because we had no contest; there was only one candidate.

Mr. LANGER. I understand.

Mr. BILBO. That is the difference between the situation in Mississippi and in States which have two parties. In the Senator's State and other two-party States the big election is in November; that is when the Democrats and the Republicans fight it out, and that is when all the votes are brought out. However, in Mississippi the Democratic primary settles the question. We do not have enough Republicans to have a Republican Party ticket; we do not have enough Socialists to have a Socialist Party ticket. We have no party other than the Democratic Party; so all we need is one vote in order to make it legal.

I desire to say at this point that because of that fact some of the sponsors of this legislation have been so unfair as to quote the vote polled in November as evidence of the fact that the poll tax is disqualifying people in Mississippi, when in our primary we polled as many as 375,000 votes as against, I shall say, 35,000 or 40,000 cast in the November election. That shows how unfair they are and how they try to mislead the public. They could not be fair and urge this bill, to say the least of it.

I read further from the article by Mr. Sullivan:

But this does not alter the fact that sentiment favors repeal, or the reasonable certainty that repeal will come. And decidedly, neither this condition nor any other alters the fundamental principle in the present controversy—the principle, that fixing qualifications for voting shall continue to be the right of the States, and should not be taken over by the Federal Government.

If the poll tax has been, is being, and can be ended by action of the States themselves, why the present demand that it be done by the Federal Government? And why is this extremely controversial demand pressed at a time when the country is at war, when domestic controversy ought to be minimized in the interest of national unity for war? Answer that—and you will know most of the story.

Without imputing particular motives to all who demand action by Congress, it is a fact that much of the more strident demand springs from radical sources. What they wish can be inferred from their broad attitude on many aspects of government and society. They are engaged in what, when they are candid, they frankly speak of as revolution. Keystone of any revolution in the American system of government must be the breaking down of the States as units of government; taking away from them functions they exercise, depriving them of powers assigned to them by the Constitution.

In any attempt to accomplish this, a fundamental necessity is to take away from the States their right to fix the qualifications

of voters. This is the cornerstone of government. Take it away from the States, and little will be left of the States as governments.

This aspect of the present controversy in Congress is little seen or understood. Time can make it clear, and this is the justification for delay. The controversy in Congress so far has been mainly technical and parliamentary—whether the bill was properly acted upon by the committee that considered it, whether the procedure by which attempt is made to bring it on the floor is correct. Assuming this will be settled, and the bill comes upon the floor for debate on its merits, the true and broad implications of the measure will be made clear by some of the ablest men in the Senate, from the North as well as from the South.

I want to say to the Senators who are present that if they did not hear today the speech of the Senator from Wyoming [Mr. O'MAHONEY] they should take time off tonight or tomorrow morning to read it and analyze it. There has not been delivered on the floor of the Senate an abler, greater, or more profound and erudite address than that presented by the Senator from Wyoming on this occasion.

Mr. President, this bill, it is conceded by all, is in the interest of the Negro; the sponsors will admit that to be so; it leaks out through all the testimony in the extended hearings that it is in the interest of the Negro; and yet we find that our reverend and distinguished and beloved friend the Senator from Nebraska [Mr. NORRIS] seems to be the moving spirit behind the prosecution of this legislation at this time.

It will be of interest to the Senate to know that in Nebraska there are 45 counties in which there is not a single Negro, and there are 22 counties in which there are less than 10 Negroes. In Mississippi there are 35 counties in which the Negroes outnumber the whites. In the home county of the Senator from Nebraska—Red Willow is the name of the county—there are about 11,000 people, and every one of them is white except 6, and they are Indians. There is not a Negro in his county. His county may be like some of the counties I have found in the North recently. For instance, the largest county in the State of Missouri is named Texas, and it is thickly populated, but there is not a Negro in Texas County, Mo. They will not let a Negro stay overnight. I drove into that county to make a speech in a Presidential campaign. I had as my chauffeur a Negro, a bright mulatto, a graduate of Alcorn College in Mississippi, who had been with me for 15 years; but I had to trade him off for a Filipino in order to let him stay all night in Missouri.

I spent a day in Madison County, Ind., the home county of the great Wendell Willkie. The white people of Elwood, the town from which he came, ran all the Negroes out of Elwood, a city of 10,000, and put signs on the roads leading into the city, "No Negro admitted into this city." That is the city where the Republican candidate was reared, and his daddy helped throw the Negroes out.

Living in a State, Nebraska, where there are only 12,000 Negroes, out of a population of over 2,000,000, a State in 45 counties of which there is not a Negro and in 22 counties there are less than 10, the Senator from Nebraska dares to come here and tell the Southern States, that have three-fourths of all the Negroes in the United States within their borders, how they should treat, control, handle, and solve the race problem, governmentally, economically, and socially, when he does not know anything about it. He may understand the T. V. A., but he does not know a continental rap about race relations. One has to live with the problem in order to know it and understand it.

Now, Mr. President, from the New York Times of November 19, 1942, I read an article entitled "The Legal and Policy Issues in the Filibuster" by Arthur Krock:

WASHINGTON, November 18.—That method of obstructing legislation called a filibuster, which a number of Senators have employed to prevent consideration of the anti-poll-tax bill, is ancient if not honored in Congress.

Of course, some of the younger generation never heard of a filibuster. They think it is an animal, something wild or something radical, that it is something awful, and unlawful; but it is an ancient custom of the Senate, and it is an honored custom.

It is the only method by which a small minority can make any effective stand against the effort of a large majority to pass legislation which seems to the minority to violate its rights or that of its constituents.

We are Senators, we are here as representatives of sovereign States, I am an ambassador from the little republic of Mississippi, the Senator from North Dakota [Mr. LANGER] is an ambassador from the republic of North Dakota. He is here representing the entity of a government, and when a majority of the representatives from the sovereign States who make up this Republic attempt to destroy the Constitution, and take away rights and privileges of the States which were guaranteed to them, and which were reserved by them in the adoption of the Constitution, our only method of defense is through the ancient and honored practice of a filibuster.

I have no apologies to make for my opposition. I do not need to be defended for taking the position I have assumed. Merely because Senators have the power, they think they are going to run over these sovereign States and cram down their throats and down the throats of the people certain measures, and make them cease doing what other States did for almost 150 years, but because they made up their minds to change their laws, they intend to make us change ours.

I read further from the article by Mr. Krock:

Sometimes a filibuster is popular with the general public and those conducting it are hailed as constitutional statesmen. Sometimes it is unpopular and the filibusterers are charged with an attempt to thwart that will of the majority which in our constitutional system is supposed to prevail. The Senate rules make room for a filibuster, and no majority has been willing to change them, because it wishes to have the protection of these rules when it becomes the minority.

Those present will live to see the day when the distinguished Senators from the Pacific coast will be here asking the Congress to pass laws to help regulate their internal affairs because of the presence of the Orientals who flock to the Pacific coast.

There are certain questions of parity, certain questions of silver, certain other questions which affect various communities throughout the United States, which are peculiar to certain sections, and some here are going to find themselves in difficulty; they are going to find themselves being overpowered by a majority, and their only defense will be the filibuster, of ancient origin and of dignified history. So, before Senators seek to join hands with PEPPER, of Florida, and NORRIS, of Nebraska, to place upon men who are trying to defend the sovereignty of their States a rule which will destroy our right of defense, they had better think twice before they vote or sign.

I read further from Mr. Krock:

This device of obstructing majority will has been particularly unpopular in the country when the delaying tactics were also holding up essential legislation next on the calendar, or when no truly debatable issue was involved. In the present instance it should be noted that the filibusterers are delaying nothing of any importance except the immediate bill, and that the issues they have raised are highly debatable.

Yet there will be found many crackpots going around over the country, even newspapers, saying, "Oh, the filibusterers are blocking important war measures, when our boys are dying on the battle fronts of the world," when, if Senators will consult the calendar, they will find there is not a piece of legislation that is of more importance than what we are considering. Even if there were, who brought this matter into the Senate? Who is the father of it? Who is the instigator of it? Who is the daddy of it? To ask the question is to answer it.

Mr. Krock further says:

The only legislation of consequence that is maturing are two bills—one to give to the President unlimited war powers over tariffs and immigration quotas—

And there will be another filibuster before that is allowed to pass—

which the Ways and Means Committee shelved today for further study, the other to set up a consolidated control of the war program. Neither proposal has had the careful committee consideration which both will require before they come to the floor.

I do not think we should have any more legislation enacted until the new year. Eighty-eight new Members of Congress were elected by the people on the 3d of November. The personnel of Congress has considerably changed. There are too many "lame ducks."

Mr. BANKHEAD. Mr. President, I rise to a point of order.

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

Mr. BANKHEAD. The Senator from Mississippi is making a great speech, and I at least should like to hear it. I therefore ask the Chair to secure order in the Chamber. I want to hear the speech of the Senator from Mississippi.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BILBO. I appreciate the kindly suggestion of the Senator from Alabama,

but personally I was speaking to the country through the RECORD.

Mr. BANKHEAD. I am a part of the country.

Mr. BILBO. I read further from Mr. Krock:

The issues are whether Federal powers over State qualifications for voters shall be extended far beyond the limits which the courts have steadily defined throughout our history, and whether the Pepper bill is, in fact, constitutional as well as good public policy.

It is neither.

The Pepper bill provides that the payment of a poll tax as a prerequisite to voting or registering in primaries for candidates for Federal office shall be "deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers." It bans the poll tax as unlawful.

Is it not strange that it took 150 years to find a CLAUDE PEPPER? Our Government has been in existence for 150 years, and we have never found anyone smart enough to contend that under any provision of the Constitutional Congress would have the right to take away from the States the power to fix the qualifications of electors, either for State officers or Members of the Congress. But we have at last found a CLAUDE PEPPER.

Even a cursory glance at the long line of High Court decisions, from 1833 forward, on the right of the States to fix electoral qualifications for all offices will show that the Pepper bill runs counter to these. It has been repeatedly held that admission to suffrage is not a right but a privilege within the powers of the States to bestow on terms not inconsistent with the Constitution. That document forbids any State to deny suffrage to citizens on the bases of race, color, previous condition of servitude, or sex.

It is true that the operation of the poll tax has the intended effect of keeping many poor southern whites and more Negroes from the ballot box. But the courts have repeatedly decided that, where an effect is incidental and not on its face prescribed, the States are within the rights specifically reserved to them in the Constitution.

I take issue with Mr. Krock at that point. The poll tax is not keeping them from voting. They can go to the ballot box and vote.

FROM JOHN MARSHALL ON

In *Barron* v. *Baltimore* (1833), a dictum the Court often reiterated, Chief Justice Marshall held that the Bill of Rights, the first 10 amendments, "contain no expression indicating an intention to apply them to the State governments," and in 1875 the Court declared that it is "too late to question the correctness of this construction." In *United States* v. *Cruikshank* (1876) the Supreme Court asserted that the right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination (race, color, sex, etc.) comes from the United States. "The first has not been granted or secured by the Constitution of the United States, but the last has been."

Later the Court decreed that when the Constitution conferred citizenship in the fourteenth amendment it did not necessarily confer the right of suffrage, that the right of suffrage is not coextensive with citizenship—

That is rudimentary, academic—

and repeated that the Constitution left with the several States the power to determine voters' qualifications to choose candidates for all offices. Thus the establishment of a literacy test was upheld, since "on its face" it did not discriminate between whites and Negroes. Conversely, the "grandfather clause" was nullified because "on its face" it discriminated.

Only a few years ago the Court decided that the equal suffrage amendment does not confer on women the "right" to vote or purport to do so; it merely prohibits sexual discrimination against them in prescribing the qualifications of electors, "a very different thing."

The Senate filibuster may be opposed by those who are unconcerned over extension of Federal powers, who favor the Pepper bill, or who would put no restraints on a majority. But its objective has a long and continuous line of constitutional law behind it.

So says Mr. Krock, in the New York Times of November 19.

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

Mr. BILBO. I yield for a question.

Mr. CONNALLY. I ask unanimous consent that I may make a statement, and that it not disturb the parliamentary status of the Senator from Mississippi, or his rights.

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

Mr. CONNALLY. It will be recalled that yesterday we witnessed an effort to arrive at some accommodation with respect to the particular bill under discussion and the motion to proceed to its consideration. Of course, it is understood that the debate so far has been upon the point of order made by the Senator from Mississippi [Mr. DOXEY] as to the constitutionality of the bill. When that question shall have been disposed of, the question then will be on the motion of the Senator from Kentucky to proceed to the consideration of the bill. Both the point of order and the motion are debatable, and according to our thesis, they would be debatable until the end of the present Congress. In the event they should be disposed of, the bill then probably would come before the Senate and, of course, it would be debatable, as would innumerable amendments which might be offered to it.

Those of us who are opposing the bill are not opposing it in a spirit of pique. We have tried to get before the country the knowledge that our purposes are sincere, that we have substantial and high motives in opposing the measure, and that our opposition is based firmly upon the very fundamentals of the Constitution of the United States.

In that behalf the Senator from Wyoming [Mr. O'MAHONEY] today made a very valuable contribution to the public understanding of the measure, and we are hopeful that the press of the country will be as generous in showing up the merits of our contention and the integrity of our motives as some of the press has been in undertaking to create a contrary opinion.

Mr. President, we are seriously and honestly opposing the bill, and though we are denounced as filibusterers, we are something more than a bunch of legislative ragamuffins. We are fighting the bill, but we want to avoid any impression that the Senate of the United States is spending its time in frivolous matters during this grim and tragic period of the world history, when we are engaged in a great war, and when every ounce of our energy should be devoted to the prosecution of the war, and to the advancement of the high principles and purposes of our Republic.

With this statement, Mr. President, I wish now to renew, in substance, the proposition we made yesterday. I propose now to the Senator from Kentucky, as the majority leader, that those of us who are opposing the bill will withdraw any objection to the further consideration of the point of order and any further objection to the motion to take up the bill, with the proviso that the majority leader shall immediately take whatever steps he may deem necessary under the rules with respect to cloture; and it is understood and agreed that on the motion for cloture the Senate shall vote next Monday at 1 o'clock; that there shall be no adjournment over until any other period of time, but that action shall be taken at 1 o'clock next Monday; that, upon the failure of cloture, the Senator from Kentucky will move to lay the bill aside; and that it is generally understood that no further action looking to the consideration of the bill or bringing it before the Senate for consideration shall take place at any time during the present session of the Congress.

Mr. BARKLEY. Mr. President, we all realize that we are faced with a practical situation in regard to this measure. I do not deem it necessary to repeat what I said yesterday, the effect of which was that, in view of the opposition to the bill, and what Judge Gus Thomas in Kentucky called the "numerosity" of Senators who were willing to speak against it, I was convinced, as I think every other Senator is convinced, that without cloture we cannot bring the bill to a vote.

In my judgment no amount of pressure brought to bear upon individual Senators is going to change their attitude on the subject of cloture. Many Senators have deep convictions upon the subject. I realize that many who will vote for the bill finally, if it shall be brought to a vote, will not vote for cloture. I believe that substantially as large a vote in proportion to attendance will be obtained on next Monday as would be obtained on the following Monday, or on any other subsequent date. If cloture cannot be obtained in order that the bill may be brought to a vote, I think the sooner the Senate knows it the better.

So for myself, and I think I speak generally for the proponents of the bill, I am willing to agree that immediately upon the making of this bill the unfinished business today I shall file a petition for cloture, which already is prepared and on my desk, and that the Senate will have a session tomorrow. It is necessary to have a session tomorrow in order to comply with the rule. I would not, of course, under those circumstances think of adjourning over or recessing over until Monday. So that immediately upon the adoption of my motion to make the bill the unfinished business, or to proceed with its consideration, I shall comply with the rule by filing the petition for closing debate. There will be a session tomorrow and on Monday. It is not necessary to agree to vote at 1 o'clock on

Monday. The rule itself provides that 1 hour from the hour of the convening of the Senate, which will be 12 o'clock, the petition for cloture shall be laid before the Senate, and a roll call shall be had upon it; and if the cloture rule is rejected, of course I myself will not only make no further effort to press the bill but will feel myself in honor bound and in good faith to the Senate to proceed with the consideration of other legislation now on the calendar or that may then be on the calendar.

Mr. CONNALLY. And the Senator will also feel obligated to prevent other Senators from pressing the bill insofar as he can do so.

Mr. BARKLEY. Yes.

Mr. CONNALLY. I assumed that.

Mr. BARKLEY. The Senator can assume that I am not going to enter into an understanding here and then even remotely violate it——

Mr. CONNALLY. Certainly.

Mr. BARKLEY. By conniving with somebody else, and I have not the slightest idea that any further effort will be made on the part of anyone.

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

Mr. CONNALLY. I yield.

Mr. GEORGE. I think the majority leader has made a very fair statement about the situation in which the Senate finds itself with respect to this bill, and I hope there will be no objection, because, in any event, if the pending point of order is withdrawn and the motion to consider the bill is agreed to, if the Senator from Kentucky, himself, or any other Senator wishes to file the motion for cloture, it would be in order that a vote be taken on the question, as he says, on Monday, provided there is a session of the Senate tomorrow. I think there should be a session tomorrow, because on the question of cloture, as well as matters in the bill, there may be many Senators who would like to be heard.

Mr. BARKLEY. Yes. I think it is entirely likely that between now and the hour for voting on the cloture petition on Monday there may be a number of Senators who will wish to express themselves upon the measure.

Mr. CONNALLY. That is correct.

Mr. BARKLEY. And I think they ought to be given an opportunity to be heard. I will say frankly that when the day's business is disposed of, I shall move that the Senate recess until tomorrow.

Mr. CONNALLY. I agree with the Senator.

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

Mr. CONNALLY. I yield.

Mr. PEPPER. I want to make an inquiry and a brief comment before this matter is regarded as finally disposed of, if I may do so.

In the first place, as the leader has suggested, there has obviously been no opportunity so far for the proponents to discuss the merits of the bill, or its constitutionality, without contributing to what has been announced as the positive intention to defer consideration and to deny consideration of the bill insofar as voting upon it is concerned. So I wondered if what the able Senator from Texas said indicated that, for example, the time could be equally divided between the proponents and the opponents between now and the time for voting.

Mr. BARKLEY. If I may reply to that inquiry, I will say that the Senator from Texas and I have discussed that matter, and entered into an informal agreement which I am perfectly willing to have made a part of the RECORD, that if the petition for cloture is filed so that it is in effect under the rule, the time for debate between now and 1 o'clock on Monday shall be equally divided between the two sides, the Senator from Texas to control one-half and I myself to control the other half. That was an agreement which we entered into informally. I am perfectly willing to have it spread on the RECORD.

Mr. PEPPER. I thought it was only fair that some such statement should be made.

Mr. BARKLEY. We were coming to that, but it is not necessarily a part of the agreement.

Mr. NORRIS. Mr. President, may I interrupt? Has the Senator from Florida concluded?

Mr. PEPPER. I will defer temporarily, but I do want to make further comment before the matter is concluded.

Mr. NORRIS. I want to call attention to the fact that the proposed agreement suggested by the Senator from Kentucky contains no limitation on debate. Under that agreement one Senator could obtain the floor and take up all the time.

Mr. BARKLEY. No; under the agreement that the Senator from Texas and I would control the time, we would yield a certain number of minutes to any Senator.

Mr. NORRIS. If that is the understanding, it will be satisfactory.

Mr. BARKLEY. Yes.

Mr. NORRIS. That the one controlling the time will not yield to any one Senator only.

Mr. BARKLEY. No; we would not yield the whole time to any one Senator. A Senator could speak only so long as the time he was given.

Mr. BILBO. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BILBO. I should like to know what would be the time limit on any suggested amendment to the bill. If cloture is to be asked for, and that question will be voted on next Monday at 1 o'clock, should not all amendments to the bill be filed by then?

Mr. BARKLEY. Under the Senate rule, if cloture shall be voted, no amendment will be considered that has not already been presented prior to the vote.

Mr. BILBO. I wanted to have that made plain.

Mr. BARKLEY. Yes. Any Senator can offer any amendment he wishes to offer up to 1 o'clock on Monday.

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

Mr. CONNALLY. I yield.

Mr. PEPPER. It is obvious that the proponents of this measure have found themselves in a position of great embarrassment. Under the rule which has now been brought to the attention of the Congress and the country, if any Member of the Senate moves to take up the measure, all that any other Member has to do is to make the point of order on the ground of unconstitutionality, and to have with him enough Senators to be willing to speak endlessly upon the measure, even 24 hours a day, if 24-hour sessions were determined upon, and it becomes utterly impossible even for nine-tenths of the Senate to bring the discussion to an end or the question of the consideration of the measure to a vote.

The only way that a vote could possibly be brought about was for the proponents first to agree to a time when the question of cloture would be presented, voted upon, and agreed to. Had the proponents not agreed that the vote on cloture might be had at a particular time, the opponents would not have made any agreement at all, and the debate would have proceeded without interruption.

The present situation has illustrated, it seems to me, the necessity for a reexamination of the Senate rule on cloture, as to whether it should be amended so as to provide that at least two-thirds of the Senate may conclude debate on either a point of order or any other question which may have to do with legislation or resolutions pending before the Senate of the United States. It has now been brought to the attention of every one that unless the rule of cloture is amended so as to apply to motions and points of order, a few Senators have the power, if they choose to exercise it, to deny to the Senate of the United States the opportunity of considering a measure. Such a group not only has the power to prevent the passage of legislation, it has the power even to prevent the consideration of legislation by the Senate of the United States. So certainly I am going to make whatever effort I individually can—and I hope other Senators will join in the effort—to amend the cloture rule so that at least two-thirds of the Senate can, if they choose to do so, bring any legislation before the body for consideration.

I want to say one other thing, Mr. President. Having that legislative or parliamentary situation before them, the proponents were faced with the alternative of seeking some solution, or allowing the opposition to the measure to block all legislation between now and the end of this session, and to exhibit to the world—not only to the United States—that this body, which has been called in another day the greatest deliberative body in the world, was absolutely impotent.

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

Mr. PEPPER. If I am considered to have the floor I will gladly yield.

Mr. CONNALLY. I will yield to the Senator from Mississippi.

Mr. PEPPER. I was actually speaking by the indulgence of the Senator from Texas.

Mr. BILBO. Mr. President, I think the observation of the Senator is rather unfair to the opponents of this measure. I have occupied the floor for 5 days. As I recall, I have announced every day that the opponents of the bill would be willing, by unanimous consent, to stop at any

time in order to consider any war measure or any other measure of greater importance than this, if there is such a measure. The blame cannot be put upon the opponents of the bill.

As to the Senator's suggestion that we amend the rule of the Senate so far as cloture is concerned, which rule is time honored, I am not surprised at that, when he is trying to amend the Constitution of the United States by legislative enactment.

Mr. PEPPER. Mr. President, I shall briefly conclude what I have to say—

Mr. CONNALLY. Mr. President, I am enjoying very much the remarks of the Senator from Florida, but I hope he will confine his remarks to something akin to what we are discussing, rather than general questions.

Mr. PEPPER. I wish briefly to supplement what I have already said.

There is pending on the calendar Senate bill 1313, a bill to provide Federal aid for public education in the United States. That bill and many other important bills would be delayed, if not denied consideration altogether, if this prolonged debate were to continue until the end of the present Congress. I am hoping that as soon as the pending bill is laid aside the chairman of the Senate Committee on Education and Labor, the Senator from Utah [Mr. THOMAS], and the able Senator from Alabama [Mr. HILL] who have been particularly dealing with it, will move to proceed to the consideration of Senate bill 1313, which provides Federal aid for public education in America, of which the South is to be the principal beneficiary.

So, out of consideration for the desirability of foregoing consideration of the pending measure under the circumstances, in favor of the consideration of other measures which in my opinion are very important, not only to the South but to the country as a whole, and in order that the world may not witness the spectacle of the United States Senate incapable even of considering legislation, so far as I am personally concerned, I am willing to concur in the agreement which has been made by the able Senator from Texas and our able leader, and will support the agreement to the very best of my ability, regretting the necessity for its having been consummated.

Mr. CHANDLER. Mr. President, I should like to ask the Senator who has the floor to yield to me.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. BILBO] has the floor.

Mr. BILBO. Mr. President, I shall be glad to yield to my distinguished friend from Kentucky; but before doing so I wish to say that I heartily agree with the Senator from Florida as to the importance of Senate bill 1313. So greatly am I impressed with the importance of that measure that I went to the Senator from Florida and made a proposal to lay aside this filibuster and proceed to the consideration of Senate bill 1313, but he would not agree to the proposal.

I now yield to the junior Senator from Kentucky.

Mr. CHANDLER. Mr. President, yesterday the Senator from Texas asked unanimous consent that an agreement similar to this be approved by the Senate. On that occasion I objected. If the request were again made in that form I should object to it, for the reason that if the Senator from Florida should seek to obtain consideration for Senate bill 1313, and a group of Senators should wish to establish for that measure the same conditions which now prevail with respect to the pending measure, we should have the same result.

The Senator from Mississippi states that he offered to the Senator from Florida a proposal or arrangement, about which I know nothing. As I understand, the Senator from Texas is making a proposal which is agreeable to my colleague [Mr. BARKLEY] and to the Senator from Florida [Mr. PEPPER], one of the principal sponsors of the bill. It is merely a proposal made by one side and accepted by the other in order to arrange to kill the pending measure. That would be the result of it if it were carred out. I am not in a position to object, because unanimous consent is not asked. I do not know anything about the arrangement which has been made for killing the bill or for the subsequent funeral; but this situation will rise to plague us in the future whenever any group of Senators wish to kill a bill or make arrangements with its sponsors to kill it unless they will agree to something else. I do not like the arrangement at all. If I had an opportunity to prevent it I should most certainly contribute my efforts in that direction.

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

Mr. CHANDLER. I yield if I am permitted by the Senator from Mississippi to do so. Will the Senator from Mississippi permit me to yield to the Senator from Nebraska?

Mr. BILBO. I yield to the Senator from Nebraska.

Mr. NORRIS. As I understand, the Senator from Texas is not proposing an amendment to the Senate rules; but if the agreement were entered into it would have that effect. Unless he proposes it in the form of a unanimous-consent agreement, I do not see how it can have any legal effect upon any Senator. We would all abide by the agreement if it were a unanimous-consent agreement; but there is no proposal to make it a unanimous-consent agreement.

The PRESIDING OFFICER. The present occupant of the chair understands that it is a gentleman's agreement.

Mr. CHANDLER. Mr. President, the Senator from Kentucky understands that that is what it is. I wish to distinguish between such an agreement and a unanimous-consent agreement. If the Senate is called upon to enter into a unanimous-consent agreement, any Senator who does not agree to the proposal may object.

The PRESIDING OFFICER. The present occupant of the chair does not understand that unanimous consent has either been asked or granted.

Mr. NORRIS. Nobody has entered into an agreement except the Senator from Kentucky and the Senator from Texas. It has been done in our hearing and in our presence, and no Senator would like to overthrow it. Nevertheless, I do not like to be put in the attitude, or have the Senate put in the attitude, that such an agreement must be adhered to and must have the effect of a unanimous-consent agreement. The Senator from Kentucky has stated what his position is; and if the opponents of the bill wish to accept the proposal, they have a right to take any action they see fit to take; but such an agreement would not bind any other Senator. Technically, it would not bind the Senate.

If we are to have this kind of an agreement, I should like to have it in the form of a unanimous-consent agreement. If the junior Senator from Kentucky or any other Senator wished to object to a unanimous-consent request, he would have that right, just as he would in connection with any other request for a unanimous-consent agreement. It is hardly fair to make an agreement which, in effect, would bind us in honor, and yet not legally bind us, as would a unanimous-consent agreement. We do not do so in connection with other legislation, and we ought not to be bound in that way. I am not saying that I shall object. I feel like following the leader in this case; but I do not wish to do so under a disguise.

Mr. BARKLEY. Mr. President, I do not wish to enter into another tangle about the difference between unanimous consent and an agreement. Unanimous consent is not required to withdraw the point of order now pending. Unanimous consent is not required for the Senate to agree to my motion to proceed to consider the bill. Unanimous consent is not required for me to file a petition for cloture. That is all there is to this proposal. I have frankly stated the situation to my colleagues, and I do not believe that any Senator misunderstands it. I repeat what I said a while ago that this is not a matter for unanimous consent. It does not require it. It did not require it yesterday.

Mr. President, I am informed that if a request for unanimous consent is made there will be no objection. I do not propose to make a request for unanimous consent merely because some Senator agrees not to object to it.

Mr. CHANDLER. I am not trying to have the Senator make a request for unanimous consent.

Mr. BARKLEY. This is not a matter with respect to which unanimous consent is required. I have already explained that, and I believe Senators understand it.

I hope we can go ahead with the understanding which we have reached, and let the point of order be withdrawn so that my motion may be voted upon. Then I will carry out my word to the Senate. I will immediately file a petition for cloture, upon which we can obtain a vote. None of these things require unanimous consent. This would involve having a session tomorrow. That is all there is to it.

Mr. RUSSELL. Mr. President——

Mr. BILBO. Mr. President, I have the floor, and I should like to make an observation at this time.

As I understand the agreement, immediately upon the motion of the Senator from Kentucky being agreed to, he will file a petition for cloture. A 1 o'clock on Monday we shall vote on it; and if the Senate refuses to agree to cloture, the Senator from Kentucky will withdraw from the fight for the consideration of the bill. My understanding is that in agreeing to do so the Senator from Kentucky speaks for the sponsors of the bill, the Senator from Florida [Mr. PEPPER] and the Senator from Nebraska [Mr. NORRIS], who are very much interested.

I have no objection to that agreement, because if the leader and the two Senators who are primarily sponsoring the bill are satisfied to quit after the vote on cloture, and any other Senator has enough nerve to make a motion to take up the bill, the opponents of the bill will be put back where they now are. Actually, they will be a little further behind, because a point of order will be made by my colleague from Mississippi [Mr. DOXEY], and we shall get back to where we are now. Then we shall be ready to go on until Christmas. I am not uneasy about what will happen.

Mr. BARKLEY. Mr. President, if the Senator will yield, I think the Senator is conjuring up fears which are without foundation.

Mr. BILBO. I have no fear. I do not think any Senator would have the hardihood to make a motion to take up the bill after such an agreement was entered into; but if any Senator should dare to do so——

Mr. BARKLEY. The Senate has ways by which it can summarily dispose of a motion of that sort.

Mr. BILBO. That is correct. I have no uneasiness about the matter.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. What Senator has the floor?

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

Mr. BILBO. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I have earnestly endeavored to work with my colleagues who have been opposing this unnecessary and unconstitutional measure. I have known all along that under the rules of the Senate, if 20 Members of this body are so possessed of the consciousness of the righteousness of their cause that they are willing to make the necessary sacrifice to stay in the Chamber and utilize every rule of the Senate in an effort to defeat such legislation as this, they have the right and the power to do so.

No step which could be taken by the other 76 Members of this body could possibly enact the bill into law before the third day of January. I have very reluctantly entered into the agreement. I had not voted for it in the conferences which were held on it; but because of the fact that Senators who have been in this body longer than I have, and for whose opinions I have great respect, had agreed to enter into the agreement, and to support it, I had gone along. I had done so with full knowledge that we could defeat the bill despite all that the proponents might do if we were willing to stay here and to take the punishment, and to make the proponents stay here and take the punishment. There has been talk about having night sessions. It has been my judgment that the opposition to the bill should have forced night sessions and should have seen who would last the longest and who would be the first to cry quits.

I realize that we are surrendering the rights to which the Senator from Mississippi referred. He said that we could raise again the constitutional question which is now pending—a question which we could debate until Christmas. I tell my friend that he is wholly in error. If the vote on cloture is had, the bill is before the Senate—and has to be, under the rules, before there can be a vote on cloture. The Senator talks about discussing the motion to take up the bill, and says we can discuss that. However, I tell my friend that that is not the case, because the motion to take up the bill will be water over the dam, and no Senator would be able to retrieve it, no matter how much the minority might desire to do so.

Mr. BILBO. Mr. President, my friend misunderstood me. I said that if the Senator from Kentucky [Mr. BARKLEY] and other Senators now agree that after the motion is disposed of the bill will be withdrawn, if a motion then is made to consider the bill, we can go back to where we started, and can debate it until Christmas. That is the position I am taking. If cloture is invoked, we are out of luck, and the Constitution is gone to hell. [Laughter.]

Mr. RUSSELL. Mr. President——

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

Mr. RUSSELL. Mr. President, I do not think the Senator from Mississippi can hold the floor while sitting down. I addressed the Chair, and was recognized, and I think I have the floor in my own right.

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

Mr. RUSSELL. I ask the Senator to pardon me until I state my position on this matter.

Mr. President, I am so possessed of the consciousness of righteousness in my cause in fighting this infamous legislation that I hesitated to surrender the position of vantage we have. I had the sure knowledge that we could defeat it, and I hesitated to go ahead and take a chance on the cloture vote. However, I was of the opinion that under the understanding, some Senators who have been pressing this cup to our lips would be bound in the event the Senate asserted itself and refused to vote cloture, not to bring this bill here again this session.

The Senator from Nebraska, who has been very active in sponsoring the bill, now takes the floor of the Senate and says that no Senator is bound not to press the bill any further if the cloture vote shall fail. Thus those who are fighting this infamous legislation could be put in the unhappy position of having the bill pending as the unfinished business of the Senate. In that event motions could be made to table any amendment which might be offered, and those who had spoken twice on the question would be estopped from speaking further; and after the bill has been pending here for perhaps 2 more weeks, Members of the Senate would change their minds and then would be in favor of voting for cloture.

I realize my predicament in the matter, Mr. President. I realize that those who are fighting this legislation believe they are perfectly safe in entering into the agreement, and I know that one Senator cannot defeat the measure. A Senator opposing it must have some support. Other Senators must be willing to vote to call the roll. Other Senators must be willing to stand up and fight for their rights, instead of risking everything on one turn, as they are doing on the cloture proposition with no real assurance the bill will be finally withdrawn if cloture fails.

If any Senator feels that he has a right under this agreement just suggested to support further motions to take up the bill, and not to fight to keep the bill from being brought before the Senate, so far as I am concerned I shall have no part or parcel of such a proposition as has been advanced to conclude the matter.

I realize, as I have said, that I, myself, without the aid or assistance of my colleagues who have carried on this fight, cannot continue it; but speaking for myself, before the arrangement is made, if there are 12 Senators on my side of the question who are willing to go ahead with the fight, I will go ahead with it before I will enter into the agreement with the knowledge that thereafter any Member of the Senate will have a right to keep pressing the bill on us and offer motions for cloture week after week until Christmas. We had better keep on with the fight while we have a constitutional point to stand on in fighting for the preservation of the Constitution of our forefathers than to surrender under such circumstances.

Mr. BILBO. Mr. President, let me make a suggestion to my friend the Senator from Georgia while he has the floor. I realize that there is merit to the suggestion of the Senator from Georgia. I realize that if the informal agreement is entered into, then we shall have waived the motion to take up the bill, the opposition to which has great advantages, and we shall have waived, at least for the time being, the point of order which is of tremendous advantage to the opponents. We would do that in order to get a vote on cloture.

Mr. RUSSELL. I am not seeking any vote on cloture, let me say to the Senator.

Mr. BILBO. But the object of the proposed agreement is to let the vote on cloture come. That is the effect and purpose of it, and but for that I assume no Senator would advocate the agreement; because I think—and I have gone into the agreement on that basis—that we clearly have sufficient votes to defeat cloture.

However, now the point develops, assuming that that statement of position is correct, and that cloture is refused,

that thereafter some Senator could start the fight all over again. I know that the Senator from Kentucky is not going to do so.

Mr. RUSSELL. I desire to say right here that I accept in absolute good faith every word which the Senator from Kentucky said; but, Mr. President, I see that there are times when all of the Senators on this side do not follow the Senator from Kentucky, and there seems to be a cleavage in the ranks of those favoring the bill on this matter.

Mr. BILBO. I am sure that the Senator from Nebraska—although he has not made a statement on the matter today—would follow any statement he might make; and I know that the Senator from Florida would do so as to any statement he might make.

However, let me make this suggestion to the Senator. It will be a test of the good faith of every Senator, and will develop clearly whether there is to be a fight. I suggest that the Senator move to amend the unanimous-consent agreement by including in it a provision that if cloture is refused, and if thereafter any Senator moves to take up the bill, all the proceedings be vacated, and the parliamentary status be put back just as it is now, with the point of order pending, and with the motion to take up the bill undisposed of, so that we shall not be put at a disadvantage.

Mr. RUSSELL. Mr. President, I should be happy to have my friend the Senator from Alabama make such a request for unanimous consent; but I cannot conceive that any Senator in the opposition would allow it to go by when Senators who are on my side of the question are rushing in to surrender their rights, in the face of the statement of the Senator from Nebraska that no Senator except the Senator from Kentucky and the Senator from Texas is bound by what takes place here.

Mr. BARKLEY. Mr. President, I think the Senator from Georgia thoroughly understands my position.

Mr. RUSSELL. I think I thoroughly understand it, and I attribute the fullest of good faith to the Senator from Kentucky.

Mr. BARKLEY. Of course, there is no legal way to bind a Senator not to make a motion of any kind at any time. We could not do so even by unanimous consent. If a Senator had the floor and made a motion, the motion would have to be put to the Senate, in my judgment.

If the Senator will bear with me a moment, let me say that what I am saying now is addressed as much to the supporters of the bill as to the opponents. I did not introduce this legislation. When the bill was reported here I felt it my duty, as I think everyone understands, to go as far as I could go in undertaking to have it considered. Whether anyone else who supports the bill is convinced, I am convinced—and I am not afraid to say that I am convinced, because I have no parliamentary situation to preserve—that the bill cannot be brought to a vote. Everyone knows that, and anyone who pretends otherwise is not frank with himself or with the Senate or with the country.

Mr. RUSSELL. Mr. President, if the Senator makes that statement in reference to me he is in error. I do not know how the Senate is going to vote.

Mr. BARKLEY. I am not talking about the Senator. I am saying that the bill cannot be brought to a vote. My remarks have no reference to the Senator from Georgia.

Mr. RUSSELL. The Senator was addressing himself to me.

Mr. BARKLEY. I did not intend to do so. I say that I am convinced, and have been convinced, that the bill cannot be brought to a vote by any manner of procedure. The Senator misunderstood me. What I said did not refer to the Senator from Georgia. If the Senator will analyze what I said I think he will realize that.

I said I am convinced that the bill cannot be brought to a vote. The Senator does not disagree with that statement, I assume.

Mr. RUSSELL. No; I do not. If the Senator says he is so convinced I accept it.

Mr. BARKLEY. I said further that I believe Senators here are convinced that it cannot be brought to a vote. I do not suppose the Senator from Georgia disagrees with that statement.

Mr. RUSSELL. I hope that it cannot be brought to a vote.

Mr. BARKLEY. I do not think it can be brought to a vote; and in that I certainly am not offending the Senator from Georgia.

Mr. RUSSELL. Not in the slightest degree. I hope that the Senator is correct and the bill will never be voted upon.

Mr. BARKLEY. In view of the situation, I have a conviction—and I think I certainly am entitled to be accorded an element of good faith in entertaining it—that the bill cannot be brought to a vote; that, except under an arrangement such as that which we are about to enter into, the point of order cannot be brought to a vote, and that the motion I have made to take up the bill cannot be brought to a vote; and in the light of that situation I feel that I have done my duty in undertaking to bring the bill to a vote.

I do not think any of the proponents of the legislation have a right to complain that I have not done everything I could. I could have declined, with good reason, at the very beginning, to make the motion to take the bill up. I made the motion because, as I have heretofore explained, the author of the bill, the chairman of the committee, and the Senator from Nebraska, who urged it on the committee, joined in asking me to make the motion. We have proceeded for a week, and we have not made any progress on the bill. All the progess we have made has been to lacerate and irritate the feelings of Senators in the most unfortunate way.

It seems to me, in view of that situation, that the proponents of the bill, those who would vote for it if it were brought to a vote, certainly have no right to object now if I seek to deal with this situation realistically, in the light of what I know are the facts, and in the light of what I know is the power of those who oppose the proposed legislation.

I hope the opponents and the proponents of the legislation will be realistic enough to permit this arrangement, which does not require unanimous consent. I do not think the fears of Senators that if cloture shall be defeated, and the bill is laid aside, someone else will make a motion to take it up, are worthy of much serious consideration. If I, as I have done, enter into an agreement that I myself will not press the bill further, but will seek to lay it aside, certainly the Senate can depend upon me to oppose any effort upon the part of any other Senator to bring it up. If I cannot be trusted in that regard, I do not know that I am entitled to be trusted at all.

Mr. RUSSELL. I have not expressed the slightest doubt of the good intentions and of the good faith of the Senator from Kentucky.

Mr. BARKLEY. I know that, but the Senator from Georgia and the Senator from Mississippi seem to fear that someone here, unauthorized, will rise and make the motion to take the bill up. I do not think that would happen, and if it did happen, I should oppose it.

Mr. RUSSELL. There is no necessity of making any motion to take the bill up. The bill will be before the Senate, even if we win the cloture vote. It will be pending in this body, and the Senator from Nebraska, who is one of the chief sponsors of the bill, his efforts having been second only to those of the Senator from Florida to force the bill upon us, has stated that no Senator would be bound by anything that was done or said here, except the Senator from Texas and the Senator from Kentucky.

Mr. BARKLEY. If the Senator will yield, the bill will be before the Senate just as other bills on the calendar are.

Mr. RUSSELL. No; it will be the pending business, and the Senator knows it, after the vote on cloture.

Mr. BARKLEY. No. If the Senator means what he says, he must think I did not mean what I said when I stated I would move to lay it aside.

Mr. RUSSELL. There is no doubt that the Senator from Kentucky would move to lay it aside, but the Senator from Kentucky has been moving to take up the bill, and it has not been considered yet, and if we are not going to get the bill laid aside, we might as well fight it out while we have some advantage.

Mr. BARKLEY. I think I would have more success in moving to lay it aside than I have had in moving to take it up.

Mr. RUSSELL. The Senator would have more cooperation from the Senator from Georgia.

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

Mr. RUSSELL. I yield.

Mr. NORRIS. The Senator from Georgia stated once or twice in his remarks that I made the assertion that if the arrangement went through no one would be bound by it except the Senator from Kentucky and the Senator from Texas. Does not the Senator believe I stated the truth when I said that?

Mr. RUSSELL. I do.

Mr. NORRIS. Then the Senator is not complaining.

Mr. RUSSELL. I am not complaining of it. I am undertaking to protect my rights.

Mr. NORRIS. I stated a parliamentary proposition which I think no one will dispute. The only way to bind the Senate in this matter is by a unanimous-consent agreement. I realize that if the Senator from Kentucky did what he has stated he would do, and any Senator were dissatisfied with what he did, he probably would not get very far in trying to renew the fight. It is up to those, like the Senator from Georgia, who have the advantage now, if they wish to end the fight, and believe that this would be a good way to end it, to withdraw the point of order and to withdraw the opposition to taking up the bill. If they think that will not work, and that that will defeat them, then from their point of view they certainly should not agree.

I am not objecting to the position the Senator from Georgia has taken. I have no personal feeling about this matter. I do not blame any Senator for taking advantage of any right which the rules give him. I would not criticize anyone in that respect, and I do not want to be put in the light of criticizing. A few moments ago, in opening his remarks, the Senator said he wanted to get rid of this unconstitutional and vicious measure, or words to that effect. I suppose that if I said we want to pass this very good and constitutional measure, I might offend someone.

Mr. RUSSELL. The Senator has made that statement.

Mr. NORRIS. I do not take any offense at what the Senator says. I know that in a filibuster one is justified in doing all those things, and I am not finding fault with it. If those who oppose the bill feel that they would be injured in their prospect of winning the struggle by accepting the proposition made, they should not accept it. I would not find any fault with anyone if he did not accept it, any more than I would with the other side which wants to do it. But it is not possible to bind the Senate by anything less than a unanimous-consent agreement, and that is what I called attention to.

Mr. RUSSELL. I understood the Senator from Nebraska to indicate that he would not feel bound.

Mr. NORRIS. I would not. I realize what the proponents of the bill would lose if the Senator from Kentucky withdrew his support of it, and I am not trying to make an ineffectual struggle for something when I know there is no chance to bring it about. Yet, when I am asked to agree to a unanimous-consent request that I will not do this and not do that, when the rules of the Senate give me the right to do it, I will not agree, even though I intend to do just what is asked. I do not think the Senator should require it. My agreement to do it would not bind the Senator from Kentucky, it would not bind the Senator from Alabama, or any other Senator. I do not intend to respond to that kind of a request. I do not mean to indicate disrespect in saying that, but it seems to me the Senator should not expect all the Senators to rise one by one and pledge what they will do or will not do.

Mr. RUSSELL. I have not asked anything of the Senator from Nebraska, least of all that he surrender any rights he has under the rules. I expect to stand on my rights under the rules of the Senate and the Senator from Nebraska may do the same. I would not ask him to waive any of his rights in this body.

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

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understand, the Senator from Kentucky and the Senator from Florida, who introduced the bill, do agree, however, that they will not prosecute this matter further, but will lay aside the bill, if they can, in the event they are defeated on cloture. That is my understanding. If I have made a mistake, I should like to have the Senator from Florida correct me.

The Senator from Nebraska has not made any such agreement, but I think that if he is willing to agree to that, as I understand indirectly he is, I think he should say so to the Senate, so that there could be no misunderstanding or misconstruction. That is the way the matter strikes me.

Mr. RUSSELL. I seem to be out of harmony with my colleagues who have been with me in this fight, as well as those who have been advocating the bill, and I will conclude my statement in a few minutes if I can proceed without any interference.

Mr. NORRIS. The Senator is not out of harmony with my position. I think he is alright in his viewpoint.

Mr. RUSSELL. I thank the Senator.

Mr. NORRIS. And I am not finding fault with it.

Mr. BARKLEY. Mr. President, if the Senator will yield, so that there may be no misunderstanding about what my intentions are, it is my purpose, if cloture shall be defeated, to move immediately to lay the bill aside, and I have stated as emphatically as I can that not only will I not move to take it up again but that I would oppose a motion by anyone else to take it up during the rest of this session.

If I could be asked to do anything more, I cannot conceive what it would be. I have not the slightest doubt that when the bill is laid aside, no effort will be made to bring it up again, although I agree with the Senator from Georgia and the Senator from Nebraska that, even if we entered into a unanimous-consent agreement undertaking to bind every Senator not to make such a motion, it would not be binding on any Senator, at least not on any Senator who is not now present, if it would be binding on anyone.

In view of this situation, I hope the Senator from Georgia will not feel that he is losing any rights or losing any of the position he and his colleagues have taken in regard to this measure.

Mr. RUSSELL. There can be no doubt that we would be abandoning very substantial rights. There can be no question about it.

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

Mr. RUSSELL. I yield, but I might say this is the last time I shall yield to any Senator, because I intend to address myself to this question for only 2 or 3 moments.

Mr. CHANDLER. Mr. President, I find myself in the same situation on my side as the Senator from Georgia [Mr. RUSSELL] finds himself on the other side. I am confident that the majority leader, my colleague [Mr. BARKLEY], has done all he can do to get the bill before the Senate. If my colleague had previously made the statement which he has now made, I should not have objected as I did. I do not like to see the author of the bill, or those in charge of the bill placed in the position of being forced to accept conditions in order to get the bill before the Senate. If it will be any comfort to the Senator from Georgia, I will say that I will not undertake any steps to have the bill taken up after cloture is refused, if it shall be refused. I shall be glad to adhere to the so-called gentlemen's agreement. But I will say that if my colleague had previously stated that all efforts to get the bill up having been exhausted, he proposed that we should follow the procedure now suggested, I would not have objected. But I do object to a procedure which forces any Senator who wants a bill taken up to have conditions prescribed for him by which he can either have it taken up or have it killed.

Mr. RUSSELL. Mr. President, the Senator from Kentucky, I am sure, is entitled to his views. His colleague, however, is usually very well able to handle himself on the floor, I have observed over a period of years, without need of any particular assistance with regard to parliamentary procedure.

Mr. President, I wish to say a few words in view of the statement made by the Senator from Nebraska. No Senator has been more diligent than has the Senator from Nebraska in working for the proposed legislation. I grant him the full right to his views on the matter. So far as I am concerned, though, and speaking as one opponent of the bill, I do not propose to enter into any agreement or approve any agreement when the Senator from Nebraska, who is largely responsible for the bill being before the Senate today, states on the floor of the Senate that he does not feel bound not to continue his effort to pass this bill in spite of what the vote may be on the question of cloture. My colleagues can take their chances with the matter if they choose. I realize one Senator in this body is powerless to make a long fight, however right he may be. He has to have some help. I for my part disapprove of any agreement which will waive the substantial parliamentary right we have here in this matter, and which will enable the opponents of the bill, if they are determined enough, to beat it, whether there is any vote on cloture or not. I refuse, for my part, to waive those rights when it is stated here on the floor of the Senate by the Senator who is as largely responsible for the bill being here as any other Senator, that neither he nor any other Senator is bound not to take the floor immediately after the vote on the cloture, and start speaking on the

bill, and hold the Senate here for a week or 2 weeks longer.

Mr. NORRIS. Mr. President, I wish to say a word in view of what the Senator from Georgia has said. I will say that my attitude with respect to the bill has been practically the same as with respect to any other bill I have studied. I was placed on the subcommittee of the Committee on the Judiciary. I did not know that the bill was going to be introduced. I had nothing to do with its preparation. I had not studied the constitutionality of the bill. I had not examined the Constitution with reference to it. I was somewhat familiar with article I, section 2, dealing with the qualifications of electors. I entered upon the hearings, and although I told no one about it I was sorry I was on the subcommittee. I was not consulted about being placed on the subcommittee. I served on it only because I believed it to be my patriotic duty to carry out the orders of the Committee on the Judiciary and try to take care of proposed legislation, which was referred to that committee. I had no idea, for my own part, when we started considering the matter, other than that the bill was unconstitutional. I believed we would have to make a report that it was unconstitutional. I listened to the hearings. I heard some of the ablest legal arguments made on both sides of this question that I have ever listened to, and I became interested in the legal proposition, solely, in the question as to whether the bill was constitutional or not.

After the bill was taken up in committee I began to study the question. I gave a great deal of time in my own weak way to studying the bill and trying to inform myself with respect to the questions involved. After listening to the testimony and studying the question I began to see that there was something in the arguments which were being made in favor of the constitutionality of the bill. To make a long story short, after I had studied the question as much as I could and after having read what I could on it, I became convinced that the measure was perfectly constitutional, and that as a member of the subcommittee it was my duty to report that fact to the Judiciary Committee, and I did so. I supposed then that what I was reporting would become the minority report of the committee. But in the Judiciary Committee the opposite view was taken, and the majority of that committee reached the conclusion that the bill was constitutional. I never gave any consideration to anything in connection with it except the legal proposition, and I believe now as much as I believe anything on earth, that the bill is constitutional.

Believing as I did, I maintained that position, even though it would bring about what I thought would be very ungentlemanly and discourteous and offensive treatment on the part of some Senators, whose enthusiasm I can well understand in their discussion of matters dealing with other than the legal side of the question. I have never found fault with a single Senator for anything he has said about the bill. I have listened to the debate, which at times has reached a point almost of violence. I have heard Senators refer to the bill almost disrespectfully. I could have taken offense at that. If I had referred to the bill with respect I think I might have given offense to some Senators.

Mr. President, I believe the measure to be constitutional. Nothing would give me more satisfaction than to see the bill go to the Supreme Court of the United States so it might pass upon the question. I have reached the conclusion that it is constitutional. I may be entirely wrong about that; I may have no leg to stand on with respect to the legal question, but I think I have a leg to stand on. I am convinced in my own mind and heart that I am right about the matter, and I am not afraid to let the question go to any tribunal and have it pass on the constitutionality of the measure.

Mr. President, while I have the floor, let me say that although I have not spoken on this matter, because I think the best way to beat a filibuster is to keep still and let the other fellow talk, and I would submit almost to anything rather than to engage in a colloquy about it, because I realize that that is just what those who are filibustering would like to have, yet, since I have expressed myself thus far and in order to be on record with the views which I hold, weak as they may be, that this is a constitutional measure, I wish to insert in the RECORD my reasons for my belief. I ask unanimous consent to have printed in the RECORD at this point in my remarks the portion of the report from the committee which I submitted to the Senate which discusses the constitutionality of the bill, which is practically the whole report. The language begins in line 13, on page 2, of the committee report, and I ask that the language from there on to the end of the report be included as a part of my remarks at this point.

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

The matter referred to is as follows:

Practically the only question involved in this legislation is the constitutionality of the proposed legislation. The committee has reached the conclusion that the proposed legislation is constitutional and should therefore be enacted into law. Those who believe the proposed law is unconstitutional rely upon article I, section 2, of the Constitution which reads as follows:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

The qualification of a voter is generally believed to have something to do with the capacity of a voter. We think it will be admitted by all that no State, or State legislature, would have the constitutional authority to disqualify a voter otherwise qualified to vote, by setting up a pretended "qualification" that in fact has nothing whatever to do with the real qualification of the voter. No one can claim that the provision of the Federal Constitution above quoted would give a legislature the right to say that no one should be entitled to vote unless, for instance, he had red hair, or had attained the age of 100 years, or any other artificial pretended qualification which, in fact had nothing to do with the capacity or real qualification of the voter.

The evil that the legislation seeks to correct is in effect that in taking advantage of the constitutional provision regarding qualifications, the States have no right to set up a perfectly arbitrary and meaningless pretended qualification which, in fact, is no qualification whatever and is only a pretended qualification by which large numbers of citizens are prohibited from voting simply because they are poor. Can it be said, in view of the civilization of the present day that a man's poverty has anything to do with his qualification to vote? Can it be claimed that a man is incapacitated from voting simply because he is not able to pay the fee which is required of him when he goes to vote? In other words, when States have prevented citizens from voting simply because they are not able to pay the amount of money which is stipulated shall be paid, can such a course be said to have anything to do with the real qualifications of the voter? Is it not a plain attempt to take advantage of this provision of the Constitution and prevent citizens from voting by setting up a pretended qualification which, in fact, is no qualification at all?

We believe there is no doubt but that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the State power to set up qualifications, by using other artificial means and methods which in fact have no relation whatever to qualifications.

However, the constitutionality in our opinion does not depend alone upon the language of the Constitution above quoted. There are other provisions in the Constitution and amendments to the Constitution to which we desire to call attention.

Section 4 of article I of the original Constitution reads as follows:

"The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of chusing senators."

The subcommittee to which this proposed legislation was referred has held rather extended hearings and has listened to very able and competent constitutional lawyers in the discussion of the constitutionality of the proposed legislation. These two provisions of the constitution above quoted have been discussed at great length and with great ability by some of the ablest constitutional lawyers in the country.

The pretended poll-tax qualification for voting has no place in any modern system of government. We believe it is only a means, illegal and unconstitutional in its nature, that is set up for the purpose of depriving thousands of citizens of the privilege of participating in governmental affairs by denying them a fundamental right—the right to vote.

The requiring of a citizen to pay a poll tax before he can vote is in effect the requiring of the payment of money to exercise the highest "qualification" of citizenship. It is in effect taxing a Federal function. The most sacred and highest of all Federal functions is the right to vote. It is not within the province of a State, or its legislature, to fix a fee or tax which a voter must pay in order to vote and try, in this way, to come within the Federal Constitution by calling this a qualification.

In the *Yarbrough case* (decided in 110 U. S. 651), the Supreme Court of the United States said:

"The right to vote for Members of Congress is fundamentally based upon the Constitution of the United States, and was not intended to be left within the exclusive control of the State."

Supreme Court Justice Miller in that case said:

"But it is not correct to say that the right to vote for a Member of Congress does not depend upon the Constitution of the United States."

In the Classic case, decided in 1941, Justice Stone of the Supreme Court said:

"The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution."

Justice Stone said further:

"While in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the State * * * this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18, of the Constitution 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.' "

One might add that, since voting is one of the fundamental governmental rights, the right to tax this fundamental privilege by a State would be giving to the State the power to destroy the Federal Government. No State can tax any Federal function. This is a proposition which will have to be admitted by all and, if this Federal function—the right to vote—can be taxed by a State, then the State has a right to destroy this Federal function which is, after all, the foundation of any government. As a matter of self-preservation, the Congress in order to save the Federal Government from possible destruction, must have the right to prevent any State authority from destroying this cornerstone of the Government itself.

The right to vote for Members of Congress is a right, as the Supreme Court has said, granted under the Constitution of the United States and, therefore, any law, constitutional or statutory, of a State which taxes this fundamental privilege is contrary to the provisions of the Federal Constitution. It could be said, of course, if these poll-tax laws are unconstitutional, they could be taken to the Supreme Court and there challenged directly and that a law of Congress is therefore unnecessary to protect this constitutional right. This is undoubtedly correct, but it does not follow that, when the Congress of the United States has had brought to its attention these poll-tax laws by which millions of our citizens are in effect deprived of their right to vote, that it would not be the duty of Congress itself to pass the necessary legislation to nullify such unconstitutional State laws. Most of these people are deprived of their right to vote by these poll-tax laws which are a method of taxation. As a rule they are poor people and are unable to vote because they are poor. The very fact that it is this class of people whose rights are being taken away makes it clear that they could not rely upon their constitutional rights of carrying their cases to the Supreme Court of the United States. The expense would be absolutely prohibitive and it is therefore the duty of Congress to protect these millions of citizens in their most sacred right as citizens—the right to vote.

We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll-tax laws, were moved entirely and exclusively by a desire to exclude the Negro from voting. They attempted to do this in a constitutional way but, in order to follow such a course, they deemed it necessary even to prohibit the white voter the same as they did the colored voter and hence they devised the poll-tax method which applied to white and colored alike. In other words, the poll-tax laws were prohibitive to all people, regardless of color, who were poor and unable to pay the poll tax.

We desire to call attention to the Virginia constitutional convention which submitted an amendment which was afterward adopted to the Constitution of Virginia by which it was intended to disfranchise a very large number of Virginia citizens. We think this convention can be regarded as a fair sample of other conventions in other poll-tax States. Hon. CARTER GLASS was a member of that convention. Near the beginning of the convention Senator GLASS made a speech in which he outlined in very forceful language what the object was, after all, of the convention. He did this in his usual commendatory method of getting at the real cream in the coconut. Near the beginning of the convention he made a speech in which he said:

"The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to 'all persons and classes without distinction.' We were sent here to make distinctions. We expect to make distinctions. We will make distinctions."

Near the conclusion of the convention, Senator GLASS delivered another address in which he referred to the work already performed by the convention. He said:

"I declared then (referring to the beginning of the convention and the debate on the oath) that no body of Virginia gentlemen could frame a constitution so obnoxious to my sense of right and morality that I would be willing to submit its fate to 146,000 ignorant Negro voters [great applause] whose capacity for self-government we have been challenging for 30 years past."

There is no doubt but what Senator GLASS stated the real object the convention had in view. The fact that his remarks were received with great applause indicates that his fellow members of that convention agreed with him and that the real object they had in view, and which they believed they could accomplish, was disfranchising 146,000 ignorant Negro voters.

Under the circumstances, can there be any doubt when perhaps the greatest leader of all stated what the object was and what was expected to be accomplished by the so-called poll-tax laws? If we concede that this was the object of the law, then we admit it is unconstitutional because, if this was the effect of the law, it in fact made an artificial qualification which, in itself, is illegal and unconstitutional, in order to come in under the qualification clause of section 2, article I, of the Constitution.

It ought to be borne in mind also that many, if not all, of these constitutional amendments in the poll-tax States are in direct conflict with the statutes under which these States were readmitted to the Union under the act of Congress of June 26, 1870 (16 Stat., p. 62). The provision which refers to Virginia reads as follows:

"The Constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote, who are entitled to vote by the constitution herein recognized, except as punishment for such crimes as are now felonies at common law, whereof they have been duly convicted under laws, equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effect, may be made in regard to the time and place of residence of voters."

It therefore follows that these State poll-tax constitutional amendments were in direct violation of this statute and therefore absolutely unconstitutional.

It seems perfectly plain that the object of this poll-tax provision in the State constitutions was not to prevent discrimination among the citizens but to definitely provide for a discrimination by which hundreds of thousands of citizens were taxed for the privilege of voting and that, therefore, under section 2 of article I of the Constitution, it seems plain that such a provision in the State constitution, or State law, was simply a subterfuge to accomplish other aims by resorting to the so-called qualification clause in section 2 of article I of the Constitution. It is likewise equally plain that at the end of the War between the States, when these States were readmitted to the Union, they were readmitted under a statute of Congress which provided explicitly that the constitutions of the States "shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote."

It is therefore plain, under all the circumstances, that the so-called poll-tax laws of the State bringing about such a disqualification to its citizens in the exercising of suffrage is in clear violation of the laws of Congress in addition to being a violation of the Constitution of the United States. It is a clear violation of the agreement made by the State, when it was readmitted, that it should not provide for such discriminatory amendments to the State constitutions. It follows therefore that the so-called poll-tax laws, bringing about the disfranchising of its citizens in the exercise of suffrage, are a clear violation of the laws of Congress in addition to being a violation of the Constitution of the United States.

Those who believe the proposed legislation is unconstitutional rely on the statement of a historic fact that, when the Constitution was adopted, all of the original States had property or tax qualifications. This ignores entirely the testimony of scholars which clearly demonstrates why that fact alone does not prove the right of Congress today to forbid such requirements for voting in Federal elections. It seems to us that this regulation is subject to the criticism which Mr. Justice Holmes leveled against the use of history when he said:

"It is revolting to have no better reason for a rule of law than that it is laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since and the rule persists from blind imitation of the past." (Holmes: The Path of the Law, in Collection Papers, p. 187.)

We think, also, Justice Holmes was right when, in discussing the situation in *Missouri v. Holland* (252 U. S. 416, 433), he said:

"It—the Constitution—must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

The constitutional provision relied upon to strike down this legislation as unconstitutional must be considered with other constitutional provisions.

In article IV, section 4, of the Constitution of the United States, it is provided:

"The United States shall guarantee to every State in this Union a republican form of government."

What does this mean in the light of the present-day civilization? Can we have a republican form of government in any State if,

within that State, a large portion and perhaps a majority of the citizens residing therein are denied the right to participate in governmental affairs because they are poor? We submit that this would be the result if under section 2, article I, of the Constitution, the proposed law is held to be unconstitutional. The most sacred right in our republican form of government is the right to vote. It is fundamental that that right should not be denied unless there are valid constitutional reasons therefor. It must be exercised freely by free men. If it is not, then we do not have a republican form of government. If we tax this fundamental right, we are taxing a Federal privilege. We might just as well permit the States to tax Federal post offices throughout the United States.

Under the guise of a pretended qualification this provision of the Constitution, we believe, has been nullified every time a State has denied the right to vote to any of its citizens because they do not have the money to pay the State the fee set up as a pretended "qualification." We think that this fact has been fully demonstrated by requiring the payment of a poll tax for the right to vote.

It is conceded, we think, even by those who believe the proposed law is unconstitutional that, while the poll tax is comparatively small in amount, if any poll tax at all can be enforced so as to prohibit voting by those who do not have the fee, the principle involved would permit the State to fix a fee much higher than is usually fixed now, and it is not at all unlikely that, in carrying out the real provisions of the poll-tax laws, this amount could be increased so that the poll tax might be fixed at $10, $50, $100, or even greater. The constitutional right to fix any poll-tax fee concedes the right to fix that fee at any amount desired.

Section 1 of the fourteenth amendment to the Constitution of the United States reads as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It is quite clear that the so-called poll-tax laws do abridge the privileges and immunities of the citizens of the United States. If citizens of the United States are required to pay a poll tax, it is clearly an abridgement of their privileges and immunities.

It is said that section 2 provides an exclusive remedy for a violation of section 1 of the fourteenth amendment to the Constitution. Section 2 refers to the apportionment among the several States of Representatives in Congress and provides for the reduction in the number of such Representatives whenever the right to vote is denied. We do not think this remedy is an exclusive one. Section 1 of the fourteenth amendment to the Constitution is positive in its terms and says that no State shall make or enforce any law which is an abridgment of the privileges and immunities of citizens of the United States.

The sponsors of the poll-tax laws do not admit that they have prevented anyone from voting. In fact these laws do not, on their face, directly prohibit any citizen from voting. The effect is brought about by the levying of a poll tax and providing that the citizen must pay this poll tax in order to vote. While he is not denied the right to vote, he is taxed for this privilege and, in case of poverty, this results in a denial of the privilege of voting and thus directly interferes with the citizen's right to participate in governmental affairs. Section 1 of the fourteenth amendment to the Constitution says that this shall not be done and these laws therefore come in direct conflict with section 1 of the fourteenth amendment.

The fourteenth amendment to the Constitution has other sections referring to the right to hold office by a Senator or Representative in Congress and with reference to electors for President and Vice President. Section 4 of this amendment refers to the public debt of the United States and prohibits the United States or any State from assuming or paying any debt or obligation incurred in aid of insurrection or rebellion against the United States. Section 2, as above stated, refers to the apportionment of Representatives among the several States.

There is no more reason why section 2 should modify section 1 than there is that section 3 or section 4 should be considered in connection with section 1.

It is quite clear that the so-called poll-tax laws do abridge the privileges and immunities of citizens of the United States. If any citizen of the United States is deprived of the privilege of voting by any of these poll-tax laws, it seems a clear abridgment of the privileges of citizens of the United States. One of the greatest privileges, and a fundamental one, of every citizen of the United States is the right to vote. If he is deprived of this right, he is denied the right to participate in governmental affairs. Such a citizen becomes an outcast. He is subjected to all the laws of the State. His citizenship is admitted, and the burdens which rest upon him are the same as rest upon all other citizens. He can be drafted into the Army and be compelled to face the foe and give up his life to protect the lives of his fellow citizens. Yet he is deprived of the most sacred privilege of all—the right to vote. It is quite evident that all these poll-tax laws are in direct violation of section 1 of the fourteenth amendment to the Constitution as well as being in violation of other constitutional and Federal laws heretofore referred to.

Mr. BARKLEY. Mr. President, I wish to propound a unanimous-consent request. We have a general understanding, I believe, that the point of order will be withdrawn; that then the motion which I have made will be voted upon; that, following that, I will file a petition for cloture; and that if on Monday cloture is rejected, I will then move to lay the bill aside.

I ask unanimous consent that when those steps have been taken, and I have moved to lay the bill aside, and the motion is agreed to, assuming that cloture is rejected, that no further motions shall be entertained by the Senate for further consideration of the bill during the present session.

The PRESIDING OFFICER. Is there objection?

Mr. CONNALLY. Mr. President, I did not hear all the Senator from Kentucky said. As I understand, he is asking unanimous consent that the point of order be withdrawn and the bill taken up, following which he proposes immediately to file a petition for cloture.

Mr. BARKLEY. I stated that the understanding is that the steps to which we have all agreed would be taken.

Mr. CONNALLY. Yes.

Mr. BARKLEY. If the motion for cloture is rejected, I will then move to lay the bill aside. At that point the unanimous-consent agreement which I am now seeking would take effect, namely, that no further motion to proceed to consider the bill shall be made or entertained during the remainder of the present session.

Mr. BANKHEAD. Does the Senator mean after he has made the motion to lay the bill aside?

Mr. BARKLEY. After I have made the motion and it has been disposed of.

Mr. NORRIS. Mr. President, I do not like to object to the unanimous-consent request. I do not know that I shall. The Senator from Kentucky should not make such a request. I have never heard of its being done. By his request he is seeking, in effect, to amend the cloture rule of the Senate. It could have no other effect. The result would be that that rule could not again be invoked during the present session. It seems to me that the Senator should not make such a request.

I admit that Senators who oppose the bill do so in the best of faith. I am not finding fault with them for their position. If they wish to accept the proposal which the Senator from Kentucky has offered, withdraw the point of order, and withdraw opposition to taking up the bill, on the theory that they will be successful in the vote on cloture, if cloture is proposed—and I presume it will be—let them do so. If other Senators do not wish to do so, nobody can find fault with them for taking the attitude which the Senator from Georgia has taken. But do not make a proposal which would bind every Member of the Senate to an agreement that during the remainder of the session no consideration shall be given to this bill. That is something which, it seems to me, should not be proposed by any Senator. I object to the unanimous-consent request.

Mr. BARKLEY. Mr. President, I made my request on the basis of what I thought was the statement of the Senator from Nebraska and the statement of my colleague [Mr. CHANDLER], to the effect that they would not object to such a request. If I misunderstood the Senator from Nebraska, or if he has changed his mind——

Mr. NORRIS. Mr. President, I will not go back on any understanding which I had with the Senator from Kentucky.

Mr. BARKLEY. Perhaps I misunderstood the Senator. I thought the Senator had indicated that he would not object to the request.

Mr. NORRIS. It seems to me that if Senators who oppose the bill believe that the proposed unanimous consent agreement would put them in a bad attitude, they ought not to enter into it. I should not find fault with them in that position. We can proceed as we have been doing.

Mr. PEPPER. Mr. President, it seems to me that the Senate is the victim of a technical situation, which is usually the difficulty when sharply clashing sides are seeking to arrive at a perfect accord.

As I understood the able junior Senator from Georgia, he understood the distinguished Senator from Nebraska to indicate that personally he entertained an intention to insist upon the retention of the bill before the Senate.

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

Mr. PEPPER. I yield.

Mr. NORRIS. I did not say any such thing. I never had such an idea in my mind. I hope Senators will credit me with enough sense to know when I am beaten in a fight, and to take it kindly, without offense, and not undertake to annoy anybody by referring to what has been done in the past.

I do not intend to do anything of that kind. However, I do not propose to be put in the position of being backed up against the wall, as it were, and told, "We want you to agree that never again during your time of service will you engage in the support of this bill." I have no idea that such an opportunity will ever be presented to me. It is furthest from my thought. It would be unreasonable for me to think of it in that way. I object to the unanimous-consent request, not because I intend to make a fight to take up the bill, or because I intend to continue the fight. I think I know when I am defeated. I do not want to be offensive by pushing the measure on an unwilling Senate if it does not wish to consider it; but while I have no idea in the world that the opportunity will ever be presented to me to support a motion to take up the bill, I will not agree in advance to surrender that right.

Mr. PEPPER. Mr. President, by his statement, I think the Senator has clarified the impression which may have been deduced a moment ago by the Senator from Georgia, which, as I said, represents the difference between a technical situation and what might be called a "gentlemen's agreement"; in other words, the difference between a binding unanimous-consent agreement which has parliamentary significance, and a general understanding on the floor of the Senate, which would in good faith require observance by Senators who were parties to it.

Everyone knows that the Senators who have been the most active proponents of the pending measure are the able Senator from Nebraska [Mr. NORRIS], the junior Senator from Florida, the majority leader, and other Senators who are now within the hearing of those of us who speak. I had made the statement that for certain reasons I was willing to concur in the agreement which had been arrived at as a common understanding.

I think all Senators now clearly understand that the Senator from Nebraska has no idea of taking the initiative in trying to retain the bill under consideration in the event that cloture should not be required by a vote of the Senate. As he has indicated, what good would it do any Senator, however earnest his endeavor to progress the legislation, to take such action? It seems to me that those utterances should satisfy the able Senator from Georgia, and that the agreement, which was a common understanding, and which was about to be adopted as a "gentlemen's agreement," might proceed. Let us come finally this afternoon to the withdrawal of the point of order, agreement to the motion of the able Senator from Kentucky to proceed to consider the bill, and filing of the petition for cloture, with an equal division between the two sides of the time between now and 1 o'clock Monday. At 1 o'clock on Monday we can vote on the question of cloture. Then we can proceed with the conduct of the business of the Senate.

Mr. CONNALLY. Mr. President, as I understand the position of the Senator from Florida with respect to the proposed agreement, if cloture is rejected he will cooperate with the Senator from Kentucky in laying the bill aside and not bringing it up again at this session.

Mr. PEPPER. I so stated, as clearly as I could at the conclusion of my statement a moment ago. In my judgment we ought not to press the matter further merely to rub sores. I think the Senate understands what has been said. I hope we will not try to cram down any Senator's throat a technical consideration which would involve any doubt as to our good faith in the common understanding at which we have arrived.

Mr. BARKLEY. Mr. President, so far as I can I wish to accept the suggestion of the Senator from Texas which he proposed awhile ago. I have not the slightest doubt that if that agreement is entered into and we proceed to carry it out, there will be no further difficulty with respect to this measure.

Mr. CONNALLY. Mr. President, let me say to the Senator from Kentucky that I am acting entirely in good faith; and I know that he is acting likewise. I have the utmost confidence in the ability of the Senator from Kentucky to have the bill laid aside, and in his power to keep the bill from coming up during the remainder of the session. We are not making this proposal by way of any horse play or dramatic appeal. We are making it in good faith.

Mr. BARKLEY. I think we are all trying to act as realists in view of the situation in which the Senate finds itself.

Mr. CONNALLY. That is correct. So far as I and the group with which I am associated are concerned, I am willing to make the agreement which has been outlined here, that we shall withdraw the point of order, let the bill be considered, file a petition for cloture, and take whatever steps are necessary so that we shall vote Monday at 1 o'clock; and that if cloture be refused, the bill shall be laid aside, not to be considered again at this session of Congress.

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

Mr. BARKLEY. I do not have the floor; but I had hoped that we could get along without much more debate.

Mr. DOXEY. Mr. President, I desire to ask a question, which may or may not be a parliamentary one, Has the agreement reached the most advanced stage of finality which it can possibly reach? I do not want to say anything now about the point of order, because my point of order is not now before the Senate; but, of course, if the agreement were entered into we could not proceed with my point of order against the motion of the Senator from Kentucky. Can the Chair state the degree of finality which has been reached in connection with the agreement?

The PRESIDING OFFICER. Of course the Chair cannot guarantee that efforts may not be made to enter into other agreements.

Mr. DOXEY. I desire to ascertain whether the agreements or discussions have reached any degree of finality. Of course, it is up to each Senator to state his own views about the agreement. Perhaps my inquiry was not a parliamentary one, but I made it in all good faith.

Mr. President, I do not intend to make a speech, but I desire to say that I feel as keenly about this legislation as possibly any other Senator can feel about it. I have tried to conduct myself properly in the attempt to oppose it and to avail myself of whatever parliamentary procedure and advantages might be available to me. In making the points of order I have made and in taking the position I have taken I have acted in good faith. From what I have heard and from what I know of the background of the agreement, regardless of whether it is reached by unanimous consent—and I know we have to take many things on faith—I am convinced in my own mind that if cloture is rejected, that will end this legislation for the present Congress. I am convinced of that by what has gone before, by what has been said here, and by the attitude of the leaders and those on both sides who are interested in what will be done. Of course, I know that no one can guarantee that a motion of the majority leader to lay the bill aside will be carried, but I understand that the proponents of the bill share the view of my distinguished friend, the senior Senator from Nebraska, who said, as I understood him, that he realizes that if cloture is refused the proponents of the measure will have lost the battle. Did I correctly understand the Senator to say that?

Mr. NORRIS. That is correct.

Mr. DOXEY. It is also my understanding that the Senator from Nebraska said, at least in substance, that he was not going to put himself in the position of endeavoring to do a vain thing.

Mr. President, I shall not detain the Senate in reaching an important decision by being at all otherwise than agreeable. However, I repeat that, if for one moment I thought that, with the rejection of cloture, the proposed legislation would not be dead for the remainder of the Congress, I should never consent to withdraw my point of order to the motion of the Senator from Kentucky, which, if agreed to, would make House bill 1024 the unfinished business before the Senate.

Believing that, if cloture is refused, the agreement will be carried out according to the intentions in the minds of all of us, I propose to withdraw, without prejudice. Oh, I realize the parliamentary situation, and that the qualification "without prejudice" does not help at all. I know what we are doing. When we are surrendering our advantages we are putting all our chips on the table and are staking everything on the chance that cloture will not be ordered. I am not doing this blindly. I am doing it thoughtfully. If cloture is not refused, the qualification "without prejudice" will not help us at all, because we are surrendering advantages we have, and I

will not have any alibi. However, I am taking this step because I know that the gentlemen's agreement and the arrangement which is entered into here will be carried out.

The crux of the matter is whether, when the Senate votes on Monday at 1 o'clock, cloture will be ordered. If it is ordered, it will be too bad for my way of thinking. If it is refused, I feel that this proposed legislation will have ended at least for the present Congress.

Therefore, Mr. President, I withdraw my point of order to the motion of the Senator from Kentucky.

The PRESIDING OFFICER. The point of order is withdrawn.

The question is on agreeing to the motion of the Senator from Kentucky that the Senate proceed to the consideration of House bill 1024.

Mr. RUSSELL. Mr. President, I merely wish to have the RECORD show that I vote in the negative on the motion to take up the bill.

The PRESIDING OFFICER. The RECORD will so show.

The question is on agreeing to the motion of the Senator from Kentucky to proceed to the consideration of House bill 1024.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 1024) to amend an act to prevent pernicious political activities, which had been reported from the Committee on the Judiciary with amendments.

Mr. BARKLEY. Mr. President, I send to the desk, and ask that the clerk be instructed to read, a petition under the rules to close debate.

The PRESIDING OFFICER. The Chair calls attention to the fact that the rule provides that the presiding officer shall at once state the petition.

Mr. BARKLEY. Yes; that is what I ask to be done.

The PRESIDING OFFICER. The petition is as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

The petition is signed by 16 Senators.

Mr. RUSSELL. Mr. President, I should like to have the signatures read. They are a material part of the petition.

The PRESIDING OFFICER. The signatures will be printed in the RECORD.

Mr. McKELLAR. Mr. President, let the signatures be read.

Mr. BARKLEY. Mr. President, let them be read.

The PRESIDING OFFICER. The clerk will read the signatures.

The LEGISLATIVE CLERK. The petition is signed by the following Senators:

Alben W. Barkley, Robert F. Wagner, James J. Davis, Joseph F. Guffey, Frederick Van Nuys, Elmer Thomas, Claude Pepper, G. W. Norris, Theodore Francis Green, Harold H. Burton, Arthur Capper, Abe Murdock, Jas. M. Mead, Clyde L. Herring, H. M. Kilgore, and Harry S. Truman.

Mr. BARKLEY. Mr. President, I suppose that the next matter is an executive session.

However, before that, I ask unanimous consent that during the further debate on the measure the time be equally divided between the proponents and the opponents, and that it be controlled and parceled out by the Senator from Texas [Mr. CONNALLY] and me.

Mr. RUSSELL. Mr. President——

Mr. NORRIS. Mr. President, I should like to call the Senator's attention to the fact that if by any chance cloture should be ordered, the rule itself provides how the time shall be allotted.

Mr. BARKLEY. Yes; but until such time the agreement which I have suggested would apply, if agreed to. However, it would not affect the rule.

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

Mr. BARKLEY. I yield.

Mr. PEPPER. Has the Senator from Kentucky moved that the Senate proceed to consider the bill, so that it is now before the Senate?

Mr. BARKLEY. The motion to take up the bill has been pending for a week.

Mr. PEPPER. I know that; but has it been agreed to?

Mr. BARKLEY. Yes; it has been agreed to.

Mr. PEPPER. I wanted to know that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky as to the division of time? Without objection, the request is agreed to.

TRANSPORTATION FOR CERTAIN GOVERNMENT AND OTHER PERSONNEL

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2740) to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes, which were, on page 2, lines 3 and 4, after "transportation", to insert "by motor vehicle or water carrier"; and on page 3, line 11, after "Receipts", to insert a comma and "except that in the case of the Maritime Commission such receipts and proceeds shall be deposited in its construction fund in accord with the Merchant Marine Act of 1936, as amended, and other applicable provisions of law: *Provided*, That appropriations for the Military Establishment and the Maritime Commission may be used to carry into effect the provisions of this act."

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ROUTINE BUSINESS

The PRESIDING OFFICER. The Chair is informed that there are on the desk certain matters of routine morning business which should be properly referred and disposed of. Is there objection to the receipt, and reference, and appropriate disposition of such routine matters? The Chair hears no objection, and it is so ordered.

(The matters referred to appear elsewhere in the RECORD under the appropriate headings.)

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted.

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

Sundry postmasters.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Edward L. Cochrane to be Chief of the Bureau of Ships in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from November 1, 1942.

By Mr. CHANDLER, from the Committee on Military Affairs:

Sundry officers for appointment as general officers in the Army.

CAPT. EDWARD L. COCHRANE

Mr. WALSH. Mr. President, I have submitted a report from the Committee on Naval Affairs recommending the promotion of Capt. Edward L. Cochrane to be head of the Bureau of Ships, with the rank of rear admiral. I shall not ask for confirmation today, but tomorrow I shall ask that the nomination be confirmed. The committee made the report unanimously, but there are other Senators who desire to consider the matter, so I shall ask that action be taken on the nomination tomorrow.

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

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

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

FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service.

Mr. BARKLEY. I ask unanimous consent that the Foreign Service nominations be confirmed en bloc.

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

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of all confirmations of today.

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

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate took a recess until tomorrow, Saturday, November 21, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 19 (legislative day of November 17), 1942:

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Lucien King Truscott, Jr. (lieutenant colonel, Cavalry), Army of the United States.

Brig. Gen. Lunsford Errett Oliver (colonel, Corps of Engineers), Army of the United States.

TO BE BRIGADIER GENERAL

Col. Paul McDonald Robinett (lieutenant colonel, Cavalry), Army of the United States.

Col. John Wilson O'Daniel (lieutenant colonel, Infantry), Army of the United States.

Col. Benjamin Franklin Caffey, Jr. (lieutenant colonel, Infantry), Army of the United States.

TO BE MAJOR GENERAL

Brig. Gen. James Harold Doolittle (major, Air Corps Reserve), Army of the United States.

IN THE NAVY

Vice Admiral William F. Halsey, Jr., to be an admiral in the Navy, for temporary service, to rank from the 18th day of November 1942.

Rear Admiral Henry K. Hewitt to be a vice admiral in the Navy, for temporary service, to rank from the 17th day of November 1942.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Rubye D. Green, Bolling, Ala., in place of Z. G. Pope, transferred.

Tillman Christian, Parrish, Ala., in place of J. B. Key, transferred.

ARKANSAS

Ben W. Walker, Lewisville, Ark., in place of B. W. Walker. Incumbent's commission expired June 23, 1942.

Mabel E. Whaley, Sulphur Springs, Ark., in place of M. E. Whaley. Incumbent's commission expired March 30, 1942.

Luther H. Cavaness, Yellville, Ark., in place of D. N. Matthews, resigned.

CALIFORNIA

Earl T. Whitaker, Moorpark, Calif., in place of E. T. Whitaker. Incumbent's commission expired April 20, 1942.

Spencer Briggs, Oleum, Calif., in place of Spencer Briggs. Incumbent's commission expired May 4, 1942.

Bernice M. Ayer, San Clemente, Calif., in place of B. M. Ayer. Incumbent's commission expired June 23, 1942.

David G. Mang, San Jacinto, Calif., in place of E. T. Tanner, retired.

Michael E. Neish, San Leandro, Calif., in place of M. E. Neish. Incumbent's commission expired June 23, 1942.

Edith I. Day, Woodlake, Calif., in place of E. I. Day. Incumbent's commission expired April 20, 1942.

FLORIDA

Mary Elizabeth Browning, East Palatka, Fla. Office became Presidential July 1, 1941.

Thomas Danson, Grand Crossing, Fla., in place of H. S. Alexander, retired.

GEORGIA

Christine Q. Crowley, Woodbine, Ga., in place of D. M. Proctor, removed without prejudice.

ILLINOIS

Harry C. Stephens, Ashley, Ill., in place of H. C. Stephens. Incumbent's commission expired June 23, 1942.

Louis E. Dixon, Biggsville, Ill., in place of L. E. Dixon. Incumbent's commission expired June 23, 1942.

Leslie O. Cain, Bowen, Ill., in place of L. O. Cain. Incumbent's commission expired June 23, 1942.

Marvin G. Diveley, Brownstown, Ill., in place of M. G. Diveley. Incumbent's commission expired June 23, 1942.

Charles A. Etherton, Carbondale, Ill., in place of C. A. Etherton. Incumbent's commission expired June 23, 1942.

Juanita H. Whitten, Coffeen, Ill., in place of J. H. Whitten. Incumbent's commission expired June 23, 1942.

James A. Cragan, Evansville, Ill., in place of J. A. Cragan. Incumbent's commission expired June 23, 1942.

Amelia K. Fink, Frankfort, Ill., in place of A. K. Fink. Incumbent's commission expired June 23, 1942.

George E. Brown, Franklin, Ill., in place of G. E. Brown. Incumbent's commission expired June 23, 1942.

Elmer R. Randolph, Golconda, Ill., in place of E. R. Randolph. Incumbent's commission expired May 11, 1942.

Harry M. Gerhard, Hines, Ill., in place of F. J. Clark, removed.

Charles M. McCoy, Hutsonville, Ill., in place of C. M. McCoy. Incumbent's commission expired June 23, 1942.

Nicholas A. Schilling, Mascoutah, Ill., in place of N. A. Schilling. Incumbent's commission expired June 23, 1942.

William P. Carlton, Oblong, Ill., in place of W. P. Carlton. Incumbent's commission expired June 23, 1942.

Joseph Donald Cotter, Stockton, Ill., in place of J. D. Cotter. Incumbent's commission expired June 23, 1942.

INDIANA

Edward A. Hemphill, Cannelton, Ind., in place of E. A. Hemphill. Incumbent's commission expired February 24, 1942.

Fletcher T. Strang, Culver, Ind., in place of F. T. Strang. Incumbent's commission expired June 23, 1942.

Carroll W. Cannon, Knox, Ind., in place of C. W. Cannon. Incumbent's commission expired June 23, 1942.

Charles L. Wolford, Linton, Ind., in place of C. L. Wolford. Incumbent's commission expired April 27, 1942.

Fred W. Mullin, Muncie, Ind., in place of L. H. Acker. Incumbent's commission expired March 24, 1941.

IOWA

Anthony F. Schrup, Dubuque, Iowa, in place of A. F. Schrup. Incumbent's commission expired June 23, 1942.

KANSAS

Carl G. Eddy, Colby, Kans., in place of C. G. Eddy. Incumbent's commission expired June 23, 1942.

Eyman Phebus, Coldwater, Kans., in place of Eyman Phebus. Incumbent's commission expired June 23, 1942.

John J. Lindsay, Horton, Kans., in place of J. J. Lindsay. Incumbent's commission expired June 23, 1942.

Bryan F. Scarborough, Iola, Kans., in place of B. F. Scarborough. Incumbent's commission expired June 23, 1942.

Pearl E. Holmes, Kincaid, Kans., in place of P. E. Holmes. Incumbent's commission expired June 23, 1942.

Lottie Victor, Larned, Kans., in place of Lottie Victor. Incumbent's commission expired June 23, 1942.

Pearl W. Smith, Meade, Kans., in place of P. W. Smith. Incumbent's commission expired June 23, 1942.

LOUISIANA

Solomon C. Knight, Elizabeth, La., in place of S. C. Knight. Incumbent's commission expired June 23, 1942.

Vernon M. Robert, Homer, La., in place of L. P. Fulmer. Incumbent's commission expired July 30, 1941.

Robert Leo Quirk, Washington, La., in place of Arthur Deshotels. Incumbent's commission expired June 23, 1942.

MASSACHUSETTS

Winfield S. Smith, Williamsburg, Mass., in place of R. F. Burke, retired.

MICHIGAN

Morton Rann, Perry, Mich., in place of Morton Rann. Incumbent's commission expired June 23, 1942.

Martha M. Rupprecht, Reese, Mich., in place of M. M. Rupprecht. Incumbent's commission expired June 23, 1942.

William M. Zeitler, Republic, Mich., in place of W. M. Zeitler. Incumbent's commission expired June 23, 1942.

Percy C. Carr, Rudyard, Mich., in place of P. C. Carr. Incumbent's commission expired June 23, 1942.

Oliver C. Boynton, Jr., St. Ignace, Mich., in place of O. C. Boynton, Jr. Incumbent's commission expired June 23, 1942.

Joseph R. Haferkorn, Vulcan, Mich., in place of J. R. Haferkorn. Incumbent's commission expired June 23, 1942.

Frank R. White, Webberville, Mich., in place of F. R. White. Incumbent's commission expired June 23, 1942.

Leo M. Neubecker, Weidman, Mich., in place of L. M. Neubecker. Incubent's commission expired June 23, 1942.

William G. F. L. Wentzel, Zeeland, Mich., in place of W. G. F. L. Wentzel. Incumbent's commission expired June 23, 1942.

MINNESOTA

Paul F. Preice, Calumet, Minn., in place of P. F. Preice. Incumbent's commission expired June 13, 1942.

John M. Augustin, Comfrey, Minn., in place of J. M. Augustin. Incumbent's commission expired June 23, 1942.

William Guthier, Emmons, Minn., in place of William Guthier. Incumbent's commission expired May 12, 1942.

Edward C. Feely, Farmington, Minn., in place of E. C. Feely. Incumbent's commission expired June 13, 1942.

James F. Fahey, Graceville, Minn., in place of J. F. Fahey. Incumbent's commission expired June 23, 1942.

Edward C. Ellertson, Gully, Minn., in place of E. C. Ellertson. Incumbent's commission expired May 6, 1942.

Robert H. Burrill, Hawley, Minn., in place of R. H. Burrill. Incumbent's commission expired June 18, 1942.

Arthur S. Peterson, Houston, Minn., in place of A. S. Peterson. Incumbent's commission expired June 23, 1942.

Bernadine M. Hilger, Iona, Minn., in place of J. M. Hilger, deceased.

Bernice M. Otto, Isanti, Minn., in place of Bernice Otto. Incumbent's commission expired May 12, 1942.

Stella C. Olson, Karlstad, Minn., in place of S. C. Olson. Incumbent's commission expired June 18, 1942.

Leroy G. Schmalz, Lester Prairie, Minn., in place of L. G. Schmalz. Incumbent's commission expired June 3, 1942.

Peter H. Riede, Mabel, Minn., in place of P. H. Riede. Incumbent's commission expired May 12, 1942.

Francis L. Dolan, Milroy, Minn., in place of F. L. Dolan. Incumbent's commission expired May 12, 1942.

John P. Lanto, Nashwauk, Minn., in place of J. P. Lanto. Incumbent's commission expired June 18, 1942.

Charles D. Dempsey, St. Peter, Minn., in place of C. D. Dempsey. Incumbent's commission expired May 12, 1942.

MISSISSIPPI

Ray B. Hall, Greenwood, Miss., in place of J. W. George, resigned.

Roy C. Bailey, Oxford, Miss., in place of J. W. Woodward, deceased.

Lucile C. Cox, Smithville, Miss. Office became Presidential July 1, 1942.

MISSOURI

Parker G. Wingo, Ellsinore, Mo., in place of P. G. Wingo. Incumbent's commission expired June 23, 1942.

Harrison S. Welch, Higbee, Mo., in place of H. S. Welch. Incumbent's commission expired June 23, 1942.

Harry L. Cohagen, Middletown, Mo., in place of C. C. Ray, transferred.

Edward C. Glascock, New London, Mo., in place of L. M. Weaver, transferred.

MONTANA

Ethel E. James, Broadus, Mont., in place of E. E. James. Incumbent's commission expired June 23, 1942.

NEVADA

Ralph H. Burdick, Tonopah, Nev., in place of R. H. Burdick. Incumbent's commission expired June 23, 1942.

NEW JERSEY

Patrick J. Whelan, Manville, N. J., in place of P. J. Whelan. Incumbent's commission expired June 23, 1942.

Maurice F. Kiely, West Norwood, N. J., in place of M. F. Kiely. Incumbent's commission expired February 10, 1942.

NEW MEXICO

Aurora B. Pacheco, Old Albuquerque, N. Mex., in place of A. B. Pacheco. Incumbent's commission expired June 23, 1942.

Phillip J. Martinez, Tierra Amarilla, N. Mex., in place of P. J. Martinez. Incumbent's commission expired December 23, 1941.

NEW YORK

H. Mae Nolan, Clark Mills, N. Y., in place of H. M. Nolan. Incumbent's commission expired June 23, 1942.

William J. Casselman, Clayton, N. Y., in place of W. J. Casselman. Incumbent's commission expired May 14, 1942.

Henry A. Dye, Forestville, N. Y., in place of H. A. Dye. Incumbent's commission expired June 23, 1942.

James D. George, Gardiner, N. Y., in place of J. D. George. Incumbent's commission expired June 23, 1942.

Loretta Patton, Harrison, N. Y., in place of Loretta Patton. Incumbent's commission expired June 7, 1942.

Katherine C. Newton, Homer, N. Y., in place of K. C. Newton. Incumbent's commission expired May 22, 1942.

Joseph N. Peck, Honeoye Falls, N. Y., in place of J. N. Peck. Incumbent's commission expired June 23, 1942.

Francis J. Kelly, Hornell, N. Y., in place of F. J. Kelly. Incumbent's commission expired June 23, 1942.

Andrew E. Ryan, Manchester, N. Y., in place of A. E. Ryan. Incumbent's commission expired June 23, 1942.

Frank J. Baltzel, Newark, N. Y., in place of F. J. Baltzel. Incumbent commission expired June 23, 1942.

Edward J. Butler, Newport, N. Y., in place of E. J. Butler. Incumbent's commission expired June 23, 1942.

Chester A. Miller, Oneonta, N. Y., in place of C. A. Miller. Incumbent's commission expired June 23, 1942.

Charles I. Lavery, Poughkeepsie, N. Y., in place of C. I. Lavery. Incumbent's commission expired June 23, 1942.

Herbert Zahorik, Roscoe, N. Y., in place of Herbert Zahorik. Incumbent's commission expired June 23, 1942.

Bertha E. Damon, Rushford, N. Y., in place of B. E. Damon. Incumbent's commission expired June 23, 1942.

Thomas J. Reilly, Silver Springs, N. Y., in place of T. J. Reilly. Incumbent's commission expired June 2, 1942.

Frank Kilcoin, Swan Lake, N. Y., in place of Frank Kilcoin. Incumbent's commission expired June 23, 1942.

Nellie A. King, Verplanck, N. Y., in place of N. A. King. Incumbent's commission expired June 23, 1942.

Frank B. Mead, Victor, N. Y., in place of F. B. Mead. Incumbent's commission expired June 23, 1942.

Chauncey H. McLean, Wallkill, N. Y., in place of C. H. McLean. Incumbent's commission expired June 23, 1942.

Jeremiah F. Healy, Williamstown, N. Y., in place of J. F. Healy. Incumbent's commission expired June 23, 1942.

Nora B King, Woodbourne, N. Y., in place of N. B. King. Incumbent's commission expired June 23, 1942.

John F. Maher, Woodridge, N. Y., in place of J. F. Maher. Incumbent's commission expired June 23, 1942.

Charles E. Meyers, Wurtsboro, N. Y., in place of C. E. Meyers. Incumbent's commission expired June 23, 1942.

NORTH CAROLINA

Roberts H. Jernigan, Ahoskie, N. C., in place of R. H. Jernigan. Incumbent's commission expired May 3, 1942.

Preston L. Morris, Broadway, N. C., in place of P. L. Morris. Incumbent's commission expired June 23, 1942.

Zula S. Glovier, Catawba, N. C., in place of Z. S. Glovier. Incumbent's commission expired June 12, 1942.

Rufas C. Powell, Denton, N. C., in place of R. C. Powell. Incumbent's commission expired May 14, 1942.

John F. Lynch, Erwin, N. C., in place of J. F. Lynch. Incumbent's commission expired June 23, 1942.

Carl H. Hand, Lowell, N. C., in place of C. H. Hand. Incumbent's commission expired June 18, 1942.

Martin B. Black, Midland, N. C. Office became Presidential July 1, 1942.

James C. Reins, North Wilkesboro, N. C., in place of J. C. Reins. Incumbent's commission expired April 16, 1942.

Louella Swindell, Swanquarter, N. C., in place of Louella Swindell. Incumbent's commission expired June 13, 1942.

NORTH DAKOTA

Herman A. Emanuel, Crosby, N. Dak., in place of H. A. Emanuel. Incumbent's commission expired June 23, 1942.

Richard J. Leahy, McHenry, N. Dak., in place of R. J. Leahy. Incumbent's commission expired June 23, 1942.

John F. Swanston, McVille, N. Dak., in place of J. F. Swanston. Incumbent's commission expired June 23, 1942.

OHIO

A. Harley Bolon, Bethesda, Ohio, in place of A. H. Bolon. Incumbent's commission expired June 23, 1942.

Charles M. Easley, Bloomdale, Ohio, in place of C. M. Easley. Incumbent's commission expired June 23, 1942.

Hettie Woodward, Chesterhill, Ohio, in place of Hettie Woodward. Incumbent's commission expired June 23, 1942.

Charles J. Bocklet, Cincinnati, Ohio, in place of C. J. Bocklet. Incumbent's commission expired June 23, 1942.

Paul W. Burkhardt, Edon, Ohio, in place of P. W. Burkhardt. Incumbent's commission expired June 23, 1942.

Emmett L. Partee, Defiance, Ohio, in place of E. L. Partee. Incumbent's commission expired June 23, 1942.

Blanche A. Fishburn, Forest, Ohio, in place of B. A. Fishburn. Incumbent's commission expired June 23, 1942.

Louis A. Marlatt, Lyons, Ohio, in place of C. W. Wilson, transferred.

Howard D. DeMar, Madeira, Ohio, in place of H. D. DeMar. Incumbent's commission expired June 23, 1942.

Everett Bennett, Morrow, Ohio, in place of Everett Bennett. Incumbent's commission expired June 23, 1942.

Helen Shilts, Mount Victory, Ohio, in place of Helen Shilts. Incumbent's commission expired June 23, 1942.

E. Herbert Katterheinrich, New Knoxville, Ohio, in place of E. H. Katterheinrich. Incumbent's commission expired June 23, 1942.

Stanley F. Kimmel, New Madison, Ohio, in place of S. F. Kimmel. Incumbent's commission expired June 23, 1942.

Lester D. Overfield, North Lewisburg, Ohio, in place of L. D. Overfield. Incumbent's commission expired June 23, 1942.

Russell T. Gfell, Norwalk, Ohio, in place of W. R. Williams, removed.

Agnes O. Schritz, Olmstead Falls, Ohio, in place of A. O. Schritz. Incumbent's commission expired June 23, 1942.

George E. Leist, Piketon, Ohio, in place of W. E. Farmer. Incumbent's commission expired March 25, 1942.

Milton L. Dickason, Richwood, Ohio, in place of M. L. Dickason. Incumbent's commission expired June 23, 1942.

Paul R. Clemson, Thornville, Ohio, in place of P. R. Clemson. Incumbent's commission expired June 23, 1942.

Wilma L. Aiken, Tiltonsville, Ohio, in place of W. L. Aiken. Incumbent's commission expired June 23, 1942.

Raymond W. Beverley, Vandalia, Ohio, in place of H. E. Smith, deceased.

Randle B. Hickman, Wilberforce, Ohio, in place of R. B. Hickman. Incumbent's commission expired April 15, 1942.

OKLAHOMA

Berry M. Crosby, Bixby, Okla., in place of B. M. Crosby. Incumbent's commission expired May 3, 1942.

Owen R. Hudson, Bluejacket, Okla. Office became Presidential July 1, 1942.

Cloyd H. Burton, Commerce, Okla., in place of C. H. Burton. Incumbent's commission expired June 23, 1942.

Erwin D. Keys, Earlsboro, Okla., in place of E. D. Keys. Incumbent's commission expired June 23, 1942.

Sylvia M. Grace, Laverne, Okla., in place of S. M. Grace. Incumbent's commission expired June 23, 1942.

Chester E. Halley, Minco, Okla., in place of C. E. Halley. Incumbent's commission expired June 23, 1942.

John V. Cavender, Porum, Okla., in place of J. V. Cavender. Incumbent's commission expired June 23, 1942.

Orville G. Conrad, Reydon, Okla., in place of E. P. Estes, transferred.

Harry James Barclay, Tonkawa, Okla., in place of H. J. Barclay. Incumbent's commission expired June 23, 1942.

OREGON

Albert H. Fasel, Estacada, Oreg., in place of A. H. Fasel. Incumbent's commission expired June 18, 1942.

Thomas R. Roe, Gaston, Oreg., in place of T. R. Roe. Incumbent's commission expired June 18, 1942.

Carl H. Massie, Grants Pass, Oreg., in place of C. H. Massie. Incumbent's commission expired June 2, 1942.

Harold C. Kizer, Harrisburg, Oreg., in place of H. C. Kizer. Incumbent's commission expired June 2, 1942.

May B. Johnson, Madras, Oreg., in place of M. B. Johnson. Incumbent's commission expired June 23, 1942.

PENNSYLVANIA

James F. O'Brien, Allison Park, Pa., in place of J. F. O'Brien. Incumbent's commission expired June 23, 1942.

L. Banks Wetzel, Beaver Springs, Pa., in place of L. B. Wetzel. Incumbent's commission expired June 1, 1942.

Daniel E. Hartman, Benton, Pa., in place of D. E. Hartman. Incumbent's commission expired June 23, 1942.

Marie Kolasa, Clarence, Pa., in place of Marie Kolasa. Incumbent's commission expired December 9, 1941.

James P. Meaney, Conshohocken, Pa., in place of J. P. Meaney. Incumbent's commission expired June 23, 1942.

Amy A. Short, Conway, Pa., in place of A. A. Short. Incumbent's commission expired June 23, 1942.

Beulah E. Hayden, Dalton, Pa., in place of B. E. Hayden. Incumbent's commission expired June 23, 1942.

Mary R. Yocom, Douglassville, Pa., in place of M. R. Yocom. Incumbent's commission expired June 8, 1942.

Edwin A. Breinig, Egypt, Pa., in place of E. A. Breinig. Incumbent's commission expired June 8, 1942.

Laura E. Rich, Enola, Pa., in place of L. E. Rich. Incumbent's commission expired June 23, 1942.

Charles A. Hanlon, Hazelton, Pa., in place of C. A. Hanlon. Incumbent's commission expired June 23, 1942.

Willard K. Allison, Hickory, Pa., in place of W. K. Allison. Incumbent's commission expired June 23, 1942.

Bernard A. Devlin, Jenkintown, Pa., in place of B. A. Devlin. Incumbent's commission expired June 23, 1942.

Lehman I. Leister, McAlisterville, Pa., in place of L. I. Leister. Incumbent's commission expired June 23, 1942.

Elizabeth B. Miley, Marietta, Pa., in place of John Peck, removed without prejudice.

Helen T. Henrie, Meshoppen, Pa., in place of H. P. Henrie. Incumbent's commission expired June 23, 1942.

Elijah H. Follmer, Milton, Pa., in place of E. H. Follmer. Incumbent's commission expired June 23, 1942.

Ira D. Atcheson, Nemacolin, Pa., in place of I. D. Atcheson. Incumbent's commission expired June 23, 1942.

John H. Snyder, Richfield, Pa., in place of J. H. Snyder. Incumbent's commission expired June 23, 1942.

William D. McIntire, Stoneboro, Pa., in place of W. D. McIntire. Incumbent's commission expired June 23, 1942.

Earl R. Young, Weatherly, Pa., in place of E. R. Young. Incumbent's commission expired June 6, 1942.

Chester L. Boal, West Middlesex, Pa., in place of C. L. Boal. Incumbent's commission expired June 23, 1942.

Francis G. Ackley, Wyalusing, Pa., in place of F. G. Ackley. Incumbent's commission expired June 23, 1942.

Mary A. Fitzgerald, Wysox, Pa., in place of M. A. Fitzgerald. Incumbent's commission expired June 23, 1942.

SOUTH CAROLINA

Ann P. Chariker, Clover, S. C., in place of R. E. Love, resigned.

Basil T. Brinkley, Ellenton, S. C., in place of B. T. Brinkley. Incumbent's commission expired June 23, 1942.

Samuel F. Harper, Timmonsville, S. C., in place of J. C. Vassy, deceased.

SOUTH DAKOTA

Edwin H. Bruemmer, Huron, S. Dak., in place of E. H. Bruemmer. Incumbent's commission expired June 23, 1942.

TENNESSEE

Harry M. Calloway, Lenoir City, Tenn., in place of H. M. Calloway. Incumbent's commission expired June 23, 1942.

Marion C. Holt, Lynchburg, Tenn., in place of W. P. Stone. Incumbent's commission expired June 10, 1942.

Mary A. B. Dunn, Maryville, Tenn., in place of M. A. B. Dunn. Incumbent's commission expired June 23, 1942.

Clarence E. Kilgore, Tracy City, Tenn., in place of C. E. Kilgore. Incumbent's commission expired June 23, 1942.

TEXAS

Winnette D. DeGrassi, Amarillo, Tex., in place of W. D. DeGrassi. Incumbent's commission expired June 23, 1942.

Albert A. Allison, Corsicana, Tex., in place of A. A. Allison. Incumbent's commission expired April 11, 1942.

Riva C. Burnett, Miami, Tex., in place of S. E. Fitzgerald, deceased.

VERMONT

Maude E. Boucher, Derby, Vt., in place of A. C. Carr, removed.

VIRGINIA

David E. Bumpass, Jr., Mineral, Va., in place of D. E. Bumpass, Jr. Incumbent's commission expired June 23, 1942.

WASHINGTON

Marvin G. Elwell, Dayton, Wash., in place of J. C. Weatherford, resigned.

WISCONSIN

Lester H. Olsen, Egg Harbor, Wis., in place of L. H. Olsen. Incumbent's commission expired November 30, 1941.

Walter H. Severson, Ellison Bay, Wis., in place of W. A. Rogers, resigned.

Earl D. Young, Melrose, Wis., in place of E. D. Young. Incumbent's commission expired April 12, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20 (legislative day of November 17), 1942:

FOREIGN SERVICE

PROMOTIONS

To be Foreign Service officers of class 1

Willard L. Beaulac
Howard Bucknell, Jr.
H. Freeman Matthews

To be Foreign Service officers of class 3

Howard Donovan	Edwin A. Plitt
Albert M. Doyle	Christian M. Ravndal
Richard Ford	

To be Foreign Service officers of class 4

David C. Berger	Lecnard G. Dawson
Charles C. Broy	Gerald Keith
Lewis Clark	Charles Roy Nasmith
Cabot Coville	Samuel R. Thompson

To be Foreign Service officers of class 5

Glenn A. Abbey	Knowlton V. Hicks
Sidney H. Browne	Nelson R. Park
J. Holbrook Chapman	Albert W. Scott
DuWayne G. Clark	Miss A. Viola Smith
Basil D. Dahl	Edward G. Trueblood
Ernest E. Evans	Clifton R. Wharton
Landreth M. Harrison	

To be Foreign Service officers of class 6

J. Kenly Bacon	Frederick P. Latimer,
Charles E. Brookhart	Jr.
Henry B. Day	Cecil B. Lyon
Charles H. Ducoté	Walter P. McConaughy
Robert English	John J. Macdonald
Wilson C. Flake	Calvin Hawley Oakes
Willard Galbraith	John B. Ocheltree
Randolph Harrison, Jr.	Avery F. Peterson
R. Horton Henry	Harold D. Robison
J. Wesley Jones	Gerald Warner
Stephen E. C. Kendrick	Kenneth J. Yearns

To be Foreign Service officers of class 7

William C. Affeld, Jr.	John K. Emmerson
Reginald Bragonier, Jr.	T. Muldrup Forsyth
	Walter W. Hoffmann
Theodore J. Hohenthal	John S. Service
U. Alexis Johnson	Wales W. Signor
H. Gordon Minnigerode	Orray Taft, Jr.
Harold E. Montamat	Robert M. Taylor
Edward E. Rice	William E. Yuni

To be Foreign Service officers of class 8

W. Stratton Anderson, Jr.	John Frémont Melby
William Barnes	Herbert V. Olds
Aaron S. Brown	Elim O'Shaughnessy
Harlan B. Clark	Paul Paddock
William E. Cole, Jr.	David T. Ray
Herbert P. Fales	G. Frederick Reinhardt
Forrest K. Geerken	Milton C. Rewinkel
Jule L. Goetzmann	Walter Smith
Edmund A. Gullion	Philip D. Sprouse
Francis C. Jordan	Charles W. Thayer
G. Wallace La Rue	David A. Thomasson
Perry Laukhuff	Ray L. Thurston
Gordon H. Mattison	Evan M. Wilson
Roy M. Melbourne	William Witman 2d

POSTMASTERS

FLORIDA

George W. Hughes, North Miami Beach.

MASSACHUSETTS

John E. Mansfield, Bedford.
Winona G. Craig, Falmouth Heights.
Hormisdas Boucher, Ludlow.
James E. Williams, North Dighton.
William F. O'Toole, South Barre.
John F. Malone, Southwick.
Arthur J. Fairgrieve, Tewksbury.
Raymond F. Gurney, Wilbraham.

SENATE

SATURDAY, NOVEMBER 21, 1942

(Legislative day of Tuesday, November 17, 1942)

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

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

Our Father God, out of the depths we cry unto Thee. We come with strength which has been sapped, with patience strained, with ideals tarnished by the acids of cynicism, with poise shattered by the tensions of these times. Amidst the shouting and tumult of a warring world we would be still and know that Thou art God.

Forgive us that, like roiled and ruffled pools, we cannot reflect the bending blue of the tranquil sky. Breathe through the heats of our desires Thy calmness and Thy peace. Together with our inner needs we bring our deep solicitude for all the peoples of the world. We ask nothing for ourselves that we do not desire for Thy children across all the frontiers of border or breed or birth. Prepare our hearts to build again the waste places of the earth, as tyranny and hatred give way to brotherhood and reconciliation. In the fight to make men free open our eyes, that we may see not only the encircling might of evil but, also, on the hills about us, the chariots of God and the horsemen thereof. In the name of that One by whose redeeming grace we are made more than conquerors. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the