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

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

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

That concludes the calendar.

Mr. BARKLEY. I ask unanimous consent that the President be notified of all nominations this day confirmed.

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

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Does the taking of a recess meet the conditions of the rule?

Mr. BARKLEY. Yes; it meets the conditions.

Mr. GEORGE. Yes, it does; because the rule applies to calendar days.

The PRESIDING OFFICER. The Chair will state that it complies with the rule.

The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and (at 2 o'clock and 29 minutes p. m.) the Senate took a recess until Monday, November 23, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate November 21 (legislative day of November 17), 1942:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Keeler Faus, of Georgia.
Harry Clinton Reed, of Ohio.
Thomas S. Estes, of Massachusetts.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 21 (legislative day of November 17), 1942:

IN THE ARMY

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

To be major generals

James Harold Doolittle
Lucian King Truscott, Jr.
Lunsford Errett Oliver

To be brigadier generals

Paul McDonald Robinett
John Wilson O'Daniel
Benjamin Franklin Caffey, Jr.

NAVY DEPARTMENT

Capt. Edward L. Cochrane to be Chief of the Bureau of Ships, Department of the Navy, with the rank of rear admiral, for a term of 4 years from November 1, 1942.

POSTMASTERS

IOWA

Martin W. Brockman, Clarksville.
Charles G. Vasey, Collins.
Henry C. Finnern, Denison.
Jacob A. Schwartz, Fenton.
Lilly B. Gibbons, Jefferson.
Herman L. Walker, Kalona.
Katharine Wallace Shaw, Redding.
Joseph P. Quinn, Riverside.
Lillian E. Gasseling, Walcott.
Paul Max Clark, Woodbine.
H. Clyde Calonkey, Woodward.

MISSOURI

Emmett R. Burrows, Van Buren.

SENATE

MONDAY, NOVEMBER 23, 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, in the abundance of Thy loving kindness humbly and reverently we come into Thy presence. Before we talk to one another about our homes, our Nation, and our world, we would listen for Thy voice, as with silenced hearts we wait for Thy word. Thou art light for life's meanings. Thou art wisdom for life's questions. Thou art strength for life's duties, and courage for life's unknown ways.

Each new day is a white page in the book of destiny if we but take it from Thy hand as trustees of Thy unfolding purpose. May we follow the gleam of the highest and best we know, as it leads o'er moor and fen and crag and torrent, till the evening comes and the busy world is hushed, and the fever of life is over, and our work is done. Then, of Thy great mercy, grant us a safe lodging and a holy rest, and peace at the last. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, November 21, 1942, was dispensed with, and the Journal was approved.

SENATOR FROM TENNESSEE—CREDENTIALS

Mr. MCKELLAR presented the credentials of A. TOM STEWART, duly chosen by the qualified electors of the State of Tennessee a Senator from that State for the term beginning January 3, 1943, which were read and ordered to be placed on file.

EXECUTIVE COMMUNICATIONS, ETC.

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

LIQUIDATION OF THE WAR FINANCE CORPORATION

A letter from the Acting Secretary of the Treasury, submitting, pursuant to law, the final report of the Secretary of the Treasury on the liquidation of the War Finance Corporation (with an accompanying report); to the Committee on Banking and Currency.

SUBVERSIVE FEDERAL EMPLOYEES

A letter from the Attorney General, transmitting, pursuant to law, a report of the Federal Bureau of Investigation for the first quarter of the fiscal year 1943 (July 1 through September 30, 1942), relating to the investigation of employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Government by force (with an accompanying report); to the Committee on Appropriations.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury and Agriculture (4), which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

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

ELIMINATION OF POLL TAX IN ELECTION OF FEDERAL OFFICERS

The Senate resumed the consideration of the bill (H. R. 1024) to amend an act to prevent pernicious political activities.

The VICE PRESIDENT. Does the Senator from Texas have the division of time in mind for this morning?

Mr. CONNALLY. I shall yield to the Senator from Minnesota [Mr. SHIPSTEAD], who desires to address the Senate. I shall yield to him for 5 minutes. [After a pause.] The Senator from Minnesota does not appear to be present.

Mr. President, we did not insist upon a quorum call in the interest of time. If some of the attachés of the Senate will see that the Senator from Minnesota comes to the floor shortly, we will save time in the long run. I inquire if the Senator from Illinois [Mr. LUCAS] is present.

Mr. MCNARY. Mr. President, I do not know anything about the arrangement, but the Members usually expect a roll call and they proceed upon that basis. I think we should have a roll call, and then, if there are only 50 minutes left, that it should be shared equally between the proponents and opponents of the bill.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Byrd	Gerry
Andrews	Capper	Gillette
Austin	Caraway	Green
Bailey	Chandler	Guffey
Bankhead	Chavez	Herring
Barkley	Clark, Idaho	Hill
Bilbo	Clark, Mo.	Johnson, Calif.
Brewster	Connally	Johnson, Colo.
Brooks	Danaher	Kilgore
Brown	Davis	La Follette
Bulow	Doxey	Langer
Bunker	Ellender	Lodge
Burton	George	Lucas

McKellar	Pepper	Thomas, Utah
McNary	Radcliffe	Truman
Maloney	Reed	Tunnell
Maybank	Russell	Tydings
Mead	Schwartz	Vandenberg
Millikin	Shipstead	Van Nuys
Murdock	Shott	Wagner
Nelson	Smith	Wallgren
Norris	Spencer	Walsh
Nye	Stewart	Wheeler
O'Daniel	Taft	White
O'Mahoney	Thomas, Idaho	Wiley
Overton	Thomas, Okla.	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] has 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 New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. LEE], the Senator from Montana [Mr. MURRAY], and the Senator from North Carolina [Mr. REYNOLDS] are necessarily absent.

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

The PRESIDING OFFICER (Mr. SPENCER in the chair). Seventy-eight Senators having answered to their names, a quorum is present.

Mr. CONNALLY. I yield 6 minutes to the Senator from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. President, Illinois is one of the truly great States in the Union. Within its borders live every race, creed, and color. On the south end of Lake Michigan we find Chicago, a metropolitan center that has few equals in the world. The problems of Illinois are many and complex. Our interests are diversified.

There is no controversial problem at the moment in our State which compels such a free, fair, and full expression upon the floor of the Senate as the cloture rule would prevent. I sincerely hope that the time may never come when the conditions in that sovereignty will compel the filing of a petition for the adoption of cloture.

But, Mr. President, no one knows what the future may hold. No one can gainsay or dare to predict that problems may not arise affecting State sovereignty in Illinois, or in any other State in the Union. No one knows when the invocation of the cloture rule might destroy some fundamental right peculiar to my own State or any other.

Mr. President, if that time should ever arrive, I would not want the record to show that at a time when dictatorship was rampant throughout the world, at a time when free speech and the liberties of individuals were threatened by a totalitarian menace which knows no bounds in its merciless crucifixion of the very things that have made America what it is today, I, as a Senator from Illinois, had voted for a rule which closed debate. Insofar as I can, I should like to preserve for my State every minority right within the parliamentary rules to resist to the last any future measure which then might be considered by Representatives of my State as a violation of the spirit and the letter of the Constitution, as is contended by the minority in regard to the important legislation now under discussion.

Mr. President, to me the constitutionality of the poll-tax measure is a close question. However, if the parliamentary situation were such that a vote could be taken upon the legislation before us, the Senator from Illinois would vote in the affirmative, but in order to accomplish that parliamentary situation I cannot weigh the present factors alone. I cannot consider that my own State is not affected by this cloture rule. I must weigh the possibilities of the future with the full realization that sometime some Senator from Illinois might want to stand upon this floor and fight to the death legislation which he considered trampled upon the rights of the free people of my sovereign State.

No, Mr. President, cloture is a serious step to take in this legislative Hall, which is the real citadel of liberty throughout the world. My country would have to be threatened with virtual annihilation before I could conscientiously vote for a rule of this kind.

Mr. President, the gravity of the situation can best be understood by considering what has happened during the last 10 days. Tempers have flared and old friends are looking askance at each other, all of which is to be regretted, especially so at a time when the world is threatened with a ruthless and godless despotism which has no parallel in history. America is in the center of the conflagration and the embers have been falling all around us. How much better it would have been during the last 10 days if we had been cursing Hitler, Mussolini, and Hirohito. How much better if all the long speeches which have been made had been addressed to the heroism and the gallantry, the ingenuity and tactical maneuvering of our brave boys in the Army, Navy, and Marine Corps. How much better for us all during these crucial days to unite and fight our common foe, rather than contend among ourselves.

Mr. CONNALLY. I yield 5 minutes to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, before the vote is taken I wish to state that in my years as a Member of the Senate I have never voted for a cloture rule. Down through the years I have been here it has been considered by some of us that enforcement of cloture in the Senate of the United States would be closing the last door to the demands of a minority. Now, in the days when we are fighting to protect minorities, a minority on the floor of the Senate should not be estopped from defending its right. I shall not vote to withdraw this right. I desire to make this statement to the Senate.

Mr. CONNALLY. Mr. President, if any other Senator who is in sympathy with my views would like to speak, I should be glad to yield him time.

Let me ask, What is the status as to the time? How much time have I used this morning?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. REED. Mr. President——

Mr. BARKLEY. I will yield the Senator from Kansas 2 minutes, if he desires to speak.

Mr. REED. Mr. President, I rise to state very briefly my position upon the pending question. I shall vote for the motion to close the debate. I am strongly of the opinion that the question has been fully considered and debated, and that the proponents and opponents of the main measure have had sufficient time to discuss its merits. I think a time must come when a majority of a legislative body should exercise its right to function. I think that time has now arrived in the Senate.

I am opposed to Senate bill 1280. To me the Constitution clearly provides that the qualifications necessary to vote for a Representative in Congress are the qualifications fixed by the State to make one eligible to vote for a member of the most numerous house of the State legislature. It is not claimed that distinction is made as between qualifications for voting for Members of the National House of Representatives and of the most numerous branch of the State legislature.

If debate is closed, and a vote comes on the main question, I shall vote in the negative. A very brief explanation will make my position clear.

I think that, as it presently stands, the Constitution clearly leaves this question to the States. If the National Government desires to exercise authority to declare these qualifications, it should be done by an amendment to the Constitution, and not attempted to be done by a statute, which, in my opinion, is in contravention of the rule laid down in the Constitution.

I am opposed to requiring the payment of any sort of tax or any property qualification in order to make a person otherwise qualified eligible to vote. I am in favor of removing any and all such restrictions, but I want it done in a constitutional way.

Mr. CONNALLY. Mr. President, I have only 19 minutes and, of course, cannot in that time adequately cover the question now before the Senate, but before we come to a vote upon what I regard as one of the fundamentals of the procedure of the Senate, I wish to place briefly before the Senate and before the country some of the reasons which have actuated those of us who are resisting this motion for cloture.

The issue before the Senate now is whether or not the Senate at this time shall cut off debate under the rule, and not permit those of us who are resisting the pending measure full and complete and thorough debate upon the fundamental constitutional issues involved.

Mr. President, this is the Senate of the United States. According to my conception, it is the last citadel in this Republic of free opinion and free discussion and free consideration of the great issues of government. One of its chief functions is to supply a forum where any Senator may speak his convictions and his will, and to serve to inform and enlighten the people of the United States. That is what we want and demand now. The people of the United States do not now sufficiently understand the question we are discussing. They confuse Federal and State action. They merely discuss and consider these matters in the abstract. They do not get down to the grass roots of these basic considerations.

So far as I now know, I shall never vote to close this forum to public discussion upon any great question. Should the Senate ever refuse legitimate discussion upon the very vitals of this Government and its structure?

Mr. President, I speak to Senators who are under responsibility, I speak to Senators who are under oath to uphold and protect and defend the Constitution of the United States. I am not speaking to a town meeting which has no responsibility with reference to this question. I am not speaking to men who have their ears closed to the obligations of the Constitution and to the traditions of this body. I am not speaking to men whose eyes are blinded to the importance and to the majesty of matters relating to the Constitution of the United States.

Mr. President, what is the immediate issue? It is cloture. Of course, we are opposed to invoking the cloture rule upon this fundamental constitutional question. What is the question? The bill which is tendered proposes to provide by congressional edict, by mere statute, that a poll tax or other similar qualification imposed by any State under the sanction of the Constitution of the United States shall not be respected but shall be disregarded.

What did the Constitution makers think about this question? They were of equal dignity with ourselves. When the representatives of the Thirteen States met in Philadelphia to write a Constitution they wrote it out of the sacrifices and out of the blood and out of the stress and strain not alone of war but of 8 years of confusion and chaos, under the Articles of Confederation. When they met they discussed this very provision. If they had not discussed it, if their attention had not been directed intimately to the very point we have now under consideration, there might be some who would say it was a mere generality. But they discussed the question whether the Federal Government itself in the Constitution should fix the qualifications for electors in voting for Members of Congress or whether that matter should be left to the determination of the States. After full and free and enlightened debate and consideration they said, in article I, section 2—and the language means the same today that it meant in 1787:

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

The Constitution makers did not say "may have," they said "shall have."

I desire to propound a question to any Senator under his obligation and his oath. If he were an election judge in a State and a voter presented himself and said, "I want to vote for a Representative in Congress in the election," would he not as an election judge ask, "What right have you to vote?" Suppose the voter were to answer, "Here is an act of Congress which provides that I do not have to pay a poll tax, and I have not paid one." Would not a Senator as an election judge, having the Constitution of the United States in his hand, turn to it and read section 2 of article I, and say to the voter, "I am sorry; there is a statute which says you can vote without paying a poll tax, but, my dear sir, here is the Constitution of the United States which says that you cannot vote in this State without complying with its election and qualification requirements." What would a Senator who was acting as an election judge do in such a case? Would he follow the plain mandate of the Constitution and his oath, or would he be swayed by the political demand of some man who wanted to vote, and whose vote he wanted to obtain?

Mr. President, it is contended by those favoring the measure that under article I, section 4, the Congress, by reason of being granted the authority to change the times and places and manner of holding elections, has the right to enact the proposed legislation. It will be noted that in section 4 of article I the times and places and manner were to be prescribed by State legislatures, but it says—

> But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. President, if the Constitution makers ever contemplated that under any circumstance or under any assumption of a state of facts Congress might legislate on the subject of the qualifications of voters, why did they not put a similar clause in section 2 of article I, and provide:

> The House shall be composed of Members * * * chosen by electors possessing the qualifications requisite for electors of the most numerous branch of the State legislature, but Congress may at any time change such qualifications.

But they did not do that.

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

Mr. CONNALLY. I yield.

Mr. AUSTIN. Is it not true that Congress expressed its opinion about this subject in 1912, when it ratified the express language the Senator is discussing by adopting the seventeenth amendment, and therefore declared that the policy of Congress, which had obtained for 124 years and which had been followed in a definite way, was still the policy of Congress?

Mr. CONNALLY. I thank the Senator from Vermont, who is one of the most distinguished lawyers, not alone in this Chamber, but before the bar of the Nation. Of course, let me say to the Senator, the seventeenth amendment to the Constitution adopted about 1912 or 1913——

Mr. AUSTIN. It was adopted by the Congress by resolution passed May 16, 1912, and was proclaimed by the Secretary of State to have been ratified by a sufficient number of States May 31, 1913.

Mr. CONNALLY. Yes; it was adopted by the solemn action of the Congress and ratified by three-fourths of the States. This is what was said in that amendment which provided for the popular election of Senators:

> The Senate of the United States shall—
>
> Always "shall"—
>
> shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State—
>
> Listen Senators, the reference is to your State and my State and all the other States—
>
> The electors in each State shall have—
>
> Not "may have"—
>
> shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

How could language be more plain? How could it be more expressive? Let me remind the Senate, as was wisely pointed out by the Senator from Ohio [Mr. TAFT] in a former debate on this subject, that when the fourteenth amendment was adopted it was provided that—

> When the right to vote at any election for the choice of electors * * * is denied to any of the male inhabitants of such State * * * the basis of representation therein shall be reduced.

That is a clear restatement of the proposition that the States had the right to restrict suffrage, and that if they did do so they would be penalized by the reduction of their representation in Congress.

Let me say to the distinguished Senator from Vermont that not alone in the seventeenth amendment do we find such language, but in the nineteenth amendment, the amendment relating to woman's suffrage, it was provided—and I read from the nineteenth amendment:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Recognizing that the general field of control was within the States. This is merely a prohibition, a negation as to sex alone, leaving unimpaired, untouched, unmodified, and unchanged all the plenary and full power which the Constitution originally vested in the States.

Mr. President, what does the Supreme Court say about the matter? This direct question was before the Supreme Court in the case of Breedlove against Suttles,

not on a side issue, but on this identical point. This was a case from the State of Georgia, in which a voter who tried to vote was denied the privilege of voting—not the right, he was denied the privilege of voting—because he had not paid his poll tax. I now quote from the Supreme Court decision. This is not someone who plucks a Senator's coat when he goes out of this Chamber into the reception room. This is not someone who waylays a Senator in the Halls of the Senate to try to put political pressure upon him, to apply the heat before the oil ration goes into effect. Listen to the decision of the Supreme Court. I invoke this language against those who press this bill:

To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

Mr. AUSTIN. What year was that?

Mr. CONNALLY. That was in 1937, only 5 years ago. The Supreme Court in the most solemn manner reiterates, reaffirms, and approves what the Constitution makers did in 1787, and which for 150 years had been unchallenged until assailed by the pending bill.

Mr. President, those who favor the bill rely upon the Classic case. The Classic case, coming up from Louisiana, related to a prosecution for conspiracy or illegal voting in a primary. I shall quote from what the Supreme Court said in that case, and I want Senators to listen. The case was decided in the October term, 1940. Is that recent enough? In order to bind Members of the Senate must a decision have been rendered yesterday? Do they have to have a daily pronouncement by the Court in order to keep them in line?

Of course, Senators have daily importunities in the cloakrooms, they have daily importunities in their offices and in the halls, and by letter; but the Supreme Court says:

Section 2 of article I commands—

Commands—

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

Can there be anything plainer? Can there be anything that so shines with light and understanding and reason as that plain statement? Listen, the Court goes on. This is the Court speaking:

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.

Mr. President, my time has almost expired. I desire to lift my voice in the Senate for the maintenance of the integrity and sanctity of the Constitution of the United States. If it is to be destroyed or erased there will be no Senate, and no House of Representatives.

We hold town meetings, which are influenced by the passions and the prejudices of the mob. However, Mr. President, let us maintain the creator of ourselves, the Constitution of the United States.

The framers of the Constitution knew what they were doing. When the language to which I have referred was inserted in the Constitution, practically every State of the original 13 had property qualifications for voting. They had tax requirements for voting. They had all sorts of qualifications for voting. It was with such a background and such knowledge that section 2 of article I of the Constitution of the United States was adopted.

Mr. President, Benjamin Franklin sat in that Convention. Does anyone believe that that wise old man did not understand what he was doing? Does anyone believe that he was playing horse with the Congress and with the people when, in language as plain as any expression from a page of Poor Richard's Almanac, or from his correspondence as our ambassador to France, he helped write the language of the Constitution?

Mr. President, James Madison sat in that Convention. Does anybody assume that with his accurate and logical mind he did not know what he was doing when he participated in framing the Constitution of the United States?

I appeal to Senators on the other side of the aisle who are supposed to venerate the memory of Alexander Hamilton. He sat in that Convention. Throughout the debate for its adoption he approved it, as set forth in the Federalist. With a far-flung vision of public affairs and politics, Alexander Hamilton approved and signed the Constitution of the United States which contained the provision to which reference has been made.

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

Mr. CONNALLY. Mr. President, I ask for 1 minute more.

Mr. BARKLEY. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. CONNALLY. Mr. President, who else sat in that Convention? George Washington sat in it. He was the presiding officer of the Convention; and with the same hand that wielded the sword of the Commander in Chief at Yorktown, he signed the Constitution of the United States. Did he know what was in it? Did he approve it? Did he sanction it?

Mr. President, I set the names of James Madison, Alexander Hamilton, Benjamin Franklin, George Washington, and all the brilliant host who sat with them in that convention against the Communist Earl Browder, who placards to the world that he is the real leader of this campaign for Federal control of elections. I set them apart from the masses who assail Senators on their way to their offices, or from the galleries.

Today we stand upon the rock of the Constitution.

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

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram I have received from the Governor of Alabama.

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

MONTGOMERY, ALA., *November 18, 1942.*

Senator TOM CONNALLY,
Senator from Texas,
Senate Office Building:

You and the other Senators who are carrying the fight against Federal control of local elections deserve and will have the thanks and commendation of the country. Those seeking to ram this vicious misguided reform legislation down the throats of a people at war, and thereby bringing disunity, are rendering a service to our enemies. Our people here and the believers in democratic principles everywhere are anxiously watching and praying for your success. Please thank the other Senators who are helping.

FRANK M. DIXON,
Governor of Alabama.

Mr. BARKLEY. Mr. President, in the time remaining to me it would be folly for me to undertake to discuss the constitutional questions involved in the pending legislation. I shall not do so. For a few minutes I desire to discuss the question of the payment of a poll tax as a prerequisite for voting, whether such payment be required by State law, or by inference through national legislation. In my judgment the question presented by the pending bill, to abolish the payment of the poll tax as a requirement for voting, involves the very basis of democracy and freedom.

Thomas Jefferson, who was the greatest liberal of his or any other day, and, in my judgment, the profoundest philosopher of his generation, told the American people and the world that all governments derive their just powers from the consent of the governed. He made the American people believe that to be true. If what he said is true, that all governments derive their just powers from the consent of the governed, then all powers exercised by a government not derived from the consent of the governed are unjust powers. No one can deny that assertion without repudiating the philosophy of Thomas Jefferson.

Mr. President, can anyone claim that a citizen who is otherwise qualified, but who is denied the right to vote because of inability to pay his or her poll tax, has given consent to the powers exercised over him or her by the government? The people are not even allowed to vote on the question of whether that requirement shall be lifted from them.

The same Thomas Jefferson, in the immortal Declaration of Independence, announced for the first time in a political document that all men are created equal, and that they are endowed by their creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness. He placed no qualification upon this principle. He did not modify it by any reservation which required the payment of a poll tax or any other form of tax before the right to vote could be exercised. He did not say that the equalities or the unalienable rights of which he was speaking in the Declaration of Independence depended on the payment of a tax of any kind in order that they might be enjoyed and exercised.

Inspired by these new doctrines of liberty, these new conceptions of the relationships of God's creatures, who include and encompass all the populations of the world, our forefathers in the Revolution and every war since the Revolution fought with their blood and with their lives for the rights which Jefferson proclaimed.

The requirement of payment of a poll tax before one may vote is the demand by society through the State that the right be bought again with money. Such a requirement is a hang-over from feudalism. It is a hang-over from the property requirement in order that one may participate in government in the humblest capacity. It is a survival of Bourbonism, by whatever authority or wherever it may be imposed. The payment of no other form of tax is required as a qualification for voting. The landowner may allow his property taxes to become and remain unpaid until the sheriff or the tax collector sells the property at the courthouse door, but he may still vote, while the poor hired hand or the tenant who cultivates the landlord's land may not vote until and unless he buys the right by the payment of a poll tax.

This is a denial of equality. It is a denial of consent to the powers of government. It is equal to the disfranchisement of those who depend upon government to guarantee to them the right to life, liberty, and the pursuit of happiness. It is a repudiation of the Jeffersonian ideal.

Mr. President, the pending question is not racial or religious. The condition applies to all races, where they are otherwise eligible to vote. While efforts have been made to make it appear as a racial issue, it cannot be made so.

Opponents of the pending bill have asserted that the poll-tax law disfranchises more white than colored voters who, without it, could vote in all elections. I assume this to be true, and I believe it to be true. As proof of it, in 1940, in Alabama, 20 percent of otherwise eligible white voters voted; in Arkansas, 19 percent; in Georgia, 19 percent; in Mississippi, 15 percent; in South Carolina, 11 percent; in Virginia, 24 percent; and in Tennessee, 33 percent.

As further proof of it, Mr. President, let me point out that when the Legislature of North Carolina removed the requirement of the payment of a poll tax as a qualification for voting the vote increased 70 percent. In Louisiana, when that State removed the requirement that a poll tax should be paid as a qualification for voting the vote increased 90 percent; in the State of Florida, when the legislature of the people of that State removed the requirement that a poll tax should be paid as a prerequisite for voting, the vote increased 140 percent; and since then there has been no visible change in the form or complexion of the government of those States.

Mr. President, this question is not racial; it is not geographical. I have before me letters from Georgia, Alabama, and Tennessee supporting this proposed legislation. I have before me a letter from Mrs. Harvey M. Emerson, legislative chairman, Alabama division, American Association of University Women—a respectable organization in this country, made up of women who have been trained and educated in our colleges and universities. They do not belong to any irresponsible organization which may be importuning us to vote for this proposed legislation. I wish I had the time to read this letter, written from Birmingham, Ala.

The other day the Legislature of Alabama, so I am told through the newspapers, unanimously adopted a resolution condemning the bill and asking Congress not to enact it. I hope I may not give offense if I express the hope that the same legislature may submit to the people of Alabama a constitutional amendment by which they themselves may vote on whether they desire to retain the poll tax as a qualification for voting.

I have here a letter written on the stationery of the State Democratic Executive Committee of the State of Alabama, women's division, signed by Mrs. Albert Thomas, who is the director of the report plan of the State Democratic Executive Committee of Alabama. In the letter she upholds and commends the bill, and urges its enactment.

I have here a letter from a professor of political science of Emory University, in the very heart of Atlanta. The writer of the letter says:

> Keep up the fight on the poll tax and see it to a successful conclusion. I have studied the poll tax and find it is the cause of endless corruption. Nothing could be more undemocratic. Lurking in the background in this fight—

Says he—

> are the vested interests.

I have here a letter from an educator in Alabama, one connected with the Alabama Polytechnic Institute, in which he urges the passage of the pending bill.

I have here a letter from the Honorable Wilson W. Wyatt, mayor of the city of Louisville, asking for the passage of the bill.

I have here a telegram from John L. Essary, president of the Tennessee Federation of Labor, asking for the enactment of the bill.

So, Mr. President, the problem which faces us is not racial; it is not geographical. It has been said that this is no time to bring this controversial question before the Senate of the United States. I know of no more opportune time to try to spread democracy in our country than a time when we are trying to spread it in other countries and throughout the world. Some day this war will end. Some day our boys who now are in north Africa, in Australia, in New Guinea, in the Solomons, in the Aleutians, and on Midway Island, some day our boys who now are fighting the battle of democracy and freedom around the world, will be back in the United States. I can imagine one of them walking up to a polling place in an election. It may be he will appear on crutches; it may be he will have an empty trouser leg or an empty sleeve. I can see him approach the election officers and ask for the right to vote, and I can imagine those officers saying, "What right have you to vote? What have you given in order that you might purchase the right to vote here?" He will lift up his empty sleeve, and say, "I gave that"; or he will show his empty trouser leg, and say, "I gave that." He may show a scarred and lacerated face, and say, "I gave that." But the election officers will say, "That is not enough. You have to give us in money a dollar and a half more before you can vote here. You cannot vote even then unless you paid it before last February." And I can imagine him saying, "Well, I was in north Africa last February," or "I was in the Solomon Islands last February," or "I was on the Pacific Ocean last February," or, it may be, "I was marching down Unter den Linden, in the heart of Berlin, last February," or "the Via Corso in Rome," or "the main street of Tokyo."

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

Mr. BARKLEY. My time is about up, let me say to my friend; otherwise I would yield.

Mr. BANKHEAD. The Senator has made numerous reference to Alabama.

Mr. BARKLEY. I have only quoted from reports I have received.

Mr. BANKHEAD. The Senator should know that in Alabama all soldiers are exempt from payment of the poll tax—and that is also the case in Tennessee.

Mr. BARKLEY. I was not speaking particularly of Alabama. I was speaking of any State which requires that the poll tax be paid.

Mr. President, what about the rule? I speak now of democracy in its broad sense, not as applied to any particular locality. If we are not fighting for that, we are not fighting for anything. What is the rule on which we are to vote in about 5 minutes? It is a rule which, if invoked, would enable the Senate to reach a vote on this measure. It is a rule without the invoking of which the Senate cannot vote on this measure; and a vote against the rule, 5 minutes from now, will mean a vote against voting on the bill. We cannot interpret it in any other way. That is what it will be. A vote against the rule, against the adoption of the motion to close debate, will mean that those who vote against it do not want to close debate. Those who do not want to close debate do not want to vote on the bill; because we cannot vote on it by any other way than by the adoption of the motion. I say frankly, as I have said before, that if the bill cannot be voted upon today by means of a two-thirds vote in favor of adopting the motion to limit debate, it cannot be voted for at any other time. No amount of pressure from the inside or the outside will have any other effect.

The Senate has voted on cloture 13 times since rule XXII was adopted and made a part of the rules. The Senate has adopted a motion to invoke cloture 4 times and has rejected it 9 times. Senators say they are afraid to vote for cloture now lest they be bound to vote for it at some other time. Those who give weight to that argument are shivering at a shadow. There are now in this Chamber Senators who will vote against the motion to invoke the cloture rule, but who heretofore have voted in favor of cloture. I now have in my hand a statement of the roll calls on all the votes which have

been taken in the Senate on motions to invoke the cloture rule. No Senator has ever been bound by a previous vote in determining how he would vote on a subsequent motion to close debate. I have not the time to read the roll calls. They may be revealing to peruse after the conclusion of the roll call which we are about to have.

Mr. President, I bring in question the integrity and the good faith of no Member of the Senate. I crave the respect and esteem of every Member of this body, without regard to politics or location. However, Mr. President, I desire to say to my friends on both sides of the aisle that I am glad I have made this fight. I have made it in behalf of what I believe to be the broad and true foundations of a true democracy. I should prefer to make it and lose it rather than not to have made it and receive any kind of reward for my cowardice in refusing to make it. Let no man misunderstand what this fight means. A vote in favor of the motion will mean the right to vote on the bill. A vote against it will mean denial of the right to vote on the bill. That is the issue, Mr. President. Let the roll be called.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the time of the Senator from Kentucky has expired, and the Chair, in accordance with the provisions of rule XXII, lays before the Senate the motion to bring to a close the debate on the bill (H. R. 1024) to amend an act to prevent pernicious political activities. The clerk will call the roll to ascertain the presence of a quorum.

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

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

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

The Chair submits to the Senate the question: Is it the sense of the Senate that the debate shall be brought to a close? Under the rule, the yeas and nays are ordered; no debate is in order; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. HAYDEN'S name was called). The Senator from Arizona [Mr. HAYDEN] has advised me by telegram that he is opposed to this motion, and desires to be paired against it.

Mr. McKELLAR (when Mr. HOLMAN'S name was called). The junior Senator from Oregon [Mr. HOLMAN] telegraphed me to the same effect.

The roll call was concluded.

Mr. McNARY. I desire to make certain announcements, which I ask the clerk to read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

Mr. McNARY announces the following pairs upon this question:

The Senator from Montana [Mr. MURRAY] and the Senator from California [Mr. DOWNEY], both of whom would vote "yea," with the Senator from Oregon [Mr. HOLMAN], who would vote "nay";

The Senator from Nebraska [Mr. BUTLER] and the Senator from New Jersey [Mr. SMATHERS], both of whom would vote "yea," with the Senator from Virginia [Mr. GLASS], who would vote "nay"; and

The Senator from New Hampshire [Mr. TOBEY] and the Senator from Washington [Mr. BONE], both of whom would vote "yea," with the Senator from Arizona [Mr. HAYDEN], who would vote "nay."

All of these Senators are necessarily absent.

The Senator from New Jersey [Mr. BARBOUR] is absent because of illness. If present, he would vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from South Dakota [Mr. GURNEY] are necessarily absent.

Mr. McNARY. My colleague, the Senator from Oregon [Mr. HOLMAN], is absent on official business, as he is engaged in conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys.

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] has been called out of the city on important public business.

The Senator from California [Mr. DOWNEY] and the Senator from Arizona [Mr. McFARLAND] are absent in the performance of duty in connection with hearings which are being conducted by them in Western States for the Special Committee to Investigate Agricultural Labor Shortages.

The Senator from Nevada [Mr. McCARRAN] is absent on official business, as he is engaged in conducting hearings in Western States on behalf of the Committee on Public Lands and Surveys. The Senator from Nevada advises that he is opposed to cloture, but is in favor of the anti-poll-tax bill.

The Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. MURRAY], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Oklahoma [Mr. LEE] are necessarily absent.

The Senator from Montana [Mr. MURRAY] and the Senator from California [Mr. DOWNEY], who would vote "yea," are paired with the Senator from Oregon [Mr. HOLMAN], who would vote "nay."

The Senator from Washington [Mr. BONE] and the Senator from New Hampshire [Mr. TOBEY], who would vote "yea," are paired with the Senator from Arizona [Mr. HAYDEN], who would vote "nay."

The Senator from New Jersey [Mr. SMATHERS] and the Senator from Nebraska [Mr. BUTLER], who would vote "yea," are paired with the Senator from Virginia [Mr. GLASS], who would vote "nay."

The result was announced—yeas 37, nays 41, as follows:

YEAS—37

Barkley	Kilgore	Thomas, Okla.
Brewster	La Follette	Thomas, Utah
Brooks	Lodge	Truman
Brown	Maloney	Tunnell
Burton	Mead	Vandenberg
Capper	Millikin	Van Nuys
Clark, Mo.	Murdock	Wagner
Danaher	Nelson	Wallgren
Davis	Norris	Walsh
Green	Pepper	Wiley
Guffey	Reed	Willis
Herring	Schwartz	
Johnson, Colo.	Taft	

NAYS—41

Aiken	Doxey	O'Mahoney
Andrews	Ellender	Overton
Austin	George	Radcliffe
Bailey	Gerry	Russell
Bankhead	Gillette	Shipstead
Bilbo	Hill	Shott
Bulow	Johnson, Calif.	Smith
Bunker	Langer	Spencer
Byrd	Lucas	Stewart
Caraway	McKellar	Thomas, Idaho
Chandler	McNary	Tydings
Chavez	Maybank	Wheeler
Clark, Idaho	Nye	White
Connally	O'Daniel	

NOT VOTING—18

Barbour	Gurney	McCarran
Bone	Hatch	McFarland
Bridges	Hayden	Murray
Butler	Holman	Reynolds
Downey	Hughes	Smathers
Glass	Lee	Tobey

The VICE PRESIDENT. Two-thirds of the Senators present not having voted in favor thereof, the motion to close debate is rejected.

Mr. ELLENDER. Mr. President, had the gentlemen's agreement made last Friday not been consummated, I was scheduled to speak at length in opposition to the poll-tax bill. I am glad that the Senate so overwhelmingly voted against cloture and thereby put the bill to sleep for the remainder of the present Congress.

I ask unanimous consent to have printed in the body of the RECORD, following my remarks, a very learned brief on the subject of qualifications of voters, prepared by Hon. Frank J. Looney, chairman of the Democratic State Central Committee of Louisiana, and an able and distinguished member of the Louisiana bar.

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

QUALIFICATIONS OF VOTERS

FOREWORD

Very recently a southern Member of the United States Senate appeared on the radio to champion his bill to abolish the poll tax as a qualification for voting in Federal primaries and general elections. He made two statements for which he offered no proof in law, logic, or fact, except *United States* v. *Classic*. The first statement was: There are three ways to abolish the poll tax (or was it to fix Federal qualifications for electors?)—

the first by the State constitution; second, by State legislature; third, by Congress. The other statement was that there were two viewpoints as to whether or not Congress could fix qualifications for voters in State or local elections.

As to the first statement, he showed his preference by advocating Federal enactment of his bill. On the other proposition he expressed no opinion.

The purpose in this pamphlet is not to challenge the patriotism or intellectual qualifications of any Senator, but to attempt to provide data to set straight on a fundamental matter, all who may entertain these ideas.

Chapter I

The Constitution of the United States, article I, section 2, clause 1:

"SEC. 2. 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."

This section was in the original Constitution, as adopted in convention September 17, 1787, and has never been amended in any way. On the contrary, it has been fortified by the seventeenth amendment, the first clause of which reads:

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

The identity of the language as to qualifications shows no intention of changing one iota from the purposes of 1787. So that the same standard is to be understood as being accepted in 1787 and in 1912–13, or during and after 126 years. This is significant; especially in view of the fact that suffrage occupied the public and national mind as of utmost importance in 1869–70, as is evidenced by the fifteenth amendment, which did not pretend to fix qualifications for voters, but denied the State and the United States the power to abridge or deny "the right of citizens to vote * * * on account of race, color, or previous condition of servitude." There is no suggestion that a State should be prohibited from denying the right to vote for nonpayment of a tax.

We furthermore find language in the fourteenth amendment, 1866–68, which recognizes the right of States to deny the right to vote to male citizens, but penalize those States by reducing the basis of representation. See sectio. 2, fourteenth amendment. Section 3 of this amendment distinguishes between electors and elected and imposes a disability (which could be and has been removed by Congress) merely against officials.

The nineteenth amendment prohibits denial or abridgement of the right to vote on account of sex. This is the last constitutional provision dealing with suffrage, and again omits all reference to nonpayment of taxes.

The original Constitution in article 11, section 1, clause 2, goes even further in delegating power to the States over selection of electors for President and Vice President.

It reads:

"Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors."

Clause 3 of the same article thus deals with the power of Congress in this matter, and in a limitative manner:

"The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States."

The twelfth amendment provides the manner in which these electors evidence their votes, and, in event no person shall have received a majority, requires the House of Representatives to choose by ballot, from the three highest voted for by the electors, the President. It preserves the original language, changing only the spelling of "chusing," and provides, "But in choosing the President, the votes shall be taken by States, the representation from each State having one vote."

The twentieth amendment, which deals with the power only of the President and Vice President, Senators, and Representatives, amends portions of article 2, section 1, clause 2, of the Constitution, but nowhere touches on the qualification of voters who should choose electors.

It is interesting and proper to note the accuracy of the language employed, both in the original Constitution and in the amendments, and especially where the word "manner" is used.

In article 2, section 1, clause 2, we find, "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors." The word "elect" is nowhere used, and the manner of making the appointment and all matters incidental thereto, except as to times and days heretofore mentioned, are left to the discretion of the State legislatures. The selection of electors is a function of the State, and the State is the recognized unit where the selection of a President is left to the House of Representatives. This has been emphatically asserted by the Supreme Court of the United States and will be shown in another part of this discussion.

The word "manner" has a different application in article I, section 4, clause 1, which reads, as in the original:

"SEC. 4. 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."

This clause refers to "holding elections" only. In no way does it deal with the qualification of voters. Obviously, the members of the Constitutional Convention saw and made a clear distinction between what may be called the mechanics of elections, or rather, the mechanism, and the persons of electors.

Article I, section 5, clause 1, still as originally written, reads: "Each House shall be the judge of the elections, returns and qualifications of its own members." Again distinguishing between the electors and the elected, as to qualifications. In another chapter the congressional interpretation of these sections will be treated.

Chapter II

Qualifications of voters in the Thirteen Colonies

A reference to any standard encyclopedia will show the investigator that in the Colonies, both at the time of holding the Constitutional Convention and anterior thereto, provision was made as to qualification of voters. There were property qualifications in Connecticut, Massachusetts, Rhode Island, Delaware, New Jersey, New York (except in New York City and Albany), Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia; religious qualifications in Massachusetts, New York, and some others at times; limitation of suffrage to native-born subjects of England in Pennsylvania; to Englishmen or descendants and French Huguenots in South Carolina; and male suffrage only, in Virginia.

In 1787 all of the States required payment of taxes on real or personal property, and most of them required the ownership of a fairly valuable estate as a qualification for Governor, Senator, or Representative in the State legislature. A rather full statement of these provisions as to property and tax paying qualifications is to be found in *Minor v. Happersett* (21 Wall. (U. S.) 162, 172–173).

There was nothing in the Constitution as adopted to abridge or add to qualifications of voters in any State, but this subject was left in the hands of the States, with a full knowledge of the members of the Convention as to the different requirements in the different States.

Chapter III

Articles of Confederation

For the reason that the Constitutional Convention distinguished between the manner of holding elections or making appointment of electors, or "chusing" Senators by legislators, attention is directed to the provision in the Articles of Confederation which were adopted July 9, 1778.

Article 2, section 1:

"For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year."

Section 4 reads:

"In determining questions in the United States, in Congress assembled, each State shall have one vote."

This in the midst of war, shows how jealously each State guarded its right to provide the qualifications of those who voted and who represented it and its people, and the phraseology served as a guide, and in at least one instance as a model, to be followed in preparing the Constitution. Compare article II, section 1, clause 2: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, etc."

Chapter IV

Proceedings in the Constitutional Convention

When the Convention assembled, several members of the body offered drafts of constitutions. In order to provide a ready reference, the following citations will be of pages of Formation of the Union, a Government publication issued in 1927 under House Concurrent Resolution No. 23 of date May 10, 1926.

1. Edmund Randolph's plan, presented May 29, 1787 (p. 116):

"4. *Resolved*, That the members of the first branch of the National Legislature ought to be elected by the people of the several States every —— year for the term of ——, etc."

Alexander Hamilton's plan presented June 18, 1787 (p. 979) after providing for an "assembly" and a senate as the legislature of the United States:

"11. The assembly to consist of persons elected by the people to serve for 3 years."

In Charles Pinckney's draft, article III, read: "The members of the House of Delegates shall be chosen every —— year by the people of the several States; and the qualifications of the electors shall be the same as those of the electors in the several States for their legislatures." (This language is not found in Formation of the Union, where the plan is skeletonized, p. 664, but in Elliott's Debates, second edition.) The language as to qualifications seemed to have influenced the phraseology used in the Constitution which substituted "electors of the most numerous branch of the State legislature" for "their legislatures."

After considering different plans and proposals affecting the qualifications of electors, the Committee of Detail to whom the plans and resolutions had been referred, on August 6th submitted its report (p. 471). Under article IV, section 1, they recited, "The Members of the House of Representatives shall be chosen every second year by the people of

the several States comprehended within this Union. The qualification of the Members shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures." A comparison with article I, section 2, clause 1, shows the above idea abbreviated and made more concise.

The Committee of Detail were: Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was chairman of the Committee of the Whole; Oliver Ellsworth and James Wilson, of Pennsylvania. John Rutledge was offered a place on the first United States Supreme Court and was afterward appointed Chief Justice. Edmund Randolph was Washington's first Attorney General. Oliver Ellsworth was Chief Justice of the Supreme Court. James Wilson was a member of that Court. The legal ability and their fitness to distinguish between shades of meaning in words employed to state a legal requirement cannot be questioned.

In the convention notes of Rufus King of date August 7 (Formation of the Union, p. 873), when the phrase "Electors to be the same as those of the most numerous branch of the State legislature," King quotes Morris, who offered as an alternative, "to add a clause giving to the National Legislature powers to alter the qualifications." Whereupon Ellsworth said, "If the Legislature (i. e., Congress) can alter the qualifications they may disqualify three-fourths, or a greater portion, of the electors. This would go far to create aristocracy—the States have staked their liberties on the qualifications which we have proposed to confirm."

John Dickinson wished to confine the electors to freeholders, saying, "not from freeholders but from those who are not freeholders, free governments have been endangered" (pp. 873–874); and Madison said, "I am in favor of entrusting the right of suffrage to freeholders only" (p. 874).

On August 8 the discussion being continued, Gorham spoke as follows: "The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well. * * * There is no risk in allowing the merchants and mechanics to be electors, they have been so time immemorial in this country and in England. We must not disregard the habits, usages, and prejudices of the people" (pp. 815–816).

In Madison's own notes, August 17, 1787 (p. 487), he reports Mr. Gouverneur Morris, "Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper." On this same date he reports James Wilson as stating, "This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any rule of qualifications for all the States. Unnecessary innovations he thought too should be avoided. It would be 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" (p. 487). Madison also reports, "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. The States are the best judges of the circumstances and temper of their own people" (p. 487).

Dr. Franklin said among other things: "He did not think the elected had any right in any case to narrow the privileges of the electors" (p. 491). "Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one" (p. 491).

There may be those who will insist that these arguments are based on the fear that the power vested in the National Legislature, or in other words "the elected," might disfranchise, rather than enfranchise, but it is plain that the sword is two-edged, and Congress being without the power by fixing qualications to diminish the number of electors, is equally without power to increase the electorate.

The Attorney General of the United States and these three appointees to the Supreme Court of the United States being of one mind in understanding the phrase "electors to be the same as those of the most numerous branch of the State legislature," how can a contrary interpretation be honestly accepted by any intelligence, 155 years thereafter?

Chapter V

The Federalist No. LII

(By Hamilton, though claimed as Madison)

"I shall begin with the House of Representatives. * * * The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected.

"Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned * * *. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State; because it is conformable to the standard already established, or which may be established by the State itself" (p. 290).

The above was written by Hamilton, according to that best of authorities, General Washington. Hamilton believed not only in centralized government but in monarchial government, and we cannot charge him with States' rights ideas which influenced his explanation of the clear language of the Constitution and its exclusive—its properly exclusive—meaning.

In contrast to the provision for electors, the Federalist, No. LII, discusses the "elected": "The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the Convention" (p. 291).

Chapter VI

In the State conventions held to consider adoption of the Constitution, there were no resolutions criticising the phrase, "the electors in each State shall have the qualifications requisite for electors in the most numerous branch of the State legislatures." There were, however, evidences of dissatisfaction with the concluding language of article I, section 4, clause 1, referring to times, places, and manner of holding elections, and which read, "but the Congress may at any time by law make or alter such regulations, except as to the place of chusing Senators."

Massachusetts, on February 7, 1788, recommended "That Congress do not exercise the powers vested in them by the 4th section of the 1st Article, but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the Constitution." (Elliott's Debates, second ed., p. 54.)

South Carolina, on May 27, 1788: "And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operations of the general government, that the right of prescribing the manner, time and places of holding the elections to the federal legislature, should be forever annexed to the sovereignty of the several States: This Convention doth declare, that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the general government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution." (Elliott's Debates, second ed., p. 350.)

New York, on July 26, 1886, "In full confidence * * * that the Congress will not make or alter any regulation in this State, respecting the times, places, and manner of holding elections for Senators or Representatives, unless the legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same" (Elliott, 2d ed., p. 363).

Rhode Island, on May 29, 1789, copied without change the New York declaration, and added after the final word there, a comma, and the words "and that in those cases such power will only be exercised until the legislature of this State shall make provision in the premises."

Chapter VII

Decisions of United States Courts

Bradley, Circuit Justice, in Federal Case No. 14, page 897, *U. S.* v. *Cruikshank*, speaking of the fifteenth amendment, declares, "It does not confer the right to vote. That is the prerogative of the State laws. It only confers a right not to be excluded from voting by reason of race, color, or previous condition of servitude, and this is all the right that Congress can enforce. It confers upon citizens of the African race the same right to vote as white citizens. It makes them equal. This is the whole scope of the amendment. The powers of Congress, therefore, are confined within this scope."

And, again, "It is not the right to vote which is guaranteed to all citizens. Congress cannot interfere with the regulation of that right by the States except to prevent by appropriate legislation any distinction as to race, color, or previous condition of servitude. The State may establish any other conditions and discriminations it pleases, whether as to age, sex, property, education, or anything else." (Of course "sex" has been added by the nineteenth amendment.) This case was decided in 1874.

In 1875, the case of *U. S.* v. *Reese* (92 U. S. 214) was decided by the Supreme Court of the United States, wherein, on page 217, the Court said, "The fifteenth amendment does not confer the right of suffrage upon anyone * * *." This case is of particular interest because of the discussion of the capitation tax in the dissent of Justice Clifford. Justice Clifford thus states the Kentucky law, "Such citizens, without distinction of race, color, or previous condition of servitude, in order that they may be entitled to vote at any such election (i. e., a municipal election) must be free male citizens over 21 years of age, have been a resident of the city at least 6 months, and of the ward in which he resides at least 60 days prior to the day of election, and have paid the capitation tax assessed by the city on or before the 15th of January preceding the day of election * * *" (92 U. S. p. 226). "Payment of the capitation tax on or before the 15th of January preceding the day of the election, is, beyond all doubt, one of the prerequisite acts, if not the only one referred to in that part of the section." The section referred to is section 3 of the Enforcement Act of Congress of May 31, 1870, 16 Statutes at Large 140. Section 3 of the Enforcement Act is explained by Judge Clifford, page 228,

and by the Court's opinion, page 216, as providing, "Whenever, under the constitution and laws of a State, or the laws of a Territory, any act is or shall be required to be done by any such citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, be deemed and held as a performance in law of such act." Judge Clifford further states, page 229, "Obviously, the payment of the capitation tax on or before the time mentioned is a prerequisite to qualify the citizen to vote." And again, page 231, "Had Congress intended by the third section of that act to abrogate the election law of the State creating the prerequisite in question, it is quite clear that the second section would have been wholly unnecessary."

Judge Hunt in his dissent, page 247, says: "By the second section of the fourteenth amendment, each State had the power to refuse the right of voting, at its elections, to any class of persons, the only consequence being a reduction of its representation in Congress, etc. * * * This was understood to mean, and did mean, that if any one of the late slave-holding States should desire to exclude all its colored population from the right of voting at the expense of reducing its representation in Congress, it could do so." Judge Hunt quotes the act of Congress, pages 239–240, and quotes from the indictment in this case, which specifically alleged "that by the statute of Kentucky to entitle one to vote in an election in that State the voter must possess certain qualifications recited and have paid a capitation tax assessed by the city of Lexington; that James F. Robinson was the collector of said city entitled to collect said tax; that Garner, in order that he might be entitled to vote, did offer * * * to pay any capitation tax, etc."

There is a recognition after the passage of the fifteenth amendment, by the Department of Justice and the courts, as well as by Congress, of the States' right to make a capitation or poll tax a prerequisite to voting.

In 1884, in the *Ku Klux cases* (110 U. S. 651), after quoting article I, section 2, the Court said: "The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election for Members of Congress, nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State." Later in this decision the Court said: "It is as essential to the successful working of the Government that the great organisms of its executive and legislative branches should be the free choice of the people, as that the original form of it should be."

In 1914, in *Guinn* v. *U. S.* (238 U. S. 347), speaking of the fifteenth amendment, the Court said: "It is true also that the amendment does not change, modify, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals and to the extent that obedience to its command is necessary. Thus the authority over suffrage which the States possess and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both" (p. 362). In stating the Government's contentions, the Court had just previously said: "It (the United States) says State power to provide for suffrage is not disputed, although, of course, the authority of the fifteenth amendment and the limitation on that power which it imposes is insisted upon" (p. 359).

In 1916, in *U. S.* v. *Gradwell* (243 U. S. 476), the Court reviewed the acts of Congress in regulating the conduct of congressional elections, and said of this (p. 483): "It will be seen from this statement of the important features of these enactments that Congress by them committed to Federal officers a very full participation in the process of the election of Congressmen, from the registration of voters to the final certifying of the results, and that the control thus established over such elections was comprehensive and complete."

In 1919, in *Hawke* v. *Smith* (253 U. S. 221), on page 227, the Court said: "A legislature was then (i. e., in 1787) the representative body which made the laws of the people. The term is often used in the Constitution with this evident meaning. Article I, section 2, prescribes the qualifications of electors of Congressmen as 'those requisite for electors of the most numerous branch of the State legislature.'" And on page 228: "There can be no question that the framers of the Constitution clearly understood and carefully used the terms in which that instrument referred to the action of the legislatures of the States. When they intended that direct action by the people should be had, they were no less accurate in the use of apt phraseology to carry out such purpose. The Members of the House of Representatives were required to be chosen by the people of the several States" (art. I, sec. 2).

In 1920, in *Newberry* v. *United States* (256 U. S. 232), on page 249, we read, "We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4." The decision then quotes from Judge Iredell (afterwards of this Court) in the North Carolina Convention of 1788, "* * * the same observation may be made as to the House of Representatives, since as they are to be chosen by the electors of the most numerous branch of each State legislature, if there are no State legislatures, there are no persons to choose the House of Representatives" (p. 249). On page 255, the Court said, "Section 4 was bitterly attacked in the State conventions of 1787–89, because of its alleged possible use to create preferred classes and finally to destroy the State. * * * Mr. Hamilton asserted, 'The truth is that there is no method of securing to the voter the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon another occasion, are defined and fixed in the Constitution and are unalterable by the legislature.' (The Federalist, LX.) The history of the times indicates beyond reasonable doubt that if the Constitution makers had claimed for this section the latitude we are now asked to sanction, it would not have been ratified." (See Story, Constitution, sections 814, et seq.) It is highly noteworthy that the two authorities above cited, Alexander Hamilton and Justice Story, were perhaps, with Chief Justice Marshall, the most prominent proponents of a strong National Government and in no wise equally strong advocates of State sovereignty.

In 1931, in *Smiley* v. *Holm* (285 U. S. 355, p. 366), Chief Justice Hughes (Cardoza took no part): "The subject matter is the times, places, and manner of holding elections for Senators and Representatives. It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short to the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental rights involved. * * * All this is comprised in the subject of times, places, and manner of holding elections and involves lawmaking in its essential features and most important aspect." This case involved the power of the Governor to veto a congressional redistricting act passed by the legislature. There the Court said, "At the time of the adoption of the Federal Constitution it appears that only two States had provided for a veto upon the passage of legislative bills. * * * But the restriction which existed in the case of these States was well known."

In the same year, in the case of *Koenig* v. *Flynn* (285 U. S. 375), the argument of Henry Epstein, late candidate for attorney general and his brief, cosigned by John J. Bennett, contained authorities to sustain their contention that fixing the boundaries of congressional districts "calls for the exercise of the lawmaking function." And the brief for James A. Farley, filed by Robert F. Wagner and John J. O'Connor, argued that "the phrase 'prescribed in each State by the legislature thereof' means legislation in each State by whomsoever each State has determined to be its lawmaking power."

It is true that the question of "qualifications" is not raised in these cases, but the language of the United States Constitution which gives the Congress the power to "make or alter such regulations" is specifically explained in *Smiley* v. *Holm*, which is given as the basis for the Supreme Court's decision in the Koenig case. It is to be noted that not only are "qualifications" for voters distinguished from "the times, places, and manner of holding elections," but these latter provisions are in section 4 while the former are in the first clause of section 2 and are part of the same sentence that creates the "House of Representatives."

Chapter VIII

This brings us to the case of *United States* v. *Classic* (313 U. S. 299), which has been declared by the United States Senator first referred to as an authority for his position. An examination of the facts on which this case was founded refutes any contention that it even suggests an interference with the right of the States to fix qualifications for voters. Mr. Justice Stone, now Chief Justice, states that "The questions for decision are whether the right of qualified voters 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" (p. 307). On page 308, "The charge * * * was that the appellees conspired * * * to injure and oppress citizens in the full 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 elections to have their ballots counted as cast for the candidate of their choice." It is obvious that the "qualifications of voters" was not an issue in this case, but the voters involved were unquestioned "qualified voters," and the question was fraud in "holding" a primary election.

On the other hand, in the Classic case, the Court said, "That the free choice by the people of representatives of Congress subject only to the restrictions to be found in §§ 2 and 4 of article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted" (p. 316). Again, the Court said, "As we have said, a dominant purpose of section 2 so far as the selection

of representatives in Congress is concerned, was to secure to the people the right to choose representatives by the designated electors, that is to say, by some form of election." The restrictions, of course, are those imposed by the phrase, "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature," and "the designated electors" are the electors designated in the same phrase.

We may add that as far back as the Fourteenth Congress (1815–17) in the case of *Potterfield* v. *McCoy* (C. and H. 267, 270), where there had been an agreement between the two candidates as to the classes of voters that were to be admitted, the committee to whom the contest was referred, held that the agreement of parties could not enlarge or diminish the rights of voters and decided the votes to be legal or illegal according to the Virginia law and the House adopted the report of the committee.

Chapter IX

The other question raised was as to the right of Congress to fix qualifications for voters in State or local elections. This matter should be set at rest by the authorities heretofore cited, but the exact matter has been dealt with in a definite manner. First, there is nothing anywhere in the Constitution itself fixing the qualifications for voters in State elections; second, in three places we find provisions in the Constitution that leave to the State or its governmental agencies the determination of the electorate:

(a) Article I, section 2, "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature," to vote for Representative;

(b) Article I, section 3, clause 1, "The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for 6 years, and each Senator shall have one vote."

(c) "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, etc.," to vote for President and Vice President.

(d) The first and third cited provisions have never been changed.

Article I, section 3, clause 1, has been changed by the seventeenth amendment and made to conform to article I, section 2, clause 1, by making the same qualifications, to wit: "Electors of the most numerous branch of the State legislatures," the electors of United States Senators.

In *Hawke* v. *Smith* (253 U. S. 221), the Court said, page 227, "It is not the function of courts or legislative bodies, national or State, to alter the methods which the Constitution has fixed."

In *United States* v. *Cruikshank* (92 U. S. 542), page 556: "The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination 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." This decision was rendered by Chief Justice Waite in 1876.

The same Court at the same term, the same Justice speaking, in *United States* v. *Reese* (92 U. S. 214), on page 218, said, "The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment." These decisions were rendered during the days when factions pressed hard for legislation and adjudication that would make the Congress supreme and give it full jurisdiction over the situation in the South, and the above two cases arose in Louisiana and Kentucky, respectively.

In *McPherson* v. *Blocker* (146 U. S. 1), decided in October 1892, the Court considered a Michigan statute requiring electors for President to be elected by districts instead of the State at large, and held it valid. In the course of its decision, the Court said, "The right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State." These comprehensive words, "the right to vote," necessarily preclude intervention by Congress and conclude all discussion, so that views contrary to the Supreme Court's continual rulings as to State elections cannot be treated as resting upon logic or law.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the voting laws of South Carolina recently enacted.

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

No. 737

An act to amend sections 2358 and 2406, Code of Laws of South Carolina, 1932, so as to further provide for the enrollment and voting of persons serving in the armed forces of the United States or employed in Government-operated defense establishments or reservations

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2358, 1932 Code, amended—enrollment and voting of persons in armed forces of United States or employed in defense activities: That section 2358, Code of Laws of South Carolina, 1932, be, and the same is hereby, amended by adding the following proviso at the end of said section:

"*Provided, further,* That in case of the declaration of war, all persons serving in the armed forces of the United States of America or employed in Government-operated defense establishments or reservations wherever located, and qualified to vote shall be entitled to enroll or be enrolled and vote at their precinct, and provision for same shall also be made by the State committee and the secretary of each club shall have full power to enroll said voters without the signing of the enrollment books by said voters upon the secretary receiving information satisfactory to him that said voters are qualified hereunder but provided further that this amendment shall apply only until 1 year after peace is declared," so that said section when so amended shall read as follows:

"SEC. 2358. In cities of over 10,000 inhabitants, one or more clubs shall be organized in each of the wards. Each ward shall be a club district unless subdivided by county committee. And the county committee of each county in which such city is located may permit voters residing in the county outside of such city to belong to a club located in such city, and to vote therein in the club nearest to their respective residences calculated by the most practicable and convenient route. In cities or towns of less than 10,000 inhabitants the county committee may authorize the consolidation of two or more wards to form a club district, and where townships are embraced in part in such cities or towns, the county committee may permit the voters residing in such townships to belong to a club located in such town or city and to vote in such town or city in the club nearest to their respective residences calculated by the nearest practicable route: *Provided,* No person shall be enrolled or vote out of the county in which he resides. In cities or towns which are not divided into wards the county committee may designate the extent of the club district. *Provided,* That in the city of Sumter one or more clubs may be organized in each ward thereof, and the executive committes of any political party may provide for as many voting precincts in the wards of said city as in their judgment may be necessary.

"In all other cases the voter must enroll in the club nearest his place of residence, calculated by the nearest practicable route, regardless of township lines, and can only vote at the voting place of such club, and the territory included by this test shall be considered the club district of such club: *Provided,* That the county executive committee may define the club by metes and bounds, in which case the voters must vote at the club for said district.

"No person shall be enrolled to any club or take part in any club meeting or vote in any primary or be elected a delegate to the county convention, except in the club district in which he resides.

"There shall be in no case more than 1 voting place for each club. No club shall have less than 25 members: *Provided, however,* That any county committee may permit the organization of a club of less than 25 members at inaccessible points where there are less than 25 voters.

"No person shall vote except at the voting place authorized by the county committee for the club to which he belongs: *Provided,* That if he remove from a club district within 60 days prior to the first primary he may vote (in the year in which he removed) in the club district in which he previously resided: *Provided further,* That he must have enrolled before the closing of the club list.

"Federal, State, and county officers temporarily residing at or near the capital or county seat may retain their membership and voting rights in their former home clubs if they so desire.

"In case of mobilization of the National Guard of this State, the State committee shall provide for the enrollment and voting of all members of the National Guard qualified to vote. *Provided further,* That in case of the declaration of war, all persons serving in the armed forces of the United States of America or employed in Government-operated defense establishments or reservations wherever located, and qualified to vote shall be entitled to enroll or be enrolled and vote at their precinct and provision for same shall also be made by the State committee and the secretary of each club shall have full power to enroll said voters without the signing of the enrollment books by said voters upon the secretary receiving information satisfactory to him that said voters are qualified hereunder but provided further that this amendment shall apply only until 1 year after peace is declared."

SEC. 2. Section 2406, 1932 Code, amended—Persons in military service or employed in Government-operated defense activities vote by absentee ballot: That section 2406, Code of Laws of the State of South Carolina, 1932, be and the same is hereby amended by inserting after the word "sickness" and before the word "from" on line 2 of said section, the following "or on account of service in the military forces of the United States of America, or on account of employment in Government-operated defense establishments or reservations."

Amend further by inserting, after the word "sickness" and before the word "cannot", on line 2 of said section, the following: "or military service or employment in Government-operated defense establishments or reservations", so that said section when so amended shall read as follows:

"SEC. 2406. Any person being a qualified voter of this State when absent on account of sickness or on account of service in the military forces of the United States of America or on account of employment in Government-operated defense establishments or reservations from his voting precinct, or who on account of sickness or military service or employment in Government-operated defense establishments or reservations cannot go in person to his or her voting precinct during any primary election may vote as hereinafter provided for."

SEC. 3. Repeal: All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 4. Time effective: This act shall take effect immediately upon the approval of the Governor.

No. 245

An act to provide manner, procedure, qualification for registration and voting in primary elections in cities with a population of not more than 6,500 and not less than 6,000 according to the official United States census

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Municipal primaries, counties with city of 6,000 to 6,500—enrollment: In counties containing a city or not less than 6,000 inhabitants, nor more than 6,500 inhabitants, according to the 1940 Federal Census, the following provisions shall obtain for all municipal primaries:

Each applicant for enrollment shall, in person, write upon the club roll his full name and immediately thereafter, his age, occupation, and post-office address, and, if in a city or town, shall write the name of the street and the number of the house in which he resides, if such designation exists in said city or town. In the event of the inability of the applicant to write, he may make his mark upon the roll, which shall be witnessed by the secretary or other person then having the custody thereof, who shall fill in the other requirements.

SEC. 2. Enrollment books: The municipal committees shall furnish to the secretaries suitable books for such enrollment. The enrollment books shall be kept in the custody of the secretaries of the respective clubs, at such places as shall be designated by the municipal executive committee. The enrollment books shall be opened to inspection by any member of the party.

SEC. 3. Enrollment oath: Each voter applying for enrollment on any club roll shall take oath that he is duly qualified to vote in said election.

SEC. 4. Penalties: Every person enrolling himself who is not entitled to be enrolled, or who shall violate any of the provisions hereof, shall be deemed guilty of perjury, and the production of the books of enrollment, showing the enrollment of any such person, shall be prima facie evidence that the person so enrolled has acted in violation of the provisions of law.

SEC. 5. Official club roll: When said rolls have been revised and corrected by the said municipal committee, they shall be certified to, and shall thereupon become official club rolls.

SEC. 6. Managers—duties as to enrollment books and boxes: The original enrollment books shall be delivered to the managers of the primary elections by the municipal executive committee the day before the opening of the polls located in cities, and not more than 3 days before the opening of the polls. The managers of the primary elections shall return said enrollment books to the chairman of the municipal executive committee immediately after the counting of the vote, along with the boxes.

SEC. 7. Booths: There shall be provided at each polling precinct one booth for each 100 enrolled voters. The booths shall be made of wood, sheet metal, or any other suitable substance, shall not be less than 32 inches wide and 32 inches deep, and 6 feet 6 inches high; shall be provided with a curtain, hanging from the top in front to within 3 feet of the floor, and shall have a suitable shelf on which the voter can prepare his ticket.

SEC. 8. Table for managers: The polling places shall be provided with a table for the managers.

SEC. 9. Ballots, contents, numbers, amount: The tickets shall have a coupon at the top, perforated, so as to be easily detached. On the coupon shall be printed, "Official Ballot." "Club_____, Ward_____, No_____." The numbers shall run serially for each club. There shall be 50 percent more ballots than there are voters enrolled at each polling place.

SEC. 10. Ballots—duties of managers as to voting—second: The managers shall be responsible for all ballots furnished. When a voter presents himself he shall be given a ballot, provided he is a native citizen of the United States, or if he is a naturalized citizen he must show his naturalization papers before the managers shall give him a ballot. The manager in charge of the poll list shall enter the number of the ballot next the name of the voter. The voter shall forthwith retire alone to one of the booths and, without undue delay, prepare his ballot by scratching out the names of the candidates for whom he does not care to vote. After preparing his ballot the voters shall present himself to the managers. His ballot must be folded in such a way that the number can be seen and the coupon can be readily detached by the manager without in any way revealing the printed portion of the ballot. If the voter is not challenged, and takes the prescribed oath, the manager shall tear off the coupon, put it on file and the voter shall deposit the ticket in the box. If a voter shall mar or deface his ballot he may obtain one additional ballot, upon returning to the manager in charge of the ballots the ballot so marred or defaced, with the coupon attached. The manager in charge of the poll list shall change the number of the ballot on his poll list and place the defaced ballot on file. No voter shall be given a second ballot until he has returned the first one, with coupon attached.

SEC. 11. Persons assist in voting: No person shall be allowed within the booth except as hereinafter provided. If a voter cannot read or write, or is physically disabled, and by reason thereof did not sign the enrollment book, he may appeal to the managers for assistance, and the chairman of the managers may appoint two of the watchers representing different factions to assist him in preparing his ballot.

SEC. 12. Persons admitted to polling places and canvass of vote: From the time of the opening of the poll until the announcement of the result, the signing of the official returns, no person shall be admitted to the polling place except the managers, duly authorized watchers, and challengers, the chairman of the executive committee or member of the executive committee appointed in his stead to supervise this polling place, persons duly admitted for the purpose of voting, police officers admitted by the managers to preserve order or enforce the law: *Provided, however,* That candidates for public office voted for at such polling place may be present at the canvass of the votes.

SEC. 13. Interference with managers—obstruction of voting: If the watchers or officers of the law who are admitted to the polling place by the managers shall interfere with the managers of obstruct the voting, it shall be the duty of the managers to suspend the election until order is restored, or as may be provided by the rules of the party.

SEC. 14. Returns: Upon the close of the election, managers shall account to the executive committee for all ballots delivered to them, and make the following returns: (a) The number of official ballots furnished to each polling precinct; (b) the number of official ballots spoiled and returned by voters; (c) the number of official ballots returned to the executive committee; (d) the number of official ballots actually voted.

SEC. 15. Party rules: Except as herein provided, the primary election shall be conducted in accordance with the party rules.

SEC. 16. Penalties—oath: Any person violating the provisions of this article other than swearing falsely, shall be guilty of a misdemeanor and fined not over $500, or imprisoned not over 6 months, or both at the discretion of the court. Any person swearing falsely in any of the matters pertaining to primary elections shall be guilty of perjury, and punished as now provided by law for perjury. The officers and managers of all clubs, and members of the State and county executive committees of political parties, organizations, or associations, are hereby authorized to administer oaths in all matters relating to such primary elections, and to swear falsely before any of them, touching such matters, shall be perjury. The said managers shall be sworn to conduct the election fairly and legally, and each voter shall be sworn as to his right to vote and that he has not voted before at said election.

SEC. 17. Board of commissioners of election—appointment—term—removal—vacancy—compensation—powers—city executive committees: The board of commissioners of election in any city in which the provisions of this article are applicable shall consist of three members, who shall be recommended by the city executive committees of organized political parties participating in the primary elections from among the registered electors qualified to vote in said city. Upon such recommendation the names of such persons so recommended shall be certified by the committee or committees to the Governor of the State, who shall thereupon appoint the same to serve as the board of election commissioners for said city for the term of 2 years, and until their successors are appointed and have qualified, unless sooner removed by the Governor for cause, and any vacancy occurring on the commission shall be filled as herein provided: *Provided,* The term of office of the members of the board of commissioners in such city now provided for by law shall continue for the term of their appointment but no longer. The compensation of said commissioners shall be $40 a year each, to be paid quarterly by the city treasurer. Said commissioners shall take the oath of office as prescribed by section 26, article 3 of the constitution, and shall organize as a board by appointing one of their number chairman of the board, and such chairman shall be empowered to administer oaths. City executive committees hereinabove mentioned shall be made up of delegates from ward or precinct clubs or organized political parties and shall function under rules promulgated by such parties.

SEC. 18. Party primary nominate candidates for mayor or councilman—how conduct—time—persons's vote—voter's oath—candidates—ballots—votes necessary elect—second primary: There shall be no party primary nominations of any person as a candidate for mayor or councilman, unless said party primary election be conducted and the qualifications for suffrage therein to be enforced as herein provided. The primary election of any party for nominating mayor and councilman shall be held on the fourth Tuesday preceding the municipal election, and shall be conducted by the duly appointed board of commissioners of elections and board of managers of elections for the said municipal election, who shall be paid for the holding of said municipal election, and shall conduct the primary elections at the same places and in the same manner and with the enforcement of the same requirements for suffrage as are hereinafter set forth, having a separate box for each organized political party in said city, and for any violation of the law governing the same shall be subject to the same punishment as any violation of the law governing other elections: *Provided, however,* That no person shall be allowed to vote in any party primary election unless he or she be a member of said party, and shall subscribe to the following oath: "I do solemnly swear that I am a member of this club district, that I am a member of _____ party, duly qualified to vote at this election, and that I have not voted before at this election": *Provided further,* That no primary election shall be held for any political party unless the chief officer or officers in its city organization shall notify the chairman of the board of commissioners of elections for the municipal election at least 5 days before the time for the holding of the party primary election, and at such primary election three

members of such political party, duly appointed for the purpose by the proper officers of the party, shall have the right to be present at each polling precinct and advise the managers if any person offering to vote in said party primary be not a member of said party and file protest as ground for legal contest in case such person be allowed to vote by the legal managers. No ballot cast in said primary election shall be counted for any person who shall not have filed with the chairman of the board of commissioners of elections the pledge as to corrupt practices and an itemized statement as to expenditures, as provided in an act making certain offenses in primary elections, misdemeanors and prescribing penalties therefor, approved March 6, 1908, volume XXIV, in the statutes at page 949. All candidates in the primary election classed according to their party affiliation, to be published in a daily newspaper of the city from the time that they have become qualified as candidates up to and including the day of the primary election, and the said board shall provide the printed ballots to be used in the said party primary elections, the names of candidates for mayor and, also separately, the names of candidates for councilmen, arranged alphabetically, the ballots in each case to bear the words, "Vote for (the number to be elected)." The candidates receiving the largest majority vote shall be declared elected. In case a primary election does not result in a majority and a larger vote for the number of persons to be elected in the regular municipal election, a second primary shall be had on the seventh day after the first primary in which second primary the ballots shall contain for each position for which choice is to be made, the names of two persons; those receiving the highest vote at the preceding primary election.

SEC. 19. Books of enrollment—enrollment of persons—correct—certify—use—persons vote—lost: Books of enrollment for voting in the primary elections provided herein shall be caused to be opened by the board of commissioners of elections and board of managers of elections for the said municipal primary election in each ward of such city at least 60 days before the first municipal primary election. Notice thereof shall be given by the chairman of the board of commissioners of election and such other information with regard thereto as the chairman of said board may desire to give. Each applicant for enrollment shall, in person, write upon the roll his full name and immediately thereafter, his or her age, occupation, street and number of the house in which he or she resides. If the name be illegible, the one in charge of said enrollment book shall write his or her name beneath the signature of the applicant. In the event of the inability of the applicant to write, he or she may make his or her mark upon the roll, which shall be witnessed by the party who is in charge of said enrollment book, and such person so in charge of the enrollment book shall fill in the other requirements. Upon so registering, each enrolled applicant shall then be entitled to vote. The enrollment book shall be open to inspection by any member of the party. Thirty days before which any municipal primary election is to be held, the books shall close; and within 3 days thereafter, the chairman of said board shall forthwith cause to be made and shall certify a copy thereof and file the same with the clerk of the city for public inspection at all times. At least 10 days before the first primary, the board of commissioners of elections shall meet after 3 days' published notice in a newspaper of general circulation in the city of time and place of meeting and examine the rolls. Any person may complain of errors therein; and the said board of commissioners of elections, after hearing complaints, shall in a fair and impartial manner correct and purge the rolls, striking off the names of all persons not residing in the ward or voting precinct for which each roll was made up, or otherwise improperly enrolled, and adding any names improperly omitted: *Provided*, No name shall be striken from any roll without 3 days' notice by mail to the address appearing on the roll to the person whose name is proposed to be dropped. When said rolls have been revised and corrected by the said board of commissioners of elections, they shall be certified, to and shall thereupon become the official rolls, and no names shall be added thereafter, except by the order of a judge of a court of record. Upon the completion of said revision, the chairman of said board shall immediately file in the office of the clerk of said city a list duly certified by him of all names added or dropped from said roll, with age, place or residence, and occupation, which list shall be preserved by the clerk along with the duplicate of roll on file in his office, any person may there inspect said roll and list of corrections at all times. The original roll shall be delivered to the managers of the primary election by the board of commissioners of elections before the day for the opening of the polls; and no person shall be allowed to vote at said election whose name does not appear on said original roll as herein required. The managers of election shall return said rolls to the chairman of the board of commissioners of elections immediately after the counting of the votes and the declaration of the result, or as soon thereafter as practicable: *Provided*, If the original roll be lost or misplaced, a copy of the duplicate as corrected by the board of commissioners of elections and filed in the clerk's office, such copy to be certified to by him shall be used in the place of the original.

SEC. 20. Qualifications for party membership—tax receipt not necessary enroll vote in primary: The qualifications for membership of such party, organization, or association in this State, and for voting at the primary shall be as follows, viz: The applicant for membership, or voter, shall be 21 years of age, or shall become so before the succeeding general election. He shall be a citizen of the United States and of this State. No person shall belong to any club or vote in any primary unless he has resided in the State 2 years and in the county 6 months prior to the succeeding general election and in the club district 60 days prior to the first primary following his offer to enroll: *Provided*, That public-school teachers and ministers of the gospel in charge of a regular organized church and Federal employees from this State shall be exempt from the provisions of this section as to resident, if otherwise qualified: *Provided*, That the State convention of any political party, organization, or association in this State shall have the power and authority to add to or to limit the qualifications for membership in such party, organization, or association, and for voting at the primary elections thereof, if such qualifications so added or limited do not conflict with the provisions herein as to the age and residence of members and voters: *Provided*, No person shall be required to have any poll-tax receipt nor any other form of tax receipt in order to be eligible to enroll to vote in said primary. He shall only be required to enroll as hereinabove set forth.

SEC. 21. Repeal: All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 22. Time effective: This act shall take effect upon its approval by the Governor.

No. 246

An act to provide for the issuance of absentee ballots in the municipal primaries in towns having a population between 6,000 and 6,500

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Issue absentee ballots to persons absent or unable to vote in person on account of sickness in municipal primaries, cities of 6,000 to 6,500: The election commissioners of any municipal primary in towns and cities of a population of not less than 6,000 nor more than 6,500 inhabitants according to the 1940 Federal census are hereby empowered, authorized, and directed to issue absentee ballots to any person being a qualified voter when absent, or who on account of sickness cannot go in person to his or her voting precinct during any primary election, in conformity with the provisions of this act as hereinafter provided for.

SEC. 2. Application for ballot: He shall make application in writing for a ballot to the committee on enrollment or club secretary, of his precinct, not less than 5 days nor more than 60 days prior to the primary in which he desires to vote, if he be within the confines of the United States. The application must be handed to the enrollment committee or club secretary and the applicant shall deposit the necessary postage or the correct amount in legal tender, necessary for registering the ballot, and full directions for mailing the same. But the failure to deposit necessary postage shall not render void a vote otherwise legally cast.

SEC. 3. Delivery of ballot and instructions: The committee on enrollment or club secretary shall, upon receipt of the application for ballot, if the applicant is duly registered in that precinct, enroll the name and address of the applicant on a list to be kept by them for that purpose and deliver to the applicant in person, or forward to the applicant, by registered mail the following: (a) An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of postmaster" (or other person mentioned in section 6); (b) An envelope for resealing the marked ballot, on which is printed the "voucher," form of which is hereinafter provided; (c) a properly addressed envelope for the return of said ballot; (d) a printed slip giving full instructions regarding the manner of marking the ballot, in order that the same may be counted, and how prepared and returned; (c) a "coupon," the form of which is hereinafter given.

"The voucher" called for in section 3 and printed on the envelope in which the ballot is to be sealed up after the same has been marked shall be in the following form: Voucher, This is to certify that the enclosed ballot was received by me as per my application to the committee on enrollment or club secretary of _____ precinct, _____ County (or city), S. C. The envelope marked "ballot within" was opened by me in the presence of _____ postmaster (or other person mentioned in section 6), of _____ marked while in his presence and office without assistance or knowledge on the part of anyone as to the manner in which same was prepared, and then and there sealed as provided by law. I further certify that I have not voted elsewhere in this election, and agree to support the nominee of the party.

(Signed) _____ _____.

Attest _____ _____,
Postmaster.

(Or other person designated in sec. 6).

SEC. 5. Form of coupon: The coupon called for in section 3 shall be in the following form: Coupon. Name (given by voter) _____, color _____, height _____, age (given by voter) _____, color of hair _____, color of eyes _____, weight (esti-

mated) _____, birthplace (given by voter) _____, State and precinct where voter claims to have last voted _____.

To the best of my knowledge, the above information is correct and the applicant has complied with the requirements of the law as above provided. I have no knowledge whatever of the marking, erasure, or intent of the ballot enclosed.

Signed _____ _____, *Postmaster.*
(Or other person mentioned in sec. 6.)

SEC. 6. Marking and mailing of ballot: Upon the receipt of the registered letter, forwarded by the committee on enrollment or club secretary, the voter shall not open the sealed envelope, marked "ballot within," except in the presence of the postmaster, or his assistant, postal clerk, or rural letter carrier, or anyone authorized to administer oaths, and shall then and there mark and refold the ballot without assistance and without making known the manner of marking same. He shall then and there place the ballot in the envelope provided for the same, seal the same, and fill in and sign the voucher printed on the back of the envelope, in the presence of the postmaster or other person hereinabove provided, who shall witness the same in writing. The envelope, together with the coupon, which must be filled out and signed by the postmaster, or other person as herein provided, shall be enclosed within the envelope, directed to the committee on enrollment or club secretary, which shall then and there be sealed, registered, and mailed to the committee on enrollment or club secretary.

SEC. 7. Receipt and custody of ballot from voter: Upon the receipt of the ballot from the voter, the enrollment committee or club secretary shall, on the list kept of them, write in ink "received ballot on _____ date," and shall file the coupon enclosed with the sealed ballot with the letter of application and deposit the envelope containing the ballot unopened, in a sealed box to be provided for the purpose, and there it shall remain until the day of election.

SEC. 8. Delivery of ballots to managers: On the day of election the enrollment committee or club secretary shall deliver the box containing the sealed ballot, together with application and other accompanying coupon enclosed in the envelope, to the managers of election at his precinct, taking their receipt therefor.

SEC. 9. Counting of ballots: At the close of the balloting the box shall be opened by the managers of election and the ballot therein be counted along with the other ballots, the same being kept on a separate list, and the name of the voter entered by the clerk on the poll list.

SEC. 10. Construction—decisions of enrollment committee or club secretary as to person's vote by mail final: The provisions of this rule shall be liberally construed in favor of the absent voter, and the decisions of the enrollment committee or club secretary as to the necessity of any particular voter being allowed to vote by mail shall be final.

SEC. 11. Time effective: This act shall take effect upon its approval by the Governor.

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. BARKLEY. Mr. President, under the rules it is impossible to move to lay the pending motion aside. The only motion which can be made which will have that effect will be a motion to take up some other measure. In view of the vote which has just been recorded, and in view of the understanding I had before the vote was taken that if we could not bring about the closing of debate it would be futile to pursue the proposed legislation further during this session, I shall ask unanimous consent that the bill be laid aside and returned to the calendar and that the Senate proceed to consider measures on the calendar to which there is no objection, beginning with Calendar No. 1681, House bill 4971.

The PRESIDING OFFICER (Mr. LUCAS in the chair) Is there objection to the request made by the Senator from Kentucky [Mr. BARKLEY] that the Senate proceed to consider measures on the calendar to which there is no objection, starting with Calendar No. 1681? The Chair hears none, and it is so ordered.

RESOLUTION OF BROOKLINE (MASS.) TAXPAYERS' ASSOCIATION—NONESSENTIAL FEDERAL ACTIVITIES AND EXPENDITURES

Mr. LODGE presented a resolution adopted by the annual meeting of the Brookline Taxpayers' Association, Brookline, Mass., favoring the elimination of all nonessential activities of the Federal Government and endorsing the activities of the Joint Committee on Reduction of Nonessential Federal Expenditures in its endeavor to eliminate needless expenditures, which was referred to the Committee on Finance.

REPORT OF THE COMMITTEE ON THE JUDICIARY

The following report of the Committee on the Judiciary, was submitted:

By Mr. DANAHER:

H. R. 7151. A bill to amend the First War Powers Act, 1941, by extending the authority to censor communications to include communications between the continental United States and any Territory or possession of the United States, or between any Territory or possession, and any other Territory or possession; with amendments (Rept. No. 1705).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Mr. DAVIS, by unanimous consent, submitted the following resolution (S. Res. 316), which was referred to the Committee on Rules:

Whereas present conditions effectively demonstrate the need for closer supervision by the Congress over fiscal practices of the Government; and

Whereas the Committee on Expenditures in the Executive Departments, which was established on April 18, 1921, is a standing committee of the Senate; and

Whereas such committee, as its name implies, was created for the purpose of examining the accounts and expenditures of the several departments of the Government; and

Whereas the membership of such committee is not sufficiently large to enable it properly to exercise such functions: Therefore be it

Resolved, That the Committee on Expenditures in the Executive Departments shall hereafter be composed of 21 Senators.

SIMPLIFICATION AND CURTAILMENT OF GOVERNMENTAL QUESTIONNAIRES

Mr. VANDENBERG. Mr. President, I ask unanimous consent to submit a concurrent resolution on behalf of the Senator from Virginia [Mr. BYRD] and myself, and ask that it be referred to the so-called Byrd committee. I ask further that a statement which I have prepared respecting the concurrent resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, the concurrent resolution will be received and referred to the Joint Committee on Reduction of Nonessential Federal Expenditures, and the statement presented by the Senator from Michigan will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 38) was referred to the Committee on Reduction of Nonessential Federal Expenditures, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Reduction of Nonessential Federal Expenditures be directed to investigate the existing methods of all departments and bureaus in respect to the manner and form of questionnaires, reports, and all other methods of inquiry to which citizens and/or corporations are required to respond in connection with all phases of the war effort; and

Resolved further, That the committee be directed to report any legislative recommendations which would either eliminate or simplify or concentrate these processes to the end that citizens and/or corporations shall be relieved of any needless irritation, labor, or expense in this connection and that the war effort shall be relieved of any needless obstacles or complications and that the Federal pay rolls shall be relieved of any needless personnel.

The statement presented by Mr. VANDENBERG in connection with the resolution is as follows:

Jointly with Senator BYRD, I shall introduce a concurrent resolution in the Senate at the first available moment which I hope may produce a great simplification in the vast amount of so-called paper work which national-defense regimentation now involves. The number and extent of intricate questionnaires and reports now required of American business in countless multiplying directions is one of the greatest burdens suffered by American business. It often hampers the war effort by diverting energies that should be more productively applied. It often involves a wealth of inquisitive detail which would seem frequently to have far less to do with the war effort than with the ultimate nationalization of the American system of free enterprise. Certainly it must involve the maintenance of tremendous Government pay rolls if any sort of ultimate attention is given to the results of these inquisitions. Every possible effort should be made to reduce this process to an essential minimum. This is equally true of rationing questionnaires which our people as a whole must confront, and which will be needlessly unpopular in proportion as they are needlessly complicated or needlessly irritating. Business and citizenship want to cooperate wholeheartedly with Government in this crisis. Their cooperation should be made as simple as possible—not as difficult and perplexing as possible. A little more of faith in them and a little less of strait jacket would, in my humble opinion, produce better results. If the splendid Byrd committee were to call for a total exhibit of all the questionnaires and all the demands for reports and

all the rules and regulations which have converged upon American business and upon the American people in a period of 3 months, I venture to say the result would be too appalling for even Government itself longer to tolerate. We cannot escape large and far-reaching Government controls in this hour of crisis. I am not speaking against them. I am speaking for their greater success and their greater popularity through their greater simplification.

BILL INTRODUCED

Mr. WALLGREN (for himself and Mr. BONE) introduced a bill (S. 2904) to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute any additional authority related to the settlement and development of the project, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation and Reclamation.

APPOINTMENT OF SONS OF CERTAIN SOLDIERS, ETC., TO MILITARY AND NAVAL ACADEMIES

The PRESIDING OFFICER (Mr. LUCAS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 658) 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, which were, to strike out all after the enacting clause and insert:

That the second paragraph of the act of June 8, 1926, entitled "An act to establish a department of economics, government, and history at the United States Military Academy, at West Point, N. Y., and to amend chapter 174 of the Act of Congress of April 19, 1910, entitled 'An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes'" (44 Stat. 704), be, and the same is hereby, amended to read as follows:

"That the number of cadets now authorized by law at the United States Military Academy, and the number of midshipmen now authorized by law at the United States Naval Academy, are each hereby increased by 40 from the United States at large, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States, including members of the Army Nurse Corps (female) and the Navy Nurse Corps (female) employed in the active services by the War Department or Navy Department, who were killed in action or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during the World War (as defined by existing laws providing service-connected compensation benefits for World War veterans and their dependents): *Provided*, That the determination of the Veterans' Administration as to service connection of the cause of death shall be final and conclusive and shall be binding upon the Secretary of War and Secretary of the Navy, respectively."

Amend the title so as to read: "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 active service, during the World War."

Mr. RUSSELL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, a similar bill, the bill (H. R. 2794) 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 service, during the World War, will be indefinitely postponed.

CIVILIAN WAR BENEFITS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2412) to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes, which were, on page 2, line 4, to strike out "herein"; on page 3, to strike out all after line 21 over to and including "occurs", in line 22, page 4, and insert:

purposes of this subsection as totally disabled, and the same benefits as are provided for such disability under this title shall be credited to his account and be payable to him for the period of such absence or until his death is in fact established or can be legally presumed to have occurred: *Provided*, That if such person has dependents residing in the United States or its Territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and the Philippine Islands), the Commission during the period of such absence may disburse a part of such compensation, accruing for such total disability, to such dependents, which shall be equal to the monthly benefits otherwise payable for death under this title, and the balance of such compensation for total disability shall accrue and be payable to such person upon his return from such absence. Any payment made pursuant to this subsection shall not in any case be included in computing the maximum aggregate or total compensation payable for disability or death, as provided in section 102 (a): *Provided further*, That no such payment to such person or his dependent, on account of such absence, shall be made during any period such person or dependent, respectively, has received or may be entitled to receive, any other payment from the United States, either directly or indirectly, because of such absence, unless such person or dependent refunds or renounces such other benefit or payment for the period claimed.

Benefits found to be due under this subsection shall be paid from the compensation fund established pursuant to section 35 of such act of September 7, 1916, as amended: *Provided*, That the determination of dependents, dependency, and amounts of payments to dependents shall be made in the manner specified in such act: *Provided further*, That claim for such detention benefits shall be filed in accordance with and subject to the limitation provisions of such act, as modified by section 106 (c) of this act: *And provided further*, That except in cases of fraud or willful misrepresentation, the Commission may waive recovery of money erroneously paid under this subdivision whenever it finds that such recovery would be impracticable or would cause hardship to the beneficiary affected.

On page 7, line 1, after "his" where it occurs the first time to insert "injury or death resulting from injury occurs or his"; on page 7, line 7, to strike out "301" and insert "101"; on page 19, after line 17, to insert:

(4) under a contract entered into with the United States or any executive department, independent establishment, or agency thereof (including any corporate instrumentality of the United States), or any subcontract, or subordinate contract with respect to such contract, where such contract is to be performed outside the continental United States and at places not within the areas described in subparagraphs (1), (2), and (3) of this subdivision, for the purpose of engaging in public work, and every such contract shall contain provisions requiring that the contractor (and subcontractor or subordinate contractor with respect to such contract) (1) shall, before commencing performance of such contract, provide for securing to or on behalf of employees engaged in such public work under such contract the payment of compensation and other benefits under the provisions of this act, and (2) shall maintain in full force and effect during the term of such contract, subcontract, or subordinate contract, or while employees are engaged in work performed thereunder, the said security for the payment of such compensation and benefits, but nothing in this paragraph shall be construed to apply to any employee of such contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract:

On page 20, line 5, to strike out "project." and insert "project."; on page 20, after line 5, to insert:

(c) The liability of an employer, contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) under this act shall be exclusive and in place of all other liability of such employer, contractor, subcontractor, or subordinate contractor to his employees (and their dependents) coming within the purview of this act, under the workmen's compensation law of any State, Territory, or other jurisdiction, irrespective of the place where the contract of hire of any such employee may have been made or entered into.

(d) As used in this section, the term "contractor" means any individual, partnership, corporation, or association, and includes any trustee, receiver, assignee, successor, or personal representative thereof, and the rights, obligations, liability, and duties of the employer under such Longshoremen's and Harbor Workers' Compensation Act shall be applicable to such contractor.

(e) The liability under this act of a contractor, subcontractor, or subordinate contractor engaged in public work under subparagraphs (3) and (4), subdivision (a) of this section, and the conditions set forth therein, shall become applicable to contracts and subcontracts heretofore entered into but not completed at the time of the approval of this act, and contracting officers of the United States are authorized to make such modifications and amendments of existing contracts as may be necessary to bring such contracts into conformity with the provisions of this act. No right shall arise in any employee or his dependent under subparagraphs (3) and (4), subdivision (a) of this section, prior to 2 months after the approval of this act. Upon the recommendation of the head of any department, or other agency of the United States, the United States

Employees' Compensation Commission, in the exercise of its discretion; may waive the application of the provisions of subparagraphs (3) or (4), subdivision (a) of this section, with respect to any contract, subcontract, or subordinate contract, work location under such contracts, or classification of employees.

Mr. PEPPER. Mr. President, pursuant to advice from the War Department and other departments which have examined the amendments, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ADDRESS BY SENATOR THOMAS OF UTAH ON "THANKS TO RUSSIA MONTH" INAUGURATION PROGRAM

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah on the "Thanks to Russia Month" inauguration program, New York City, November 19, 1942, which appears in the Appendix.]

RECAPPING OF RUBBER TIRES—ADDRESS BY SENATOR ELLENDER

[Mr. STEWART asked and obtained leave to have printed in the RECORD a radio address on the subject of recapping rubber tires delivered by Senator ELLENDER on November 17, 1942, which appears in the Appendix.]

FREIGHT RATE ADJUSTMENTS—STATEMENT BY GOVERNOR ADKINS, OF ARKANSAS

[Mr. SPENCER asked and obtained leave to have printed in the RECORD a statement by Hon. Homer M. Adkins, Governor of Arkansas, before the Interstate Commerce Commission at Columbus, Ohio, on November 18, 1942, which appears in the Appendix.]

ALCOHOLIC BEVERAGE LICENSES AND ADVERTISEMENTS

The PRESIDING OFFICER. In accordance with the order previously entered, the clerk will proceed with the call of the calendar, beginning with Order of Business No. 1681, House bill 4971.

The bill (H. R. 4971) to prohibit the issuance of alcoholic beverages in certain localities in the District of Columbia, to prohibit advertising price of such beverages, and for other purposes, was announced as first in order.

AMENDMENT OF CLOTURE RULE

Mr. PEPPER. Mr. President, the poll-tax debate for this session of Congress has been concluded by the action just taken by the Senate. However, the sense and power of frustration of Senate functioning which has been exhibited by the vote this morning has not been repaired or corrected.

Mr. CONNALLY. Will the Senator yield for a question?

Mr. PEPPER. I shall yield in a moment if the Senator will allow me.

It has therefore become apparent to the whole country, Mr. President, that a technique has developed whereby a small number of Senators may not only prevent the enactment of legislation, whatever may be its virtues in the opinion of our colleagues or the country, but even may deny to the Senate of the United States the power to consider legislation. Therefore, the question becomes of vital significance to the country and to the world.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. If the Senator will excuse me, at the conclusion of my remarks I shall yield. I shall take only 3 or 4 minutes.

Mr. CONNALLY. If the Senator does not want to yield, he does not have to do so.

Mr. PEPPER. I shall gladly yield, but I wish to make a statement; then I shall yield.

Mr. CONNALLY. The Senator said he would yield in one moment. If the Senator does not want to do what he said he would——

Mr. PEPPER. I yield to the Senator.

Mr. CONNALLY. The Senator spoke about the doctrine of frustration, stating that the Senate cannot do what it wants to do. We just had the question decided by a vote of 41 to 37. The majority of the Senate has spoken on this subject. Does the Senator call it frustration of the Senate when a majority of this body takes action?

Mr. PEPPER. Mr. President, the Senator was not willing to subject this matter to a vote of the majority of the Senate, or he and those associated with him would not have determined that they would not allow the majority to express itself.

Mr. CONNALLY. We will get to that when the bill is brought before us.

Mr. PEPPER. I need not advise the able Senator from Texas that the vote was not a vote on the merits of the bill but on the question of cloture.

What I wanted to say, Mr. President, was by way of preface to the submission of a resolution proposing an amendment to the Senate rules, and I repeat, the parliamentary power is now vested in a few Senators to deny this body the right to consider legislation.

I was about to say that we are heading into a period when it will become necessary for this body to make the peace for America, and to determine the character of the post-war world. If a small group, a handful, of United States Senators, have the parliamentary power to thwart the victory we will gain by the arms of our countrymen, Mr. President, that is the power to lose the war. It becomes pertinent, therefore, to observe whether we shall win the war for democracy and lose it in the Senate of the United States, as we did a generation ago. [Manifestations of applause in the galleries.]

Mr. CONNALLY. A parliamentary inquiry.

Mr. BARKLEY. The Senate has agreed that measures on the calendar will be considered, and I hope that now the first bill on the calendar, which has been called, may be considered under the rule.

The PRESIDING OFFICER. The bill will be considered under the rule, and the Senator from Florida has about half a minute remaining. The Senate is proceeding under the 5-minute rule.

The Chair will say to the occupants of the galleries that under the rules of the Senate there can be no applause, whether they favor one side or the other. The Chair hopes the occupants of the galleries will respect the rules of the Senate, and that there will be no applause from now on.

Mr. PEPPER. Mr. President, in view of what I have said, I ask leave to offer at this time, out of order, a resolution proposing an amendment of the Senate rules, and to have it referred to the appropriate committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, the resolution (S. Res. 315) was referred to the Committee on Rules, as follows:

Resolved, That that part of rule XXII of the Standing Rules of the Senate relating to cloture (as shown on p. 28 of the Senate Manual) is amended to read as follows:

"If there is presented to the Senate at any time a motion, signed by 16 Senators, to bring to a close the debate (1) upon a motion to take up a measure, together with any and all points of order against such measure, or (2) upon any pending measure, the presiding officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the secretary call the roll, and, upon the ascertainment that a quorum is present, the presiding officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"'Is it the sense of the Senate that the debate shall be brought to a close?'

"If such question shall be decided in the affirmative by a majority vote of those voting in the case of any such motion to take up a measure, together with any and all points of order against such measure, then such measure shall be deemed to be the unfinished business.

"If such question shall be decided in the affirmative by a majority vote of those voting in the case of any such motion to bring to a close the debate upon any pending measure, then such measure shall be the unfinished business to the exclusion of all other business until disposed of. Thereafter no Senator shall be entitled to speak in all more than 1 hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the presiding officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the presiding officer, shall be decided without debate."

ALCOHOLIC BEVERAGE LICENSES AND ADVERTISEMENTS

The PRESIDING OFFICER. Is there objection to the consideration of Calendar No. 1681, House bill 4971?

There being no objection, the Senate proceeded to consider the bill (H. R. 4971) to prohibit the issuance of alcoholic beverage licenses in certain localities in the District of Columbia, to prohibit advertising the price of such beverages, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 1, line 8, after the word "license", to insert a comma and the words "excludings hotels"; on page 2, line 3, after the word "Barracks", to insert "For the

purposes of this section, the term 'hotel' means an establishment operating under a hotel license and having in excess of 50 rooms used predominantly for transient occupancy; that is, for living quarters for nonresidents upon a short-time basis"; on page 2, line 11, after "class B", to insert "or wholesaler's license" so as to make the bill read:

Be it enacted, etc., That section 7 of the District of Columbia Alcoholic Beverage Control Act is amended by inserting after the third paragraph thereof the following new paragraph:

"No license under this act of any class shall be transferred to, or issued with respect to, premises which on the date this paragraph takes effect are not licensed, excluding hotels, if such premises are within 600 feet of the nearest boundary of premises on which is located a school, church, playground, public library, eleemosynary institution providing housing for the indigent, soldiers' home, Army post, navy yard, or marine barracks. For the purposes of this section, the term 'hotel' means an establishment operating under a hotel license and having in excess of 50 rooms used predominately for transient occupancy; that is, for living quarters for nonresidents upon a short-time basis."

SEC. 2. Section 9 of such act is amended by inserting at the end thereof the following new subsection:

"(g) No holder of a retailer's license, class A, or retailer's license, class B, or wholesaler's license shall, with respect to alcoholic beverages covered by such license—

"(1) advertise, by any means or through any medium, the price for which such alcoholic beverages are for sale;

"(2) distribute, sell, or give away any price list or information with respect to the price of such alcoholic beverages;

"(3) display in his place of business any price list or sign with respect to the price of such alcoholic beverages if any price on such list or sign is visible from the street, or

"(4) display, or leave in his place of business, in a place where customers may take it away, any price list or information with respect to the price of such alcoholic beverages."

SEC. 3. The amendments made by this act shall take effect 31 days after the date of its enactment.

The amendments were agreed to.

Mr. CLARK of Missouri. Mr. President, what is the bill we are now considering?

The PRESIDING OFFICER. It is Calendar No. 1681, House bill 4971.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. GUFFEY subsequently said: Mr. President, I move to reconsider the vote whereby House bill 4971 was considered. My attention was distracted, or I would have objected at the time the bill was called on the calendar.

Mr. McNARY. Mr. President, there was so much disorder in the Senate Chamber that the able Senator from Pennsylvania [Mr. GUFFEY] did not understand what bill was being called on the calendar. I ask unanimous consent that the vote by which the bill was passed be vacated, and that the bill be restored to the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJUSTMENT OF PAY OF ENLISTED NAVAL PERSONNEL TEMPORARILY APPOINTED TO COMMISSIONED RANK

The bill (S. 2795) to amend the act approved July 24, 1941 (34 U. S. C. Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes, was announced as next in order.

Mr. WALSH. Mr. President, Calendar No. 1685, House bill 7577, is identical with the bill just called, and I ask unanimous consent that House bill 7577 be substituted for Senate bill 2795 and be now considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7577) to amend the act approved July 24, 1941 (34 U. S. C., Supp. I, 350f), so as to adjust the pay status of enlisted personnel appointed to commissioned rank for temporary service, and for other purposes.

Mr. McNARY. Mr. President, I ask the Senator from Massachusetts [Mr. WALSH] briefly to outline the provisions of the bill.

Mr. WALSH. Mr. President, under existing law it is possible for an enlisted man who has been a long time in the service, to be promoted to the rank of warrant officer and then promoted to be a commissioned officer. Under existing law the pay which he will receive as a commissioned officer will be less than he received as a warrant officer, because of his many long years of service. The bill is intended to prevent a reduction in salary for a warrant officer or enlisted man when promoted to a commissioned grade, which in its first stages pays less salary than he received in the lower grade, a condition which will continue until he has held the commission for a term of years.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2795 will be indefinitely postponed.

BILLS PASSED OVER

The bill (S. 2729) to authorize the filing of a short form of notice in certain United States courts to serve as constructive notice of the interest of the Government in realty of personalty under facilities contracts was announced as next in order.

Mr. McNARY. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2804) to define the real property exempt from taxation in the District of Columbia was announced as next in order.

Mr. BYRD. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM KOVATIS

The bill (S. 2822) for the relief of William Kovatis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That William Kovatis, formerly of the United States Marine Corps, shall be entitled to medical care at Government expense at a facility of the Veterans' Administration, until a finding by competent authority that no further improvement can be made by continued treatment, for the injury sustained at the Naval Prison, Portsmouth, N. H., on November 3, 1941: *Provided*, That no compensation, retirement pay, back pay, pension, or benefits other than benefits provided for herein shall be held to have accrued prior to or subsequent to the enactment of this act: *Provided further*, That nothing contained in this act shall operate to change the nature of the discharge given to William Kovatis on May 18, 1942.

AWARD OF SILVER STAR TO PERSONS SERVING WITH THE ARMY OF THE UNITED STATES

The bill (S. 2824) to amend the act of January 24, 1920, so as to authorize the award of a silver star to certain persons serving with the Army of the United States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last sentence of section 1 of the act of January 24, 1920, entitled "An act to amend an act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919,' approved July 9, 1918" (41 Stat. 398; 10 U. S. C. 1412), is hereby amended to read as follows: "For each citation of any person for gallantry in action while serving in any capacity with the Army of the United States, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he or she shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter."

ADDITIONAL RESOURCES OF STRATEGIC AND CRITICAL RAW MATERIALS

The resolution (S. Res. 301) reported on October 10, from the Special Committee to Study and Survey Problems of American Small Business Enterprises by Mr. MURRAY (for himself, Mr. MALONEY, Mr. MEAD, Mr. ELLENDER, Mr. STEWART, Mr. CAPPER, and Mr. TAFT), was considered and agreed to, as follows:

Resolved, That the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Federal Loan Administrator, the Chairman of the War Production Board, and the Defense Supplies Corporation are hereby requested to transmit to the Senate at the earliest practicable date, but not later than November 1, 1942, reports concerning the progress made and results achieved by the War Department, the Navy Department, the Interior Department, the Federal Loan Agency, the War Production Board, the Defense Supplies Corporation, the Metals Reserve Company, and such other subsidiaries of the Reconstruction Finance Corporation as may be concerned therewith, toward the development of new and additional resources of strategic and critical raw materials, and toward the utilization of submarginal producers of such materials.

CAPT. RICHARD ROTHWELL

The bill (S. 2826) for the relief of Capt. Richard Rothwell, United States

Marine Corps, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $53 to reimburse Capt. Richard Rothwell, United States Marine Corps, for the value of personal property lost or damaged as a result of the flooding of public quarters, No. 425, Marine Barracks, Quantico, Va., during the absence of Capt. Richard Rothwell, United States Marine Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

TRAVEL COST OF DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL

The bill (S. 2818) to provide for payment of certain travel costs of dependents of military and civilian personnel of the Army and the War Department on a mileage basis in order to promote efficiency and economy in such payments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) in any case where, in lieu of transportation in kind, reimbursement for actual travel costs, or travel at Government expense, of dependents of military and civilian personnel of the Army and War Department is now or may hereafter be authorized by law, payment for authorized travel of such dependents shall be made after the completion of such travel (and subject to the provisions of subsections (b), (c), and (d) of this section) on a mileage basis at the following rates:

(1) Four cents a mile for each dependent 12 years of age or more;

(2) Two cents a mile for each dependent less than 12 years of age but not less than 5 years of age;

(3) Nothing for any dependent less than 5 years of age.

(b) The provisions of this act shall apply irrespective of the mode of travel, but shall apply only with respect to such part of authorized travel as takes place within the continental United States (not including Alaska).

(c) Payments shall be made under the provisions of this act for authorized travel heretofore performed by the dependents described in subsection (a) of this section for which reimbursement has not been made at the time of the enactment of this act.

(d) Reimbursement for such travel shall be computed on the basis of distances shown in the Official Mileage Tables of the War Department in effect at the time the travel is performed and if the distances cannot be obtained from the Official Mileage Tables they shall be computed over the shortest usually traveled route.

SEC. 2. The Secretary of War may prescribe any regulations necessary to carry out the provisions of this act.

EXCHANGE OF CERTAIN LANDS IN MINNESOTA

The Senate proceeded to consider the bill (H. R. 4465) to authorize the exchange of certain lands in Minnesota, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 19, after the word "surveyed", to strike out the comma and the words "unappropriated, and unreserved public lands", and insert "public lands, unappropriated, and unreserved except for Executive Order No. 6964, dated February 5, 1935, or public domain in national forests,".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 294) requesting interval reports from the Federal Rubber Administrator concerning rubber supplies and production was announced as next in order.

Mr. WILLIS. I ask that the resolution be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

THE UNITED STATES AS PARTY IN CERTAIN CASES

The bill (H. R. 5578) to permit the United States to be made a party defendant in certain cases was considered, ordered to a third reading, read the third time, and passed.

COORDINATION OF FEDERAL REPORTING SERVICES

The bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies was announced as next in order.

Mr. VANDENBERG. Mr. President, I desire to make a very brief statement in connection with this bill.

Mr. BARKLEY. Mr. President, at the request of the Senator from Montana [Mr. MURRAY] I am compelled to ask that the bill go over.

Mr. VANDENBERG. Very well. I should like simply to make still more briefly the statement which I originally intended to make. The bill deals with the same general subject to which a concurrent resolution addresses itself, which was submitted today by the able Senator from Virginia [Mr. BYRD] and myself. I certainly have no objection to the passage of this bill. I think the committee has done an excellent piece of work in its preliminary discoveries and disclosures and recommendations, and for that reason I have no objection in the world to the passage of the bill when the time comes, but I do not think it remotely touches the magnitude of the problem which has been precipitated upon the country by endless paper work dictated from Washington. I am simply undertaking to point out that there is nothing in conflict between this bill and the larger objective to which the Senator from Virginia and I are undertaking to labor.

Mr. TAFT. Mr. President, am I to understand from the majority leader that a Senator has requested that the bill go over? It seems to me that unless the bill is passed today the chances of it passing the House are rather remote.

Mr. BARKLEY. I think I am mistaken as to the identity of the bill. The measure which the Senator from Montana wanted to go over is the one affecting the right of investigating committees of the Congress to call upon Government employees to serve such committees. That is a different measure.

Mr. TAFT. That is a different measure. Does the Senator from Kentucky withdraw his objection?

Mr. BARKLEY. Yes.

Mr. TAFT. As I recall, the measure to which the majority leader makes reference is Senate Resolution 301, Calendar No. 1690.

Mr. BARKLEY. Mr. President, I renew my request, because I assured the Senator from Montana that that measure would go over, because he had either some objection or amendment he wanted to offer to it. I ask unanimous consent that the vote by which the measure was passed be reconsidered.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. I think again a mistake is made in the identity of the measure to which the Senator from Montana is objecting. As I understand it, it is Order of Business 1579, House bill 7297, authorizing the assignment of personnel from departments to certain investigating committees of the Senate. That bill has not been called today. I think it is the bill to which the Senator from Montana referred.

Mr. BARKLEY. Yes; that is the bill.

Mr. TAFT. I do not think he has any objection to Senate Resolution 301.

Mr. BARKLEY. The Senator from Ohio is correct. The bill to which reference was made is not on today's call.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 1666?

There being no objection, the Senate proceeded to consider the bill (S. 1666) to coordinate Federal reporting services, to eliminate duplication and reduce the cost of such services, and to minimize the burdens of furnishing reports and information to governmental agencies, which had been reported from the Committee on Education and Labor with amendments.

The first amendment was, in section 1, page 1, line 4, to strike out "1941" and insert "1942", so as to make the section read:

Be it enacted, etc., That this act may be cited as the "Federal Reports Act of 1942."

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 5, after the word "practicable", to insert "and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public", so as to make the section read:

SEC. 2. It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that

all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 13, after the word "for", to strike out "reports and"; in the same line, after the word "information", to strike out "from the public,"; in line 14, after the word "enterprises", to insert "from other persons"; in line 16, after the word "such", to strike out "reports and"; in line 17, after the word "the", to strike out "reporting" and to insert "information-collecting"; in line 20, after the word "such", to strike out "reports and"; in line 21, after the word "upon", to strike out "the public and", and after the word "enterprises', to insert "and other persons"; in line 24, after the word "for", to strike out "reports and", in the same line, after the word "from", to strike out "the public and"; in line 25, after the word "enterprises", to insert "and other persons"; on page 3, line 2, after the words "and any", to insert "other"; in line 5, after the word "such", to strike out "reports and other"; in line 7, after the word "prescribing", to insert "(with reference to the collection of such information)"; and after line 17, to add a new subsection, as follows:

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

So as to make the section read:

SEC. 3. (a) With a view to carrying out the policy of this act, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information, from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons.

(b) If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

(c) While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

The amendments were agreed to.

The next amendment was, on page 4, line 9, to strike out "Sec. 4. (a)" and insert "(e)"; and in line 15 after the word "agencies", to insert "*Provided, however*, That the provisions of this act shall apply to the Treasury Department only to the extent that the Secretary of the Treasury may determine that compliance therewith will not interfere with the proper administration of the functions and duties imposed upon that Department by law", so as to read:

(e) For the purposes of this act, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after the date of enactment of this act, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided, however*, That the provisions of this act shall apply to the Treasury Department only to the extent that the Secretary of the Treasury may determine that compliance therewith will not interfere with the proper administration of the functions and duties imposed upon that Department by law.

The amendment was agreed to.

The next amendment was, on page 4, line 21, to strike out "(b)" and insert "SEC. 4 (a)." and in the same line to strike out "Nothing in this act shall be construed to require any Federal agency to release any information which it has obtained in confidence from any person unless, in the opinion of the Director, the legitimate interests of such person will be adequately protected upon such release."; on page 5, line 1, after the word "any", to strike out "such confidential"; in the same line after the word "information", to insert "obtained in confidence by a Federal agency"; in line 2, after the words "released by", to strike out "any Federal agency" and insert "that agency"; in line 3, after the word "another", to strike out "such" and insert "Federal"; in line 9, after the word "information", to insert "and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency."

Also, on page 5, to strike out:

(c) No information received by any Federal agency solely for the purpose of providing statistical totals or summaries shall be released to or used by any other Federal agency except for statistical purposes, and no information so released shall be used by any Federal agency in violation of personal privilege or legal right.

And, also, on page 5, after line 20, to insert:

(b) Information obtained by a Federal agency from any person or persons may pursuant to this act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

So as to read:

SEC. 4. (a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may, pursuant to this act, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the

information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert a new section 5 as follows:

SEC. 5. No Federal agency shall conduct or sponsor the collection of information, upon identical items, from 10 or more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information.

The amendment was agreed to.

The next amendment was, on page 6, line 22, to change the number of the section from 5 to 6.

The amendment was agreed to.

The next amendment was, on page 6, line 27, to change the number of the section from 6 to 7; on page 7, line 11, after the word "State", to insert "or territorial"; in line 13, after the word "State", to insert "or Territory"; after line 14, to insert the following new subsection:

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

So as to make the section read:

SEC. 7. As used in this act—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

The amendment was agreed to.

The next amendment was, on page 7, line 24, to change the number of the section from 7 to 8.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The CHIEF CLERK. On page 2, line 15, after the word "information", it is proposed to strike out the word "and" and insert in lieu thereof a comma; and at the end of line 21 it is proposed to insert "and utilizing, as far as practicable, the continuing organization, files of information, and existing facilities of the established Federal departments and independent agencies."

Mr. LA FOLLETTE. Mr. President, I am highly in favor of the worthy objectives which the pending bill seeks to attain. The sole purpose of the amendment is to require the utilization of existing agencies, divisions, and sections of existing departments of the Government, and to prevent duplication. I believe the amendment which I am offering will appeal to all who are in sympathy with the bill.

Mr. THOMAS of Utah. Mr. President, I hope the amendment will be approved. I believe it would improve conditions.

Mr. VANDENBERG. Mr. President, I have already spoken briefly upon the matter. I inquire whether, as a matter of parliamentary right, I can be recognized to speak for 5 minutes on the proposed amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized, to speak for 5 minutes.

Mr. VANDENBERG. I desire to complete what I started to say when the able Senator from Kentucky [Mr. BARKLEY], suggested that the bill go over. I am in total sympathy with the measure, and I am not in any sense objecting. I hope it will pass. It cannot possibly do any harm, and it is calculated to do good.

I am frank to say, however, that I do not believe it encompasses the magnitude of the problem which now confronts us in respect to the paper work which has been forced upon the country by the organized regimentation which is probably unavoidable in connection with the war.

The bill deals almost exclusively with the powers of the Director of the Bureau of the Budget, and with the investigation and control of functions within the Government itself.

The resolution which was submitted today by the able Senator from Virginia [Mr. BYRD] and myself contemplates a total disclosure of what has become an almost insufferable burden upon American business in respect to questionnaires, reports, regulations, and rules which are descending upon it like a snow-storm, 7 days a week. Furthermore, today questionnaires in respect to rationing are often far more perplexing, confusing, and irritating than they need to be. If there is to be universal acceptance of rationing as such, every possible irritation should be removed.

It seems to me that the pending bill makes a splendid start in the right direction. I am merely trying to indicate that I hope the passage of the bill will not in any sense be deemed an estoppel to the larger undertaking which we have in mind.

For example, a manufacturer from the State of the able Senator who now occupies the chair [Mr. LUCAS] was in my office this morning. He told me that it has cost him $55,000 in 9 months to answer Government questionnaires. He has a plant with 2,000 employees. That is cited as a sample of what is happening. He also pointed out to me that the burden has doubled during the latter half of the 9 months. In other words, the trend is still rolling, and the burden is still multiplying. The net result is nothing short of staggering, not only in expense and irritation, but from the standpoint of actually deferring manpower which ought to be used for other and better purposes at the present time, to say nothing about the conservation of paper and perspiration.

Mr. President, let me give one other example of what can inadvertently happen in respect to the burden of paper work.

On the morning of the last day the tax bill was in conference, as I left the conference I received a letter from a manufacturer in New York State who pointed out to me that if the language in respect to reports under the Victory tax were left as it was drawn in the bill, four freight cars would be required to bring his reports to Washington at the end of each calendar year.

Nobody intended to require any manufacturer to use four freight cars to transmit reports to the Government in connection with the Victory tax. As soon as the matter was brought to the attention of the conference the language was promptly changed and immediately simplified so that all the reports will now be made under the social security reports. That is a perfect example of what can be done by a little rational and sane coordination.

But behind that, Mr. President, I very much fear that there is a deeper purpose in some of these reports. I particularly refer to the O. P. A. I know of no reason on earth to justify the so-called A and B financial reports which the O. P. A. required of 25,000 corporations last April, except to lay the foundation not only for regimentation to come but perhaps for nationalization after the war is over. The whole subject matter needs to be totally explored and totally corrected. That is the purpose to which the able Senator from Virginia and I have undertaken to direct our efforts today.

I am merely saying that the pending bill is a fine start in the right direction, but I hope it will not be considered as an estoppel to the broader undertaking which is so direfully needed.

Mr. THOMAS of Utah. Mr. President, as a sponsor of the bill I should like to say that I agree with the able Senator from Michigan, and trust that the bill will be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be offered,

without objection, the clerks will be authorized to renumber the sections.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to coordinate Federal reporting services, to eliminate duplication, and reduce the cost of such services, and to minimize the burdens of furnishing information to Federal agencies."

DISCOVERY OF OIL AND GAS ON THE PUBLIC DOMAIN

The Senate proceeded to consider the bill (S. 2239) to encourage the discovery of oil and gas on the public domain during the continuance of the present war, which was read as follows:

Be it enacted, etc., That until the present wars with Germany and Japan are concluded by treaties of peace, all oil or gas leases issued pursuant to the provisions of section 17 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended (U. S. C., title 30, sec. 226), when the lands to be leased are not within any known geological structure of a producing oil or gas field, shall provide that during the first 10 years of such lease the royalty thereunder shall be 12½ percent in amount or value of the production, in lieu of the royalty prescribed by such section 17.

SEC. 2. Upon application filed before such wars are so concluded, by any lessee who on the date of enactment of this act holds a lease heretofore issued pursuant to such section 17, of lands not within any known geological structure of a producing oil or gas field, the Secretary of the Interior shall issue a new lease to such lessee in lieu of the lease then held by him. Such new lease shall provide that during the first 10 years after the issuance thereof the royalty thereunder shall be 12½ percent in amount or value of the production, in lieu of the royalty prescribed by such section 17.

Mr. O'MAHONEY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add a new section, as follows:

SEC. —. That until the present wars with Germany and Japan are concluded by treaties of peace the Secretary of the Interior may, whenever in his judgment it is necessary to do so in order to promote the discovery of oil or gas on the public domain, provide by regulation under leases heretofore or hereafter issued to unappropriated deposits of oil or gas, conditioned upon the payment during the first 10 years of such leases of a royalty of not to exceed 7½ percent in amount or value of the production from tracts not to exceed 40 acres in area, upon which discovery wells may hereafter be drilled.

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

Mr. O'MAHONEY. I yield.

Mr. DANAHER. For how long a period would the Secretary of the Interior be authorized to make leases under the terms of the bill?

Mr. O'MAHONEY. During the pendency of the war.

Mr. DANAHER. For how long a period might a lease run?

Mr. O'MAHONEY. The general leasing act provides for 20-year leases. The pending bill provides that as an incentive to the production of oil—and the Lord knows we need it—the Secretary of the Interior may provide for royalties for not to exceed 10 years.

Mr. DANAHER. Mr. President, I have not had an opportunity to study the whole question, but in the letter from the Secretary of the Interior, which is made a part of the committee report, is the following sentence:

I do not favor the enactment of the bill.

The letter is signed by Harold L. Ickes, Secretary of the Interior. Will the Senator from Wyoming explain the position of the Secretary of the Interior with regard to this matter?

Mr. O'MAHONEY. Mr. President, I think there may be some alteration in that point of view. Whether or not that is the case depends upon developments. However, the explanation is as follows:

Heretofore in the Geological Survey the motto seems to have been not "business as usual," but "conservation as usual." If there was ever any objective for which we should conserve the oil upon the public domain, the objective is before us now, to supply oil and gasoline to the fighting forces of America.

The Committee on Public Lands and Surveys has held protracted hearings upon the matter, and I can say to the Senator, without burdening the Senate, that the committee is unanimous in its belief that we should now hold out this incentive in order that we may provide an opportunity for the discovery of new reserves of oil. The Secretary of the Interior has so stated. The War Department and the Navy Department have both stated that the reserves are needed. I happen to be able to say that since the invasion of North Africa the estimates of the War and Navy Departments have vastly increased. Within the past 2 weeks the War Production Board has delegated to Mr. C. E. Wilson, formerly of General Electric, as I recall, the task of endeavoring to double the production of airplanes. It will be impossible to operate the airplanes unless a sufficient quantity of oil is available.

I will say to the Senator from Connecticut that those of us who are on the Committee on Public Lands and Surveys know that there are areas upon the public domain which should be prospected for additional reserves of oil. The pending bill would provide for such action.

Mr. DANAHER. Will the able Senator from Wyoming further yield?

Mr. O'MAHONEY. I yield.

Mr. DANAHER. In line 4, on page 1, of the pending bill I notice that it is provided that the powers will run at least until the present war shall have been concluded by treaties of peace.

Mr. O'MAHONEY. That is correct.

Mr. DANAHER. Does the able Senator from Wyoming feel that the words "by treaties of peace" are essential to the bill?

Mr. O'MAHONEY. They may not be essential.

Mr. DANAHER. The reason for my inquiry in that regard is that in almost all grants of wartime power we have imposed other limitations than might be provided by such a phrase. It becomes important if one recalls that only within the past month Under Secretary Welles has stated that we might well not make a treaty of peace at the conclusion of this war.

Mr. O'MAHONEY. If the Senator desires to move to strike the words "by treaties of peace," I shall have no objection.

Mr. DANAHER. I so move, Mr. President.

Mr. VANDENBERG. Mr. President, if the Senator will yield, let me say that the usual language which we have been using is "upon the cessation of hostilities." That is the phrase which has been used as a standard in all such legislation.

Mr. O'MAHONEY. I am quite willing to use that expression, and I am sure the committee would agree. If the motion is made, let it be understood that the alteration has been made as suggested by the Senators from Connecticut and Michigan.

Mr. ELLENDER. Mr. President, as I understand the pending bill, it would merely amend existing law.

Mr. O'MAHONEY. That is correct.

Mr. ELLENDER. It would not in any wise affect oil which might be located under the coastal waters, would it?

Mr. O'MAHONEY. No; it applies only to the public domain as now known by law.

The PRESIDING OFFICER (Mr. WALLGREN in the chair). The question is on agreeing to the amendment of the Senator from Wyoming, as modified.

Mr. PEPPER. Mr. President, I do not desire to speak before any other Senator speaks; but before the matter is concluded I should like to say a word on the pending bill. Will the able senior Senator from Wyoming yield to me?

Mr. O'MAHONEY. Certainly; I yield.

Mr. PEPPER. I have not had an opportunity to read the bill; but in my State there is very great interest in the discovery of oil. It is believed by a great many persons that there are oil preserves in or under the State of Florida, and a great many of our citizens have come to my colleague and to me to inquire whether there might be any way whereby the United States Government could encourage exploration for the discovery of oil.

Mr. O'MAHONEY. Mr. President, I should be glad to call the attention of the Senator to the progress report which I filed on October 22 on behalf of the Committee on Public Lands and Surveys. The report contains several recommendations. Because of the importance of this matter—and I think that its importance cannot be exaggerated, for we have had a great crisis in rubber, we have had a great crisis in steel, and we are about to have a scandalous crisis in oil—this bill and this report were attempts upon the part of the Committee on Public Lands and Surveys to point out ways and means by which improvement could

be brought about. In the report there is a recommendation which would be immediately applicable to the State of Florida or to any other State in which prospective oil lands may exist.

I read recommendation No. II:

It—

Meaning the committee—

recommends that immediate steps be taken by the Office of Petroleum Coordinator, the War Production Board, and the Reconstruction Finance Corporation to finance exploratory drilling upon a sound financial basis under legislative authority already granted to the Reconstruction Finance Corporation. Long-term loans for not less than 5 years upon good oil land security should be extended, particularly to the independent wildcatter who is otherwise unable to finance a drilling program.

Of course, the bill deals only with the public domain.

Mr. PEPPER. Mr. President, let me express my hearty congratulations to the able Senator and his committee for entering upon this field; and I hope that the recommendations will find fruition in the administrative program.

Mr. LANGER. Mr. President, I ask that the bill go over, because I desire to study it. I particularly object to the idea of leasing land for a period of 20 years.

Mr. O'MAHONEY. Mr. President, such a provision is not contained in the bill. The present law provides for leasing for 20 years. The bill provides for leasing for 10 years; the bill cuts the presently authorized term in half.

I trust that the Senator from North Dakota will not object. The West, from which the Senator comes, has been suffering under restraints which have been imposed by persons who do not understand the needs of that section of the country. This measure will open the door for the development of our western areas. It will open the door for development in the Senator's State. I trust that he will not now impede action on the bill. We need the oil now.

The PRESIDING OFFICER. Is there objection?

Mr. LANGER. I desire to ask a question, if the Senator from Wyoming will yield to me.

Mr. O'MAHONEY. Certainly. I should be glad to have the Senator ask any question.

Mr. LANGER. What is the need for immediate action on the bill?

Mr. O'MAHONEY. Mr. President, the present session is rapidly drawing to a close. The House Committee on Public Lands is studying the bill. For a year the Committee on Public Lands and Surveys has been endeavoring to stimulate the executive departments to take steps to aid in the production of oil. We have been unsuccessful in that endeavor until now, and now is the opportunity for the Senate to extend such stimulation. I certainly trust that the Senator from North Dakota will not at this time make objection, because if the bill should not be passed at this session—today—in all probability it would die, and could not be revived until the next session of Congress.

Mr. LANGER. Has the Senator any objection to delaying the consideration of the bill for about 15 minutes, until the Senator and I have a chance to discuss it?

Mr. O'MAHONEY. Certainly not.

Mr. LANGER. I ask that the bill be passed over and be put at the foot of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

Mr. LANGER subsequently said: Mr. President, I withdraw all objection to Senate bill 2239, Calendar No. 1706. I have secured the information which I desired.

Mr. AIKEN. Mr. President, I should like to ask the Senator from Wyoming what constitutes a known geological survey of a producing oil or gas field. Does that identify the area?

Mr. O'MAHONEY. Yes; it is defined by geological methods.

Mr. AIKEN. Who identifies it, and how, and why?

Mr. O'MAHONEY. Oh, a geological indication of one kind or another, sometimes an escarpment. The phrase is intended to mean that the proposed incentive shall be granted for what are called wildcat areas—areas in which oil is not now known to exist. So we say to the prospectors, "If you will go out on the public domain and bring in a new reserve, we will reward you in this way."

Mr. AIKEN. That is, "If you go out and prove the scientists wrong, and find oil"——

Mr. O'MAHONEY. Oh, no; it is not such a matter as that. Sometimes the scientists say, "This is a field. We think that oil is to be found here." Then, upon drilling, it is found that they are wrong, and that oil is not there.

Mr. AIKEN. Is the southern Illinois field an example of an area in which oil was not supposed to exist, but in which it was found?

Mr. O'MAHONEY. That is a known field. Let me say to the Senator that the phrase is one contained in existing law which was carefully prepared more than 20 years ago. It never has been changed, and it describes exactly the technical conditions with which we are dealing.

Mr. AIKEN. I simply desire to say to the Senator from Wyoming that I am endeavoring to ascertain something about oil fields, because I should like to know something about a matter on which I am to vote. I am not sure about this matter, but I am not trying to raise any objection today.

Mr. O'MAHONEY. I hope the Senator will not do so. Let me say to him that, under the Leasing Act as it now stands, the law provides that the royalty shall be not less than 12½ percent. That makes it possible for the Secretary to impose higher royalties, and he does so in some cases, depending upon the amount and the value of the production.

Let me say that until about 5 or 7 years ago the law prescribed a royalty of only 5 percent on one-fourth of the area included within prospecting permits issued upon "wildcat" areas. I myself introduced the legislation which abolished that 5-percent royalty, because I thought it could be improved and that larger royalties should be charged. So now that all oil land royalty is not less than 12½ percent, this bill, as reported by the Committee on Public Lands and Surveys, merely provides that for 10 years, since we are in supreme need of oil, upon discoveries made in "wildcat" areas the royalty shall be a flat 12½ percent.

Mr. AIKEN. In view of the fact that this bill will have to pass the House of Representatives and also the scrutiny of the executive department before becoming a law, I shall not raise any objection to its consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Wyoming [Mr. O'MAHONEY].

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL UNITED STATES DISTRICT JUDGE, EASTERN DISTRICT OF MISSOURI

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (H. R. 137) to provide for the appointment of one additional United States district judge for the eastern district of Missouri was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF COSTS OF TRANSPORTATION OF CIVILIAN EMPLOYEES

The Senate proceeded to consider the bill (S. 2791) to authorize the Secretary of the Navy to pay the costs of transportation of certain civilian employees, and for other purposes, which was read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to effect appointments of civilian employees in the United States, or to effect the transfer of such employees in the Federal service in the United States, for duty at any point outside the continental limits of the United States or in Alaska at which it may be found necessary to assign such civilian employees, and to pay the costs of transportation of such employees from the place of engagement in the United States, or from the present post of duty in the United States or in Alaska, if already in the Federal service, to the post of duty outside the United States and return upon relief therefrom, and to provide for the shipment of personal effects of persons so appointed or transferred from the place of engagement or transfer to the post of duty outside the continental United States or in Alaska and return upon relief therefrom.

Mr. DANAHER. Mr. President, I desire to ask the Senator from Massachusetts a question. I invite his attention particularly to line 5 of the bill. After providing "That the Secretary of the Navy is hereby authorized to effect appointments of civilian employees in the United States," the bill goes on to authorize him "to effect the transfer of such employees in the Federal service in the United States." Do the words

"Federal service" mean in the employ of the Navy Department?

Mr. WALSH. Mr. President, the Secretary of the Navy would have no control over any Federal employees except those in his own Department.

Mr. DANAHER. So the term "Federal service" may be construed to apply solely to employees within the jurisdiction of the Secretary of the Navy; may it not?

Mr. WALSH. That is the intention.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY APPOINTMENT OR ADVANCEMENT OF COMMISSIONED OFFICERS OF COAST AND GEODETIC SURVEY

The bill (H. R. 7556) authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FUNCTIONS OF WAR SHIPPING ADMINISTRATION—BILL RECOMMITTED

The bill (H. R. 7424) to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes, was announced as next in order.

Mr. RADCLIFFE. Mr. President, since this important and highly desirable bill was reported by me to the Senate some objections have been made to certain of its provisions. It is believed that the objections can be considered better in committee than on the floor. I, therefore, intend to move that the bill be recommitted to the Committee on Commerce, where, we think, the various suggestions and criticisms can be considered very quickly, the bill reported back to the Senate, and then brought up for consideration and action.

This bill, as I have said, is very important. I think the procedure I have suggested will really make for expedition in the consideration of the bill. The chairman of the Committee on Commerce, the senior Senator from North Carolina [Mr. BAILEY], is in favor of this course, and the junior Senator from Maryland, who is chairman of the subcommittee, also believes that this is the wiser course to pursue. I ask, therefore, that the bill be recommitted to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, the bill is recommitted to the Committee on Commerce.

GRANT OF CERTAIN LANDS TO STATE OF NEW MEXICO

The bill (H. R. 7330) to provide for granting to the State of New Mexico the right, title, and interest of the United States in and to certain lands in New Mexico was considered, ordered to a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE, FIFTH CIRCUIT

The bill (S. 2867) to provide for the appointment of an additional circuit judge for the fifth circuit, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional circuit judge for the fifth circuit.

Mr. DANAHER. Mr. President, I ask unanimous consent that the report of the Committee on the Judiciary be printed in full in the RECORD at this point.

Mr. O'MAHONEY. Mr. President, what was the request made by the Senator from Connecticut?

The PRESIDING OFFICER. That the report of the committee be printed in the RECORD.

Mr. DOXEY. Mr. President, may I ask if it is the report of the Judiciary Committee on Senate bill 2867?

Mr. DANAHER. Yes.

Mr. DOXEY. I have no objection to the report being printed in the RECORD.

Mr. DANAHER. I will tell the Senator why I want to have the report printed in the RECORD. We were convinced in the Judiciary Committee that the additional judge was highly necessary, and, because the report so fully sustains the conclusions of the committee in this particular, I want the RECORD to show the report.

Mr. DOXEY. I will tell the Senator from Connecticut that, as he knows, I was chairman of the subcommittee, and there is no question that the additional judge is needed.

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

Mr. DOXEY. I yield.

Mr. VANDENBERG. I inquire whether a quorum of the Judiciary Committee was present when this bill was voted upon and ordered to be reported?

Mr. DOXEY. I think there was. To say the least, there was no point of a quorum made.

Mr. McKELLAR. If there was not a quorum present, I should object.

The PRESIDING OFFICER. Is there objection to having the report of the committee printed in the RECORD?

There being no objection, the report (No. 1659) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 2867) to provide for the appointment of an additional circuit judge for the fifth circuit, having duly considered the bill now report the same to the Senate favorably, and recommend that the bill do pass.

The chairman appointed a subcommittee consisting of Senator WALL DOXEY, chairman, Senator TOM CONNALLY, and Senator HAROLD H. BURTON, which subcommittee, on October 23, 1942, held hearings on the proposed legislation and gave careful consideration to the measure. It was developed that the conference of the senior circuit judges had given attention to the proposal for an additional circuit judge for the fifth circuit and recommended the enactment of the bill. The Administrative Office of United States Courts had also carefully examined into the matter and recommended the enactment of the proposed legislation. Mr. Henry P. Chandler, the Director of the Administrative Office of United States Courts, and Mr. Will Shafroth, of that Office, testified before the subcommittee, urging the passage of the bill. It was shown that the area embraced within the fifth circuit was one of the largest in the United States; that its population was also of the largest, and, in addition, it handles appeals from the Panama Canal Zone. Figures exhibited showed the case load per judge in the fifth circuit to be the highest, except one, of any circuit and that the present judges of the circuit have been disposing of the business of the court and writing opinions in greater than the average amount and number and greater than is considered good practice for any appelate court.

Mr. Shafroth filed with the subcommittee at the hearing tables and charts showing the following:

Case load per circuit judge for cases terminating with written opinion during the year ending June 30, 1942

Circuit	Number of judges	Cases terminated	Case load per judge
First	3	55	18.3
Ninth	7	152	21.7
Eighth	7	178	25.4
Sixth	6	159	26.5
District of Columbia	6	176	29.3
Fourth	3	95	31.7
Third	5	173	34.6
Tenth	4	177	44.2
Fifth	5	231	46.2
Second	6	289	48.2
Seventh	5	243	48.6
Total	57	1,928	
Circuit average			33.8

CASE LOAD PER CIRCUIT JUDGE FOR CASES FILED DURING THE YEAR ENDING JUNE 30, 1942

A chart showing an average of 56, and showing, as compared to that average, that the District of Columbia had 57, the third circuit, 58; the tenth, 61; the seventh, 65; the fifth, 76; and the second, 83.

Further, that the work of the fifth circuit during the past year had been accomplished, actually, by four judges, as Judge Sibley was ill and incapacitated for a considerable time, and upon his return to his duties Presiding Judge Foster became ill, an illness which resulted in his death.

The following letter was received by Senator FREDERICK VAN NUYS, chairman of this subcommittee, from the Director of Administrative Office of United States Courts:

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
Washington, D. C., October 14, 1942.

Hon. FREDERICK VAN NUYS,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

MY DEAR SENATOR VAN NUYS: The judicial conference of senior circuit judges at its recent annual meeting took action on a number of legislative matters, some of which were discussed with you and Judge Sumners while you were present during one of the sessions. The report of the conference will shortly be forthcoming and I will send you a copy.

At this time I should like to call your attention to a recommendation that provision be made for a sixth circuit judge for the fifth judicial circuit comprising the States of Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and the Canal Zone. The judges of the court of appeals for that circuit and the judicial conference of senior circuit judges consider that a sixth judge is needed to deal with the business of the court and the statistics abundantly support that conclusion.

I enclose a memorandum prepared by Mr. Shafroth of this office showing the business of the court. The case load per judge, 76.6, is considerably above the average of 56.6 for circuit courts of appeals, and even with an additional judge would be on the basis of the business for the last fiscal year nearly

64, which is above the average for the country. The population of the fifth circuit, exclusive of the Canal Zone, was, in 1940, according to the United States census, 18,816,598, which was the highest in the country. The population of the Canal Zone in 1940 added 51,827.

I enclose also a draft of bill to provide for the additional judgeship recommended by the conference and if it meets your approval, as I trust it will, I shall be pleased if you will introduce it. I have discussed the proposal of the additional judgeship with the Attorney General and understand that it meets his approval. If there is any further information which you desire, I shall be glad to have you call on me.

With kind regards, I am,

Sincerely yours,

HENRY P. CHANDLER.

BILLS PASSED OVER

The bill (S. 2666) regulating compensation of employees working in excess of 40 hours per week in the executive departments and agencies, was announced as next in order.

Mr. O'DANIEL. I ask that the bill be passed over.

Mr. LANGER. Mr. President, I inquire who objected to the consideration of Senate bill 2666.

The PRESIDING OFFICER. Objection was made by the Senator from Texas [Mr. O'DANIEL].

Mr. LANGER. The junior Senator from New York [Mr. MEAD], who was in the Chamber a few minutes ago, had an amendment which he desired to offer to the bill.

The PRESIDING OFFICER. The bill has been passed over.

Mr. LANGER. I ask unanimous consent that the bill be placed at the bottom of the calendar until the Senator from New York can be present.

Mr. O'DANIEL. Mr. President, I ask that the bill be held over and not considered at this session of the Congress.

Mr. VANDENBERG. Let the bill go over.

The PRESIDING OFFICER. The bill has been passed over.

The bill (H. R. 6450) to amend subsection (c) of section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? I understand it has been reported by the Senator from Connecticut [Mr. MALONEY]. I do not see him present.

Mr. VANDENBERG. Let the bill go over.

Mr. McKELLAR. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4167) providing for the naturalization of certain alien veterans of the World War was announced as next in order.

Mr. McKELLAR. Mr. President, I think that bill should go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6250) to amend the Nationality Act to 1940 was announced as next in order.

Mr. McKELLAR. Mr. President, unless the Senator from Connecticut [Mr. MALONEY] is present, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER OF LAND TO HAWAII

The bill (H. R. 6013) to authorize the Secretary of War to transfer certain land to the Territory of Hawaii was considered, ordered to a third reading, read the third time, and passed.

ONA LOVCIKIENE AND CHILDREN

The bill (H. R. 1376) to record the lawful admission to the United States for permanent residence of Ona Lovcikiene and children, Edmundos and Regina, was considered, ordered to a third reading, read the third time, and passed.

KURT G. STERN

The bill (H. R. 3295) for the relief of Kurt G. Stern was considered, ordered to a third reading, read the third time, and passed.

WILLIAM B. FAWKNER AND IDA FAWKNER

The bill (H. R. 5059) to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner, was considered, ordered to a third reading, read the third time, and passed.

MRS. C. M. W. HULL

The bill (H. R. 6141) for the relief of Mrs. C. M. W. Hull was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 2786) to equalize certain disability benefits for Army officers was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

AUTHORIZATION FOR NAVY DEPARTMENT TO PROVIDE FOR CONSTRUCTION OF WAR FACILITIES

The bill (H. R. 7575) to expedite the prosecution of the war, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Mr. President, what does expedite the war mean at this moment?

Mr. TAFT. May we have an explanation of the bill?

Mr. McKELLAR. I understand the Senator from Rhode Island [Mr. GERRY] reported the bill.

Mr. GERRY. Mr. President, the purpose of this bill is to reenact certain portions of the act entitled "An act to expedite the national defense, and for other purposes," approved June 28, 1940, which expired on June 30, 1942. The provisions proposed to be reenacted are deemed to be of continuing importance to the successful prosecution of the war effort.

On July 6, 1942, the President vetoed House bill 6355, a bill to extend the termination date of the first 11 sections of the act of June 28, 1940.

Apparently, the reason for the President's action in vetoing the bill was his opposition to the reenactment of those provisions which authorized the payment of compensation for overtime work performed by certain classes of employees of the War and Navy Departments, and also to a disagreement on his part to the provision for severe criminal penalties, including the deprivation of citizenship, in the case of any person making false statements in connection with the procurement or administration of Government contracts.

House bill 6355 reenacted certain important powers contained in the act of 1940. The President, in his message, suggested that most of those powers were not necessary for the purposes of the bill, with the exception of a provision appearing in the first section of the bill delegating certain powers to the Secretary of the Navy in regard to condemnation proceedings. Those powers are reenacted by the pending bill.

In the form, as now reported, the bill would overcome practically all the objections the President had to signing House bill 6355.

Section 2 authorizes an increase in the limit of cost of certain vessels and strikes out a provision extending the provisions of the act of 1940 which are already covered by the War Powers Act. The limit of cost was not increased by any definite figure, but was to be raised to whatever amount the Department might deem necessary. It was the opinion of the committee that the exact amount for the construction of the ships should be set forth and that the amount should be limited, and that is covered in the amendment.

Mr. LANGER. Will the Senator give us a specific instance to which this appropriation of money would apply?

Mr. GERRY. Does the Senator mean the authorization for the ships?

Mr. LANGER. Yes.

Mr. GERRY. It applies to the construction of six auxiliary vessels authorized by the act of July 30, 1937.

Mr. LANGER. I thank the Senator.

Mr. GERRY. It merely limits the appropriations to a definite sum, instead of making it an unlimited appropriation.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in section 2, page 2, line 5, after the "(50 Stat. 544)", to strike out "and any statutory limitation with respect to the cost of any other individual naval project of construction are hereby increased as may be necessary to expedite the prosecution of the war" and to insert "is hereby increased to $60,000,000."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CUMULATIVE SUPPLEMENTS TO THE CODE OF FEDERAL REGULATIONS

The Senate proceeded to consider the bill (H. R. 7162) to suspend for the duration of the war certain requirements of section 11 (a) of the Federal Register Act, 1935, which was read, as follows:

Be it enacted, etc., That the provisions contained in the first sentence of section 11 (a) of the Federal Register Act (act of July 26,

1935, 49 Stat. 503, as amended, U. S. C., title 44, sec. 311) are hereby suspended until such time after the termination of the present war as the Administrative Committee of the Federal Register shall determine. The publication of a cumulative supplement to the Code of Federal Regulations instead of a new codification, prepared under the supervision of the Division of the Federal Register pursuant to the provisions of subsections 11 (c) and 11 (d) of the Federal Register Act, is hereby authorized.

SEC. 2. The first sentence of section 11 (a) of the Federal Register Act (Act of July 26, 1935, 49 Stat. 503, as amended, U. S. C., title 44, sec. 311) is hereby amended by inserting the phrase "or on the same date of every fifth year thereafter" before the period at the end thereof.

Mr. McKELLAR. Mr. President, will not the Senator from Indiana explain the bill?

Mr. VAN NUYS. Mr. President, this is a House bill to suspend for the duration of the war certain requirements of the Federal Register Act.

Under the Federal Register Act of 1935, on the first day of July 1938, and every 5 years thereafter, there must be a complete new codification of existing rules and regulations and Executive orders of widespread importance and interest. The Public Printer has estimated that the new codification would cost between $260,000 and $275,000. The bill before us provides that during the duration of the war the requirement for a complete codification be suspended, and that the usual codification be published, which will cost about $75,000 this year.

Mr. McKELLAR. What would the other cost?

Mr. VAN NUYS. From $260,000 to $275,000.

Mr. McKELLAR. I have no objection.

Mr. VAN NUYS. It would save about $200,000, together with a large amount for clerk hire to take care of the work, which would be wholly unnecessary.

Mr. DANAHER. Mr. President, on page 2, line 2, after the word "authorized", I move that the period be stricken out and that there be inserted the words "and required" and a period.

The amendment was agreed to.

Mr. DANAHER. I will state in a sentence the reason for the amendment.

The publication of the cumulative supplement is designed to take the place of the periodical compilation to which the Senator from Indiana has made reference. If we do not cumulate in a supplement the items normally to appear in the code of Federal regulations we might find ourselves without any reasonably convenient access to all the regulations and orders to which our attention is directed as a matter of law. If we insist, however, that they be printed, we will meet all the requirements. With the change I have suggested I very greatly favor the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

PROTECTION OF NATIONALITY OF CERTAIN CITIZENS

The bill (H. R. 5554) to amend the Nationality Act of 1940 to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States was announced as next in order.

Mr. TAFT. May we have an explanation of the bill? I observe there is at one place only a partial sentence.

Mr. McKELLAR. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MALONEY subsequently said: Mr. President, I ask unanimous consent to return to Calendar 1729, House bill 5554, and that the bill be considered by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate proceeded to consider the bill (H. R. 5554) to amend the Nationality Act of 1940, to preserve the nationality of a naturalized wife, husband, or child under 21 years of age residing abroad with husband or wife a native-born national of the United States, which had been reported from the Committee on Immigration with amendments.

Mr. MALONEY. Mr. President, I was temporarily out of the Chamber when the bill was called. I should like to point out that it is a House bill; that it makes a simple but a very necessary amendment to section 406 of the Nationality Act of 1940. Under existing law a naturalized American citizen living abroad, and members of that citizen's family, are given protection. Strangely enough, such protection is not provided in the case of a native-born American citizen. The amendment would simply afford the same protection to the child or spouse of an American-born citizen that is given to the family of a naturalized American citizen.

The PRESIDING OFFICER. The amendments of the Committee on Immigration will be stated.

The amendments were, on page 1, line 8, after the words "birth and", to strike out "who" and to insert "such spouse or parent"; and on page 2, line 1, after the word "years", to insert "has."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CHRISTINE LUND

The Senate proceeded to consider the bill (S. 2680) for the relief of Christine Lund, which had been reported from the Committee on Claims with an amendment, on page 2, after line 7, to strike out lines 8 to 19, inclusive, as follows:

SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

And to insert in lieu thereof the following:

SEC. 3. *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christine Lund, of Lane County, Oreg., care of Slattery and Slattery, Eugene, Oreg., the sum of $2,646, in full satisfaction of her claim against the United States for personal injuries sustained by her when struck on December 16, 1937, at 1½ miles north of Florence, Oreg., by an automobile of the United States operated by H. T. Schinaman, an employee of the Lighthouse Service, then engaged in the performance of his duties as such employee.

SEC. 2. The payment authorized to be made by this act shall not be made until the said Christine Lund has released, in a manner satisfactory to the Secretary of the Treasury, any judgment or other claim arising out of such accident which she may have against the said H. T. Schinaman.

SEC. 3. *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY FRANCES HUTSON

The Senate proceeded to consider the bill (S. 2449) for the relief of Mary Frances Hutson, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$2,470" and insert "$2,245.90," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Frances Hutson, of La Junta, Colo., the sum of $2,245.90, in full satisfaction of her claim against the United States for compensation for personal injuries sustained, and reimbursement of medical and hospital expenses incurred, by her as a result of her having been hit by a bullet from a revolver fired during an altercation between two soldiers which occurred in La Junta, Colo., on December 13, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any

agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF HUNTSVILLE, TEX.

The Senate proceeded to consider the bill (S. 2761) for the relief of the First National Bank of Huntsville, Tex., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the First National Bank, Huntsville, Tex., the sum of $105.61, in full settlement of the claim of the said bank on account of two checks numbered 4120725 and 5455048, dated November 1, 1940, in the amounts of $27.66 and $77.95, respectively, drawn on the Treasurer of the United States by the Division of Disbursement, Treasury Department, over symbo No. 894–404, in favor of Jesse Cooper Hickman, and cashed by the said bank on the endorsement of Mrs. Jesse Cooper Hickman as temporary guardian, such checks thereafter being erroneously canceled by the Division of Disbursement, Treasury Department, and the amounts thereof included in a new check issued to Mrs. Jesse Cooper Hickman: *Provided*, That nothing herein contained shall be construed to relieve the said Mrs. Jesse Cooper Hickman from any liability to the United States on account of any amounts improperly received by her: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. DANAHER. Mr. President, there should be an amendment to the bill. On page 2, line 8, before the word "liability", the word "an" should be stricken out and the word "any" substituted.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LLEWELLA J. WELSH

The bill (H. R. 1883) for the relief of Llewella J. Welsh was considered, ordered to a third reading, read the third time, and passed.

WILSON N. YOST

The bill (H. R. 2217) for the relief of Wilson N. Yost was considered, ordered to a third reading, read the third time, and passed.

GLENN A. PIKE

The bill (H. R. 3478) for the relief of Glenn A. Pike was considered, ordered to a third reading, read the third time, and passed.

IRVING COWEN

The bill (H. R. 5177) for the relief of Irving Cowen was considered, ordered to a third reading, read the third time, and passed.

HOME INSURANCE CO. AND THE AMERICAN INSURANCE CO.

The bill (H. R. 5651) for the relief of the Home Insurance Co. and the American Insurance Co. was considered, ordered to a third reading, read the third time, and passed.

KATHERINE S. ARTHUR

The bill (H. R. 6078) for the relief of Katherine S. Arthur was considered, ordered to a third reading, read the third time, and passed.

SHIRLEY JONES

The bill (H. R. 6176) for the relief of Shirley Jones was considered, ordered to a third reading, read the third time, and passed.

LEE WATTS

The Senate proceeded to consider the bill (H. R. 6286) for the relief of Lee Watts, which had been reported from the Committee on Claims with amendments, on page 1, line 6, before the name "California", to strike out "Irvindale" and insert "Irwindale"; on line 11, after the words "occurring on", to strike out "July" and insert "June."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CHARLES S. SMITH

The bill (H. R. 6380) for the relief of Charles S. Smith was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. CHAPMAN, AND OTHERS

The bill (H. R. 6388) for the relief of William S. Chapman, Clyde Gilbert, Paul Scherbel, and Frank Childs was considered, ordered to a third reading, read the third time, and passed.

J. C. BAKER

The bill (H. R. 6751) for the relief of J. C. Baker was considered, ordered to a third reading, read the third time, and passed.

LLOYD A. EMICK

The bill (H. R. 6817) for the relief of Lloyd A. Emick was considered, ordered to a third reading, read the third time, and passed.

N. C. LLOYD

The bill (H. R. 6893) for the relief of N. C. Lloyd was considered, ordered to a third reading, read the third time, and passed.

MRS. P. R. YAGER

The bill (H. R. 6907) for the relief of Mrs. P. R. Yager was considered, ordered to a third reading, read the third time, and passed.

CAROLYN D. GRIFFIN

The bill (H. R. 6970) for the relief of Carolyn D. Griffin was considered, ordered to a third reading, read the third time, and passed.

G. F. ALLEN

The bill (H. R. 6990) for the relief of G. F. Allen was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF MARLIN CROFT

The bill (H. R. 6993) for the relief of the estate of Marlin Croft, deceased, was considered, ordered to a third reading, read the third time, and passed.

EARL CARBAUH

The bill (H. R. 7177) for the relief of Earl Carbauh was considered, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT OF CERTAIN NAVY PERSONNEL

The bill (S. 2888) to provide for the reimbursement of certain Navy personnel for personal property lost as a result of the disaster at the East Base, Antarctica, on March 21, 1941, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums amounting in the aggregate not to exceed $1,203.84, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain Navy personnel for the value of personal property lost incident to the emergency evacuation of the United States Antarctic Service Expeditions' Antarctic base on Neny Fjord, Marguerite Bay, Palmer Peninsula, Antarctica, on March 21, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MASTER GUNNERY SERGEANT EUGENE M. MARTIN

The bill (S. 2887) for the relief of Master Gunnery Sergeant Eugene M. Martin, United States Marine Corps, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Master Gunnery Sergeant Eugene M. Martin, United States Marine Corps, the sum of $1,796.60, which sum represents the value of personal property lost as a result of a fire which occurred in public quarters No. 143, United States Marine Barracks, Parris Island, S. C., on September 21, 1941: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SUBSTITUTION OF CERTAIN METALS IN COINAGE

The Senate proceeded to consider the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn

and uncurrent standard silver dollars into bars, and for other purposes, which had been reported by the Committee on Banking and Currency with amendments, on page 2, line 5, after the word "design" to insert "*Provided*, That in determining such physical properties the Secretary shall, in his discretion, take into consideration the use of such coins in coin-operated devices"; on page 2, line 15, after the words "section shall" to strike out "be in such denominations less than 10 cents as the Secretary of the Treasury may prescribe" and to insert "not be of other denominations than 1 cent, 3 cents, and 5 cents, and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury," so as to make the bill read:

Be it enacted, etc., That (a) there shall be included among the coins of the United States one or more special series of coins: *Provided*, That the coinage, issuance, and circulation of the coins provided for by this section shall be subject in all respects to the conditions, terms, provisions, limitations, and exceptions specified in subsections (b) to (j) hereof.

(b) No denomination or series of coins provided for by this section shall be coined unless and until the Secretary of the Treasury shall have issued an order that shall (1) prescribe the particular denomination or series, stating the pertinent physical properties, including content, weight, dimensions, shape, and design: *Provided*, That in determining such physical properties the Secretary shall, in his discretion, take into consideration the use of such coins in coin-operated devices; and (2) state that he has determined, after consultation with the appropriate officials charged with the production of war material, that the coinage and circulation of the particular series will operate to conserve strategic metals in furtherance of the war effort.

(c) There shall be no coinage pursuant to the provisions of this section after December 31, 1946.

(d) The coinage provided for by this section shall not be of other denominations than 1 cent, 3 cents, and 5 cents, and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury.

(e) Each denomination of coins provided for by this section shall constitute a series: *Provided*, That if one denomination is coined in more than one physical form or composition, the pieces of each different physical form or composition shall constitute a separate series.

(f) The coinage provided for by this section shall be in pieces of such metallic, or other or different content, weight, dimensions, shape, limits of tolerance, and design (including devices and legends), as the Secretary of the Treasury may by regulation prescribe for the particular denomination or series: *Provided*, That no silver shall be used for the coinage provided for by this section except as specified in subsection (g) hereof.

(g) For the coinage of any series, the Secretary of the Treasury is hereby authorized to allocate to the Director of the Mint, at such times and in such amounts as the Secretary of the Treasury deems necessary, any silver bullion in the monetary stocks of the United States not then held for redemption of any outstanding silver certificates. Silver contained in any pieces coined under section 1 of this act shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided*, That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further*, That the gain from the coinage of silver hereunder shall be accounted for by entries in the minor coinage profit fund. If any series is coined of silver or in part of silver, the pieces of said series shall nevertheless be deemed to be other than silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States.

(h) The coinage provided for by this section shall be minor coinage, and the provisions of amended section 3528 of the Revised Statutes (U. S. C., title 31, sec. 340) shall apply with respect to any necessary purchases of metal or other material for the coinage provided for by this section: *Provided, however*, That contracts for said purchases may be entered into in accordance with the provisions of title II of the First War Powers Act, 1941 (55 Stat. 839; U. S. C., Supp. 1, title 50, app., sec. 611).

(i) For the purpose of amended section 3529 of the Revised Statutes (U. S. C., title 31, sec. 341), the coinage provided for in this section shall be in the same category as the minor coins referred to in said section 3529.

(j) Except as provided in this act, the coinage provided for by this section shall be subject in all respects to the monetary laws of the United States, including, but not by way of limitation, the laws pertaining to counterfeiting, to legal tender, and to the distribution, exchange, and redemption of coins and currency.

SEC. 2. Title XII of the Second War Powers Act, 1942 (Public, No. 507, 77th Cong.), is hereby repealed.

SEC. 3. During the period when the coinage provided for by section 1 of this act may be coined, the Secretary of the Treasury is hereby authorized in his discretion to cause the coinage of any or all of the other minor coins to be suspended for the whole of said period or for any part or parts thereof.

SEC. 4. The Secretary of the Treasury shall cause all worn and uncurrent minor coin of the United States, heretofore or hereafter issued, received in the Treasury, to be melted down, the resulting metal and material to be used for coinage or sold, which sale is hereby authorized. Such coin (including any metal and material derived therefrom), and any loss resulting from the difference between the nominal or face value of such coin and the amount the same will produce in new coin, and any loss resulting from the sale of the metal or other material, shall be accounted for by entries in the fund established for the purchase of metal for minor coinage and said fund shall be reimbursed out of the special fund denominated the minor coinage profit fund: *Provided*, That the value of any coin (including any metal and material derived therefrom) accounted for as provided herein shall not be considered for the purpose of determining the statutory limit of the fund established for the purchase of metal for minor coinage. The proceeds from any sale pursuant to this section shall be accounted for by entries in the fund established for the purchase of metal for minor coinage.

SEC. 5. All worn and uncurrent standard silver dollars now held or hereafter received in the Treasury shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury may direct; and the Director of the Mint is hereby authorized to cause the bars obtained pursuant to the provisions of this section to be used for coinage: *Provided, however*, That whenever such bars are obtained from standard silver dollars held as security for outstanding silver certificates, an equal amount of silver shall be allocated as security for outstanding silver certificates when such bars are used for coinage.

SEC. 6. The Director of the Mint shall cause the coinage provided for by section 1 of this Act to be coined in the United States coinage mints or to be coined in whole or in part at such other places or plants as the Director may, with the approval of the Secretary of the Treasury, designate; and the Director, with the approval of the Secretary, is hereby authorized to enter into such contracts as may be necessary to carry out the purposes of this act.

SEC. 7. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 which shall be available for expenditure under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with the carrying out of this act.

SEC. 8. The Secretary of the Treasury is hereby authorized to issue such orders, regulations, and instructions as he may deem necessary or proper to carry out the purposes of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DANAHER. I ask unanimous consent that the report of the committee be printed in full at this point.

There being no objection, the report (No. 1699) was ordered to be printed in the RECORD, as follows:

The Committee on Banking and Currency, to whom was referred the bill (S. 2889) to further the war effort by authorizing the substitution of other materials for strategic metals used in minor coinage, to authorize the forming of worn and uncurrent standard silver dollars into bars, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The general purpose of the bill is to conserve the strategic metals required for war production purposes which are now used in minor coins. This is accomplished primarily by authorizing the issuance of new minor coins in which such metals either are not used or are used in more limited amounts than at present. By the two committee amendments the denominations of the new minor coins are limited to 1-, 3-, and 5-cent pieces, and the Secretary of the Treasury has discretion to take into consideration the need for the use of such coins in coin-operated devices.

The bill provides that there shall be no coinage pursuant to its provisions after December 31, 1946.

Provision is also made for the greater use of silver in minor coinage, and for the melting down of worn and uncurrent minor coins and silver dollars received in the Treasury.

The bill also authorizes the appropriation of $5,000,000 to carry out its provisions.

Your committee believe that it is in the interest of the war effort to provide for flexibility in the issuance of minor coins for the duration of the war without making it necessary to have new legislation each time certain metals become unavailable for coinage purposes. With this primary purpose in view, the committee recommend the speedy enactment of the bill as reported.

PRECEDENCE OF COMMISSIONED OFFICERS IN THE ARMY

The bill (S. 2891) to amend paragraph 8, section 127a, of the National Defense Act so as to authorize certain service to be counted in determining precedence among officers when dates of rank are the same was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the eighth paragraph of section 127a of the National Defense Act of June 3, 1916, as amended by section 5 of the act of February 28, 1925 (43 Stat. 1078; 10 U. S. C. 511), is hereby amended by

changing the second sentence thereof to read as follows: "When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army, which shall include all time served on active duty as a commissioned officer in the Federal service, and commissioned service under the provisions of sections 94, 97, and 99 of this act."

Mr. BYRD subsequently said: Mr. President, I should like to have an explanation of Order of Business No. 1754, Senate bill 2891.

The PRESIDING OFFICER. The bill has been passed.

Mr. BYRD. I should like to have the vote reconsidered, and if no explanation is made, I should like to have the bill go over.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed is reconsidered, and, on objection, the bill will be passed over.

DECORATIONS AND MEDALS FOR MEMBERS OF MILITARY FORCES OF UNITED NATIONS

The bill (S. 2852) to authorize the President to confer decorations and medals upon units of, or persons serving with, the military forces of cobelligerent nations was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized, under regulations to be prescribed by him, to confer such decorations and medals as may be authorized in the military service of the United States upon units of, or upon any person serving in any capacity with, the military forces of the countries now, or which may hereafter be, engaged with the United States in the present war.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this act.

EQUALIZATION OF BENEFITS FOR ARMY OFFICERS

Mr. LODGE. Mr. President, I ask unanimous consent that the Senate recur to Order of Business 1726, Senate bill 2786, and that it be considered.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2786) to equalize certain benefits for Army officers, which had been reported from the Committee on Military Affairs with amendments.

Mr. LODGE. Mr. President, this bill was reported from the Committee on Military Affairs, and I believe it was passed over merely because no one from the committee was on the floor at the time it was reached on the calendar.

Under the present law, if a temporary officer in the Army of the United States incurs a disability, he is retired with the rank he holds at the time. On the other hand, if a Regular Army officer, a National Guard officer, or a Reserve officer, incurs a disability while holding a temporary higher rank in the Army of the United States, he must be paid retired pay computed on the basis of his permanent lower rank.

The injustice of that seems obvious, and the sole purpose of this bill is to remedy that condition. I therefore hope the Senate will act favorably on the bill, which I believe was reported unanimously by the Committee on Military Affairs.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The first amendment was, on page 1, after line 9, to strike out section 2, as follows:

SEC. 2. Any officer of the Regular Army, except an officer on the retired list, who incurs physical disability while serving under a temporary appointment in a higher grade and is retired from active service because of such disability, shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade.

And to insert in lieu thereof the following:

SEC. 2. Any officer of the Regular Army who heretofore or hereafter has been or may be retired for physical disability while serving under a temporary appointment in a higher grade shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out section 6, as follows:

SEC. 6. The benefits of this act shall hereafter apply only to officers who incur physical disability in line of duty in time of war or national emergency or within 6 months thereafter, but shall extend to all such officers who shall have incurred physical disability on or since December 7, 1941, but not prior thereto; however, no back pay shall accrue by reason of the enactment of this act. The provisions of this act shall not otherwise affect the method in which officers are to be retired.

And in lieu thereof to insert:

SEC. 6. The benefits of this act shall apply to officers of the Army of the United States who were retired subsequent to April 6, 1917, or who may hereafter be retired for physical disability in line of duty in time of war or any emergency declared by the President, or within 6 months thereafter, while serving under a temporary appointment in a higher grade, including any officer given a temporary appointment in a higher grade under the act of June 16, 1936, who has been retired for physical disability in a lower grade.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to add a new section, as follows:

SEC. 9. No back pay shall accrue by reason of the enactment of this Act. The provisions of this Act shall not otherwise affect the method in which officers are to be retired.

The amendment was agreed to.

Mr. WALSH. Mr. President, may I inquire of my colleague, will the increase in rank which a retired officer will receive after disability involve an increase in retirement pay?

Mr. LODGE. Yes; I believe it will. I believe the retirement pay is geared to the rank of the officer, and it would involve an increase in retirement pay commensurate with the difference in rank.

Mr. WALSH. The only interest I have is that if the proposed law is different from that affecting the Navy I shall ask for the passage of a bill according the same rights to officers of the Navy.

Mr. LODGE. I will say to my colleague that I do not think that the pending bill proposes a law which is different from the law on the subject affecting the Navy. In fact I think it merely brings the situation with reference to the Army into harmony with the provisions of the naval law.

Mr. WALSH. Very well.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any officer of the Army of the United States or of any component thereof, except an officer of the Regular Army, who incurs physical disability while serving under a temporary appointment in a higher grade and becomes entitled to retirement pay because of such disability, shall receive retirement pay computed as otherwise provided by law for officers of such higher grade.

SEC. 2. Any officer of the Regular Army, who heretofore or hereafter has been or may be retired for physical disability while serving under a temporary appointment in a higher grade shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade.

SEC. 3. Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for an officer of such higher grade retired on account of physical disability incident to the service.

SEC. 4. Any officer of the Regular Army on the retired list who shall have been placed thereon by reason of physical disability shall, if he incurs additional physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for officers of such higher grade: *Provided*, That the Secretary of War, or such person or persons as he may designate, shall find that the additional physical disability is incident to service while on active duty in the highest grade and not less than 30 percent permanent.

SEC. 5. Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving on active duty in the same grade as that held by him on the retired list, receive retired pay computed as otherwise provided by law for officers of such grade retired on account of physical disability incident to the service.

SEC. 6. The benefits of this act shall apply to officers of the Army of the United States who were retired subsequent to April 6, 1917, or who may hereafter be retired for physical disability in line of duty in time of war or any emergency declared by the President, or within 6 months thereafter, while serving under a temporary appointment in a higher grade, including any officer given a temporary appointment in a higher grade under the act of June 16, 1936, who has been retired for physical disability in a lower grade.

SEC. 7. The provisions of this act shall not apply in any case unless proceedings to obtain the benefits provided herein are initiated within 6 months from the termination of the temporary appointment held at the time when the disability is incurred or the disabled officer's release from active duty, whichever occurs earlier: *Provided*, That such proceedings may be initiated within 6 months

from the date of the approval of this act in any case where such termination of appointment, retirement, or release from active duty occurred prior to such approval. The Secretary of War is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this act.

SEC. 8. Nothing contained herein shall be construed to limit the power of the President under existing law, or to affect the right of any officer of the Regular Army to have the rank and retired pay of a higher grade than herein provided, or of any other officer of the Army of the United States to have the retirement pay of a higher grade than herein provided, if entitled thereto under other provisions of law.

SEC. 9. No back pay shall accrue by reason of the enactment of this act. The provisions of this act shall not otherwise affect the method in which officers are to be retired.

ALLOWANCES OF OFFICERS AND WARRANT OFFICERS COMMISSIONED OR APPOINTED IN THE ARMY OF THE UNITED STATES

The bill (S. 2885) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that House bill 7768, Calendar No. 1758, which has been passed by the House, is an identical bill. Is there objection to substituting the House bill for the Senate bill and considering it at this time?

There being no objection, the bill (H. R. 7768) to provide a uniform allowance for officers and warrant officers commissioned or appointed in the Army of the United States or any component thereof was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2885 is indefinitely postponed.

REGULATION OF DELIVERY OF CERTAIN GOVERNMENT CHECKS

The bill (H. R. 7408) 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," was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION OF RANK OF REAR ADMIRAL IN NAVY DENTAL CORPS

The bill (S. 2769) to authorize the rank of rear admiral in the Dental Corps of the United States Navy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the rank and grade of rear admiral, dental surgeon, is hereby established in the Dental Corps of the United States Navy, and dental officers shall become eligible for selection and promotion to this rank and grade under the provisions governing the selection and promotion of other staff officers to the grade of rear admiral contained in the Act of June 10, 1926, or in existing law. The pay, allowances, and retirement for rear admiral, Dental Corps, shall be the same as for other officers of equal rank and length of service.

The PRESIDING OFFICER. That concludes the calendar.

Mr. VANDENBERG. Mr. President, I understood that at the conclusion of the consideration of bills on the calendar, the Committee to Audit and Control the Contingent Expenses of the Senate was to report the resolution contemplating the investigation of Puerto Rican affairs. I now understand that the matter is to go over for at least two days. I wish to ask the able majority leader if that be the contemplation, if he will be good enough to agree to have the matter of reporting the resolution go over until Friday so that I can be sure to be present, inasmuch as I have a few observations to make.

Mr. BARKLEY. Yes; that is agreeable to me. I had suggested that the matter go over at least until Friday, and that is agreeable to me.

AMENDMENT OF PAY READJUSTMENT ACT OF 1942

The PRESIDING OFFICER (Mr. WALLGREN in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2723) to amend the Pay Readjustment Act of 1942, which were, on page 1, line 11, after "Guard", to insert "or in the National Guard Reserve"; on page 3, line 8, after "Guard", to insert "or in the National Guard Reserve"; on page 3, after line 16, to insert:

SEC. 3. The Pay Readjustment Act of 1942 (Public Law 607), approved June 16, 1942, is amended by inserting after section 3 thereof the following new section:

"SEC. 3A. During the existence of any war declared by Congress and for 6 months immediately following the termination of such war, in computing the service for all pay purposes of officers paid under the provisions of section 1 or 3 of this act, such officers, in addition to the time required to be credited by such sections, shall be credited with full time for all periods during which they were enlisted or held appointments as warrant officers or Army field clerks or as commissioned warrant officers in any of the services mentioned in the title of this act, or in the Regular Army Reserve, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the Enlisted Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary. The provisions of this section shall not be construed to permit any commissioned officer to receive pay and allowances in excess of the maximum limitations imposed upon the total pay and allowances of any rank or grade by any of the provisions of this act."

And on page 3, line 17, to strike out "3" and insert "4."

Mr. JOHNSON of Colorado. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AUTHORIZATION TO SNAKE OR PIUTE INDIANS TO SUE IN COURT OF CLAIMS

Mr. McNARY. Mr. President, I desire to remedy an anomalous position which often occurs when the House passes one bill and the Senate passes a different bill on the same subject. I think on two or three occasions I have asked for the same order. I should like to have a statement which I send to the desk read by the clerk.

The PRESIDING OFFICER. Without objection, the statement will be read.

The Chief Clerk read as follows:

On May 13, 1941, the Senate passed the bill (S. 613) authorizing the Snake or Piute Indians of the former Malheur Indian Reservation of Oregon to sue in the Court of Claims, and for other purposes, which was sent to the House and on May 19, 1941, was referred to the Committee on Indian Affairs of that body.

On March 12, 1942, several months thereafter, the House committee reported out House bill 622, of a similar purpose, taking no action on the Senate bill which had been pending before it for about 9 months.

The House bill was passed by the House on June 1, 1942, was transmitted to the Senate, and on June 4, 1942, was referred to the Committee on Indian Affairs of the Senate.

In order to get the matter before the President for action, one of the two bills in some form must pass both Houses.

A due observance of parliamentary procedure would have resulted in the House taking some action on the Senate bill. If unacceptable in its present form, it could have been amended by the House to correspond to its own bill, and in that way the House amendments could have been agreed to by the Senate or the bill sent to conference and differences adjusted in that way.

Therefore, in order to expedite the matter, I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the House bill, that it be taken up for consideration by the Senate, and that the bill be amended by striking out all after the enacting clause and substituting the text of the bill previously passed by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the Committee on Indian Affairs was discharged from the further consideration of House bill 622, conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Paiute Indians of the former Malheur Indian Reservation of Oregon, or any band thereof, may have against the United States, and for other purposes, and the Senate proceeded to its consideration.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and insert in lieu thereof the following:

That jurisdiction be, and the same is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, anything in the Judicial Code of the United States and amendments thereto to the contrary notwithstanding, and notwithstanding the lapse of time or the statute of limitation, to hear, examine, and adjudicate the claims of, and decree just compensation for, any and all claims of the Snake or Piute Indians of the former Malheur Reservation of Oregon arising or growing out of the Executive orders of September 12, 1872, May 15, 1875, and July 23, 1880, setting aside certain lands as a reservation for said Indians, which lands were taken from them and restored to the public domain by the Executive orders of January 28, 1876, September 13,

1882, May 21, 1883, and March 2, 1889; and it is hereby declared that the taking and the loss, without just compensation to the said Indians, of their lands, reserved to them by the said Executive orders of 1872, 1875, and 1880, and which were restored to the public domain by the said Executive orders of 1876, 1882, 1883, and 1889, is sufficient ground for the court to render equitable relief, and the court shall determine the acreage of the lands set aside for the said Snake or Piute Indians by the aforesaid three Executive orders, as near as may be, and shall determine the value thereof as fixed and classified under the terms of the public land and mining laws of the United States, provided the minimum value shall be fixed at $1.25 per acre, and render just compensation for the value and loss of use of the same. For the purpose of this act, the Snake or Piute Indians of the former Malheur Reservation shall be defined to be all Snake or Piute Indians who occupied and used lands set aside under the said three Executive orders creating the Malheur Reservation (1) from September 12, 1872; (2) from the time of establishing their home on such lands if such home was established between September 12, 1872, and January 1, 1878; or (3) from time of their birth if they were born on such lands after September 12, 1872, and who continued to occupy and use such lands until their removal therefrom by force in 1878, and their descendants. Any payment or advances made to the said Indians by the United States shall not be pleaded as an estoppel but may be pleaded by way of set-off, where such payments or advances have inured to the benefit of said Indians.

SEC. 2. The claim of said Snake or Piute Indians of the former Malheur Reservation of Oregon shall be presented by petition or petitions to be filed within 5 years from the approval of this Act and shall make the said Indians party plaintiff and the United States party defendant. Such petition shall be verified and signed by such attorney or attorneys employed by the representative or agent of said Indians under and by virtue of authority given at a council of said Indians duly called by the Indian Department and held on October 1, 1934, and by virtue of a certain contract entered into by said Indians with their representative or agent dated October 6, 1934, in accordance with existing law, which may be made upon information and belief and no other verification shall be necessary. Official letters, papers, documents, maps, and other public records, or certified copies thereof, of any Department of the Government shall be available to the Government and the claimants, and may be used in evidence, and be furnished without cost.

SEC. 3. Upon final determination of such suit instituted hereunder, the Court of Claims shall have jurisdiction and fix and determine a reasonable fee for all services rendered before the departments of the Government, committees of Congress, and the courts, not to exceed 10 percent of the amount recovered. In addition thereto all necessary and proper expenses incurred in the preparation and prosecution of such suit hereunder, the said fees and expenses shall be paid by the Secretary of the Treasury out of any sum or sums found to be due said Indians, when appropriation therefor is made by Congress to pay any judgment rendered, and the balance of any sum or sums shall be placed in the Treasury of the United States as a trust fund to the credit of said Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 4 percent per annum from the date of said judgment, and shall be subject to appropriation by Congress for the benefit of said Indians.

SEC. 4. That for the purpose of the distribution of the proceeds of such judgment, the Secretary of the Interior is hereby authorized and directed to make a proper roll of said Indians within 2 years from the date of the approval of this Act. Each community of the Snake or Piute Indians of the former Malheur Reservation of Oregon shall prepare a roll of its membership, which roll shall be submitted to a council of the majority of their Indian chiefs, who lived on the above said Indian reservation, for its approval or disapproval. The said central council of these chiefs shall prepare a combined roll of all members and descendants of members of the respective communities of said Indians of the former Malheur Reservation of Oregon and shall submit the same to the Secretary of the Interior for a final approval which shall operate as final proof of such Indians to share in the benefits of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

NUMBER OF CIVILIAN EMPLOYEES OF THE UNITED STATES GOVERNMENT

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, not in the Appendix, a public statement made by me with respect to the number of civilian employees of the Government of the United States.

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

The United States Civil Service Commission reports that as of August 31, 1942, there were 2,606,300 employees of the United States Government. If we add to this the employees of the local and State governments, then there are more civilian public employees than there are soldiers, sailors, and marines in our armed forces. During the months of September and October substantial increases were made, but the Civil Service Commission is unable to supply later figures.

Since Pearl Harbor, the monthly increase in civil-service employees has been in excess of 100,000, so that by January 1, and perhaps sooner, there will be 3,000,000 civilian employees of the Federal Government alone, and a total of approximately 5,500,000 if the local and State government employees are included.

Today the Federal Government is the chief offender in the waste and hoarding of manpower in America. In order to win the war we must utilize in the most efficient manner possible our manpower facilities. In time of peril and war the Government should be an example to its citizens, doing those things essential to our victory and to the preservation of our fundamental institutions, but nothing in all history—and I say this advisedly—is in any way comparable to the waste and inefficiency that now exist in the vast number of bureaus in our Government today.

In time of peace the waste of public funds is to be condemned severely, but in time of war the waste of manpower by the Government in nonessential activities, as well as the waste of public funds, is inexcusable and criminal.

The Joint Committee on Reduction of Nonessential Federal Expenditures, of which I am chairman, has already begun an investigation and will shortly start hearings to tell to the people the whole truth with respect to duplicated activities, the overmanning of practically every agency of the Government, and the useless employees that are carried on the pay rolls of these agencies, and will offer constructive suggestions to remedy these conditions. There is no time to be lost. We can shorten the war by the full utilization of all our manpower and reduce our casualties and cost. The Government cannot expect such utilization of America's effective manpower when it is itself the chief offender.

I know of no more imperative duty that Congress now has to perform than to take such action as may be necessary to eliminate those agencies of Government that are not contributing to the war effort and to institute methods of efficiency and economy in all agencies of the Government and eliminate the waste and inefficiency that now exist.

I predict that the people of America will be shocked and indignant when the comparative figures are shown as to the civil-service employees in the last World War and the civilian employment in this war.

On Armistice Day, November 11, 1918, there was a total of 917,760 civilian Federal employees. We have 3 times that many now. In the last World War we had 1 civilian employee for every 4½ members in the armed service. In this war, we have so far 1 civilian employee to every 1¾ members of the armed forces, the ratio being 2½ times more per soldier and we are still increasing our civilian personnel at the rate of over 3,000 daily.

It is, of course, true, as it was in the last war, that some of these civil-service employees are engaged in mechanical and construction work such as in navy yards, but these account for only a part of the colossal increase in Federal employment in the routine administration of the Government agencies.

On November 11, 1918, there were 30 agencies of the Government. Today there are 81 distinct agencies, many of these making no direct contribution to the war effort.

Notwithstanding that many agencies with their employees have been moved from Washington, the number of civil-service employees in Washington on August 31 was 275,362, as compared to 117,760 on November 11, 1918.

Outside of Washington, as of June 30, 1942, there were 1,594 branch offices of different agencies established in every nook and corner of the country, employing large and frequently unnecessary personnel, and overlapping and duplicating the activities of each other. The number has increased since then. These regional and branch offices have added enormously to the cost and confusion of the administration of the Federal Government.

Only prompt and drastic action by Congress will prevent a continued increase in civil-service employees above the 3,000,000 mark. So far as I can ascertain by my investigations, there are no plans contemplated to stop or reduce the monthly increase of 100,000 new employees that have been added since Pearl Harbor. In fact some of the new agencies, such as the Office of Price Administration have just gotten started. The Office of Price Administration will no doubt, in time reach its goal of 90,000 employees, as requested by Mr. Henderson before the Congressional committees, unless Congress takes action to prevent it.

In such new activities as are essential no effort, so far as I have observed, has been made to transfer employees from nonessential activities to those needed in the war. If Mr. Henderson, for example, needs employees, they should be transferred from those departments of the Government that are oversupplied with personnel. Mr. Henderson, too, should depend more on voluntary workers, as was done in the last war.

On August 31 the civilian employees of the War Department numbered 1,009,030 (now nearly 1,200,000), and this figure does not include those inducted into the Army who are doing clerical work.

On August 31 in the Navy Department the civilian employees were 500,565, as compared to a total of 110,823 on December 31, 1918.

In the Agriculture Department they numbered 81,645, four times as many as on July 1, 1919, and this figure does not include the employment of 100,000 agricultural committeemen drawing per diem and costing the Government alone $50,000,000 a year.

The Interior Department had 47,497, nearly three times as many as on July 1, 1919. The Commerce Department had 24,479, as compared to 10,632 on July 1, 1919.

The new agencies of Government created since the New Deal came into power and did not exist at all during the last World War have 252,853 employees.

I am now giving merely a few of these comparisons to indicate the extent to which bureaucracy has been established in our Federal Government and is extending its autocratic control over the lives of our citizens. Later on, a complete and carefully prepared report will be made to Congress showing in detail the employment of the various agencies, the salaries and other such information.

I am convinced that the waste of manpower by the Federal Government in the unnecessary employment in the boards, bureaus, and commissions is today a very dangerous obstacle to our full war effort.

Excluding the civil-service employees that are now engaged in mechanical and construction work, I am fully convinced that one-third of the remaining civilian employees of the Federal Government could be dismissed, resulting in a vast saving in manpower and cost and, at the same time, substantially promoting the successful prosecution of the war.

The thumb twiddlers in our Government service should be given other work to do.

The task of investigating these numerous agencies of Government is a colossal one, and the difficulty in obtaining prompt and accurate information is great. For example, the Civil Service Commission now is more than 60 days behind even in compiling the number of Federal employees.

The Joint Committee on Reduction of Nonessential Federal Expenditures has already sent to each agency of the Government a questionnaire which will disclose information upon which constructive recommendations can be made.

It is now very obvious that the administrative branches of our Government cannot be relied upon to take the measures necessary to do what must be done to streamline our various agencies of Government to save manpower and promote efficiency.

While the task for Congress will be most difficult, let us remember that Congress still has control of the purse. It is true that vast sums (approximating $175,000,000,000) remain as yet unspent from funds appropriated for the war effort and that much of this extravagance and waste comes from the use of such lump-sum appropriations, but if the need is sufficiently urgent and the demand of the people is sufficiently imperative, and I believe it is, Congress can take some effective steps to curb these abuses that are now threatening the security of our Nation.

Questionnaire sent by the Committee on Reduction of Nonessential Federal Expenditures to every agency of the Government with the request that the information be furnished promptly:

QUESTIONNAIRE

1. (a) Total number of employees.
(b) Total number of permanent employees.
(c) Total number of part-time employees.
(d) Total number of temporary employees.
(e) Total number of war-service appointments.
(f) Total number of employees paid from Emergency Relief appropriations.
(g) Total number of all other employees.

2. (a) Total amount of your pay roll.
(b) Total amount of permanent employees pay roll.
(c) Total amount of part-time employees pay roll.
(d) Total amount of temporary employees pay roll.
(e) Total amount of war service appointments pay roll.
(f) Total amount of emergency relief appropriations employees pay roll.
(g) Total amount of all other pay rolls.

3. (a) Total number of employees in each CAF grade (1-16).
(b) Total number of employees in each professional and scientific service grade (1-9).
(c) Total number of employees in each subprofessional service grade (1-8).
(d) Total number of employees in each custodial service grade (1-10).
(e) Total number of employees in each clerical-mechanical service grade (1-4).
(f) Total number of employees in each industrial and skilled trade grade.
(g) Total number of all other employees.

4. Total amount of pay rolls for each classification listed above.

5. These figures to be broken down by permanent, part-time, temporary war service appointments and employees paid from emergency relief funds.

6. Give all above information for September 1, 1939, November 30, 1941, June 30, 1942, and October 31, 1942, in Washington, D. C.

7. Give all above information for September 1, 1939, November 30, 1941, June 30, 1942, and October 31, 1942, outside Washington, D. C.

8. Give estimated number of persons to be employed during fiscal year 1943, and estimated total salaries.

9. Give number of regional offices your department has and number of district and State offices.

10. Has your agency been decentralized? _____. Give location. _____. Do you plan to decentralize? _____. Give location. _____.

11. Total number of positions decentralized _____ or to be decentralized _____.

12. Total number of persons accompanying _____ or expected to accompany agency _____.

13. Total square feet released _____ or expected to be released _____.

CHANGE OF SERVICE OF CONFEREES

Mr. ELLENDER. Mr. President, I ask unanimous consent that the junior Senator from Michigan [Mr. BROWN] be excused from further service as a conferee on House bills 3398, 5449, 5920, 4953, 4923, and 6410, and that in his stead the junior Senator from Tennessee [Mr. STEWART] serve as conferee on House bills 3398, 5449, and 5920; and that the junior Senator from Louisiana [Mr. ELLENDER] serve as conferee in place of the Senator from Michigan, on House bills 4953, 4923, and 6410.

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

Mr. ELLENDER. I further ask unanimous consent that the junior Senator from Tennessee [Mr. STEWART] serve in the place of the former Senator from West Virginia [Mr. ROSIER] on House bill 6410.

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

POST-WAR PROBLEMS

Mr. WILEY. Mr. President, I desire the attention of the Senate for about 10 minutes.

In Washington we are thinking about the future more than ever before. For the first time in history the United States has become the greatest military power on earth. It will be for the American people to determine whether we shall maintain that power or again throw it away as we did several times in the past.

It is becoming more and more apparent that government must learn efficiency in the post-war period. On every front of activity government must learn to work for and with its citizens to solve the post-war problems—economic, social, political, and international.

In recent days the able Senator from Virginia [Mr. BYRD] has been doing a great job in bringing to the people the inefficiency and extravagance of government. It has been shown that 3,000,000 persons are employed in the civilian branches of the Government.

We know that when the war is over it will be impossible for anyone to present to the world a full-grown blueprint for a perfect future world order, and that it will also be impossible to present such a blueprint for America. Many problems will have to be left open for future consideration and settlement. In world affairs we will have to see to it that American interests retain their decisive influence in order that the course of history may go straight; and we will have to back up our policy by a maximum amount of power, exercised constructively.

It is not in the interest, in the tradition, or in the spirit of the American Nation, to interfere in the affairs of other people. But this world has grown very small, and in order to safeguard our own interests and again make valid international law, and, if necessary, force compliance with treaties, America must have the force that is necessary.

When our boys come back, we in America must see to it that individual enterprise will have a chance to recapture at least part of its former position in America. It was individual enterprise which made America great. Right now we know that individual enterprise is not lost. It is laid aside because of war. When peace returns, government must not hinder or sabotage this great inherent American trait. Government must foster it.

Among many officials and servants of the public, in recent years there has been too much of a tendency to confuse the master and servant idea and turn it in reverse. Public office or employment must not be regarded as a sinecure—as many regard it—but as a trust requiring of the officers or employees a dedication to the job and more efficiency and hours of work—not less.

Of course, during the post-war period, because of internal and external economic conditions, whenever it is necessary government must cooperate with its citizens who have initiative and who possess the traits of invention, industry, thrift, and courage. Not how big a government agency can grow, but how small it can be kept in order to do the job efficiently, is the test and rule which should apply and operate in government.

Mushroom growth of bureaucratic departments and bureaus, such as we have seen under the New Deal in peace and in war, will, I am sure, not be tolerated in the post-war period. During that period government will, of course,

have its place in our lives as our agent in the performance of functions delegated to it by the Constitution and to which the citizen cannot attend.

Because of the power which government has as the people's instrument, it must of necessity look after the Nation's interests in international affairs. In the interests of the public welfare, in domestic affairs its sphere should be limited instead of extended.

The people themselves must determine to what extent we shall take our part in policing the world. In the chaotic conditions which will follow wherever war has struck, we shall need practical idealists who will appeal for voluntary cooperation and who will know how to sell the advantages of our way of life, but we must not leave any doubts that anyone who again breaks international peace or the moral codes of our civilization will be regarded by this country as an enemy of mankind and treated as a criminal.

Therefore, it would appear that some sort of an international police force will be imperative. It is desirable that all nations, victorious and vanquished, participate in that police force. However, this country must be strong enough to insure that in the future no attempt will again be made by any nation or power to withdraw from its responsibility to mankind.

As the world emerges from the war we know that it will consist of many nations, very different in levels of political thought, economic standards of life, and social concepts. We cannot expect and should not try to achieve a position in which all of them would share our view of life or the American system. We must have brains enough to see that all peoples have a right to choose their political policies; but we can and must insist on the recognition of certain basic principles of national and international relations which make it possible for the world to progress and to march toward the realization of the five freedoms.

The American Bill of Rights, which has its equivalent in the English law and in the constitutions of all advanced nations, must represent the international goal toward which we seek to advance for all peoples. An international bill of rights, such as our own Bill of Rights, should be the common ground on which the structural future of international collaboration should and could be erected.

I have said that the officials and employees of Government must regard themselves as servants in the handling of trust affairs. In a more limited sense, all citizens, especially those of great wealth and talents, must have the same concepts of their responsibility to life.

Complicated times are upon us. Individuals must become less selfish, more cooperative, more appreciative of America's position in the world, and must become more sensitive to our individual responsibility for shaping a better world. If this takes place we will shape a better world and make America safe for ourselves as well as for those who come after us.

The tide of war has turned, but victory is a long way off. We must tighten our belts more and more to make victory sure.

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 REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McKELLAR:

From the Committee on Appropriations:

Roy Schroder, of Florida, to be Work Projects Administrator for Puerto Rico and the Virgin Islands, effective November 24, 1942, vice Paul Edwards.

From the Committee on Post Offices and Post Roads:

Sundry postmasters.

By Mr. VAN NUYS, from the Committee on the Judiciary:

James A. Bough, of the Virgin Islands, to be district attorney for the District Court of the Virgin Islands.

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

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; and

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.

POSTMASTER NOMINATIONS CONFIRMED

Mr. McKELLAR. Mr. President, earlier in the day I reported the nomination of James A. Collins to be postmaster at Minturn, Colo. I now ask unanimous consent that the nomination be confirmed today. The nomination is made at the request of the Department, and it has the approval of both the Senators from Colorado [Mr. JOHNSON and Mr. MILLIKIN]. I notice that the senior Senator from Colorado [Mr. JOHNSON] is present.

Mr. JOHNSON of Colorado. Yes; Mr. President, I desire to thank the Senator from Tennessee.

The PRESIDING OFFICER (Mr. WALLGREN in the chair). Is there objection to present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed.

Mr. McKELLAR. Mr. President, I also reported today the nominations of three postmasters in Mississippi. The clerk has the nominations at the desk. I ask that they also be confirmed, and that the President be notified forthwith as to them and as to the nomination of the postmaster in Colorado which the Senate has just confirmed.

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk read the nominations of Ray B. Hall, to be postmaster at Greenwood, Miss.; Roy C. Bailey, to be postmaster at Oxford, Miss.; and Lucile C. Cox, to be postmaster at Smithville, Miss.

The PRESIDING OFFICER. Without objection, the nominations are confirmed; and, without objection, the President will be notified forthwith of the confirmation of the postmaster nominations.

Mr. McKELLAR. Mr. President, there are no other nominations of postmasters to be considered.

The PRESIDING OFFICER. The clerk will state the nominations on the calendar.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. WALSH. I ask that the nominations and promotions of officers in the Marine Corps, as set forth in the executive calendar, be confirmed en bloc.

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

Mr. BARKLEY. I ask that the President be notified forthwith of all nominations confirmed today.

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

That concludes the Executive Calendar.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, I wish to state to the Senate that it is my purpose to move that the Senate adjourn until Wednesday, and then until Friday, so that we may observe Thanksgiving, and then until Monday. So far as I know, no outstandingly vital or important legislation is likely to come up this week; but because of the parliamentary and constitutional situation and the desire not to have a session on Thursday, it is necessary that the Senate adjourn until Wednesday, and then until Friday, and then until Monday.

ADJOURNMENT

Mr. BARKLEY. Mr. President, I now move that the Senate adjourn until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 51 minutes p. m.) the Senate adjourned until Wednesday, November 25, 1942, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 23 (legislative day of November 17), 1942:

IN THE MARINE CORPS

PROMOTIONS AND APPOINTMENTS

To be lieutenant colonels

Samuel W. Freeny	Donald Spicer
George D. Hamilton	James M. McHugh

To be majors

Samuel B. Griffith 2d	James R. Hester
John J. Heil	Francis H. Williams
Frank P. Pyzick	John A. White
Harry C. Lang	George R. Weeks
James V. Bradley, Jr.	

To be captains

Charles S. Todd	
Howard L. Davis	

To be first lieutenants

John F. Carey	Charles H. Bennett
Hugh A. Tistadt, Jr.	John S. Fantone
William F. Harris	Richard M. Huizenga
Ralph C. Mann, Jr.	Willard B. Holdredge
James D. McBrayer, Jr.	William F. Hogaboom
Jack Hawkins	Carter B. Simpson

To be second lieutenants

James K. Eagan	Frank E. Garretson
James P. Rathbun	Earl J. Cook
Albert G. Carr	John H. Ellis
Thomas R. Shepard	Robert A. Thompson
Ernest G. Atkin, Jr.	James K. Linnan
Raymond G. Coyne	George A. Lavis

POSTMASTERS

COLORADO

James A. Collins, Minturn.

MISSISSIPPI

Ray B. Hall, Greenwood.
Roy C. Bailey, Oxford.
Lucile C. Cox, Smithville.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 23, 1942

The House met at 12 o'clock noon.

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

Our God and our Father, ever re-creating for the needs of Thy children, Thou goest forward, whitherward we know not, yet we have faith and confidence in Thy Fatherhood. Grant that no obstacle may come between us and the precepts of the Man of Galilee and the wonders of His Cross. As we wait at the altar of prayer, may all hearts be warmed by the touch of Thy Holy presence, our souls quivering in the heights and depths of spiritual capacity. Standing today in the embrace of brotherly comradeship, we would seek to make strong the right arm of justice for the liberation of the enslaved peoples of earth. Oh, lay Thy hand upon all selfishness and prejudice and transform our labors into sacraments of fellowship. We pray that our credentials may be deep sincerity and a bouyant optimism, pouring forth in tidal waves as servants of better days and higher things.

"Hold in Thy mighty hand
Our troops by sea and land,
In air and field.
Give them to do and dare;
In days of danger spare,
And guard them by Thy care,
O God, our shield."

Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Thursday, November 19, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

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.

GIFTS FROM MEMBERS OF THE ARMED FORCES

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7792) to accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina explain the measure?

Mr. DOUGHTON. Mr. Speaker, I shall be very glad to make a brief statement with reference to this bill. The bill was introduced by me and has a unanimous report from the Committee on Ways and Means. The bill was introduced as a result of a letter written by the Secretary of War to the Speaker of the House and by the Speaker referred to our committee. It was on that basis that I introduced the bill and it was considered and unanimously reported by our committee. It provides for the free entry of gifts sent by members of our armed forces abroad, not to exceed $50 in value, free of customs or exactions of any kind, including internal-revenue taxes. Its immediate passage is made important on account of this being near the holidays and many of these gifts will be sent by members of our armed forces abroad to their loved ones and friends at home. It is thought that in some cases the donees, possibly, would not be able to receive these gifts on account of the payment of the duties, and I am sure if the bill were understood there could be no reasonable objection to it.

I suggest, Mr. Speaker, as it is brief, that the letter from the Secretary of War be read by the Clerk for the benefit of the Members of the House. The letter sets forth fully and definitely the reasons for the bill. I therefore ask unanimous consent that the letter of the Secretary of War to the Speaker be read in my time.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the letter, as follows:

WAR DEPARTMENT,
Washington, October 12, 1942.

The SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: There is enclosed a draft of a bill "To accord free entry to bona fide gifts from members of the armed forces of the United States on duty abroad" which the War Department recommends be enacted into law.

The purpose of the proposed legislation is to provide for the entry of so much of any shipment of bona fide gifts as does not exceed $50 in value without the payment of customs duties, charges or exactions or internal revenue taxes for the duration of the present war and 6 months thereafter when such gifts are sent by members of the armed forces on duty abroad.

It has come to the attention of the War Department that while gifts sent from American soldiers in the British Isles to relatives and friends here at home are not subject to British export license requirements, they remain subject to the United States customs regulations. Collection of the fees from the American senders in the British Isles has been found to be impracticable. As a consequence, the recipients of the presents in the United States are required to pay the customs charges on the articles received. The problem is not confined to gifts sent by members of the Army stationed in the British Isles but is applicable to gifts sent by our forces from any foreign country.

It is anticipated that during the Christmas season many gifts sent by members of our armed forces to relatives and friends will not reach intended donees if the donees are required to pay customs duties pursuant to existing law.

The proposed measure will not result in an increase in administrative expenses but will involve the loss of revenue relatively negligible in amount.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation for the consideration of the Congress.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

Mr. DOUGHTON. Mr. Speaker, I yield to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I shall not consume very much time on this bill because I think it is thoroughly understood by the Members of the House as a result of the very informative statement made by our chairman. It is now approaching Christmas time and our boys by the thousands are scattered on 30 fronts throughout the world. These boys at this time are thinking, perhaps, more than ever before in their lives, of Christmastime and the loved ones at home, and they are anxious to send some little present. Their income is not large and in many instances their parents have no income at all. All this measure does is to permit the boys in these foreign lands to send some little gift to their people without having any customs collected on gifts under $50 in value. I am sure I speak the sentiments of this House when I urge that this request be granted and the bill passed by unanimous consent.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. HINSHAW. A number of gifts have already been sent upon which custom dues have been paid. Is this bill in any way retroactive?

Mr. REED of New York. It is not retroactive at all. What we are trying to do today is to facilitate the passage of this bill so that it will become a law in time to accomplish the purpose we have in mind. It was brought to our attention only recently.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection. I think it is a very meritorious bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That under such regulations as the Secretary of the Treasury shall prescribe so much of any shipment as does not exceed $50 in value shall be admitted into the United States or its Territories or possessions free of all customs duties, charges, or exactions, or internal-revenue taxes imposed upon or by reason of importation, if there is filed in connection with the entry satisfactory evidence that the articles for which free entry is claimed are bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States.

SEC. 2. This act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after the day following the date of its enactment and before the expiration of 6 months after the termination of the present war as determined by proclamation of the President.

With the following committee amendments:

Page 2, line 7, strike out the words "the present war" and insert in lieu thereof the word "hostilities."

Page 2, line 8, strike out the period after the word "President" and insert in lieu thereof ", or by concurrent resolution of the Congress."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, on November 12 I asked and obtained unanimous consent of the House to insert in the Appendix of the RECORD an address by the Director of the Budget, Mr. Harold D. Smith. I find that it runs very little over the regular limitation of two columns, to the amount of $105. I therefore renew my request and ask unanimous consent that, notwithstanding, this be printed.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING IN INDIANA

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to insert in my remarks a telegram from the Governor of Indiana, Hon. Henry F. Schricker, and a letter that I have received from Leon Henderson in regard to the mandatory rationing of gasoline.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Speaker, a voice that every citizen of Indiana respects has sounded a note of ominous warning in regard to the probable effect of mandatory coupon gasoline rationing in our State. It is the voice of the Governor of our Commonwealth who is held in universal esteem by the people of our State, regardless of their political affiliations, because of his vision, his patriotism, his sound judgment, and his demonstrated capacity to deal with important public affairs.

Wiring to Leon Henderson, under date of November 11, the Governor of Indiana said:

It is my conviction that business and industry in Indiana will be paralyzed unless some concession is made in the original gasoline rationing plans for our section of the country. Public transportation facilities are wholly inadequate to meet the needs of our people.

It seems to me that a statement like that, coming from the head of a great State, ought to be most impressive. When he gives as his considered opinion that the proposed order would paralyze business and industry in a State of this Union it ought to cause Mr. Henderson and Mr. Jeffers to pause and grant the postponement of 90 days requested to give the people time to demonstrate that they can attain the same objective of rubber conservation without having to undergo the grueling hardships of mandatory rationing. I have no criticism of our Government officials, who think they are doing what is best, but it seems to me they have misjudged the possibilities of voluntary compliance. Our people are giving their sons to die on foreign battlefields and they are digging deep into their resources to buy bonds to finance the war. They are as ardently anxious to win the war as anybody in Washington, and I am sure they can be depended upon to comply wholeheartedly and willingly with whatever voluntary program may be necessary to achieve the main objective of rubber conservation. They do not want regimentation and I do not think it should be forced upon them.

Mr. Speaker, I am inserting in the CONGRESSIONAL RECORD a copy of Gov. Henry F. Schricker's telegram to Leon Henderson and a copy of Mr. Henderson's reply to my letter of November 9 suggesting a 90 days' postponement of the gasoline rationing program.

These documents are as follows:

INDIANAPOLIS, IND., *November 11, 1942.*

HON. LEON HENDERSON,
Office of Price Administration,
Washington, D. C.:

The people of Indiana are in full sympathy with the views on gasoline rationing as expressed by Congressman LUDLOW in his letter to you on November 9. It is my conviction that business and industry in Indiana will be paralyzed unless some concession is made in the original gasoline rationing plans for our section of the country. Public transportation facilities are wholly inadequate to meet the needs of our people.

HENRY F. SCHRICKER,
Governor.

OFFICE OF PRICE ADMINISTRATION,
Washington, D. C.

The Honorable LOUIS LUDLOW,
House of Representatives.

DEAR MR. LUDLOW: Your letter of November 9, 1942, concerning the Nation-wide mileage-rationing program, is sincerely appreciated.

The Baruch committee has recommended an annual average mileage per automobile of 5,000 miles. It is true that voluntary measures may bring about a reduction of 20 or 25 percent in the national annual mileage per automobile; however, a reduction of this amount would not be adequate for the job of conservation with which we are confronted. In this connection permit us to point out that the annual average mileage per automobile in the present rationed area, under a strict system of tire and gasoline rationing, has been reduced to 5,170 miles. Although this figure is the result of a 60-percent reduction in passenger-car mileage, still we have not attained the figure set by the Baruch report as the maximum we can afford in view of the dire rubber shortage. Obviously, if a strict system of rationing does not attain the goal set by the Baruch committee, voluntary measures could hardly be expected to do so. Therefore, it has been definitely decided that the Nation-wide mileage rationing program must be put into effect as soon as possible. It will be necessary to delay the inauguration of the program until December 1, 1942, for administrative reasons.

Under the Nation-wide mileage-rationing program, people who have occupational need for gasoline will be eligible for supplemental rations for occupational purposes. It will also be possible to issue tires for their cars in view of the fact that the mileage-rationing program will provide a strict control over the operation of the cars. This control will include the 35-mile speed limit and a compulsory periodic tire inspection as well as the gasoline rationing. They will be issued a basic ration book providing 240 miles of travel per month calculated on the basis of 15 miles per gallon, and will also be eligible to receive supplemental rations to the extent presently provided by the B ration book. To qualify for supplemental rations, the applicant will be required to show that he is sharing his car with at least three other people or that it is impossible to do so and that alternate means of transportation are not available. The maximum mileage provided by the B book amounts to 320 miles per month. This, in addition to the mileage provided by the basic ration will make available a maximum of 560 miles per month for all occupational purposes not included in the preferred mileage category.

The Nation-wide program will make adequate provision for the needs of people living in rural areas. Preferred mileage (i. e., occupational mileage in excess of 470 miles per month) will be available to farmers for the operation of a passenger automobile to transport farm products and necessary farm supplies between a farm and a wholesale or retail establishment, a market, a shipping point, or another farm. Such mileage will also be available for the transportation of farm workers between their residences or lodgings and their places of employment.

Special rations will be available to farmers, under certain conditions, to make it possible for them to secure necessary medical attention or therapeutic treatment, or to procure necessary food and supplies. The program will also provide whatever amount of gasoline is needed for the operation of farm machinery or equipment, stoves, and household appliances.

The Nation-wide program will also provide adequate supplies of gasoline to enable workers in agricultural, industrial, or extractive establishments essential to the war effort to travel between their homes and their places of employment.

Concerning the necessity for this program, we wish to bring to your attention a statement made by the Baruch committee. The committee said: "The committee has given carerul consideration to the objection against the use of Nation-wide gasoline rationing to conserve rubber. It realized that real hardships will be caused many persons, and that some industries, communities, and business pursuits will be particularly hard hit. However, the disadvantages are outweighed by the necessities for a sure, effective method for seeing that essential driving is maintained."

We trust that this information will serve to provide you with a better understanding of the Nation-wide mileage rationing program.

Sincerely yours,

LEON HENDERSON, *Administrator.*

COMMANDING GENERAL FOR THE MARINES

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and include as part of my remarks the military history of Lt. Gen. Thomas Holcomb.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, the marines are the fightingest sons that Uncle Sam has, and they cannot be outclassed in any man's army. Let us give them a four-star general to lead them.

When and wherever there is hard fighting—a tough job to be done—Uncle Sam sends in the marines and the enemy receives a sound shellacking. From Belleau Wood around the years and around the world to the Solomon Islands and

Guadalcanal, you will find the marines in every quarter of the globe standing firmly—the living symbols of the courage and fighting strength of the United States. Every other army has learned to respect and fear the marines.

I have just now introduced a bill providing that the marines shall have a commanding general of equal rank with the highest ranking Army officer on the active list. The Marine Corps is entitled to this recognition, and I hope that speedy congressional action will give it to them.

MILITARY HISTORY OF LT. GEN. THOMAS HOLCOMB, THE COMMANDANT, UNITED STATES MARINE CORPS

Born August 5, 1879, at New Castle, Del. Usual residence, New Castle, Del. Appointed a second lieutenant in the Marine Corps (from civil life), April 13, 1900; promoted first lieutenant March 3, 1903; captain, May 13, 1908; major, August 29, 1916; lieutenant colonel (temporary), July 1, 1918; lieutenant colonel, June 4, 1920; colonel, December 22, 1928; brigadier general, February 1, 1935. He was appointed major general commandant December 1, 1936, and on January 20, 1942, pursuant to an act of Congress he was promoted to lieutenant general, with title of the Commandant, United States Marine Corps.

On detached duty with company of marines organized for service with marine battalion attached to North Atlantic Fleet from September 1902 to April 1903. Served in the Philippine Islands from April 1904 to August 1905, and from October to November 1906. On duty with legation guard, Peking, China, from September 1905 to September 1906, and again from December 1908 to July 1910, being then detached from the legation guard, but continued on duty in Peking as attaché on the staff of the American Minister for study of the Chinese language, until May 1911. In December 1911 he was again ordered to the legation at Peking to continue his study of the Chinese language and remained on that duty until May 1914.

Has been most prominently identified with the development of rifle shooting, and served as inspector of target practice in the Marine Corps from October 1914 to August 1917, and was a shooting member of the Marine Corps rifle teams of 1901, 1902, 1903, 1907, 1908, and 1911, and of teams representing the United States in the Palma trophy match in 1902 and 1903.

From August 1917 to January 1918, commanded Second Battalion, Sixth Regiment marines at Marine Barracks, Quantico, Va., in preparation for overseas service, and from February 1918 to July 1919, served with the American Expeditionary Force in France, in command of Second Battalion until August 1918, and thereafter as second in command of the Sixth Regiment. He participated in all engagements in which the regiment took part—the Aisne defensive (Chateau-Thierry), the Aisne-Marne offensive (Soissons); the Marbache Sector; the St. Mihiel offensive; the Meuse-Argonne (Champagne) offensive; the Meuse-Argonne (Argonne Forest) offensive; and the march to the Rhine in Germany following the armistice.

In recognition of his distinguished services, he was awarded the Navy Cross, the Silver Star with three Oak Leaf Clusters, a Meritorious Service Citation by the Commander in Chief, American Expeditionary Forces, the Purple Heart, and was three times cited in General Orders of the Second Division, American Expeditionary Forces. The French Government conferred on him the Cross of the Legion of Honor, and three times awarded him the Croix de Guerre with Palm.

From September 1922 to June 1924, he commanded the marine barracks, naval station, Guantanamo Bay, Cuba, and on his return to the States, was ordered to the Command and General Staff School of the Army at Fort Leavenworth, completing the course as a distinguished graduate in June 1925. He was then ordered to headquarters, Marine Corps, for duty in the Division of Operations and Training, where he remained until June 1927.

From August 1927 to February 1930 General Holcomb commanded the Marine detachment, American Legation, Peiping, China, and in June 1930 went to the Naval War College as a student, senior course, from which he graduated in July 1931. He was then ordered to the Army War College, from which course he graduated in June 1932.

From June 1932 to January 1935 General Holcomb served in the Office of Naval Operations, Navy Department. He then served as commandant of the Marine Corps school at Quantico until November 1936, when he was ordered to Marine Corps headquarters to assume the office of Major General Commandant, December 1, 1936. On December 1, 1940, he was reappointed Major General Commandant for 4 years by the President.

With his advancement to Lieutenant General on January 20, 1942, the Commandant became the highest ranking officer ever to command the corps.

EXTENSION OF REMARKS

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a statement in respect to cotton by the Honorable Burris B. Jackson.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include the inaugural address of Dr. Walter A. Lunden on "The Instrument of Leadership." I am informed that this will cost $108 more than is the regular allowance and I ask unanimous consent that it be printed nevertheless.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two items about Harry Bridges.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an editorial from the Marine News on the work of the Maritime Commission.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a proclamation issued by the President.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. BURDICK and Mr. HOPE were granted permission to extend their own remarks in the RECORD.)

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a letter received from a gentleman in St. Louis. I have taken the gentleman's name off of the letter because he did not wish publicity. I wish to insert it because it gives very good reasons why the National Labor Relations Board, as well as the Wagner Act, should be changed. I think it is wise to have it in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the special orders of the day I may address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include an address of Dr. Francis J. Haas, dean, School of Social Science, Catholic University of America, entitled "Labor in Wartime," presented for the Catholic University Forum, Hotel Pennsylvania, New York, N. Y., November 14, 1942.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker I ask unanimous consent to extend my remarks and include a radio talk recently made by me.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article by Mrs. Larsen, published in the Portland Oregonian.

The SPEAKER. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include a brief portion of a report.

The SPEAKER. Is there objection?

There was no objection.

GASOLINE RATIONING

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I think that the rulings of the Office of Price Administration, which virtually put out of business every traveling salesman in America, are the most cruel things that this Government has ever done.

When some of these so-called experts determined that the salesmen were not "essential," they certainly did demonstrate that they did not understand the fundamental economy of America. For the most part, the traveling men call on the small business men. Without the traveling salesmen, countless thousands of businessmen in our small towns, our county seats, and at the crossroads are

seriously handicapped. It is doubtful if under present circumstances they can secure any merchandise at all.

In addition to all of this, the traveling man is a public servant who renders a great deal of valuable service to the United States Government. In many cases he does his own rationing, because his boss is interested in all of his customers, and they do a pretty good job of prorating what they have over a wide territory. The traveling salesman usually familiarizes himself with Government requirements, the price ceilings, markings, and other things, to help the small business man meets these requirements, so that the small merchant can stay in business without penalty.

It should be borne in mind that due to the manpower shortage that most wholesale houses are operating with fewer traveling men now than ever before. This means that they must travel greater distances, work longer hours, and serve a greater number of people in order that the American public may have those things that are necessary and essential to carry on our economy and win this war. Taking the traveling salesmen off the road is not a step toward winning the war, but is a step toward hampering the war effort.

Mr. Speaker, I hope that this Congress gives those officials in the Office of Price Administration no rest until they have corrected this ruling which is so harmful to our war effort and to the economy of this country.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. O'BRIEN of New York. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a speech given by the distinguished head of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, in New York on November 19, before the Holland Society. I would like to add that the Holland Society bestowed its medal on J. Edgar Hoover for meritorious work during this emergency.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Randolph Herald News.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Dr. Herbert Wright.

The SPEAKER. Is there objection?

There was no objection.

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a short article from a hometown newspaper.

The SPEAKER. Is there objection?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks and include a summary of conditions found in east Texas by the Department of Commerce.

The SPEAKER. Is there objection?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks and include three short telegrams.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by inserting a speech made by Mr. Ralph K. Davies at the twenty-third annual meeting of the American Petroleum Institute. I make this request because there is an extra cost of $157.50. I ask unanimous consent that it be printed notwithstanding.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent also to insert in the RECORD a speech made by William R. Boyd at a meeting of the Petroleum Institute of Illinois in Chicago on November 11. This will also require three and one-half pages at the same extra cost.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOW TO PREVENT A FOOD SHORTAGE

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANDIS. Mr. Speaker, the farmers of America are ready, willing, and anxious to produce the food to win the war. However, mere willingness of the farmers will not produce abundant crops. The essential things necessary to increase food production are:

First. The scarcity program should be abandoned for the duration of the war.

Second. Proper appreciation of the importance of agriculture in winning the war should be established. We must realize that millions of our farmers have been going at top speed, 10 to 14 hours per day. Their services must be given the recognition they so richly deserve.

Third. The Department of Agriculture should be more careful in fulfilling their obligations and promises to the food producers. The production of food must be approached from the same angle as any other war-producing activity.

Fourth. Farmers should be given an assured price in order that they can carry on the food program.

Fifth. A two-price system should prevail during the war. We should place a minimum price on all farm products for domestic consumption. This should be accomplished by a premium or an incentive payment to the farmers on products which are most essential to the war effort.

Sixth. Our farmers must have the tools to finish the job. Provision should be made to furnish the necessary farm machinery and equipment to do the work. For example, when the Secretary of Agriculture asks for 200,000,000 more chickens, he should realize that the farmers should get a few pounds of nails to fix the coops and a few gallons of gas to transport them to market.

Seventh. The farmers must have the necessary gas and oil to produce and market their crops. This is just as necessary as seed, fertilizer, and tools to carry on their work. Unless all of these factors receive the consideration they deserve, we can expect a marked reduction in our food production in 1943.

Eighth. We deferred real farm labor in the First World War. This war is much larger. We must realize today that a good farmer or a good farm hand is really an expert. He is a machinist, a husbandman, and an all around highly skilled and efficient workman. They are not numerous and their abilities should be appreciated. We cannot solve this farm-labor problem by importing people from Mexico and Puerto Rico or by the use of domestic unskilled farm hands. There is little hope in replacing trained farm labor with city workers.

Ninth. There are too many employees in the Agriculture Department. We could eliminate the confusion and red tape if we would transfer thousands of these workers to the farm or in defense activities. Farmers need more workers and less advice.

Tenth. We should remove the theorists who have been leading us in a scarcity program and replace them with men of common sense and practical experience.

Eleventh. We should make full use of the Agricultural Extension Service. This should include 4-H Clubs whose activities can be greatly expanded and especially adapted to the farm products needed to win the war. This should include victory gardens and home canning. Smith Hughes High School teachers can also be more advantageously used in this program.

Twelfth. Now is the time for action. In order for the farmer to plan his 1943 production we must realize that he secures materials, fertilizer, and seed long in advance. He also contracts to grow peas, beans, and many other crops months ahead. We must eliminate the confusion in the administration's 1942 commitments to the soybean and other growers.

Not only are we faced with a food shortage during the war, but a post-war food problem must be met to furnish food to more than 500,000,000 hungry people, if we intend to feed the world and have a lasting peace.

Our present duty and obligation is to put our agricultural house in order, if we are to meet our present domestic food requirements and fulfill our foreign commitments.

EXTENSION OF REMARKS

Mr. ROBERTSON of North Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include excerpts therein.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Washington Post.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GWYNNE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GAS RATIONING

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, may I have the attention of the gentleman from Texas [Mr. SUMNERS]? And I ask this, because I want to know what sort of answer to make to this letter I received from a farmer:

PINE LAKE ORCHARDS,
Doster, Mich., November 10, 1942.

Hon. CLARE HOFFMAN,
Washington, D. C.

DEAR SIR: Have spent the day on two fuel-oil applications, gas-ration applications, car and tractor, trip to Hastings (22 miles) for truck ration (war necessity certificate received on large truck but none on pick-up, both mailed same time) only to find no blanks received at that office (call next week). Had car tires inspected, $1.50, and pick-up truck next. This to be repeated every 60 days.

This is rather expensive from rubber, gas, time, and finance standpoint. We, as most farmers, have more than we can possibly do without spending time on such trips as this. With no labor available and farm prices and equipment as they are looks as if some of the Washington bureaucrats will either have to find gainful and necessary work and release some farm help or many will have to quit farming and take war work—

This is the part I want to call particular attention to:

Have no use for idea Americans to be used to police world after war. Would appreciate whatever can be done to eliminate these nuisances.

Yours respectfully,
EARLE M. DUNLOP.

What answer shall I make to Mr. Dunlop? He but expresses the thought of his neighbors, of an overwhelming majority of the people of the Fourth Congressional District of Michigan. He knows that this war cannot be won if the new dealers, with their foolish planning, continue in power here in Washington.

He knows that the time and the money of those who constitute the foundation of our war effort cannot continue to be wasted in idle trips, in useless expenditures, all the result of regulation, demand, and directive piled upon businessmen, farmers—in fact, upon everyone who is not busy here in Washington or in a Federal job elsewhere.

The only adequate answer that I can make to this constituent is that, when the people are sufficiently aroused by the injustice and the futility of this administration's program to vote them all out of office, we can hope for a return to common sense.

That is the only peaceful solution of which I am aware. If anyone on the majority side has another one, let us have it.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, in reference to the inquiry made by the gentleman from Michigan and with reference to the general subject which is involved—rationing gasoline—I am going to ask unanimous consent that I may speak for 30 minutes tomorrow at the conclusion of the business of the day. If there is time left this afternoon and I can arrange it I may be able to discuss some of the problems that the committee dealing with this matter is considering.

PERMISSION TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on tomorrow after the conclusion of the legislative program of the day and other special orders I may address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein certain matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the CONGRESSIONAL RECORD and to include therein a speech on facts on the Navy in the Pacific delivered by the gentleman from Texas [Mr. WORLEY], over the Columbia network on November 17.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE RATIONING PROGRAM

Mr. HOOK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOOK. Mr. Speaker, I have heard much about gas rationing, the rationing of other goods, and the issuance of regulations. The trouble with the war effort is that while our boys are out shooting bullets at the enemies, Leon Henderson and his bunch of draft dodgers are shooting blanks at the American public to such an extent that the people and general public are so bewildered that they are in a fog that cannot be penetrated by the light of common sense.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. ELLIOTT] may extend his own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE FUEL-OIL SITUATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, in yesterday's Sunday Star there was a very fine article by Mr. Newton on the oil and gasoline situation, but he made one error. He was quoting indirectly a Federal official. That Federal official was supposed to have said that no plans have been made for proper distribution of fuel oil and gasoline. Plans were made by Secretary Ickes, but he was not allowed to carry them out.

Up in New England, in Massachusetts in particular, we have had rationing of gasoline for months. I personally have not used my automobile since rationing went into effect. We are giving and giving, sacrificing and sacrificing for the war effort. Many of our boys already have given their lives in action in this war. We have more industries exhibiting the E award than any other State in the Union, and yet in spite of that we are in a most perilous crisis regarding fuel oil.

I maintain, Mr. Speaker, that it is practically a criminal thing to have allowed the situation to go as it has gone. Oil is more important in running the war than rubber, yet to date we have had no director of fuel who could go ahead and see that no part of the country suffered for its lack. Last week again I respectfully begged the President to appoint a person who could control the fuel oil and cut red tape. Up in New England, unless something is done soon there will be great suffering due to cold homes and buildings, and vital war industries will be affected.

Conflicting statements and orders by different governmental departments have brought about intolerance, confusion, and apprehension, and our situation on the east coast, which was bad when I first asked the President to have a well-coordinated agency with a single head to handle petroleum, but that was not done, and lately the situation has been desperate.

The situation could have been corrected months ago. The African campaign, which was brilliantly conceived and ably executed, was planned weeks—nay, months—ago, so it was well known that supplies would be sent overseas.

If necessary, every drop of gasoline should be taken away from cars for pleasure driving; taken from everyone in the country—not just one section—in order to transport oil to keep industries running and persons warm. I remind you that the East has been rationed in gasoline for months. Other sections of

the country are about to be rationed. I remind the Congress that the country should share, and share alike, in sacrificing in the war. That is only decent, common justice.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of the legislative business for the day and other special orders, I may address the House for 15 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Anderson, Calif.	Fenton	McGregor
Andresen, August H.	Fish	McKeough
Andrews	Fitzgerald	McMillan
Arnold	Fitzpatrick	Maciejewski
Baldwin	Fogarty	Maciora
Barden	Ford, Miss.	Magnuson
Barnes	Gamble	Mansfield
Barry	Gavagan	Marcantonio
Bates, Ky.	Gerlach	Mason
Bates, Mass.	Gibson	May
Beam	Gifford	Merritt
Bender	Gillette	Miller
Blackney	Gillie	Mills, La.
Boehne	Gore	Myers, Pa.
Boggs	Gossett	Nichols
Boland	Granger	Norton
Boren	Grant, Ind.	O'Connor
Boykin	Green	O'Day
Bradley, Mich.	Gregory	Osmers
Bradley, Pa.	Haines	O'Toole
Buckler, Minn.	Hall, Leonard W.	Pearson
Buckley, N. Y.	Hancock	Peterson, Ga.
Burch	Hare	Pfeifer, Joseph L.
Butler	Harness	Plauché
Byrne	Harris, Ark.	Rabaut
Byron	Hart	Randolph
Canfield	Heffernan	Reece, Tenn.
Cannon, Fla.	Hess	Reed, Ill.
Cannon, Mo.	Hill, Colo.	Rees, Kans.
Capozzoli	Holbrock	Rivers
Casey, Mass.	Houston	Rockefeller
Celler	Imhoff	Rockwell
Chapman	Jackson	Rodgers, Pa.
Chenoweth	Jacobsen	Rolph
Clark	Jarman	Romjue
Claypool	Jarrett	Sabath
Cluett	Jennings	Sacks
Cochran	Jensen	Schaefer, Ill.
Coffee, Wash.	Johnson, Ind.	Schulte
Cole	Johnson, W. Va.	Scott
Collins	Jones	Scrugham
Copeland	Kee	Shafer, Mich.
Crawford	Keefe	Shanley
Creal	Kefauver	Shannon
Crosser	Kelly, Ill.	Sheridan
Culkin	Kennedy, Martin J.	Sikes
Cullen	Kennedy, Michael J.	Simpson
Cunningham	Keogh	Smith, Pa.
Davis, Ohio	Kerr	Smith, Va.
Delaney	Kilburn	Smith, W. Va.
Dickstein	Kirwan	Snyder
Dies	Kleberg	Somers, N. Y.
Dingell	Klein	South
Dirksen	Knutson	Starnes, Ala.
Disney	Kocialkowski	Steagall
Ditter	Kramer	Stefan
Domengeaux	Kunkel	Stevenson
Dondero	Lambertson	Sweeney
Douglas	Lea	Taber
Drewry	LeCompte	Talbot
Duncan	Lewis	Tarver
Dworshak	Lynch	Tenerowicz
Elliott, Calif.	McGehee	Terry
Ellis	McGranery	Thomas, N. J.
Elston	Mahon	Thomas, Tex.
Faddis	Merrow	Tinkham
Traynor	Wene	Winter
Treadway	West	Wolcott
Vincent, Ky.	Whelchel	Wolfenden, Pa.
Vinson, Ga.	White	Youngdahl
Vorys, Ohio	Whitten	Zimmerman
Vreeland	Wigglesworth	
Weiss	Wilson	

The SPEAKER. Two hundred and fourteen Members have answered to their names, not a quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Tuesday, November 24, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing on Thursday, December 3, 1942, at 10 a. m. on H. R. 7744, to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

EXECUTIVE COMMUNICATIONS, ETC.

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

1995. A letter from the Archivist of the United States, transmitting a report of the Archivist of the United States on lists of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1996. A letter from the Attorney General, transmitting a draft of a proposed bill to make it a criminal offense for certain escaped convicts to travel from one State to another; to the Committee on the Judiciary.

1997. A letter from the Attorney General, transmitting a report of the Federal Bureau of Investigation made pursuant to the Appropriation Act of July 2, 1942 (Public Law 644, 77th Cong.); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DOUGHTON: Committee on Ways and Means. H. R. 7792. A bill to accord the entry to bona fide gifts from members of the armed forces of the United States on duty abroad; with amendment (Rept. No. 2643). Referred to the Committee of the Whole House on the the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. McGEHEE: Committee on Claims. H. R. 7316. A bill for the relief of Dr. J. M. Scott and Mrs. J. M. Scott; with amendment (Rept. No. 2642). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HINSHAW:

H. R. 7807. A bill to provide for the rank of the Commandant of the Marine Corps, and for other purposes; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

H. R. 7808. A bill to amend the Federal Crop Insurance Act to include citrus fruit and trees; to the Committee on Agriculture.

By Mr. WILLIAM T. PHEIFFER:

H. J. Res. 361. Joint resolution authorizing the erection in Washington, District of Columbia, of a monument in memory of Col. Robert G. Ingersoll; to the Committee on the Library.

By Mr. HOLMES:

H. Res. 575. Resolution granting a gratuity to Mrs. Eliot H. Robinson; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McGEHEE introduced a bill (H. R. 7809) for the relief of Sgt. Maj. Richard Shaker, United States Marine Corps; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3457. By Mr. GRAHAM: Petition of 64 members of Christian homes, churches, and Sabbath schools of Petrolia, Butler County, Pa., urging the prohibition of the sale or distribution of beer in or near all Army camps wherein are stationed any of our boys 18 years of age or older; to the Committee on Military Affairs.

3458. By Mr. HEIDINGER: Petition of the members of the Women's Society of Christian Service of the Methodist Church at Dahlgren, Ill., by Frieda Geiger, president, and Rose Underwood, secretary, to prohibit the sale of all liquors in and near Army camps; to the Committee on Military Affairs.

3459. Also, petition presented by Mr. and Mrs. John Bell, of Flora, Ill., urging legislation to prohibit the sale of intoxicating liquors in and near the Army camps; to the Committee on Military Affairs.

3460. By Mr. MILLER: Petition of Fred Updyke and other residents of Luzerne County, Pa., urging the enactment of Senate bill 860, for the protection of our armed forces from all forms of vice; to the Committee on Military Affairs.

3461. By Mr. WELCH: Resolution of the Peace Officers' Association of the State of California in regard to selective service, containing suggestions that the selective service boards and the manpower boards of the United States Government examine with careful scrutiny and with mature deliberation the situation of every person now engaged in such an office, in order that his call into the service of his country will not seriously impair the functioning of the law-enforcement agencies of which he is a part; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 24, 1942

The House met at 12 o'clock noon.

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