School, at Joppa, Ill., urging the immediate passage of House bill 2849; to the Committee on Education.

4596. By Mrs. NORTON: Petition of the Board of Commissioners of the Town of Irvington, N. J., addressing itself to the President of the United States with the appeal that all appropriate action be taken to insure the withdrawal, in its entirety, of the Palestine White Paper of May 1939, and respectfully urging that the gates of Palestine be opened to Jewish immigration and Palestine be reconstituted as a Jewish commonwealth; to the Committee on Foreign Affairs.

4597. By Mr. SCHIFFLER: Petition of Nathan Harrison, president, and E. S. Horkheimer, corresponding secretary of the Jewish Community Council of Wheeling, W. Va., urging that all appropriate action be taken to insure the withdrawal in its entirety of the Palestine White Paper of 1939, and that Palestine be opened wide to Jewish immigration and the terms of the Balfour declaration and the Palestine mandate be carried out faithfully; to the Committee on Foreign Affairs.

4598. By Mrs. SMITH of Maine: Petition of the Pooler Lunch, Fairfield, Maine, and citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4599. Also, petition of Henry Audette, of Augusta, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4600. Also, petition of James J. Aman, of Lewiston, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4601. Also, petition of the Mul's Restaurant, Waterville, Maine, and citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4602. Also, petition of the Roy Blair Restaurant, Waterville, Maine, and sundry citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4603. By Mr. SMITH of Wisconsin: Petition of sundry residents of Monroe, Wis., opposing House bill 2082; to the Committee on the Judiciary.

4604. By Mr. WEISS: Petition of William A. Fisher and 660 residents of the Thirtieth Congressional District of Pennsylvania and vicinity, opposing House bill 2082; to the Committee on the Judiciary.

4605. By Mr. WILLEY: Petition of sundry citizens of the State of Delaware, opposing House bill 2082; to the Committee on the Judiciary.

4606. Also, petition of sundry citizens of the State of Delaware, favoring House bill 2082; to the Committee on the Judiciary.

4607. By the SPEAKER: Petition of the legislative committee, United Federated War Workers Union, Local 105, United Federal Workers of America, Congress of Industrial Organizations, Deep River, Conn., petitioning consideration of their resolution with reference to urging enactment of legislation giving the soldiers and sailors the right to vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

4608. Also, petition of the city clerk, council of the city of Niagara Falls, N. Y., petitioning consideration of their resolution with reference to requesting enactment of legislation for the soldier vote; to the Committee on Election of President, Vice President, and Representatives in Congress.

4609. Also, petition of Frank Nicholas Bellusci, of Hampstead, Md., and sundry citizens of the State of Maryland, petitioning consideration of their resolution with reference to opposition to House bill 2082; to the Committee on the Judiciary.

4610. Also, petition of the deputy city clerk, city of Milwaukee, Wis., petitioning consideration of their resolution with reference to the soldier vote bill; to the Committee on Election of President, Vice President, and Representatives in Congress.

4611. Also, petition of Warren F. Hoyle Post, No. 82, American Legion, Department of North Carolina, petitioning consideration of their resolution with reference to work stoppage in our defense plants and coal mines; to the Committee on Military Affairs.

4612. Also, petition of the manager, Sherman Chamber of Commerce, Sherman, Tex., petitioning consideration of their resolution with reference to rules and regulations staying in the hands of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, JANUARY 31, 1944

(Legislative day of Monday, January 24, 1944)

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

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou great God of the universe, grant that during this day we may have the constant inspiration and companionship of Thy presence.

We pray that our lives may be characterized by spiritual frontage and that obedience to Thy will may be the supreme desire of our minds and hearts.

We rejoice in the noble heritage which is still ours because of the men and women who are responding so courageously to the call of God and of country.

Help us also to be eager to do our part in hastening the dawning of that glorious day of prediction when the forces of evil shall be forever banished from the earth and the social order shall be in conformity to the Master's ideals of brotherhood and good will among men.

Hear us in the name of the Christ who is the King of kings and the Lord of lords. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Secretary, Edwin A. Halsey, read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 31, 1944.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BENNETT C. CLARK, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. CLARK of Missouri thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, January 28, 1944, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

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

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

Aiken	Gerry	O'Mahoney
Andrews	Gillette	Overton
Austin	Green	Radcliffe
Bailey	Guffey	Revercomb
Ball	Gurney	Reynolds
Bankhead	Hatch	Robertson
Barkley	Hawkes	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smith
Brewster	Holman	Stewart
Bridges	Johnson, Colo.	Taft
Brooks	Kilgore	Thomas, Idaho
Buck	La Follette	Thomas, Okla.
Burton	Langer	Thomas, Utah
Bushfield	Lodge	Tobey
Butler	Lucas	Truman
Byrd	McCarran	Tunnell
Caraway	McClellan	Tydings
Chavez	McFarland	Vandenberg
Clark, Idaho	McKellar	Wagner
Clark, Mo.	Maloney	Wallgren
Connally	Maybank	Walsh, Mass.
Danaher	Mead	Walsh, N. J.
Davis	Millikin	Wheeler
Downey	Moore	Wherry
Eastland	Murdock	White
Ellender	Murray	Willis
Ferguson	Nye	Wilson
George	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Nevada [Mr. SCRUGHAM] is absent on official business.

The Senator from Kentucky [Mr. CHANDLER] and the Senator from Florida [Mr. PEPPER] are detained on public business.

Mr. WHITE. The Senator from Oregon [Mr. MCNARY] is absent because of illness.

The Senator from Kansas [Mr. REED] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Kansas [Mr. CAPPER] is absent from the Senate attending the funeral of William Allen White.

The ACTING PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 208) making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1944; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON of Missouri, Mr. WOODRUM of Virginia, Mr. LUDLOW, Mr. SNYDER, Mr. O'NEAL, Mr. RABAUT, Mr. JOHNSON of Oklahoma, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. POWERS were appointed managers on the part of the House at the conference.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE OFFICE OF EDUCATION

A letter from the Acting Administrator of the Federal Security Agency, transmitting, pursuant to law, combined annual reports of the United States Office of Education covering the period from July 1, 1941, through June 30, 1943, including, in manuscript form, a detailed report of the activities of the Office of Education for the fiscal year ended June 30, 1943 (with accompanying reports); to the Committee on Education and Labor.

REPORT OF POTOMAC ELECTRIC POWER CO.

A letter from the president of the Potomac Electric Power Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1943 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO.

A letter from the president of the Washington Railway & Electric Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1943 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF CAPITAL TRANSIT CO.

A letter from the president of the Capital Transit Co., transmitting, pursuant to law, a report covering the operations of that company for the calendar year 1943, with balance sheet as of December 31, 1943 (with an accompanying report); to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution adopted by Knickerbocker Lodge, No. 510, Knights of Pythias, of New York City, favoring the enactment of pending legislation making it unlawful to distribute through the mails any literature containing defamatory or false statements regarding any race or religion in the United States; to the Committee on Post Offices and Post Roads.

By Mr. GREEN:

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Finance:

"House Resolution 578

"Resolution petitioning the Senators and Representatives of this State in the Congress to attempt to secure the enactment of legislation giving servicemen priority in the purchase of surpluses created by the present war and extending them credit to make such purchases

"*Be it resolved*, That the Senators and Representatives from this State in the Congress be and they hereby are respectfully requested to secure the enactment of suitable legislation by the Congress to secure to all honorable discharged veterans of any war in which the United States was or is engaged, priority in purchasing surpluses created by the present war when the United States decides to dispose of the same or any part of them, and to provide Federal credit to enable such veterans to make such purchases; and be it further

"*Resolved*, That a copy of this resolution be certified by the secretary of state and sent by him to each of the Senators and Representatives of this State in the Congress."

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES—PETITIONS

Mr. LUCAS. Mr. President, I ask unanimous consent to present for appropriate reference divers petitions of sundry citizens of Illinois, sponsored by the Ninth Illinois Congressional District Joint Political Action Committee, entitled "Petition To Protect the Citizen Right of Servicemen To Vote."

There being no objection, the petitions praying for the enactment of pending legislation providing a wartime method of voting by members of the armed forces, were received and ordered to lie on the table.

FREIGHT RATES—RESOLUTION BY BOARD OF DIRECTORS OF HARTFORD (CONN.) CHAMBER OF COMMERCE

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be inserted in the body of the RECORD, and appropriately referred, a letter which I have received from Mr. F. A. Farrell, secretary, the Hartford Chamber of Commerce, Hartford, Conn., and copy of a resolution passed by the board of directors of that organization in opposition to several bills enumerated therein "providing for legislative rate making."

There being no objection, the letter and resolution were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE HARTFORD CHAMBER OF COMMERCE,
Hartford, Conn., January 25, 1944.

Hon. FRANCIS MALONEY,
United States Senate,
Senate Building, Washington, D. C.

DEAR SIR: Attached you will find copy of resolution passed by the board of directors of this organization opposing the several bills now before Congress providing for legislative rate making. Reasons for this opposition are outlined therein and we urge that you give them your careful consideration.

These bills are S. 947, S. 1030, S. 1124; H. R. 2378, H. R. 2391, H. R. 2435, H. R. 2436, H. R. 2645, H. R. 2547, H. R. 3172, and H. R. 3183.

Thanking you.

Cordially yours,

F. G. FARRELL, *Secretary.*

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE HARTFORD CHAMBER OF COMMERCE AT A MEETING HELD JANUARY 17, 1944

Whereas nowhere in these United States can there be found so small a community so densely occupied with small industries, and whose citizens are so dependent on those small industries for the necessities and happiness of life, as is found in the State of Connecticut; and

Whereas dependent upon transportation not only for the movement of in-bound raw material and out-bound manufactured products but also for much of its food, fuel, and clothing, the cost of that transportation and the relationship of that transportation cost in a manner which will enable these Connecticut industries to successfully compete with similar industries outside of its own borders is of vital importance; and

Whereas the Interstate Commerce Commission is a body of men with great knowledge and understanding of all the factors, complications, and intricacies of rate making; on their own motion or on petition of interested parties and after an open hearing their decisions are rendered; those decisions are based on facts and with full knowledge and understanding; and

Whereas the Interstate Commerce Commission has been established over a very long period; during that time it has won public confidence by its competence and independence; the principle of establishing public-utility rates by independent commissions, such as the Interstate Commerce Commission, has become fixed as a matter of sound public policy: Therefore be it

Resolved, That the board of directors of the Hartford Chamber of Commerce record its opposition to the several bills now before Congress as being undesirable in that they would violate this principle of public policy because they would tend again to make freight-rate relationships a matter of political action and subject to political influence. Defects or faults in the existing rate structure should be left for remedial action to the Interstate Commerce Commission rather than to legislative action; and be it further

Resolved, That a copy of this resolution be forwarded to Connecticut Delegates in Congress and to members of the Senate Interstate Commerce Committee, the House Interstate and Foreign Commerce Committee, members of the New England Governors' Freight Rate Committee, and to chambers of commerce in the principal cities throughout the State of Connecticut.

Attest:

F. G. FARRELL, *Secretary.*

DECLARATION OF POLICY BY TORRINGTON (CONN.) CHAMBER OF COMMERCE

Mr. DANAHER presented a letter from the president of the Chamber of Commerce of Torrington, Conn., transmitting resolutions adopted by that chamber of commerce, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE TORRINGTON CHAMBER OF COMMERCE,
Torrington, Conn., January 27, 1944.

Hon. JOHN A. DANAHER,
United States Senator,
Senate Office Building,
Washington, D. C.

DEAR MR. DANAHER: We are herewith enclosing a declaration of policy which we believe warrants our endorsement and your serious consideration.

Sincerely yours,

HARVEY C. SMITH,
President.

Resolved, That the Congress be urged to make its declaration of policy operative and that the appropriate governmental agencies incorporate in their planning of foreign air transportation to be operated by the United States flag air carriers, the following basic policies to be established in the world system of air transportation thereunder created:

1. Free and open world-wide competition, subject to reasonable regulation by the appropriate governmental agencies.

2. Private ownership and management of air lines engaged in domestic and foreign operation.

3. Fostering and encouragement by the Government of the United States of a sound world-wide air-transportation system.

4. World-wide freedom of transit in peaceful flight.

5. Acquisition of civil and commercial outlets required in the public interest; be it further

Resolved, That a world-wide system of air transportation should be developed in which open and free competition, reasonably regulated, be given full play. That the air lines

of the United States be permitted to forge ahead under the stimulus of world competition. Their growth should not be strait jacketed by the withering effect of monopoly. Private ownership, with its encouragement of initiative and creativeness, and its attendant rewards for accomplishment should be our undeviating policy; be it further

Resolved, That there should be no delay in the development of world system air transportation policies and the consummation of negotiated arrangements to make them operative.

THE TORRINGTON CHAMBER OF COMMERCE,
HARVEY C. SMITH, *President*,
HERBERT KNAUF, *Executive Secretary*,
EDWIN J. DOWD, *Treasurer*.

RESOLUTIONS BY CONVENTION OF MONTANA WOOL GROWERS ASSOCIATION

Mr. WHEELER presented several resolutions adopted by the forty-third annual convention of the Montana Wool Growers Association held at Billings, Mont., January 6, 7, and 8, 1944, which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

PUBLIC LANDS COMMITTEE

POST-WAR PLANNING

Whereas the wool growers of the State recognize the necessity of post-war planning in Montana which must be a sound program to provide employment and stable conditions for our returning soldiers and war-plant workers and develop our many resources; and

Whereas we insist that the cost of any and all such development must be carried by our people, cities, counties, and State, and not subsidized by the Federal Government; and

Whereas we, as stockmen, feel it our duty, and know we are qualified, to assist in such a program: Now, therefore, be it

Resolved, That the Montana wool growers, assembled at their annual convention in Billings, January 8, 1944, direct their officers to appoint a committee of five from their membership to represent the sheepmen of Montana on any State planning board that might be organized for post-war planning in Montana; and be it further

Resolved, That this committee be authorized and instructed to propose and cooperate in only sound practices which will benefit the sheepman, his neighbor, and Montana, and which will make our communities even more substantial for the returning soldier and future generations.

CONSERVATION OF GRASS LANDS

Whereas for many years the stockmen of Montana have conscientiously striven to reseed the abandoned farm lands, and to preserve the natural grasses, in areas which nature has definitely determined best for livestock; and

Whereas now that the price of wheat and the removal of A. A. A. restrictions on the seeding of wheat will encourage the plowing up of such lands for grain production: Now, therefore, be it

Resolved, That the Montana wool growers, ever mindful of the needs of war and sure of the value of their grass for livestock, hereby go on record as opposed to the plowing of any grasslands, natural or reseeded, and from experience determined as range land, and opposed to all loans for such operations.

DISPOSAL OF SURPLUS HORSES

Whereas the number of low-grade horses on Montana range lands is increasing alarmingly, resulting in the loss of valuable grass needed in the production of wool, mutton, and beef; and

Whereas the prosecution of this war requires only a limited number of live horses, but can use horse meat as food the world over; and

Whereas a reasonable price must be paid for slaughter horses to encourage the effort to market them: Now, therefore, be it

Resolved, That the Montana wool growers request the Federal Government to remove any ceiling price on horses, and designate horse meat as necessary food under lend-lease.

FEDERAL SUBSIDIES

Whereas the problem of Federal subsidies is of vital importance to the people of the United States, as it draws from the Government Treasury to reduce the cost of food and other commodities; and

Whereas the people of our country today are well able to pay for the things they need, due to full employment at record wage levels; and

Whereas the present Government wool-purchase program has not drawn upon the Federal Treasury, nor is there in it any subsidy to increase production in an industry already at its peak of production: Now, therefore, be it

Resolved, That the Montana wool growers go on record as opposed to any subsidy program by the United States Government.

CONSOLIDATION OF FEDERAL AGENCIES

Whereas the wool growers of Montana recognize the value of proper range management of Federal range lands as supervised by a Federal agency with cooperation from advisory boards of stockmen; and

Whereas there are now two agencies attempting to administer the open range lands of Montana, outside of the forest reserves, from two separate governmental departments—namely, the Soil Conservation Service of the Department of Agriculture and the Grazing Service of the Department of the Interior; and

Whereas these two agencies have conflicting rules, fees, policies, and repetitious administration, which result in inefficiency, waste, misunderstanding, and confusion: Therefore, be it

Resolved, That the Montana wool growers request of the Federal Government that these two agencies be consolidated under one department and administered with stockmen representation on advisory boards.

TAXATION COMMITTEE

PUBLIC FINANCING

Whereas the State of Montana has greatly reduced its outstanding bond obligations; has had no warrant indebtedness at the end of any years since June 30, 1937; has made substantial reductions in operating costs; and has eliminated the State general-fund property-tax levy; and

Whereas in the past 20 years counties have reduced their total net indebtedness from $27,707,000 to a point where the total amount of cash on hand in all counties June 30, 1943, exceeded all bonds and warrants outstanding by $1,267,000; and

Whereas the net debt of school districts is the lowest in 25 or 30 years, and practically every district is on an operating cash basis; and

Whereas property taxes levied for all purposes in Montana for this year are approximately $7,300,000, or 26 percent less than in 1930: Be it, therefore,

Resolved:

1. That we commend our public officials for the efficient and economical performance of their duties, and express appreciation for State and local tax relief at a time of tremendous wartime Federal obligations.

2. That we urge continued debt reduction, economy, and the restriction of public expenditures in harmony with war conditions.

3. That public services be not expanded beyond the limit of normal revenues to maintain.

4. That plans for post-war public improvements be confined to essential projects and within the financial ability of taxing units to construct and maintain.

MONTANA TAXPAYERS' ASSOCIATION

Your committee desires to commend the Montana Taxpayers' Association for its constructive work in the equalization of assessments and in its excellent program of promoting efficiency of public expenditures and simplification of government structures, and we urge the active cooperation of wool growers throughout the State in this work.

FEDERAL EXPENDITURES

Whereas it is absolutely essential, in this desperate world-wide conflict for the preservation of our lives, our liberties, and our homes, for our country to spend without restraint the money necessary to bring this war to a successful conclusion; and

Whereas the war budget being submitted to Congress this month will boost the total commitments for our part in World War No. 2 to over $400,000,000,000, making it necessary to again raise the statutory debt limit now standing at two hundred and ten billions; and

Whereas by the end of this fiscal year it is estimated that Federal tax collections are scheduled to be at the rate of forty-three billions annually; and

Whereas next to winning the war the maintenance of the solvency of our people and our country is of the greatest importance: Be it, therefore,

Resolved by the Montana Wool Growers Association in a wartime conference at Billings, Mont., January 8, 1944:

1. That we pledge our membership to the payment of whatever wartime taxes are required within our ability to pay and to fully support the Fourth and other War Loan drives.

2. That we are opposed to the continued expenditure of huge sums of money for Federal purposes, neither essential to the successful conduct of the war nor the efficient performance of necessary Federal governmental services, including specifically:

(a) Opposition to capital improvements that can be deferred until after the war, such as H. R. 2208, which appropriates $199,000,000 for a ship canal in anticipation of the next war.

(b) Opposition to an expanded social-security program, as proposed by the Wagner-Murray bill, requiring from wool growers a tax of 7 percent of their estimated income up to $3,000, a pay-roll tax of 12 percent on sheepherders and other employees, and the expenditure of from three to six billions of dollars from the United States Treasury.

(c) Opposition to subsidies to roll back prices and transfer to the United States Treasury a part of the cost of the food civilians eat, thus charging the same to future generations and returning soldiers.

(d) Opposition to other subsidies in the form of Federal grants that threaten our liberty, self-government, and State rights, with money taken from us to be expended for purposes that rightfully are the primary responsibility of the States.

(e) Opposition to the continued employment of approximately 3,000,000 civilians in Government service, when the Byrd committee has recommended a reduction of at least 300,000.

(f) Opposition to the ever-increasing delegation by Congress of authority and control of expenditures to the numerous bureaus and more than 50 Government corporations.

(g) Opposition to the expenditure of huge sums of money in other countries throughout the world for purposes that bear little or no relationship to the conduct of the war.

(h) Opposition to the conversion or retention by the Federal Government of land, improvements, war plants, and war surpluses and urge their return to private ownership and conversion into cash in an orderly man-

ner as fast as such property is not required for our national defense.

3. That we favor the taxation on the same equitable basis of all individuals, partnerships, corporations, and enterprises that compete with each other.

4. That we express to Montana's Senators and Representatives our belief that if economies in Federal expenditures are effected, it will not be necessary to further increase Federal taxes to the extent that the desire and ability of wool growers to produce an essential war material; to own land, sheep, and homes; to meet the inevitable shock of post-war adjustments; and to pay their just share of the cost of the war and of efficient government will be destroyed.

REPORTS OF COMMITTEE ON PENSIONS

The following reports of a committee were submitted:

By Mr. BILBO, from the Committee on Pensions:

S. 662. A bill to authorize pensions for certain physically or mentally helpless children, and for other purposes; without amendment (Rept. No. 654);

S. 693. A bill to amend part II of Veterans Regulation No. 1 (a); without amendment (Rept. No. 655);

H. R. 85. A bill to amend the act of March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; with amendments (Rept. No. 656); and

H. R. 2350. A bill to liberalize the service-pension laws relating to veterans of the War with Spain, the Philippine Insurrection, and the China Relief Expedition, and their dependents; with an amendment (Rept. No. 657).

BILLS INTRODUCED

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

By Mr. VANDENBERG:

S. 1674. A bill to amend the act entitled "An act for the relief of Johannes or John, Julia, Michael, William, and Anna Kostiuk," approved August 7, 1939 (with an accompanying paper); to the Committee on Immigration.

By Mr. CHAVEZ:

S. 1675. A bill to authorize the Secretary of Agriculture to sell certain lands in Harding, Colfax, and Mora Counties, N. Mex.; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Massachusetts:

S. 1676. A bill for the relief of Sgt. Maj. Richard Shaker, United States Marine Corps; and

S. 1677. A bill for the relief of Lt. (Jr. Gr.) Newt A. Smith, United States Naval Reserve, for the value of personal property lost or damaged as the result of a fire occurring on August 11, 1943, in quarters occupied by him in the armory of Aviation Free Gunnery Unit, Dam Neck, Va.; to the Committee on Naval Affairs.

By Mr. MEAD:

S. 1678. A bill to extend to assistant postmasters and supervisory employees of the Field Service of the Postal Service overtime payments for service performed daily in excess of 8 hours; to the Committee on Post Offices and Post Roads.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES—AMENDMENTS

Mr. BALL and Mr. VANDENBERG each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, which were ordered to lie on the table and to be printed.

THE NEXT STEP TOWARD PEACE—ADDRESS BY SENATOR BURTON

[Mr. BURTON asked and obtained leave to have printed in the RECORD an address entitled "The Next Step," delivered by him before the executive committee of the Inter-American Bar Association and international and comparative law section of the American Bar Association, Washington, D. C., January 28, 1944, which appears in the Appendix.]

DANGERS OF POST-WAR ALLIANCES—ARTICLE BY SENATOR WHEELER

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article on the dangers of post-war alliances, prepared by him for the St. Louis Star-Times and published on January 24, 1944, which appears in the Appendix.]

LESSONS FROM A HISTORIC DEBATE—ARTICLE BY SENATOR LODGE

[Mr AUSTIN asked and obtained leave to have inserted in the RECORD an article entitled "Lessons From a Historic Debate," by Senator LODGE, published in the New York Times magazine of January 30, 1944, which appears in the Appendix.]

PRESSING ISSUES OF THE DAY—ADDRESS BY CHARLES E. DIERKER

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an address on some of the pressing issues of the day, delivered by Charles E. Dierker, United States district attorney for the western district of Oklahoma, before the Consolidated Clubs of Holdenville, Okla., on January 28, 1944, which appears in the Appendix.]

LIBERTY AND THE LAW—SERMON BY REV. WILFRID PARSONS, S. J.

[Mr. MEAD asked and obtained leave to have printed in the RECORD a sermon entitled "Liberty and the Law," delivered by Rev. Wilfrid Parsons, S. J., professor of political science at the Catholic University of America, Washington, D. C., at the red mass on Sunday, January 30, 1944, under the auspices of the school of law, which appears in the Appendix.]

ADDRESS BY GEORGE E. STRINGFELLOW, PRESIDENT, KIWANIS CLUB OF NEW YORK CITY

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address entitled "An Idea—Whose Time Has Come," delivered by George E. Stringfellow, president of the Kiwanis Club of New York City, on January 5, 1944, which appears in the Appendix.]

DEMOCRATIC LEADERSHIP AND THE SOLID SOUTH—EDITORIAL FROM THE SHREVEPORT TIMES

[Mr. OVERTON asked and obtained leave to have printed in the RECORD an editorial entitled "Democratic Leadership and the Solid South," published in the Shreveport (La.) Times of January 27, 1944, which appears in the Appendix.]

INTERNATIONAL AGENCY—ARTICLE BY SUMNER WELLES

[Mr. HATCH asked and obtained leave to have printed in the RECORD an article entitled "International Agency," written by Sumner Welles, former Under Secretary of State, and published in the Washington Post of January 26, 1944, which appears in the Appendix.]

EDITORIAL COMMENT ON VOTES-FOR-SOLDIERS LEGISLATION

[Mr. LUCAS asked and obtained leave to have printed in the RECORD several editorials from newspapers published in Ohio commenting on proposed legislation to enable servicemen to vote, which appear in the Appendix.]

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

The Senate resumed consideration of the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purpose.

Mr. TUNNELL obtained the floor.

The ACTING PRESIDENT pro tempore. The Secretary will state the pending amendment.

The CHIEF CLERK. In the amendment of the committee on page 39, line 9, after the word "made", it is proposed to insert the words "in accordance with State law."

Mr. TUNNELL. Mr. President, when the bill now before the Senate was conceived I, as a member of the Committee on Privileges and Elections, had no thought that it could be seriously contested. I believe, as does everyone else, that the right exists in the man in uniform to vote at the coming election. It is not a question as to his right. It is a question as to his opportunity. When the first bill with which I had any connection dealing with the general subject, the lengthening of hours during which voting booths would be open on election day, came before a subcommittee of which I was chairman, we called the chairmen of both national committees before the subcommittee and both chairmen expressed their desire to have every possible opportunity to vote given to the men in uniform. It is somewhat surprising that the matter has become such a source of discussion as it has. Whether it is true or not, people believe that a contest is being waged against giving the soldiers the opportunity to vote.

I have before me a letter from one whose name I shall not divulge for obvious reasons, but I wish to read the letter to the Senate:

Being one who believes that Members of the National Legislature should not be judged for their expert ability to read noisemeters on the lungs of their more vocal constituents, I think my representatives should hear my small voice only on election day. However, I am presently disturbed—I am disturbed by the evident intention of many in the Congress either to disfranchise me for the duration or to make it as difficult as possible for me to cast my vote in the 1944 election.

Disfranchise me? Why? Why, because I am in the Army—in the Army for a second time in a quarter of a century.

Having no idea of the position either of you may have taken—

The letter is addressed both to the junior Senator from Delaware [Mr. BUCK] and myself.

Having no idea of the position either of you may have taken or may intend to take on the pending soldier vote legislation, my address to you jointly is in the hope that Delawareans in Congress will be found insisting upon a record vote on all demagogic

substitutes for or emasculating amendments to S. 1612 and H. 3982.

The Seventy-seventh Congress declared war and some 11,000,000 Americans were drafted to discharge their responsibilities of citizenship by waging that war in defense of some 130,000,000 other Americans. Will the Seventy-eighth Congress? No; it is not possible that any Congress would deny the rights of citizenship to the very citizens whom it has sent in millions on dangerous citizen-duties to every corner of the world. It is unthinkable that citizen soldiers could be made the temporary dupes of such Machiavellian legislation, and it is to be hoped that Delaware's congressional delegation will defend the thousands of Delawareans in uniform against any such trickery.

That, as Senators will grasp, is a letter from one of the boys in uniform.

The present situation with reference to the bill now pending before the Senate is a most peculiar one. Practically everyone who has protested against the passage of this bill has insisted that he is anxious for the servicemen to have the opportunity to vote. Of course, those who are in favor of the pending bill are without question in favor of the servicemen having an opportunity to vote. The only ones about whom the question could arise are those who are opposing the passage of a Federal act permitting the servicemen to have an opportunity to vote.

One of the most peculiar things noticed by me with reference to this debate, and perhaps by other Senators who have been listening to it, is that not a single Senator, so far as I have heard, who has expressed his disapproval of a Federal act, and particularly of the proposed Federal act, has expressed any fear that the servicemen will not be permitted to vote at all. All kinds of fears have been expressed on the floor, but none of them seem to be that the soldiers and sailors may not obtain an opportunity to vote. That is not the type of fear we hear expressed. We hear a good deal about fears that the act might be unconstitutional. We hear expressed the fear that it would be a disappointment to the servicemen who, believing they had an opportunity to vote, might find that their votes were not counted. I have heard no Senator expressing fear or concern with respect to an absolute failure to furnish an opportunity to vote. It is very odd to me that we do not hear such fear expressed. In other words, the fears we hear expressed are entirely with respect to a situation which may arise if we try to give the servicemen an opportunity to vote, but no fear whatever is expressed as to what may happen if the attempt is not made.

Mr. President, what will happen if the servicemen are not permitted to vote? My own fear, which I freely express at this time, is that unless some effort is made on the part of Congress to make it possible for the servicemen to vote they will not be permitted to vote in any great numbers.

The senior Senator from Ohio [Mr. TAFT] stated a few days ago that no evidence had been presented to indicate that the servicemen could not vote under the so-called State ballot. This statement is not correct, for an abundance of evidence was presented on the part of the Army and the Navy that there was exceedingly small opportunity for votes being delivered and counted if the State method were relied upon.

Mr. President, there is no question that there will be difficulty in counting individual ballots. A difficulty exists with respect to doing that. But the Senator from Ohio says there is no evidence to indicate that the servicemen could not vote under the so-called State ballot. The Senator was not a member of the Committee on Privileges and Elections and he did not hear the evidence, and therefore, according to him, there was no evidence. He concludes that the committee did not take the trouble to take testimony. I do not know just what kind of evidence would satisfy Senators who take this position.

The Senator from Ohio says he does not believe the Secretary of War and the Secretary of the Navy when they say that the State system of voting will not work. If those two eminent gentlemen are not to be believed by the Senator, the chances are that no evidence could be obtained that would be satisfactory to the Senator, but the very fact that he says he does not believe them indicates that there has been evidence. The trouble is that he does not believe the evidence. The chances are that no evidence which could be obtained, unless favorable to his view, would be accepted by the Senator from Ohio and those who think as he does on this question.

The physical difficulty connected with State voting or with any system of voting by which an actual ballot from each precinct from which servicemen come must be delivered are enormous. As I recall, there are about 3,000 counties in the United States. I know that in my own county there are 24 precincts or voting districts. Each of the ballots is marked for the particular division. My recollection is that in Philadelphia County, in the State of Pennsylvania, there are more than 1,200 precincts. So the number of ballots necessary under the State ballot system is tremendous. The idea of 1,200 different kinds of ballots from 1 county, when there are 3,000 counties in the United States, is something which in itself presents a great physical difficulty when it comes to the delivery of the ballots. When we remember that there are approximately 3,000 counties, and that from every one of the voting precincts there are boys in the service, and that each one of those precincts—not alone each county, but each precinct—must have ballots delivered to the boys, we can appreciate the difficulties.

The ballots are distinctly marked. The number of the congressional district or the number of the precinct is shown. There are probably 20,000 different kinds of ballots which would have to be correctly delivered from the various precincts in the United States to men who might attempt to vote.

There was much testimony before the committee as to the physical difficulty involved in the delivery of the ballots themselves. But that is not the only difficulty. There is the matter of the selection of the ballot and the accurate delivery thereof. If this were all the difficulty, the Herculean task might be accomplished. However, according to many of the proposed State systems, there must be a request on the part of the serviceman for a ballot. This request must travel from the serviceman to some place in his State. The ballot must then be sent from the State to the serviceman, in one of the hundreds of locations in which servicemen are placed in the foreign service. We are told that the positions of those men are changing at the rate of 10,000 a day. So the absolute impossibility of any assurance of the delivery of John Jones' ballot to John Jones in the particular location in which he is placed, in Africa, Asia, or Europe, at once becomes apparent. The correct ballot must be sent to him. It must be properly marked by him, and must make the return trip to his State by election day in order to be counted.

The matter of delivery is a serious one, as testified to by representatives of the Army and Navy. Those men were as fair as any witnesses I have ever heard giving testimony. At no time did they suggest that they did not want to deliver the ballots. They spoke of the difficulty and the practical impossibility of the delivery of the ballots in anything like an accurate manner, and within the time available. The actual carrying of several million post cards and ballots necessary in this transaction is an enormous task for the Army and Navy, and particularly for the Air Forces of the United States.

In addition to the difficulties which have been mentioned, there is the fact that many of the States do not provide for the printing of the ballots until a few days before election. In my State certificates of nomination may be filed and amended until 20 days before the election. Before the ballots can be sent out, they must be printed for every election district in the State, because there will be applications for ballots in every political division in the State. The printing of the ballots cannot be begun until 20 days before election. At least 10 days will be required for printing the ballots. The result is that in my State the sending of the applications, the sending of the ballot to the man at the front or in the service overseas, and the return of the ballot must be done within 10 days.

The good faith of the Secretary of War and the Secretary of the Navy has been questioned.

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

The PRESIDING OFFICER (Mr. WALSH of New Jersey in the chair). Does the Senator from Delaware yield to the Senator from Oklahoma?

Mr. TUNNELL. I yield.

Mr. MOORE. I should like to ask the Senator if his State of Delaware is not now contemplating the calling of a special session of the legislature?

Mr. TUNNELL. I have not heard of it.

Mr. MOORE. For the information of the Senator, the Governor of the State of Delaware has stated that a special session of the legislature is contemplated.

Mr. TUNNELL. A message was received by the Committee on Privileges and Elections to the effect that the State of Delaware was awaiting the result of the Federal move for a ballot. That is as much as I know. I think that is as far as the situation will have progressed by election day, if the Senator wishes my opinion.

I will deal with that subject now. In our State the Governor and a legislature which suited him from a partisan standpoint have provided that neither the names of Presidential nor Vice Presidential candidates nor the names of the electors shall appear on the State ballot in Delaware. There is provision for a State ballot, apparently with the hope that people will not vote for candidates for the Presidency or Vice Presidency. Those are the only candidates proposed to be voted for on the other ballot. There is absolutely no excuse for such a proposal if the desire is to have people to vote. That applies not only to the men in the service but to the voters residing in the States as well.

The veracity and good faith of the Secretary of War and of the Secretary of the Navy have been questioned on the floor of the Senate. I do not concede that their veracity or good faith is any better known to those who attack them, or that those who attack them have greater knowledge of the Secretary of War and of the Secretary of the Navy than have the rest of us. I do not know whether I ever met the Secretary of War. I have met the Secretary of the Navy a number of times. I have never obtained the impression, either from the public press or from my contacts with them, or from my knowledge of what they have done, or of their successful conduct of the war, that they—the Secretary of War and the Secretary of the Navy—are men whose good faith can be questioned, or that their veracity is in doubt. The good faith of both has been questioned on the floor of the Senate, I think without cause. Personally I have absolute faith in the honor and truthfulness of these men who for many years have occupied outstanding positions in American life. It must give Hitler and Hirohito much pleasure to read the statements of Members of the Senate of the United States that our Secretary of War and our Secretary of the Navy are so partisan that they cannot be believed in the statements they make with reference to their official conduct and duties.

It is contended that the Secretary of War and the Secretary of the Navy are partisans. I do not know of what party. They were selected for their present positions because they were outstanding members of the opposition party. At least I was so told. I think they are outstanding men. My information is that the Secretary of War was for some years a member of the Cabinet of various Republican Presidents. My understanding is that the Secretary of the Navy was recognized by the Republican Party by being nominated as a candidate for Vice President. I do not think they can be such bad persons, Mr. President; I think they must be pretty good men, and I do not believe that the very fact they held the positions to which I have referred should be held against them. I believe that in this time of war they are patriots. I presume they are still Republicans. I believe it is consistent to be both. On what theory these attacks are made I have been unable to learn.

I do not know how the men in the service are going to vote. There are those who seem to believe that the vote of the serviceman will favor the present administration. I do not know whether it will or not. I would favor a Federal voting bill if I thought it would. I would favor it if I thought a majority of the soldiers would vote the Republican ticket. I do not know how they will vote, and I do not care to know. I simply know that they are American citizens, and I believe their votes will probably be for the various candidates in much the same proportion as the votes cast by civilian voters.

Mr. Spangler has told us that preliminary polls—just when they were taken or where we are unable to say—indicate that 56 percent of the men in the military service will vote the Republican ticket. A few weeks ago I heard a Senator on the opposite side of the aisle make the statement that, in his opinion, 70 percent of the servicemen would vote the Republican ticket. Republican Senators may be trifling with victory. They may need 56 percent of the soldier vote; they may need 70 percent of the soldier vote in order to elect Mr. Willkie, Mr. Dewey, Mr. Stassen, or some other person of equal prominence. It appears to us on this side of the aisle that Senators on the other side of the aisle are not taking seriously the predictions of partisan enthusiasts. Do they not want to insure their victory, the victory which these gentlemen say is sure?

It is to be regretted that the attitude of Members of Congress should now be swayed by the belief that some particular candidates might be benefited by the soldier vote. One Senator, whose flair for truth seemed to be greater than his confidence in party predictions, has said that if the President of the United States will remove himself as a possible candidate for the Presidency this debate will end. That is a wonderful assurance. According to the statement of the Senator from Oregon [Mr. HOLMAN], that one question has all to do with the continuation of this debate. It is not a question of the constitutionality of the pending bill; it is not a question of whether the soldier is to be disappointed; it is not a question of whether the ballots will reach him; it is a question of whether the President of the United States is to get the benefit of the soldier vote. That statement is very refreshing.

With the frankness which is sometimes associated with extreme youth, the Senator not only has suggested that the removal by the President of himself as a presidential candidate would end the debate, but he has proposed a bill by which the President of the United States would be precluded from even being a candidate. I think that is a wonderful suggestion. If by enacting a law we are to preclude persons from being candidates for office, perhaps we might consider a bill to preclude certain persons from being candidates for the Senate and House of Representatives. If this theory of government is a good one, such a bill might be introduced either here or in Oregon, prescribing the class of persons who may be considered as candidates for the Senate. If we can preclude certain persons from being candidates, I respectfully suggest to the Senator from Oregon that we might be able to enact a bill which would name the person who should be Senator from Oregon, or from any other State.

Mr. President, we are told that the framers of our Constitution did not make such a provision as the one now proposed for the very reason that it was believed that there might arise such an occasion as the present one when a great proportion of Americans believe that, because of his experience and because of his peculiar fitness, the present occupant of the White House may be the one upon whom a majority of the people will rely during this emergency. So the framers of the Constitution did not see fit to preclude by constitutional provision the man whom the people might want.

Mr. President, the amendment offered by the junior Senator from Oregon is intended to go further than the framers of the Constitution believed advisable, and much further perhaps, than the Senator fears the American people may go at this time.

However, the method proposed by the amendment would be a most delightful one—one of the most delightful I have ever heard expressed—for settling political questions. What is the use of voting? What is the use of having servicemen vote? What is the use of having anyone vote? Let us pass a bill to correspond to the amendment proposed by the Senator from Oregon, and let the Senate of the United States decide the election. That seems to be the theory. Let us pass a law prohibiting the election of those we do not desire to be elected. That seems to be the theory. That is one of the fears, apparently, of the Senator from Oregon.

I am rather surprised that in a republic it should be found necessary to develop the idea of preventing the holding of office by particular candidates. I am particularly disappointed that our friends consider it necessary to have such a bill passed or to suggest the passage of such a bill in connection with the casting of votes by our boys who are in the military service. The present suggestion is the resort of desperation. Not only does the Senator from Oregon fear that the American voters may vote but he fears that they may vote for a person whom the junior Senator from Oregon does not desire to have elected. Therefore, he takes the position that a provision such as the one he has suggested must be written into the law.

The only serious question before the Senate of the United States at this time is whether it will pass a bill permitting servicemen to vote at all. Oh, Mr. President, we are told that the State method is so much better than the Federal method. We are told that under the State method the servicemen will be able

to vote for all officers. Then why not pass the bill providing for the Federal ballot; and the Senators who fear the Federal ballot will be at liberty to encourage the passage in their States of State laws providing for voting.

The bill provides that the Federal ballot shall be void if the serviceman has not voted a State ballot. Is not the Senator's question answered by that provision? Is not his alarm unnecessary? The Senator told us that the State ballot would be voted. Then let it be voted. Those of us on this side of the aisle are not objecting to having such a vote cast. We are not objecting to that system. We do not believe the State ballot would be voted and delivered, because we believe that in the case of other States there are objections similar to those which arise in my own State.

However, Mr. President, if the Senator from Oregon is correct in his position that State ballots can be voted and will be voted, then let the States pass laws providing for State ballots. We do not believe that under the State ballot system the servicemen's votes would be returned in time to their respective States. We do not believe it would be possible to have that done. In saying that, we are not attacking either the veracity or the good faith of the Secretary of War or the Secretary of the Navy. There has been no statement on the part of either the Army or the Navy that the Army and the Navy will not cooperate not only with each other but with the American people in order to have the servicemen vote. A statement has been made that the Secretary of War and the Secretary of the Navy do not believe it is possible for the servicemen to vote on the basis of using the State ballots. I go further than that, and say that, although the junior Senator from Oregon suspects the Secretary of War and the Secretary of the Navy, there may be suspicion that some of the same feeling which has been manifested here may prevail in the minds of certain State officers, and it is possible that certain State officers may have fears, and persons entertaining those fears may finally reach the point at which the Senator from Oregon arrived when he feared the vote for the President of the United States.

In my own State, in 1940, we had a taste of just that desire. We had an absentee ballot law. One county officer in Kent County, Del., was elected by the vote of the absentee soldiers. Our courts threw out the votes of our absentee soldiers, and counted in the partisan opponent of the successful nominee, by throwing out the soldiers' votes. In my opinion the servicemen from Delaware have not the slightest chance of voting under any State system which could be promulgated by the State of Delaware between now and the November election. Under the present system in Delaware, no oversea serviceman would have any serious opportunity to vote. There would have to be three passages of mail from the serviceman to the State—in other words, the sending of the postal by the soldier, the mailing of the blank ballot to the soldier, and the return of the ballot from the soldier to the State. All that would have to occur within approximately 10 days. No one believes that voting under those conditions would be possible. Those of us who know the situation do not believe that the voting opportunities would be improved by the passage of any law by the State of Delaware between now and November.

Mr. President, in some States there are voting machines in which no paper ballots are voted. Personally, I think it will take more than the statement of Senators on the floor of the Senate that they are anxious to have servicemen vote to satisfy the servicemen, if the votes of these protestants are against the Federal ballot bill, and if events at the November election show that the servicemen could not vote because there was no Federal ballot. These men have been sent from their homes into foreign countries. They have been sent where they cannot vote unless they receive some help from us. But we are told on the floor of the Senate that the pending bill is unconstitutional. Mr. President, where is the constitutional Federal ballot law which Senators opposed to the pending bill suggest? Is there some bill which they can suggest which will meet the Federal requirements or the requirements of the Federal Constitution? Is there any proposition coming from those who oppose this bill as to a kind of Federal ballot they will support? I do not mean such a recommendation as we passed here a few weeks ago, which simply recommended what the States should do. We can find a person on the corner who will make a recommendation, but the State authorities are not compelled to act on it, and we know that in many States the necessary legislation will not be passed. If a Federal bill meeting the objections of those who oppose the pending bill can be written, let them write it. If it cannot be written, let us admit that the Constitution of the United States is a failure.

I can see how in a State where these votes are not pivotal it really makes little difference so far as the actual result is concerned; but there are many States of the Union where the soldier vote may be pivotal. Therefore, Mr. President, I ask those who oppose this bill what have they to suggest. I have not heard any suggestion that would make it possible for the servicemen to vote if the Federal ballot system could not be employed.

If our boys can be taken and sent to the far corners of the earth with no opportunity to express themselves by the ballot, and if our Constitution will not permit the passage of laws which will enable them to have the opportunity to vote, our Constitution has for the first time in its existence totally failed. We can take the boys and send them across the seas, we can take from them the opportunity which they have as citizens of the United States, but the Constitution will not permit us, we are told, to remedy that defect.

Where are those elastic provisions by which the Constitution of the United States is to be made to fit the problems that meet us? We are told that the Constitution of the United States, adopted during a former generation, is the marvel of the world because it enables us to solve such problems; but if an amendment to the Constitution is necessary, let us find out by an honest effort to give the boys the ballot.

Which is going to cause the loss of morale to a greater extent in the American Army—the refusal of the Congress to pass a sensible law providing for their voting, or throwing out their votes by a court after the servicemen have attempted to vote according to a law which we have passed? I am in favor of giving them the opportunity and let the States or the Court have the opportunity to pass on the question whether American soldiers and sailors can be deprived of their opportunity to participate in the Government. Common decency, it seems to me, demands that we try to maintain their rights.

We are told that the serviceman has a right to vote; we are told that the State can give him that opportunity. We do not object to the States giving him the opportunity to vote. Do those who oppose this bill object to his Nation trying to give him the opportunity to vote if the State from which he comes does not make such provision, as many of the States cannot and will not do?

Many Senators are honestly disturbed about States' rights. I sympathize with their position in this respect. The Senator from Louisiana [Mr. OVERTON] told us a few days ago that he came from a State where to be a Democrat made it necessary to carry a shotgun to bed with him. I come from a State where Democrats were once forbidden and prevented from voting by troops sent by the Federal Government to the polls, and Democrats were ordered away from the polling places. So I know what the States' rights question is, and I am in sympathy with maintaining the rights of the State.

When it comes to States' rights, Mr. President, there is another right which has not been suggested, so far as I know. I refer to the right of a State to have its citizens vote. It is the right of every State of the Union to have its servicemen vote. The State's rights to deprive him of his vote is not the only right of government involved. Not alone is the serviceman entitled to his vote but the United States is entitled to have all its citizens given the opportunity to vote.

This is a fundamental right. The United States will within the next few months decide on its government which will determine the policy of the United States for the next 25 and perhaps 50 years. Are the people of this Nation entitled to have their soldier boys participate in that decision? Is there not a right of the Federal Government and a State right that those boys be given that opportunity? Is this a government of the people, by the people, and for the people, or is it a government of a part of the people, by a part of the people, and for a part of the people?

Ten million men in the service represent approximately one-fifth of the number who voted at the last Presidential election. The people of the Nation are entitled to have an election at which five-fifths of its voters have an opportunity to vote.

To those who say that they want the servicemen to vote, I suggest that we give them both a State and a Federal law. It will not be contended seriously that we have the right or the duty here to provide for the balloting for State candidates. If Senators opposed to the pending bill are correct in their contention that the Federal Government cannot even provide for the Federal vote, if they are sincere in their desire to have the servicemen vote, let them go ahead and pass State ballot laws, but do not try to obstruct the Federal attempt to give the soldier a right to vote for Federal officers by the Federal machinery of government.

We on this side of the aisle will assist in the enactment of State laws regulating voting not only for Presidential candidates but for Members of Congress as well. Perhaps in some of the States even the Presidential electors will be put on the ballots. In our State they are not. We have a special ballot for that purpose.

The Senator from Oregon has thrown the constitutional arguments out the window. He said the debate would end with the removal of a particular individual as a candidate for the Presidency, or one who might become a candidate. Constitutional questions are out, quibbling questions as to slights to soldiers are out. It is not a question, after all, of any real objection to anything, but a question of who possibly might be a candidate for the Presidency.

I am glad the Senator from Oregon spoke out. We have heard fears expressed of pretty nearly everything, but the Senator from Oregon gave us the truth; he told us the real fear, a fear that the servicemen may vote for the present President of the United States.

Apparently the prediction which the Senator from Connecticut [Mr. DANAHER] made a few weeks ago is not taken seriously, namely, that 70 percent of the men in the service would vote the Republican ticket, in his opinion. This matter is not being taken seriously, at least by those who take the position announced by the Senator from Oregon, who do not want the servicemen to vote for the President of the United States. They seem to say, "You can rely on our votes for what you say are constitutional acts, yes, and we are going to stop the debate, no matter if the pending measure is unconstitutional, if the President will only withdraw. We will withdraw any talk to the effect that this is unfair to anybody else, if you will withdraw the name of the President of the United States."

No matter what their desires may be, the people of the United States are entitled to have a voice in naming their candidate for the Presidency, especially at a time when great international questions are to be settled. At a time when the future of the world may depend upon the attitude of the United States in the next few months, we are entitled to the best we have, we are entitled to those with experience in governmental matters, who have proven not only their ability, but their loyalty to the great cause in which we are now striving, the cause which will place the democracies of the world in such a condition that they may have something to say as to their governments.

Mr. President, we are entitled to have at the peace table the best we have. We should not be represented at the peace table by those without experience, without judgment, and without any particular ability. We do not know who would be selected by either party, but we are entitled to have the members of the two parties pick out the best men in the United States. We are entitled to have those men voted for, and we are entitled to have the servicemen, who have been taken from their homes and scattered to the far corners of the earth, given an opportunity to help themselves, to help their States, to help their Nation, and to help the world in the preservation of democracy throughout the world.

SENATOR FROM INDIANA

Mr. WILLIS. Mr. President, I present the credentials of Hon. SAMUEL D. JACKSON, appointed by the Governor of Indiana to be Senator from Indiana to succeed the late Frederick Van Nuys.

The VICE PRESIDENT. The clerk will read the credentials.

The legislative clerk read as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Indiana, I, Henry F. Schricker, the Governor of said State of Indiana, do hereby appoint SAMUEL D. JACKSON a Senator from said State in the Senate of the United States until the vacancy therein, caused by the death of Frederick Van Nuys, is filled by election as provided by law.

In testimony whereof I have hereto set my hand and caused to be affixed the Great Seal of State. Done at the city of Indianapolis, State of Indiana, this 28th day of January in the year of our Lord 1944 and of the Independence of the United States.

By the Governor:

HENRY F. SCHRICKER,
[SEAL] *Governor.*
RUE J. ALEXANDER,
Secretary of State.

The VICE PRESIDENT. The credentials will be placed on file.

Mr. WILLIS. Mr. President, the Senator-designate is present, in the Chamber, and is prepared to take the oath of office.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. JACKSON, escorted by Mr. WILLIS, advanced to the Vice President's desk; and, the oath prescribed by law having been administered to him by the Vice President, he took his seat in the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on January 28, 1944, the President had approved and signed the following acts:

S. 184. An act to provide for the presentation of silver medals to certain members of the Peary Polar Expedition of 1908–9;

S. 653. An act for the relief of Johnny Newton Strickland; and

S. 1488. An act to authorize the Secretary of the Interior to convey to Jose C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, N. Mex.

WARTIME METHOD OF VOTING BY MEMBERS OF ARMED FORCES

The Senate resumed the consideration of the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting in time of war by members of the land and naval forces absent from the place of their residence, and for other purposes.

Mr. DANAHER. Mr. President, I send to the desk an amendment to lie on the table. At the appropriate time I shall offer it, but because of the parliamentary situation, I cannot offer it at this time. However, by having it lie on the table now, it is available for distribution, for a print has been made.

The PRESIDING OFFICER (Mr. MURDOCK in the chair). The amendment will be received, and lie on the table.

Mr. EASTLAND. Mr. President, it had been my hope that a compromise bill could be worked out which would settle the present controversy. It had been my hope that a constitutional measure could be worked out that would protect the States and would protect the South. In my judgment the pending bill does not meet the test. In fact, a section in the bill known as section 14 (a), which it is alleged leaves the determination of the validity of the ballots to the local election officials, is claimed to be a compromise measure which would protect the States. Section 14 (a) of the bill, the so-called compromise measure, the States' rights measure, the measure which it is said will protect the South, I submit is utterly unconstitutional and absolutely void, and I wonder why it was written in an unconstitutional and void manner. The section provides:

SEC. 14. (a) The commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States. Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

Mr. President, what would we do if we enacted this section? First, the Congress of the United States would be telling local election officials, or attempting to empower local election officials, and attempting to authorize local election officials, to pass on the validity of ballots tendered them under the proposed law. In the next sentence the Congress of the United States would be telling those officials that those votes should be canvassed, counted, and certified in each State as were the votes cast under the laws of the States.

Article II of the Constitution of the United States provides that Presidential electors shall be appointed by the States as the legislatures thereof may direct.

The Congress of the United States has utterly no authority to delegate to or empower local officials to do anything. We have nothing in the world to do with the election machinery in the States for the appointment of Presidential electors. That matter is solely within the duty and within the power of the individual States, and when the Congress of the United States attempts to instruct or to empower local election officials to judge the validity of a ballot tendered them to be voted for Presidential electors, it is acting beyond its constitutional authority.

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

Mr. EASTLAND. I yield.

Mr. MILLIKIN. Are we not in effect trying to delegate our own duty to thousands and thousands and thousands of election officials throughout the country?

Mr. EASTLAND. I agree with the Senator, but as I see the measure we have no duty, we have no power, we have nothing in the world to do with the machinery in the States for determining the validity of ballots for presidential electors.

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

Mr. EASTLAND. Yes.

Mr. MILLIKIN. I mean we have the duty ourselves to judge the constitutionality of measures which are before us.

Mr. EASTLAND. That is correct. We have before us an alleged compromise measure. The compromise provision has been placed in it, we are told, in order to protect the South. That provision is utterly void. It is not worth the paper it is written on. We have before us the same kind of measure that confronted the Senate in December and was defeated by this body. Let us be frank about this matter. I submit that it is not a compromise. It is a surrender. I submit that the rights of the States are not protected.

Mr. President, I come from a southern State. I am proud of the South. I know that in opposing this measure I speak the sentiments of the State of Mississippi and of the South, and I know further that I speak the sentiments of the hundreds of thousands of young men from Mississippi and the South who today wear the uniform of their country. When they return to take over they desire more than anything else to see the integrity of the social institutions of the South unimpaired. They desire to see white supremacy maintained. Above all things they do not desire to see the election laws of the South or the powers of the States in defining the qualifications of electors tampered with. Those boys are fighting to maintain the rights of the States. Those boys are fighting to maintain white supremacy and the control of our election machinery.

Mr. MILLIKIN. Mr. President, will the Senator again yield?

Mr. EASTLAND. I yield.

Mr. MILLIKIN. May I remind the distinguished Senator that the provision in the Federal Constitution on which he bases his argument is one of the most deliberately inserted provisions in that great document. The States at the time the Constitution was being made were very fearful that there would be a growing concentration of power in Washington until the sovereignty which they wanted to retain to themselves under the Constitution would be impaired, and so this particular provision was deliberately inserted in the Constitution in order to protect the rights of the States in those matters.

Mr. EASTLAND. I thank the distinguished Senator from Colorado for his contribution. I consider the Senator from Colorado one of the ablest constitutional lawyers in the country, and I am sure that he agrees with me that this compromise State-rights section in the measure is utterly unconstitutional, void, and will not protect the South.

Mr. MILLIKIN. Mr. President, I would not be responsive to normal sensibilities, I would certainly be lacking in appreciation if I did not thank the distinguished Senator for the compliment which he has paid me, but I do not pretend to be a constitutional lawyer at all. However, I believe I can read the English language, and if I see express words in the Constitution the meaning of which cannot be twisted, it seems to me that they form a mandate to us.

Mr. EASTLAND. I agree with the Senator.

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

Mr. EASTLAND. I yield.

Mr. WHERRY. I should like to ask the able Senator from Mississippi if I understand his viewpoint to be that we do not have the constitutional authority under Public Law 712, sections 1 and 2, to pass on to the States the right to perfect machinery in a Federal way which now is in the hands of the States. Is my understanding correct?

Mr. EASTLAND. No.

Mr. WHERRY. What is the Senator's interpretation?

Mr. EASTLAND. As I stated, section 14 (a) provides, among others, two things: First, the Congress attempts to authorize the local election officials to determine the validity of a ballot.

Mr. WHERRY. That is a violation of a constitutional right which we now have?

Mr. EASTLAND. Yes. That is the first thing. The second is that Congress authorizes local election officials to count and certify these war ballots. The point is that under article 2 of the Constitution Congress has no power to do any such thing.

Mr. WHERRY. In effect the first two sections, 1 and 2 of Public Law 712, would be in conflict with section 14, subsections (a) and (b), if the measure before us should be adopted? Is that correct?

Mr. EASTLAND. I do not think so, I will say to the Senator, but a little later I shall discuss the matter at length. I do not know.

Mr. WHERRY. In the Senator's discussion will he answer this question for me? In the event the pending bill is adopted, and with it we adopt section 14, subsections (a) and (b), and those provisions are in conflict with the provisions of Public Law 712, does the Senator feel that subsections (a) and (b) would be interpreted as the law governing the States, in view of the fact that they are contained in the law which was passed last, and would be in full force and effect, rather than Public Law 712, sections 1 and 2?

Mr. EASTLAND. I think so.

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

Mr. EASTLAND. I yield to the Senator from Tennessee.

Mr. McKELLAR. I have listened to the colloquy between the Senator from Colorado [Mr. MILLIKIN] and the Senator from Mississippi [Mr. EASTLAND] on the constitutional question. I think both Senators are entirely correct. That is further attested by the fact that our country has been in existence for about 155 years, and the construction they have placed on the constitutional provision has been the uniform construction on that provision of the Constitution from the beginning of our Government until this good hour.

Mr. EASTLAND. I thank the Senator.

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

Mr. EASTLAND. I yield.

Mr. WHERRY. I appreciate the statement made by the Senator from Tennessee. That is not the point I am interested in at this time. What I should like to know it this: In the event the pending bill becomes law, will the guiding provisions, section 14, subsections (a) and (b), be the ones which will be followed by the States, and if they are, and if the States carry out the letter of the law, and they throw out all the ballots in question, would Congress then hold that the States' interpretation in that respect had been correct, or would Congress hold that the States had no right under the Constitution to do it in the first place, and might we not have a series of contested elections as the result?

Mr. EASTLAND. I think a great number of ballots are going to be thrown out in the South, to be perfectly frank about the matter. The Senator from Mississippi agrees that they should be thrown out. Congress has passed Public Law 712. I think this act is unconstitutional. The argument is used that if the act is unconstitutional, the local election officials, under their oaths, must obey the Constitution, and throw out the ballots. But then, Mr. President, if that is done there will be a contest here in Washington. In my State if there are 80,000 votes which are not counted, and there is a contest over seats in Congress, I do not think Congress would say it has passed an unconstitutional measure. I do not think that Congress would say that it stultified itself and passed a measure which it had no right to pass. I think the Congress would be bound to say that Public Law 712 is constitutional, that the votes should have been counted under the provisions of that law. The Senate and the House are the sole judges of the seats of their Members, and I believe southern Senators and Representatives would be denied their seats.

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

Mr. EASTLAND. I yield.

Mr. WHERRY. I do not wish to break into the Senator's address; but if a voter in Alabama voted according to the provisions of the measure now before the Senate, and his ballot came back, and the State officials threw it out, because they have the determining voice with respect to the validity of the ballots——

Mr. EASTLAND. Well, do they?

Mr. WHERRY. Then, they would encourage someone to deny that such procedure would have been right in the first place. Is that correct?

Mr. EASTLAND. I am going into the whole matter a little later. I will tell the Senator that I think the provisions of Public Law 712 and the provisions of the pending measure must be construed together. I thoroughly agree with the able Senator from Utah [Mr. MURDOCK] when he said in his speech the other day that the local election managers must consider sections 1 and 2 of Public Law 712 in judging the validity of ballots.

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

Mr. EASTLAND. I yield.

Mr. BUSHFIELD. I should like to call the attention of the Senator to the same provision which he has been discussing, namely, section 14 (a). The first clause of the first sentence reads as follows:

> The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title.

That is the first clause.

The second clause reads as follows:

> Such determination shall be made by the duly constituted election officials of the appropriate districts.

And so forth. I should like to ask the Senator's viewpoint regarding this question: Is not section 14 merely a reassertion of the States' rights, rather than an attempt to set up something which did not previously exist?

Mr. EASTLAND. No, Mr. President; I think the last clause of the first sentence and, I think, the second sentence are clearly unconstitutional because the Federal Government is attempting to empower local election officials to judge the validity of ballots cast and is directing that they be counted, canvassed, and certified. In the case of Presidential electors we have no such right. We do not have anything to do with the appointment of Presidential electors. The machinery to do this and every decision that must be made is entirely in the hands of States. The Federal Government has nothing to do with it.

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

Mr. EASTLAND. I yield.

Mr. BUSHFIELD. I grant the Senator's position. But granting that the Federal Government has no power to say to the States that they shall canvass the votes, can the Congress add anything to the constitutional power and position of the States by saying, "You can canvass those votes," when they already have that power?

Mr. EASTLAND. Mr. President, the Senator is absolutely correct.

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

Mr. EASTLAND. I yield.

Mr. WHEELER. A moment ago the Senator from Nebraska [Mr. WHERRY] asked the Senator from Mississippi whether, if the constitutional argument is correct, the States would not have the right to throw out any ballot which was not cast in accordance with the State laws. Of course, if that theory is correct, we would be encouraging voting by people who, under the State laws, or under the Constitution, would not have a right to vote. Is not that true?

Mr. EASTLAND. That is absolutely true. I will say in connection with that point, that I do not read from section 14 (a) that the judgment of the local election managers as to the validity of a ballot would be exclusive. I think their judgment will be controlled by the law, by both the Constitution of the United States, by the State laws, and by Public Law No. 712. I think they must determine the validity of the ballots in accordance with the law which sets down the rule or the pattern which they must follow. I think that in case they should arbitrarily refuse to count a great number of votes, as they would do, we in Washington would have trouble, and some of those men—our election officials in Mississippi—might be indicted in the courts. I am afraid of that, and I do not think it is just and right to place that responsibility upon them.

Mr. BUSHFIELD. Mr. President, will the Senator yield to me?

Mr. EASTLAND. I yield.

Mr. BUSHFIELD. If I understand the Senator's explanation relative to the determination as to what ballots should be counted, must not the determination be made under the Federal law, rather than under the provisions of the State law?

Mr. EASTLAND. I think the officials would be entitled to take both of them into consideration. I think sections 1 and 2 are unconstitutional and void. If a contest occurred because 80,000 votes were not counted in my State, I do not see how the Congress or the Senate of the United States could say that we have stultified ourselves, that we passed a law which is unconstitutional and then give a man his seat in the Senate. We would certainly be consistent, I think, if the situation developed that, under the State law, the poll tax and registration requirements were not met, the United States Senate might have to refuse a southern Senator a seat in this body. The Senate would do this because its own standards set up in Public Law No. 712 had been violated.

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

Mr. EASTLAND. I yield.

Mr. OVERTON. I agree with the Senator from Mississippi that section 14 (a) is unconstitutional in all its provisions, in the sense that the Congress of the United States has no authority whatsoever to prescribe what shall be valid ballots and what shall be invalid ballots.

Mr. EASTLAND. Mr. President, the Senator is exactly correct, and he has expressed the matter much better than I could.

Mr. OVERTON. Or who shall determine the validity of the ballots. That is a matter which is to be determined by State law—both the matter of the election of Senators and Representatives and the matter of the selection of Presidential Electors. The Senator is correct in that regard.

Therefore, even the apparently innocuous provision in the first line of section 14 (a), which reads—

> The commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title—

is unconstitutional for the reason that Congress has not authority to lodge the determination of the validity of the ballots in either the commission or in any other authority. It is innocuous because it is denying an authority which Congress does not possess. So in the end it does not amount to anything.

But the next clause—

> such determination shall be made by the duly constituted election officials—

is intended in all probability, as the Senator has well pointed out, to give as the guiding rule to the local election officials both the Federal law—the act of 1942—as well as the State law, so that if one votes without the prepayment of a poll tax or without registration, his ballot shall be counted.

It seems to me that the amendment I suggested meets the views of the Senator from Mississippi. That is this:

> Such determination shall be made in accordance with State law by the duly elected officials.

Mr. EASTLAND. Mr. President, I think that amendment would certainly help the bill.

Mr. OVERTON. I thank the Senator.

Mr. EASTLAND. And I shall support it.

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

Mr. EASTLAND. I yield.

Mr. BUSHFIELD. The point which still troubles me is with respect to who shall make the determination, and under what rules of procedure shall it be made? If it is made under the Federal law—Public Law 712 or some other act of Congress—or if it is made under the laws of Mississippi or of South Dakota, that will be extremely vital. I should like to know who would make the determination, and under what law or regulation it would be made. For instance, the proposed Federal ballot provides for really nothing more than a scrap of paper upon which, so the bill says, someone shall write in the party name or the candidate's name. In every State of the Union—I imagine it is true in the Senator's State, as it is true in my State—a ballot of that kind is absolutely void, and would not be counted, because a voter cannot write on a ballot with a pencil or pen. The name

of the candidate or the party must be printed on the ballot by the election officials.

Mr. EASTLAND. That is the law in Mississippi.

Mr. BUSHFIELD. We are proposing to do something in violation of the State law. That is why I think it is so important to determine who will determine the validity of the ballot, and upon what basis or foundation that determination will be made.

Mr. EASTLAND. As I have stated to the able junior Senator from South Dakota, I think the election officials would have to take into consideration Federal Law 712. And because of this I am against the bill. This is not a compromise measure.

Mr. OVERTON and Mr. MURDOCK addressed the Chair.

The PRESIDING OFFICER (Mr. JACKSON in the chair). Does the Senator from Mississippi yield, and if so, to whom?

Mr. EASTLAND. I yield first to the able senior Senator from Louisiana.

Mr. OVERTON. Mr. President, let me add the thought: Unless, of course, the amendment I have suggested is adopted.

Mr. EASTLAND. That is correct.

Mr. OVERTON. Then the validity of the ballots could be determined only by State law. That would refer to Presidential electors; it would refer to Members of the House of Representatives; and it would refer to Senators.

Mr. EASTLAND. That is correct.

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

Mr. EASTLAND. I yield.

Mr. MURDOCK. After listening to the distinguished junior Senator from South Dakota, who has pointed out what is required by State laws to be printed on our ballots, let me call to the Senator's attention the fact that the great war the world is now fighting is a very extraordinary event. We cannot meet extraordinary events such as global wars with elections as usual, and allow our soldiers to vote, any more than we can meet the demand for munitions, tanks, ships, and so forth by business as usual. Being confronted by the extraordinary situation of millions of our men in foreign countries fighting the battles of this country, if they are to vote Congress must provide the means of doing so, and must meet an extraordinary situation by extraordinary means.

Of course, if we were considering the ordinary election, there would be no reason for the bill now before the Senate. But we do not face that situation. As I stated the other day, Congress is attempting to meet the situation by Federal legislation; but, having in mind the constitutional provisions with reference to the States having control of the counting of ballots, and so forth, in section 14 (a) we say that the States shall be the ultimate judges of the validity of the ballots. If I correctly understand the Senator's argument and the argument of the Senator from Louisiana [Mr. OVERTON], it seems to me that Senators who are against that provision in the bill are afraid to allow their local election judges to look at the ballots in the light of the Constitution of the United States, in the light of the Federal statutes, and in the light of State laws. It seems to me that no Senator should wish to take the position that he is afraid to allow his local election judges to look at the ballots, having in mind not only the Constitution of the United States and the Federal statutes but also the constitutions of the several States and the State laws. If we do that, and say to those judges, "We want you to determine the validity of these ballots, having in mind all the laws of the land, beginning with the Constitution"——

Mr. EASTLAND. Mr. President——

Mr. MURDOCK. Let me finish.

Mr. EASTLAND. The Senator is setting up a straw man and proceeding to knock him down.

Mr. MURDOCK. If the local judges are to be given authority to decide that the ballots are not valid under State law, is the Senator afraid that they cannot make that decision, and that they will not make it?

Mr. EASTLAND. No. I am not afraid they will not make that decision, I know what decision they will make. I know that they will not count the ballots. I know that they must take into consideration Public Law 712, as the Senator has said, and I am afraid some of them might be indicted. We have had perfectly outrageous indictments brought against citizens of my State.

The Senator says that we cannot do business as usual in time of war and devise a method by which the soldiers can vote. I agree with him. We certainly should not have politics as usual in time of war and that is what we have here. Sections 1 and 2 of Public Law 712 are nothing but politics, aimed at the South. If this is a sincere attempt to work out a soldiers' vote bill, what is the objection to the amendment of the Senator from Louisiana? It would meet the constitutional test and would result in putting a ballot in the hands of the soldier.

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

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. EASTLAND. I yield.

Mr. MURDOCK. The answer is this: How in the name of conscience can the Congress of the United States write a Federal statute and tell the judges of the election, who have jurisdiction to pass upon the ballots, "You shall not consider the Constitution of the United States and the statute which Congress has enacted"? How we can do that is a mystery to me.

Mr. EASTLAND. Of course, the Constitution of the United States must be considered. All the State statutes and the State election machinery are in conformity with the Constitution of the United States. This is more. This is an attempt to tear down the South. To get the Negro vote in the North.

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

Mr. EASTLAND. I yield.

Mr. TYDINGS. I have been trying to follow the argument. I do not see how there would be any difference in the construction of section 14 (a), whether we leave out "in accordance with State law" or put it in, for the very obvious reason that every election official in every State is sworn to uphold and carry out the election laws of the State. Therefore, it seems to me that a sham battle is being fought. If we insert "in accordance with State law," that is the way the election officials will determine the question. If we leave it out, they will determine it in the same way.

Mr. EASTLAND. When the election official judges the validity of a ballot, he is a Federal official exercising a Federal function, which has nothing to do with his duties as a State election official.

Mr. TYDINGS. I am not disputing that; but I am trying to get some light on the pending amendment. It seems to me that whether the words are inserted or left out, the election official must count the ballots in accordance with State law, because the very next sentence reads:

> Votes cast under the provisions of this title shall be canvassed—

That is, looked at and examined—

> counted—

That is, put down on one side of the issue or the other—

> and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

Therefore, if I go home and vote, my vote will be canvassed, counted, and certified in accordance with the State laws of Maryland, as will every vote cast by a soldier which comes back to my precinct to be counted.

Mr. EASTLAND. That is after the ballot is put into the box. First, the election official must judge the validity of the ballot, and then put it in the box. He must first judge the qualification of the voter.

Mr. TYDINGS. No; that is not true.

Mr. EASTLAND. After it is in the box, when the box is opened, it is then canvassed, counted, and certified along with other votes.

Mr. TYDINGS. That is not true in my own locality. As to the validity of the ballot, no one knows whether the ballot is a good ballot or a bad ballot until it comes out of the ballot box, when the box is opened.

Mr. EASTLAND. That is not the law in my State. The voter's qualification must be adjudged before the ballot goes in the box.

Mr. TYDINGS. Then, it can be seen whether the ballot is properly filled out, whether the number is on it, whether it is signed by the judges of elections, and so forth.

I wish to strengthen the law in any way I can; but as I see it, whether we insert the words "in accordance with State law" or leave them out, the validity of the ballot will be judged, and the ballot will be counted, canvassed, and cer-

tified by the election officials in each State in accordance with State law.

Mr. EASTLAND. The qualifications of the voter are determined before the ballot is placed in the box, and that is exactly what we are arguing about.

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

Mr. EASTLAND. I yield.

Mr. WHEELER. I voted against the Eastland amendment the last time, on the ground that while I questioned the constitutionality of the proposed law, I wished to give the soldiers the benefit of every doubt, and I was not sure.

I believe that this provision ought to be cleared up one way or the other. We cannot simply say to the election officials, "You must follow the law in general." Everyone knows that the average election official—perhaps not in the South, but in my State, and in most of the other States—will count the ballots which go into the ballot box. He will not throw them out after they are cast by the servicemen, because he knows that he would be severely criticized. On the other hand, if they are thrown out in the South, great confusion will be caused, and there will be many contests over the election of Senators and Representatives.

Mr. EASTLAND. Yes; I agree with the Senator.

Mr. WHEELER. It will cause confusion from one end of the country to the other. We ought to make up our minds whether or not to say that the ballots are to be counted in accordance with State law. I will not vote for any measure which would throw the whole election machinery of the United States into confusion at such a time as this, when we know that a contested election for President, Senators, and Representatives would be the worst possible thing that could happen to the Republic at this time.

Mr. EASTLAND. I thoroughly agree with the Senator. We are told that section 14 (a) means that the ballots shall be counted under State law, and that the States shall define the qualifications of voters. Others say this is not the case. As a matter of fact, it is not the case. Why not put it in the bill exactly what we mean? If that is what we mean, why not say so frankly? If we do not mean that, let us say that we do not mean it.

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

Mr. EASTLAND. I yield.

Mr. McCLELLAN. I think the Senator from Montana is absolutely correct. A ballot may be valid in all other respects except as to the qualifications of the man who casts it.

It is said in section 14 (a) of the pending bill that the local election officials shall have the right to determine the validity of the ballot. However, the right to determine the qualification of the voter is not given. That is the issue. If we are to count the ballots according to State law, sections 1 and 2 of Public Law 712 have no effect in my State because the Constitution of my State says that no man shall be allowed to vote unless he has paid a poll tax.

What state of confusion are we creating? Section 14 (a) of the pending bill as now written provides that the election officials shall canvass, count, and certify the votes in accordance with the State law; that they shall be the judges of the validity of the ballots; but it does not give them the right to determine the qualification of the men casting the ballots. We are creating a state of confusion—a situation which will make it impossible for many election officials to comply with this bill if it becomes enacted into law—and at the same time carry out the oath which the officials take to serve as election judges and officials under the laws of their State. We will make criminals out of them in one way or another if we do not write into the bill a provision clearing up this question. If we are to give them the right to determine the validity of the ballot under the Constitution, as I interpret it, we are compelled also to give them the right to determine the qualification of the voter.

Mr. EASTLAND. Mr. President, I assert that so far as the State of Mississippi is concerned, we have fully and finally determined that we shall master our own destiny, that we shall maintain control of our own elections, and our election machinery, and that we will protect and preserve white supremacy throughout eternity. I shall not cast a vote for any bill which would to the least extent tear down those safeguards. I am placing my opposition to this bill on that ground. I will stand there until doomsday, and I know that I am backed by the men in the armed services from Mississippi and from other States of the South. I know it from the hundreds of letters which I have received from those soldiers giving their views on this matter.

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

Mr. EASTLAND. I yield.

Mr. LUCAS. I agree with the Senator from Arkansas that in the event the amendment offered by the Senator from Louisiana should become the law, it would absolutely nullify section 1 of Public Law 712 dealing with registration, and would also nullify section 2 of Public Law 712 dealing with the poll tax. Those are the two sections of the present law which Congress enacted in 1942.

Furthermore, if we should adopt the amendment providing that the determination of the validity of the ballots shall be made in accordance with State laws, I call attention of the Senate to what seems to me to be a very important point. The validity of the ballots is to be determined in accordance with State laws. Every State legislature has prescribed the form, size, type, and character of ballot which must be used in the particular State. If that kind of a provision is put into a bill here I undertake to say that when an election judge gets the Federal ballot he will say, "This is another scrap of paper, and does not comply with what is prescribed by our State legislature with respect to the proper form and type of ballot." In other words, the legislature—probably each and every one—has prescribed that the names of the President, the Senators, and other candidates, shall be printed on the ballot. If we do not comply with that provision the election official, under the Overton amendment, would be compelled to throw out the ballot. That situation would apply not only to Mississippi, but to Montana, Illinois, and every other State.

Mr. EASTLAND. Yes, Mr. President, but the States desire to cooperate and to remove the little mechanical and technical differences which it is necessary to remove. They will do that if we give them a chance to do it, instead of destroying the election safeguards and the Constitution of the United States.

When I read statements of the C. I. O. political action committee, statements in the Daily Worker, the Communist newspaper; statements made by the National Association for the Advancement of the Colored Race, and all those radical and communistic organizations, I know—and I know the Senator from Illinois is perfectly innocent of any such intention—that the purpose of those organizations is to take over the election machinery of this country and give us permanent Federal control of elections.

Mr. LUCAS and Mr. TYDINGS addressed the Chair.

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

Mr. EASTLAND. I yield first to the Senator from Illinois.

Mr. LUCAS. Of course, I cannot follow the Senator's argument when he brings in the Communists and the C. I. O. any more than I could follow the senior Senator from Ohio [Mr. TAFT] a few days ago when he dragged that "red herring" across the trail approximately a dozen times. The question is whether or not we want the soldier to vote, and whether or not we can lay down the mechanics by which he can vote by amending the basic law, which is Public Law 712. There are other States of the Union besides Mississippi which would like the soldiers to be given an opportunity to vote, just as the Senator from Mississippi would like to have the soldiers from his State given the opportunity to vote.

Mr. EASTLAND. Public Law No. 712 was aimed at only the Southern States.

Mr. LUCAS. The Senator from Mississippi was not a Member of this body when the law was passed. Only five Senators voted against it.

Mr. EASTLAND. Yes, but they voted against the antipoll tax and the anti-registration amendments. Sections 1 and 2 of Public Law 712 are aimed at only eight States.

Mr. LUCAS. Oh, no.

Mr. EASTLAND. Those States themselves will correct the requirements for registration and the payment of poll taxes. My State has already done so. The Federal Government has no right to dictate to us what we must do in that regard.

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

Mr. EASTLAND. I yield.

Mr. LUCAS. I should like to have the Senator allow me to complete my statement.

Mr. EASTLAND. I beg the distinguished Senator's pardon.

Mr. LUCAS. I do not wish to take the time of the Senator to make a long address. What I wish to say is not in the nature of a question, but more in the nature of an observation. There is no question—and I get back to the heart of this whole bill—that this amendment and the amendment offered by the Senator from Mississippi which will be presented if the Overton amendment fails, as I hope it will—cut the life out of this measure. They would remove the registration and poll-tax provisions from Public Law 712. The question of registration exists all over the nation. It does not apply to only 8 States. There are 2,000,000 boys who became 21 years of age since the war started, and since they went into the service, who will be denied the opportunity to vote.

Mr. EASTLAND. Mr. President, right on that point——

Mr. LUCAS. Mr. President, I will take my own time if the Senator insists on interrupting me.

Mr. EASTLAND. I yield.

Mr. LUCAS. I am merely pointing out that registration is one of the things we are asking to have repealed. Section 2 of the bill pertains not only to the question of a poll tax but of registration as well. If we eliminate that section we deny the right to vote to approximately 2,000,000 boys, according to the best estimates, who have become 21 years of age since the war started. They have had no opportunity to register, and would be disqualified from voting unless the State legislatures met and repealed the registration requirements which now exist. Not all the States will do that. At least we cannot speculate on them doing so. Those are two things which the Overton amendment would do. No one will seriously challenge the fact that it would repeal sections 1 and 2 of the law. In addition to that, it would absolutely nullify the Federal ballots from top to bottom. In my opinion no State official can successfully challenge that statement.

Mr. EASTLAND. I agree with the Senator, and so far as registration is concerned, it is merely the question of the mechanical means of qualifying a voter in most States, and it can certainly be worked out by the States. They have shown every disposition to do that, and I think the legislature of the distinguished Senator's State has already done it.

Mr. LUCAS. Since the Senator has referred to what the legislature of my State has done, I will talk about that before I get through.

Mr. WHEELER. Mr. President——

Mr. EASTLAND. I yield to the Senator from Montana.

Mr. WHEELER. Mr. President, I do not agree, as the Senator knows, with reference to the use of the poll tax. I have been opposed to it. But I do want the soldiers to vote.

Mr. EASTLAND. I agree with the Senator. I, too, want them to vote. I want them to cast a legal ballot, and I insist the States must be protected.

Mr. WHEELER. I have heard much said about the soldiers' vote. I wish to say that I am extremely doubtful as to how the soldiers will vote. Many Democrats who think they are going to vote Democratic, perhaps, are going to have a sad awakening. However that may be, whether the servicemen are going to vote Democratic or whether they are going to vote Republican, is not a matter which ought to concern us in the slightest degree. What ought to concern us is what we shall do and can do under the Constitution of the United States of America to enable the servicemen to vote.

When it is said that because we are at war we can tear down the Constitution of the United States, I care not who says it, whether it be the President of the United States, the Communists, or Democrats, or Republicans, I must decline to accept such a view. Our servicemen, we are told, are fighting for the "four freedoms" all over the world. They are fighting, not for dictatorship, whether in Germany or Russia or Italy or some other country, but to preserve and set up democracy all over the world. Under the guise of doing that, and because we are in a time of war and are fighting for democracy, there are many persons in this country who want to tear down the Constitution of the United States.

The question that concerns me is whether we can give the servicemen the right to vote when they have not registered or when they have not done this or have not done that, without violating the Constitution of the United States. It ought to be clear whether or not they are to have the right and under the Constitution can have the right to vote regardless of registration, regardless of State laws, or whether they are to have the right to vote according to the State laws under the Constitution.

If the States do not comply with the law the responsbility is not upon the Congress. The responsibility is upon my State, it is upon the State of Mississippi, it is upon the State of Illinois, and not upon the Congress of the United States. When the President says "stand up and be counted," what he ought to be doing and what everybody else ought to be doing is to appeal to the Democratic governors of various States to call their legislatures into session, for most of the States where the legislatures are not being called into extra session are Democratic. We ought to appeal to and urge upon every single State of the Union to pass laws to permit the servicemen to vote. Many of the servicemen, let me say, are more interested in voting for the sheriff, the county clerk, and the recorder than they are in voting for United States Senator. They are more interested in voting for the local officers because their immediate lives are more affected by such officers. Go into any community in the United States when an election for Senator is held and if there is not a sheriff to be elected, the Senatorial candidate will get less votes. That is for the reason that the sheriff affects the voters more in their immediate lives, so, and in many instances, they do not think Senators and Members of the House of Representatives amount to as much as the sheriff.

What bothers me is, first, Can the Congress repeal State laws under the Constitution? If it can, then I am perfectly willing to vote to allow the servicemen to vote, but if I come to the conclusion that the Congress cannot do it without violating the Constitution, then no Senator who has taken an oath to uphold the Constitution has any right to vote to change the law, war or no war.

Mr. McCLELLAN and Mr. TYDINGS addressed the Chair.

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

Mr. EASTLAND. I yield first to the Senator from Arkansas.

Mr. McCLELLAN. I should like to ask the Senator from Montana in view of his statement, with which I fully agree, if we can do what is proposed in this bill with respect to abrogating by Federal statute State constitutions, can we not also go a step further in this measure and reduce the age requirement for voting and let every soldier in uniform vote?

We hear much said here about doing this in the name of war, doing it for the soldier who has been taken away from his home and sent forth to fight the battle for freedom and democracy throughout the world, and yet we will not give him the right to vote if he is under legal age. Who of the Senators favoring this bill has offered an amendment to it to give two and a half million soldiers who are under 21 years of age the right to a voice in their government? They have never had that right up until now. They have been taken from their homes without ever having a voice or representation in this Government except through the votes of their fathers and mothers. They are bleeding and dying just as are the soldiers 21 years of age and older. If we are going to take the responsibility for tearing down State barriers, of removing constitutional limitations under which the States have operated according to the provisions of the Federal Constitution, if we are ready to take that move today, then I say to every Member of the Senate and every Member of the House of Representatives we ought to go further and provide that every one in our armed forces shall have the right to vote irrespective of age. Let us not discriminate against two and a half million boys who have been taken from their homes, who never had a right to vote, who to date have had no voice in the election of those who administer the affairs of state, who have had no voice in the selection of the Commander in Chief and will have none under this bill if enacted without the amendment I suggest.

The question resolves itself down to this: Are we to maintain constitutional government, or are we ready to tear it down? If we are going to tear it down, I want to go far enough so that my 18-year-old boy can vote, and your 18-year-old boy can vote. If we are going to take him from his home and place him on the altar of sacrifice in order to

save the country in this war exigency or war emergency, God knows the blood of a boy 18 years old is just as precious as that of a boy who is past 21.

We are told their fathers and mothers can represent them in the exercise of their franchise. So can the fathers, mothers, wives, and sweethearts represent the boys 21 years of age and older. The line of demarcation cannot be drawn there. This is said to be a war measure. If the right to vote is imperative in war for the morale of our millions of fighting men on the battlefield, then it is imperative to the morale and is an act of justice to the boys under 21 years old who have been taken from their firesides and homes, from their schools, from their opportunities, in order to fight for their country. I say they, too, should have a voice as to who shall represent them in the National Congress and also who shall be their Commander in Chief while they continue to serve on the fields of battle.

Mr. EASTLAND. Mr. President, I thoroughly agree with the distinguished Senator from Arkansas. If Congress is ready to fix the qualifications of the electors and control the election laws of the country and say what those laws should be, I am willing to join him in an amendment of that nature.

Mr. TYDINGS. Mr. President——

Mr. EASTLAND. I yield to the Senator from Maryland.

Mr. TYDINGS. Of course the Congress cannot lower the age requirement. That can only be done, as we all know, by the constitutions and people of each State. But what I rose——

Mr. EASTLAND. What does that amount to when we are asked to pass a bill such as that now pending, which destroys the State constitutions, State statutes, and State voting machinery?

Mr. TYDINGS. Let me go on and say that the Senator from Arkansas in his last remark, but not in the ones preceding, used the expression that the Congress ought to give the States the right to pass on the qualifications of voters. Of course, if Congress were to do that it would be silly, because Congress can no more give to the States the right to pass on the qualifications of the voters than it can take that right away from the States, because the Constitution is very clear on that point. Section 2 of article I says:

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

The seventeenth amendment likewise provides, as to elections for United States Senators, that all those who vote for United States Senators must have the same qualifications possessed by voters who vote for members of their own State legislatures. As the qualifications of those who vote for the members of their own State legislatures are fixed by the laws of the States, obviously those who vote for United States Senators or Members of the House of Representatives must have the same State qualifications. I know the Senator from Arkansas did not mean the interpretation which might be put on his words, for I am sure he agrees that Congress can neither give nor take away the right of each State, in accordance with the provisions which I have just read.

Therefore, even if we insert the words "in accordance with State law" or leave out the words, or say "according to the Mohammedan religion," or "according to the rules and rites and privileges of the Fiji Islands," that will not change the Constitution, and it will not change the right of every State, through its election officials, to pass on the validity of the ballot, when the qualifications of the man who casts it are an essential and inseparable part of the ballot's validity.

Therefore, Mr. President, it seems to me that it is a question of tweedledee and tweedledum whether we insert it or whether we leave it out. The State law is supreme, and the philosophy of the new Green-Lucas bill concedes that in section 14 (a), where it specifically provides that the validity of a ballot shall be entirely within the judgment of the election officials of the precinct, county, or election district of each State in the Union.

Mr. McCLELLAN. Mr. President——

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. EASTLAND. I yield.

Mr. McCLELLAN. I think my views are absolutely in accord with those of the distinguished Senator from Maryland. I do read in the bill an effort to take away from the States the right to determine the qualifications of their voters.

Mr. TYDINGS. Will the Senator permit me to interrupt him at that point?

Mr. McCLELLAN. Certainly.

Mr. TYDINGS. I do not care how much language is inserted, that right of the State cannot be taken away or added to. No one has any authority to do that, and therefore every one, including the authors of the bill, knows that the validity of the ballot is entirely a matter within the ken and control of the election supervisors in each precinct.

Mr. McCLELLAN. Mr. President, I call the attention of the Senator from Maryland to the President's message, in which he said:

> Each State, under these bills—
>
> Referring to the Lucas bill in the Senate and the Worley bill in the House of Representatives—
>
> would determine for itself whether or not the voter is qualified to vote under the laws of his State.

Then he proceeds:

> The sole exceptions would be those conditions of registration and payment of poll tax which could not be satisfied because of the absence of a voter from his State of residence by reason of the war.

I call the attention of the distinguished Senator to the fact that the President of the United States thinks we can make exceptions.

Mr. TYDINGS. I do not read the language in that way. I think that was more of a request, or an entreaty. What the President did say, as the Senator just quoted him, and as the Senator from Rhode Island said in his bill, and as the Senator from Illinois, the coauthor, has said in his bill, and what everybody on this floor knows to be the case, was that the States are the absolute and only judges, through their election officials, of the validity of the ballot, and part of the validity depends on the qualifications of the man who casts the ballot. Therefore, as the President and both the authors of the bill have conceded, that point seems to me to be of no consequence. Whether we insert the provision in the bill or leave it out, that is the way it will be done, and no one disputes that.

Mr. EASTLAND. Let me say to the distinguished Senator from Maryland that the authors of this bill have not conceded that. If I understand them, they rely on section 122 of Public Law 712, which repeals the poll tax and registration requirements of the States.

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

Mr. EASTLAND. I yield.

Mr. OVERTON. According to the argument of the Senator from Maryland, it would be perfectly proper for us to include any provision which he would deem to be unconstitutional, because it would be ignored. That is not the way to legislate. We should legislate in accordance with the Constitution of the United States.

Mr. EASTLAND. We should say what we mean in a bill.

Mr. OVERTON. We should say what we mean, and when we undertake to lay down a rule to be followed by local officials in determining the validity of a ballot, we should say what the rule is, and that is what we do when we say "in accordance with State law."

The Senator from Maryland says, "But why put it in, because it is in the Constitution?" Yet the President of the United States says we should provide certain exceptions to the rule, and the Senator from Illinois says that if the amendment should be agreed to it would nullify sections 1 and 2 of the act of 1942.

Mr. EASTLAND. The distinguished Senator from Louisiana knows that the South is under attack today, and no constitutional scruples have prevented an anti-poll-tax bill, which we all admit is unconstitutional, being passed through the House and being approved by the Committee on the Judiciary of the Senate.

Mr. TYDINGS. Mr. President, I do not want the Senator to labor under the impression that I am advocating that legislation should not be carefully drawn.

Mr. EASTLAND. I am not laboring under that impression.

Mr. TYDINGS. The burden of my argument was that even if it is incorrectly drawn, even if it is unconstitutionally drawn, no matter what it may provide, it is no good unless it conforms to the source of all congressional power, which is the Constitution of the United States.

The point I was making was that whether we insert the language or do not insert it, we can take nothing away from nor confer anything on the States of the Union in violation of the Constitution of the United States.

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

Mr. EASTLAND. I yield.

Mr. McKELLAR. I wish to ask a question for information. I felt very kindly toward the amendment of the Senator from Louisiana [Mr. OVERTON], but I am wondering how in practice it could be worked out. For instance, let us assume that 50,000 soldiers from Maryland are going to vote.

Mr. TYDINGS. They would be good men.

Mr. McKELLAR. Suppose 50,000 Maryland men now in the Army vote and send in their ballots, under the terms of the bill, to the local districts in Maryland for counting. How in the name of heaven could the local officials tell who had and who had not voted in accordance with the laws of Maryland? What troubles me is, What effect would such an amendment have? For the life of me I cannot see how the local election officials could possibly ascertain which voters had voted a legal ballot and which ones had not voted a legal ballot. Therefore they would have to count them all. Is not that true?

Mr. EASTLAND. That might be true.

Mr. OVERTON and Mr. HATCH addressed the Chair.

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

Mr. EASTLAND. I yield to the Senator from Louisiana.

Mr. OVERTON. I should like to answer the Senator's inquiry.

Mr. McKELLAR. I hope the Senator will do so.

Mr. OVERTON. Under the provisions of the bill as it reads, specifically under section 14 (a), we undertake to confer authority on the local election officials to determine the validity of the ballots. Under the argument of the Senator from Tennessee, how are the election officials to determine the validity of the ballots? How are they to do it under section 14 (a)?

Mr. McKELLAR. I do not think they can, and for that reason I intend to vote against it.

Mr. OVERTON. The Senator from Tennessee knows that in every election that is held the validity of ballots is determined, in Tennessee, in Louisiana, and in all other States, under State law, and the election officials are governed by the State laws. All my amendment seeks to do is to declare specifically that they shall continue that practice and determine the validity of the ballots under State laws.

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

Mr. EASTLAND. I yield.

Mr. McKELLAR. I believe the Federal Government has no authority whatsoever in the selection of electors to vote for President and Vice President of the United States. Therefore since the Congress under the Federal Constitution has no authority to handle elections, it is manifest it cannot convey that authority in part or in whole to any other body, State or Federal.

Mr. EASTLAND. I will say to the distinguished Senator from Tennessee that, in my judgment, even under the Overton amendment Congress would not have the constitutional authority to tell the State of Tennessee that the election officials in Tennessee shall judge the validity of Tennessee ballots by Tennessee State law.

Mr. McKELLAR. I agree with the Senator entirely. That is exactly the point I have made.

Mr. EASTLAND. I think the amendment will improve the bill, but I think the bill would still be unconstitutional though the Overton amendment were contained in it.

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

Mr. EASTLAND. I yield.

Mr. HATCH. I merely rise to answer what the Senator from Tennessee has said, not in disagreement with him but to point out how, in my opinion, if we shall adopt the amendment which requires the judging of the validity of the Federal ballot by State officials, I do not believe a single Federal ballot will be counted in any State in the Union, for this reason, among other reasons——

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

Mr. EASTLAND. I yield.

Mr. McKELLAR. That is just where we differ. I think they will all be counted.

Mr. HATCH. Let me explain my position. Let us say that a man who has paid his poll tax, who has registered, who has complied with the State law, is serving overseas and votes the Federal ballot, and the ballot is returned to the State to be judged under existing State laws, what do we find under existing State laws? We find in practically every State in the Union, in the first place, a form of ballot prescribed, set forth in the statute. The form or general directions are given in the constitutions of some States, but every State has the form specified in the statute. Senators will find in every State that I know of—and I made research into the matter, looking into the laws of Mississippi, Louisiana, and some other States—a positive command by the legislature that no other form of ballot shall be cast, counted, or canvassed. Although a man might be qualified under the State law from the standpoint of registration and payment of poll tax and all other requirements, yet if the ballot is to be judged by the existing State laws the ballot would be thrown out, and no soldier could vote. That is the reason I oppose the amendment, because if the Federal ballot is to be cast and voted it ought to be counted.

Mr. EASTLAND. I see the point of the distinguished Senator's argument, but I think that is a mechanical matter which the States will gladly work out.

Mr. HATCH. It will require new legislation in every State in the Union.

Mr. EASTLAND. Mr. President, in reply to what the distinguished Senator from Maryland [Mr. TYDINGS] said, I know that Congress cannot pass any law which would deprive any State of its right to define the qualification of its electors. I know that any such attempt would be void. But I know that the Supreme Court of the United States has the last guess as to whether an act we passed does that or not. I am not willing that the Court should pass on these matters. I think the Congress of the United States should say what it means, should write it in plain English, should adopt the Overton amendment, and then there will be no cause or ground for further controversy. There would then be no cause to go to court to clear up the cloudy, confused sections in this bill.

Mr. MILLIKIN. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. EASTLAND. I yield.

Mr. MILLIKIN. First, I should like to remind the distinguished junior Senator from Mississippi that the Supreme Court, in the Green case, in, as I recall, one hundred and thirty-four United States Reports, definitely and specifically said that the matter of the appointment of electors is entirely within the control of the States, and is beyond the control of the Federal Congress.

Let me remind the Senator further that this provision in article II is so firmly embedded in the Constitution, so thoroughly means what it says, that in the early years of this country the electors for President were actually appointed in a number of States by the legislatures in the same way that the legislatures for many years appointed Senators. The only reason that a counting judge or a local election official can look at a ballot is by virtue of State legislation—when the State legislature, pursuant to its authority under the United States Constitution has passed a law which brings duties in the matter down to the precinct election judges and election officials. Except for such law of a State legislature the local precinct election officials have nothing to do with the process for the selection of electors for President and Vice President. For that reason I respectfully suggest that the provisions in the bill—and most respectfully I suggest that the amendment of the Senator from Louisiana [Mr. OVERTON]—are prescribing things which are futilities, which are gratuities. The local election officials will have no authority to consider the ballots proposed by this bill unless their State legislatures specifically give them that authority.

Mr. EASTLAND. I thank the distinguished Senator from Colorado for his contribution.

Mr. President, we are told by some that the local election managers shall have sole discretion and sole authority in determining the validity of ballots tendered them under this measure. The distinguished Senator from Utah [Mr. MURDOCK] made a very profound and able speech on this subject on the 27th day

of January, which was last Thursday. He set down the rules which I think would be incumbent upon the local election officials in determining the validity of the ballots tendered them under this measure, and I quote from the RECORD the statement of the distinguished Senator from Utah:

> Then we come to the next step, the Federal statutes. What are the provisions of the Federal statutes with reference to voting for Federal officials? We find them already enacted in Public Law 712, to which I have referred. We also will find them in the pending bill if and when it is passed by the Congress and is approved by the President. So the election judges will have to take into consideration the provisions of Public Law 712 as they now exist, and also the provisions of the pending bill if and when it becomes law. That is the second step in the consideration by the local judges.

Mr. President, I thoroughly agree with the distinguished Senator's interpretation. He is one of the leading proponents of this measure, and because I do agree with him I am against the bill unless the Overton amendment is adopted, and frankly I do not know how I would cast my vote if that were done.

It is claimed by some of the proponents of the bill, as I have previously said, that the local election managers shall have sole and supreme authority to pass on the validity of the ballots. I do not think that claim is tenable. In my judgment the Federal law will govern them in making their decision. The law sets down the pattern, and they must obey the law when they judge the validity of the ballot. If they had sole and supreme authority they could count the vote of one who is 18 years old, they could count the vote of one who is 19 years old, they could count a ballot tendered them by a man who is not a citizen of the United States. They cannot do this, of course. Certainly, they must follow the law, and the law will control them in making that decision—that is Public Law 712, sections 1 and 2 of which are utterly unconstitutional and are obnoxious to the people of my State.

Mr. President, if the power of the local election officials is absolute, then why put section 14 (b) in the bill? Section 14 (b) begins by providing that—

> No official Federal war ballot shall be valid if—

Who will say that that provision will not govern and control the local election officials in judging the validity of the ballots? If their judgment is to be supreme, if they are to have the sole authority in the matter, then why put section 14 (b) in the bill and set up three conditions under which a Federal war ballot would not be good?

It is said that there is a conflict between section 14 (a) and sections 1 and 2 of Public Law 712, and that because section 14 (a) would be the last enacted it would repeal sections 1 and 2 of Public Law 712. I do not subscribe to that view for a moment. I do not see where there is a conflict; because the courts in passing on this bill which would if enacted be an amendment of Public Law 712, would under the proper rule of construction harmonize those two provisions, and would say that, first, the poll tax was out—if they thought it constitutional—and, second, that the State registration requirement was out—if they thought it constitutional—and that the judgment of the local managers in passing on the validity of the ballots was subject to the provisions of sections 1 and 2 of Public Law 712.

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

Mr. EASTLAND. I yield.

Mr. MILLIKIN. Is it entirely convenient for me to interrupt the Senator now?

Mr. EASTLAND. Yes.

Mr. MILLIKIN. Mr. President, I should like to read from the case of In re Green, which appears in one hundred and thirty-four United States Reports, beginning at page 377. The case is rather brief; and, with the Senator's indulgence, I should like to read all of it.

Mr. EASTLAND. I am glad to have the Senator do so.

Mr. MILLIKIN. The statement of facts is as follows:

> This was a writ of habeas corpus, granted upon the petition of Charles Green, by the Circuit Court of the United States, to the sergeant and jailer of the city of Manchester in the State of Virginia, who justified his detention of the prisoner under a judgment of the hustings or corporation court of the city, sentencing him to be imprisoned in the city jail for 5 weeks and to pay a fine of $5, upon his conviction by a jury on an indictment charging him with unlawfully, knowingly, corruptly, and with unlawful intent, voting at an election held in that city for a Representative in Congress and for electors of President and Vice President of the United States on November 6, 1888, being disqualified by a previous conviction for petty larceny.
>
> By the Code of Virginia of 1887, general elections are held throughout the State on the fourth Tuesday in May, and on the first Tuesday after the first Monday in November, in each year, for all officers required by law to be chosen at such elections respectively, section 109; persons convicted of bribery at an election, embezzlement of public funds, treason, felony, or petty larceny, are disqualified to vote, section 62; elections are by ballot containing the name of all persons intended to be voted for and designating the office of each, section 122; Members of the House of Representatives of the United States are chosen by the qualified voters of the respective congressional districts at the general election in November 1888, and in every second year thereafter, section 52; electors for President and Vice President of the United States are chosen by the qualified voters of the State at the election held on the first Tuesday after the first Monday in November 1888, and on the corresponding day in each fourth year thereafter, or at such other time as may be appointed by Congress, sections 54, 55; and any person who shall knowingly vote in any election district in which he does not reside and is registered, or vote more than once at the same election, "or, not being a qualified elector, vote at any election with an unlawful intent," shall be punished by imprisonment in jail not exceeding 1 year, and by fine not exceeding $1,000, section 3851.
>
> The circuit court was of opinion "that the United States courts for this district have sole and exclusive jurisdiction to hear and determine the matters and things alleged in the bill of indictment found in the said hustings court of Manchester, upon the ground that the acts of Congress in such case made and provided (Rev. Stat., secs. 5511, 5514), have defined the offense charged in the said indictment and prescribed the penalty therefor, and that the United States courts have sole and exclusive jurisdiction thereof, and that the said hustings or corporation court of Manchester had no jurisdiction of the matters and things charged in the said indictment against the said Charles Green," and therefore adjudged that the prisoner be discharged. The respondent appealed to this court. * * *
>
> Mr. Justice Gray, after stating the case as above, delivered the opinion of the Court.
>
> In this case, as in Loney's case, just decided (ante, 372) the question presented is whether the courts of the State of Virginia had jurisdiction of the charge against the prisoner. But that is the only respect in which the two cases have any resemblance.
>
> By the Constitution of the United States, the electors for President and Vice President in each State are appointed by the State in such manner as its legislature may direct; their number is equal to the whole number of Senators and Representatives to which the State is entitled in Congress; no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector; and the electors meet and vote within the State, and thence certify and transmit their votes to the seat of government of the United States. The only rights and duties, expressly vested by the Constitution in the National Government, with regard to the appointment or the votes of Presidential electors, are by those provisions which authorize Congress to determine the time of choosing the electors and the day on which they shall give their votes, and which direct that the certificates of their votes shall be opened by the President of the Senate in the presence of the two Houses of Congress, and the votes shall then be counted (Constitution, art. II, sec. 1; amendments, art. XII).

Mark this, please:

> The sole function of the Presidential electors is to cast, certify, and transmit the vote of the State for President and Vice President of the Nation. Although the electors are appointed and act under and pursuant to the Constitution of the United States, they are no more officers or agents of the United States than are the members of the State legislatures when acting as electors of Federal Senators, or the people of the States when acting as electors of Representatives in Congress (Constitution, art. I, secs. 2 and 3).

Then, going on with some further discussion with reference to Federal legislation and constitutional provisions, the Court said:

> Congress has never undertaken to interfere with the manner of appointing electors, or, where (according to the now general usage) the mode of appointment prescribed by the law of the State is election by the people, to regulate the conduct of such election, or to punish any fraud in voting for electors; but has left these matters to the control of the States.

I omit another paragraph, and then read—

> The question whether the State has concurrent power with the United States to punish fraudulent voting for Representatives in Congress is not presented by the record before us. It may be that it has.

Please mark this:

> But even if the State has no power in regard to votes for representatives in Congress, it clearly has such power in regard to

votes for Presidential electors, unaffected by anything in the Constitution and laws of the United States—

I repeat—

unaffected by anything in the Constitution and laws of the United States; and the including, in one indictment and sentence, of illegal voting both for a representative in Congress and for Presidential electors, does not go to the jurisdiction of the State court, but is, at the worst, mere error, which cannot be inquired into by writ of habeas corpus.

This case, as I understand, has never been modified or reversed by the Supreme Court.

Mr. EASTLAND. Of course, that governs the controversy now pending in the Senate.

Mr. MILLIKIN. Exactly.

Mr. EASTLAND. Mr. President, it has been said that because Public Law 712 is already on the statute books, even though it is unconstitutional, we should proceed to enact this bill, and that an unconstitutional measure already on the statute books would not make the pending bill unconstitutional; that that is no reason for our opposition to this bill. I submit that Public Law 712 is a punitive measure aimed at southern customs and laws. We have taken the stand that no one but the States shall define the qualifications of electors, and I am unwilling to vote for machinery which would put into force the obnoxious provisions of Public Law 712.

The great argument, Mr. President, for a Federal ballot has been the time element. It is said that we must have a uniform ballot and a light ballot that can be voted overseas and sent back, and that that is the sole reason for the bill. As I understand, practically everyone admits that a State ballot is preferable, if practicable. The Overton amendment would remove certain objections. We would still have the Federal ballot. The provisions of this bill which it is alleged saves time, and are the only reason for the enactment of this measure, would still be in the bill. It would be a step toward making the bill constitutional and save every good feature of this measure.

It is said that there is a desire to give the soldier the vote. If it is our sincere desire to give him the vote, the only way we can do so is by enacting a constitutional measure. I submit that the adoption of the Overton amendment would still leave in effect every feature that would facilitate getting the ballots back to the States to be counted before election. In addition, it would be a step toward making the bill constitutional and giving the soldier a legal, valid ballot.

Mr. President, I dislike to disagree with my party leadership in connection with the pending bill. I wish I could support the bill. Next to preserving the election safeguards of the South, more than anything else I desire to see the Democratic Party retained in power. I think the Democratic Party can better conduct the war and write the peace than the Republican Party. I wish we were presented with a measure free from such attacks and one which would preserve our qualifications and safeguards for the conduct of our elections. I would certainly like to support such a bill.

I do not like to disagree with the Democratic Party but today the South is under attack by radical organizations which are attempting to strike down our voting laws. They are attempting, through Federal machinery, to control our elections. They have sworn to place ballots in the hands of individuals who do not possess the legal qualifications under our laws. In my candid judgment there is an attempt to tear down our social institutions and to force upon us the doctrine of social equality. Because I am convinced that these radical organizations, including the Communist Party, are intent on doing that, I cannot compromise, I cannot give an inch when we are considering such a fundamental question as the right of control of our most sacred institution—nullify our election laws and bring back the reconstruction era to us. If we enact this bill, with sections 1 and 2 of Public Law 712 still the alleged law of the land, we create a precedent which strikes down two of our safeguards, and we set a precedent for Federal control of elections. I cannot go in that gate. I cannot take one step which would endanger the racial integrity of the South.

Mr. VANDENBERG. Mr. President, I want to state very briefly my position upon this issue. It will require only a moment. With the greatest respect for the conscientious views of my colleagues who disagree with me upon this subject, I favor a Federal ballot for the accommodation of any soldier or sailor who cannot be reasonably sure of being served by a State ballot. Since the State ballot cannot be certain to function overseas, even when a State makes every maximum effort to this end, I shall continue to vote for a Federal ballot as the only available, final insurance that all of our soldier sons and service daughters are protected against a default in this supreme privilege of the citizenship to which they are giving the last full measure of devotion.

But, Mr. President, I want first to be sure that we neglect no effort to make State ballots available. A State absentee voter's ballot is the better ballot for a serviceman, if it can reach him and if he can get it back in time. It is a better ballot because it is a total ballot, and its use offers the soldier or the sailor the only way in which he can enjoy his total right of suffrage and be certain that his ballot will be counted.

Therefore, in my view, the primary emphasis in meeting this problem should be upon State ballots. The primary effort should be to encourage the States to make State ballots available, and to insist that Federal facilities be used, so far as possible, to transmit, deliver, and return these State ballots. I shall offer one further amendment in this behalf.

Before doing so, however, I want to make three things plain in respect to my attitude.

First. Although I support a Federal ballot as our final reliance, I dissociate myself completely from the tirade and anathema—headlined by the recent intemperate message of the President of the United States—which are aimed at the motives of those who have opposed the Green-Lucas bill. I do not believe they had their "tongues in their cheeks." I do not believe they were engaged in "fraud." I do not believe they were "merely rendering lip service to our soldiers and sailors." In my view, such charges are unjust, unfair, and improper reflections upon the legislative integrity as I know it to exist. A defense of constitutional convictions, Mr. President, is the highest characteristic of sound and indispensable public service. I shall always honor it whether I agree with its conclusions or not. We have fallen upon evil days when any other rule obtains. I am supporting a Federal ballot in spite of and not because of the Presidential message.

Second. I am supporting a Federal ballot, as our final reliance where State ballots cannot serve, regardless of its effect upon the outcome of the next election. Here, again, I decline to assess motives. I do not know how the service men and women will vote. I cannot say that I do not care. But I can say that it is none of my business in connection with the pending bill. My job ends, for the time being, when I do my part in making their ballots possible. There will be other forums in which I can challenge the "candidate in chief" when the time comes—and the time will come.

Third. It seems clear to me that we must have a Federal ballot as a supplement to State absentee ballots no matter how much we protect the latter if our sole objective is that tens of thousands of the sacrificial fighting corps of this Republic are not to be disfranchised at the very moment when they are earning their right to a ballot at a price beyond any possible price that we pay here at home. It seems clear to me that State absentee ballots alone cannot meet the problem which we confront. Some States have no such laws. Some States are prohibited by their constitutions from enacting such laws. Even States which perfect their State absentee voting laws, as my own State of Michigan will do this week, may confront unavoidable exigencies of time and transportation which will jeopardize, if they do not nullifiy, their worthiest intentions.

Furthermore, since all State ballots must go by letter mail to individual addresses, the State ballot may never catch up with the soldier on the move, particularly in the battle zones. I cannot close my eyes to these facts of life. It seems to me, therefore, that the Federal ballot is indispensable as final suffrage insurance.

It is entirely possible that the amendment submitted by the able Senator from Connecticut [Mr. DANAHER] may cover the precise formula to which I am subscribing. I have not yet had an opportunity to study it to that final end, but fundamentally I am asserting a position which supports a Federal ballot in situations in which a State cannot function, because I conceive it to be our

inescapable obligation to make a total ballot opportunity available to all who are in the armed services.

But, Mr. President, having made these three basic points, I return to my basic theme that we should make every possible effort to reach the Army and the Navy with real ballots, traditional ballots, ballots in the American pattern, total ballots, ballots sure to be counted, ballots which do not keep the word of promise to the ear and break it to the hope. There is only one such ballot—a State absentee-voters ballot.

I regret that the President, the War Department, the Navy Department, and the pending bill give such obvious and emphatic priority to Federal ballots, although I am frank to recognize that there are some physical arguments on their side. I think these difficulties have often been exaggerated. It was less than 2 years ago that this same War Department and this same Secretary of War were saying officially that soldiers should not vote at all. They have progressed mightily in their thinking since that zero hour. They have reached a point where they are now prepared heartily to cooperate in the transmission, delivery, and return of Federal ballots. All I am asking is that they shall give equal effort, so far as the different circumstances will permit, and not just lip service—to borrow a Presidential phrase—to the transmission, delivery, and return of State ballots.

It is to this phase of the bill that I wish to address an amendment. I realize that I am only adding words and that, in the final analysis, we are still at the mercy of the administrators. But the words at least raise the importance of the State ballot to dignity comparable to that of the Federal ballot, in the bill's instructions to those who will administer this trust.

Mr. President, I offer an amendment, which I ask to have printed and lie on the table, in the nature of a substitute for section 204 on page 44 of the bill. This matter was substantially canvassed at length on the first day of the debate, and I shall review it only briefly.

The language of the provisions in title I governing the transmission of Federal ballots is totally different from the language in title II, relating to the transmission of State ballots. I concede that the total language used in section 7 on page 33, governing the transmission of Federal ballots is not literally applicable in all instances to the State ballots, because the State ballots go in individually addressed envelopes to the soldier voters, whereas the Federal ballots travel in bulk. But with that exception, I am asking that the Secretaries of War and Navy and the related authorities be instructed to give the same dignity to the importance of the transmission, delivery, and return of State ballots as they are instructed to give to the importance of the transmission, delivery, and return of Federal ballots.

I repeat that I concede that the State ballot is at a physical disadvantage because of the fact it has to go individually to its recipient. But in spite of that disadvantage it seems to me that the language used in the bill as reported by the committee fails to put upon the War Department and the Navy Department an appropriate and adequate obligation to leave no possible, reasonable effort unmade to see that State ballots reach their target.

Mr. President, I am offering the following language as a substitute for section 204 on page 44 of the pending bill:

The Secretaries of War and Navy and other appropriate authorities shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate transportation, delivery and return of absentee ballots mailed to members of the armed forces pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots cast outside the United States shall be returned by air, whenever practicable and compatible with military operations.

Mr. President, I have discussed this amendment with the senior Senator from Illinois [Mr. LUCAS], who is in charge of the bill on the floor; and it is my understanding that at an appropriate time the amendment will be accepted.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

OPERATIONS UNDER, AND FUNDS APPROPRIATED TO, THE WORK PROJECTS ADMINISTRATION

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate the following message from the President of the United States, which was read by the Chief Clerk, and, with the accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the provisions of the Emergency Relief Appropriation Act, fiscal year 1943, I present herewith a report of the operations under funds appropriated to the Work Projects Administration of the Federal Works Agency by the Emergency Relief Appropriation Acts, fiscal years 1942 and 1943.

This report contains summary and detailed statements of expenditures made and obligations incurred by classes of projects and amounts as of November 30, 1943; and a brief statement of operations of the Work Projects Administration to the end of the fiscal year 1943.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 27, 1944.*

JOHN HENRY MILLER, JR.—VETO MESSAGE (S. DOC. NO. 149)

The PRESIDING OFFICER laid before the Senate the following veto message from the President of the United States, which was read by the Chief Clerk, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 1090, a bill for the relief of John Henry Miller, Jr.

This enactment would authorize and direct the Secretary of the Treasury to pay to John Henry Miller, Jr., of Staunton, Va., the sum of $135 in satisfaction of his claim against the United States for accumulated leave to which he was entitled and had not used prior to his resignation as deputy clerk of the United States District Court for the Western District of Virginia.

At the present time there is no general provision of law authorizing the payment to Government personnel of the commuted value of annual leave not taken by them before separation from the service. The Annual Leave Act of March 14, 1936 (49 Stat. 1161), which controls the leave rights of Federal personnel, consistently has been construed as making a grant of leave in kind only—that is, as conferring a right to be absent from duty for a prescribed period without loss of pay, only when the employee retains during that period a status as one of the "civilian officers and employees of the United States."

While I favor the enactment of general, nonretroactive legislation that would provide in all cases for the payment of the commuted value of unused leave, I do not think I would be justified in approving this legislation which would confer upon a particular employee a benefit which has been denied to many other former employees similarly situated.

Until the enactment of general legislation for this purpose, I shall feel obliged, as I felt obliged with respect to the similar bills of the Seventy-seventh Congress, H. R. 5938 and S. 2099, to withhold my approval of special legislation for the relief of individual former employees.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 31, 1944.*

EXECUTIVE INTERFERENCE WITH THE LEGISLATIVE PROCESS

Mr. GILLETTE. Mr. President, on Wednesday last, January 26, the President transmitted to the Congress a remarkable document in the form of a Presidential message. At the time when this document was read in the Senate, I felt impelled to make certain comments in the way of animadversion and criticism. I postponed making those comments because I feared that they might be made at a time when my hasty resentment would induce criticisms which mature thought and consideration might prove to be unjust. I have taken advantage of the intervening time and have given careful and prayerful thought to what I am about to say. Nothing could be further from my thoughts than to do or say anything here or elsewhere that is unjust to any man; but I am serving in this body under an oath to protect and defend the Constitution of the United States.

In common with millions of fellow Americans, I have, times without number, been grateful in my thinking to those farsighted Constitutional fathers who set up for us the carefully balanced and coordinated association of powers promulgated by means of our Federal Constitution. Conceiving this balanced trinity to be the cornerstone of our America, I have ever been alert in both private and public life to the implication of any action, statement, or purpose

which seemed to threaten that delicate balance of relationship. On this floor, I have strenuously opposed measures which I believed would constitute an encroachment by the executive branch on the field and functions of an untrammeled judiciary. On and off this floor I have time and time again strongly opposed what I conceived to be attempts by the legislative agencies to interfere in matters of Executive function, control, and discretion. I have on many occasions, by word and vote, supported nominations sent here by the Chief Executive of which I personally disapproved; I have supported them because of my deep conviction that the President's choice should be confirmed unless there appeared to be clear abuse of discretion or unmistakable evidence of unfitness or turpitude on the part of the nominee. I have opposed legislative proposals which seemed to me to have a tendency toward denying the Executive proper freedom of action in his administrative functions. I have once and again voiced on this floor my protest against what has appeared to me to be unwarranted interference by the Executive with legislative fields of responsibility. In connection with the President's message of last Wednesday, I am constrained once more to voice my concern and my strong protest against what I firmly believe to be improper interference by the Executive arm during the consideration of legislation under the constitutional duty of the Congress.

The first paragraph, the first section of the first article of the Federal Constitution states clearly and without restriction or limitation the prime requisite of representative government. This requisite is that there must be defined unmistakably where shall be lodged the power to enact the laws under which our people are to be governed. This first statement of the Constitution is couched in these words:

> All legislative powers herein granted shall be vested in a Congress of the United States.

No language could be more crystal clear; no language could be more explicit; no language could be more simple—"all legislative power"—not limited; not restricted; not to be exercised coordinately or jointly with any other agency of the Government. There can be no doubt that it was the intention of the writers of the Constitution that the people of this great Nation should not be held amenable to any laws except those promulgated through representatives of their own choosing and under the plenary grant of legislative authority stated in the first sentence of article I.

What legislative function, then, is assigned to the Chief Executive in the drafting and enacting of laws? None whatever, either by expression or by implication. There are two duties, purely administrative, with which the President is charged. One of these antedates the consideration of legislative proposals and one is the certifying act which finally confirms the legislative action, as ready for administration. Section 3 of article II deals with this first administrative duty, when it provides:

> He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

It was not so many weeks ago that I rose in the place I now occupy to protest vehemently against the reading by an officer of the Senate of a letter from the President addressed to the Vice President and containing matter of argument on a legislative proposal then in hearing and debate in the Senate. It was not the first time that such a thing had occurred. No authority exists in the Constitution or elsewhere for the President to inject his opinions and views into a debate on this floor through the medium of a letter to its Presiding Officer and presented by that officer. I then stated that I would make a point of order against an attempted repetition of such action. There has been no repetition so far as I know. The provision of the Constitution which I have just quoted does not provide for communications of that kind with one of the bodies of the Congress.

The President may and must send messages from time to time to the Congress on the state of the Union. In the letter to which I have just referred, the President was expressing opposition to legislation here under debate. The provision of the Constitution to which I have just referred does not contemplate a message of opposition to pending legislation, even in the way of a formal message to the Congress. Such opposition can be expressed by refusal to sign the enacted proposal if and when it comes before him for its administrative consummation. But he can properly recommend in a formal message to the Congress measures "as he shall judge necessary and expedient" to meet the needs that he has outlined in his message on the state of the Union.

Nothing could be further from the purpose of the writers of the Constitution than that this provision for informative messages on the state of the Union should be interpreted as a right to participate in a debate on a measure pending before the Congress of the United States. That is exactly what the so-called message of last Wednesday was, I presume, designed to do, and I believe that there is nothing unfair in such a presumption.

I have no quarrel with the Chief Executive as to his views on the pending legislation which is now under discussion in both branches of the Congress. As a matter of fact, I supported the original Green-Lucas proposal for a soldiers' ballot, and I expect to support the one which those Senators have presented and which is now pending for further action by the Senate. But it is for the Congress to consider and take such legislative action as the majority of both bodies shall determine. It is the Members of the Congress who have the right to become participants in the debates on this and other legislative measures. In conformity with this right, the Senate of the United States by a majority vote on the 3d day of last December passed a bill and messaged the bill to the House of Representatives. I opposed the substituted bill when the roll was called in the Senate, but a majority of my colleagues supported it, and it is now under debate and consideration in the other House and has not yet reached the Chief Executive in any form. Yet in his message of last Wednesday, the President makes this comment, not by way of a veto message but by way of comment on a matter now under debate in the other branch of the Congress:

> In fact, there is now pending before the House of Representatives a meaningless bill passed by the Senate December 3, 1943, which presumes to meet this complicated and difficult situation by some futile language. I consider such proposed legislation a fraud on the soldiers and sailors and marines. It is a fraud upon the American people.

Is there any Senator who, by any stretch of the imagination, considers such language a message to the Congress on the needs and state of the Union? The President then proceeds in this same document very cogently to argue the questions now pending before the Congress. This action does not meet with my approval simply because I am in accord with the views which he there expresses. I am protesting and shall continue to protest against such methods by any Chief Executive seeking to participate in the purely legislative functions of the United States Congress. He doubtless is "an interested citizen," but interested citizens can enter the debates in the Congress by petitions to their representatives here, and not through the medium of a reputed message on the state of the Union.

I shall not comment on the imputations contained in some portions of the President's message that the Members of the Congress are not alive to securing all basic rights of those in our armed services and that he, as Commander in Chief, was compelled to enter the debates to secure these rights. My purpose is to assert that neither as President nor as Commander in Chief nor as an interested citizen has the Chief Executive the right to enter into the arguments on the floor of the Congress when the Members of the Congress are exercising the purely legislative functions with which they have been clothed by the constitutional provision conferring upon them all legislative power.

If and when the Congress of the United States has completed its deliberations and agreed upon the form of a legislative proposal, it goes to the President for his signature. He can consummate the act by affixing that signature; he cannot change or alter it by the addition or deletion of a letter or punctuation mark. If he chooses not to make such consummation by the affixing of his signature, he can return it to the Congress with his reasons for not so doing, or he can neglect to sign the bill and permit it to become law without the signature.

That, Mr. President, is the sole and only right which the Chief Executive of the United States has in connection with deliberation upon and the formulation of the words and phraseology of legislation by the Congress for the people of

the United States. He is a great and dynamic leader, and the Nation's people have three times chosen him to represent them in all Federal executive functions. They have elected us of the Senate and House of Representatives to sole legislative authority and responsibility.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

The Senate resumed the consideration of the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes.

Mr. LANGER. Mr. President, I have been listening with rapt attention to the debate on Senate bill 1612, which is a bill to amend the act of September 16, 1942, which provided a method of voting in time of war by members of the land and naval forces absent from their places of residence, commonly known as the soldiers voting bill and the Green-Lucas bill. The purpose of this measure is to provide simple means of giving to all the men and women of our armed forces, more than 11,000,000 of them, the right to express their choice in the election of President, Vice President, United States Senators, and Members of the House of Representatives.

Mr. President, some of my colleagues argue that our soldiers can only be given that right by the States, that although the Federal Government had the right to conscript them for military service, without State approval, it lacks the constitutional power, after having taken them from their homes and loved ones and scattered them to battlefields all over the world, to provide means by which their right to cast a ballot can be exercised. Others of my colleagues are just as certain that it is a matter falling within the constitutional powers of the Congress. I stand with the last mentioned group.

I have not the least doubt about the constitutionality of the bill if it shall be enacted, because away back in 1919, at the time when the United States Government, during World War No. 1, took over the railroads, and the Director General of the railroads fixed freight rates in North Dakota, my State, on intrastate traffic, I, as attorney general, believed, as a great many of my colleagues now believe, that the United States Government had no authority to do such a thing, and, in my opinion, the act was unconstitutional. Acting upon that assumption, I, as attorney general of the State, brought a lawsuit, which was the case cited by the distinguished junior Senator from Tennessee [Mr. STEWART], the case of Northern Pacific Railway Co. et al. against State of North Dakota on the relation of Langer, Attorney General, reported in Two Hundred and Fifty United States Reports, page 135.

In that case, Mr. President, the Supreme Court, with Chief Justice White writing the decision and with Justice Brandeis assenting in a separate opinion, held unanimously that the Federal Government had the right to fix transportation rates within the borders of our State. If during World War No. 1 the United States Government could take over the railroads and fix rates which were in violation of those fixed by the State of North Dakota, certainly, I maintain, the bill we are now considering is constitutional.

Mr. President, some of my colleagues fear that the enactment of the Green-Lucas bill will inure to the benefit of the Democratic Party. Others of my colleagues fear that the enactment of the Green-Lucas bill will interfere with the disfranchising laws in effect in certain States. These groups are therefore endeavoring to amend the bill or substitute some other measure which will, in their opinion, meet their objections. To me, Mr. President, it makes no difference what party or what candidate will benefit by the pending measure. I am perfectly willing to abide by the judgment of the men and women who are suffering the tortures of hell that the sacred right which we are now debating shall survive.

Mr. President, during the campaign which resulted in my election to this body I repeatedly stated that, while keenly aware of the legislative responsibility of the Senate, whenever I believed the President was right I would vote to uphold the President, and when I believed the President was wrong I would vote against him. That promise has been religiously kept.

A few days ago the President of the United States, in the exercise of his constitutional right, sent a message to the Congress in which, among other things, he said:

> The American people are very much concerned over the fact that the vast majority of the 11,000,000 members of the armed forces of the United States are going to be deprived of their right to vote in the important national election this fall, unless the Congress promptly enacts adequate legislation. The men and women who are in the armed forces are rightfully indignant about it. They have left their homes and jobs and schools to meet and defeat the enemies who would destroy all our democratic institutions, including our right to vote. Our men cannot understand why the fact that they are fighting should disqualify them from voting.

The President further said:

> Some people—I am sure with their tongues in their cheeks—say that the solution to this problem is simply that the respective States improve their own absentee ballot machinery. In fact, there is now pending before the House of Representatives a meaningless bill passed by the Senate December 3, 1943, which presumes to meet this complicated and difficult situation by some futile language which "recommends to the several States the immediate enactment of appropriate legislation to enable each person absent from his place of residence and serving in the armed services of the United States * * * who is eligible to vote in any election district or precinct, to vote by absentee ballot in any general election held in his election district or precinct, in time of war." This recommendation is itself proof of the unworkability of existing laws.
>
> I consider such proposed legislation a fraud on the soldiers and sailors and marines now training and fighting for us and for our sacred rights.

Mr. President, on this question I stand with the President. I believe he is right; that his message was justified, and I commend him for his courage in frankly setting forth his views upon this question.

I might add, in addition to what the distinguished junior Senator from Mississippi said about half an hour ago, if I had my way, regardless of age, every soldier and sailor should have the right to cast a vote, and his vote should be counted.

Mr. President, I believe that every one of our soldiers and sailors, regardless of his color, his creed, his race, or his origin, and I might add, if I had my way, regardless of his age, should and must have the right to cast his vote and that vote should be counted. Every one of those soldiers should and must have the right in this great country of ours, in this arsenal of democracy, to vote for a Republican, a Democrat, a Communist, a Socialist, or for an independent candidate, and the ballot should be so drawn as to afford him that opportunity. The only qualification he should be required to meet is that he is an American citizen, with a rifle upon his shoulder, or is enrolled on the list of those heroes who are willing to give their all that this great country might survive.

Mr. President, I shall vote for the Green-Lucas bill because I believe that under its provisions there will be afforded the best opportunity for the greatest number of the men and women in the armed forces to exercise their sacred right of suffrage.

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

Mr. LANGER. I yield.

Mr. WHERRY. I should like to ask the distinguished Senator from North Dakota a question, and I will say to him that I am seeking light. I wish to have the Congress take such action as will give the soldier the right to vote, and I think he ought to have the right to vote the Federal ballot, and I also think he should be given the right to vote the State ballot. A vote is a vote, and if we can give the soldier the total vote I want it to be given to him. That statement of mine, Mr. President, shows that I am in accord with the wishes of the Senator from North Dakota so far as giving the franchise to the soldier is concerned. But there is one section in the bill which confuses me, and I feel that if it were to be adopted the vote of the soldier would not be recorded. The Senator has just made the statement that he wanted the soldier to vote, and to have his vote recorded.

Mr. LANGER. Yes; I did.

Mr. WHERRY. It is one thing to give the soldier the right to vote, and it is another thing to see to it that his ballot shall be recorded. That is a matter concerning which I asked a question the other day, and I am seeking light about it today. My question is a sincere one, and I should like to have the Senator answer. If we shall adopt section 14 (a), and if the determination of the validity of the bill is left to the officials of the precincts, the counties, or the voting units of the several States, what assurance do we have that every ballot which

has been voted yonder in the southwest Pacific, or wherever it may be voted, will come back to the States and be counted?

I will be more explicit in my question. Does section 14, subsections (a) and (b), as has been suggested by other Senators, conflict with Public Law 712, sections 1 and 2, and if so, will the local election officials interpret section 14, subsections (a) and (b) of the pending measure, because it will have been passed at a time later than Public Law 712, as the governing statute, and if that shall be so, will we not in reality say to the soldier, "You can vote, yes," but then also say to him, "The State officials have the right to judge of your qualifications, and therefore they can throw out your ballot if they want to"? In the final analysis will it not result in this, that some servicemen who believe they are voting really will not vote at all because their ballots will not be counted?

I hope I have made my question clear to the Senator. The provision in the Green-Lucas bill in question has confused me, and I should like to have the Senator's observation with respect to it.

Mr. LANGER. Mr. President, if the distinguished Senator from Nebraska will wait until I shall have concluded my remarks he will find that I have given him the answer to his question. If he feels that it has not been answered, I shall be very happy to answer it specifically.

Mr. WHERRY. I should like to have a specific answer, if the Senator will give it. If a specific answer is contained in his speech, very well. I am sorry to have taken up so much of the Senator's time.

We are all agreed on giving the ballot to the servicemen. We are told we cannot give them the State ballot because sufficient transportation facilities are not available. If the matter of transportation were cleared up I believe we would all be agreed, and what a wonderful thing it would be if we could pass a bill approved by 96 Senators, and eliminate from its consideration all politics, because we all wish to give the servicemen the right to vote. The question of transportation, however, seems to be involved. I shall appreciate it very much if the Senator will answer my question before he concludes.

Mr. LANGER. Mr. President, if a citizen be denied the right to vote a mockery is made of democracy. Technical objections, legalistic phrases and arguments, and political alinements and deals have no place in the consideration of this measure. These men and women concerning whom we are speaking have the inalienable right to vote and to vote for whomsoever they please, without the necessity of complying with any burdensome restrictions or qualifications which may be imposed by the 48 States of the Union. They must have their vote so that they may have their say in the other great battle that lies ahead in postwar reconstruction.

Why, Mr. President, if they cannot vote and if the war should end shortly after November, should it be that for 4 years 11,000,000 citizens would have to live under a government in which they had no voice in choosing? And it is no answer, as has been so ably pointed out time after time upon this floor, to say that the State legislatures may meet and change their voting laws to meet this emergency, when every Member of the Senate knows that after all the legislatures will have met, there will still be millions in the armed forces deprived of their right to cast a ballot and have it counted.

Mr. President, let us not be deceived by the solemn, but sugar-coated, promises of the advocates of States' rights, that, if we just leave it to them, the legislatures of their respective States will meet and devise ways and means by which all of our soldiers and sailors will be permitted to cast a ballot and have it counted. We have seen their handiwork and are familiar with the methods by which they deprive millions of our loyal citizens of their right to a free ballot. I ask, Mr. President, Why have not these legislatures acted ere now? Have they not had more than 2 years in which to set up adequate machinery to meet this emergency?

Mr. President, we have been listening to the arguments advanced by the opponents of the pending measure in support of the contention that the Congress lacks the constitutional power to provide ways and means by which the members of our armed forces may vote for those who shall govern the country for which they are bleeding and dying upon a hundred battlefields scattered to every corner of the globe. They say that the pending measure is unconstitutional. To this I say, Mr. President, that no measure which will assure to every citizen of the United States the right to vote can be unconstitutional.

Mr. President, on June 14, 1788, James Madison, the father of the Constitution, said:

> Should the people of any State, by any means, be deprived of the right of suffrage, it was judged proper that it be remedied by the General Government.

Mr. President, I wish to reread what James Madison said at the very time the Constitution was being framed:

> Should the people of any State, by any means, be deprived of the right of suffrage, it was judged proper that it be remedied by the General Government.

O Mr. President, I wonder how many of those brave boys and girls have paid the supreme sacrifice while this debate has been proceeding. I wonder how many of our loved ones have succumbed to the brutal and atrocious bestiality of the Jap while we have been playing politics with this measure.

Mr. President, why are these great constitutional authorities leveling their barrage of dubious contentions against this measure at this time?

Where were they, when in 1942, the Seventy-seventh Congress overwhelmingly passed Public Law 712, which the pending measure seeks to amend, the vote in the House being 248 for and 43 against, with only 5 dissenting votes in this body?

Where were they, Mr. President, may I ask, when the Soldiers' and Sailors' Civil Relief Act of 1940, was passed by an overwhelming vote of both Houses of Congress?

"States' rights," they proclaim. Ah, Mr. President, what sins are committed in the name of States' rights!

Under what provision of the Constitution did the Congress provide that court action against members of the armed forces might be stayed until they completed their military service, that statutes of limitation were tolled during their military service, that mortgages upon their property could not be foreclosed, that eviction of their families was prohibited, that installment contracts into which they have entered are not to be considered as breached, and that sale of their property to satisfy tax assessments is prohibited?

O Mr. President, when we are trying to provide a feasible plan to enable these boys and girls to vote, we see the opponents of this measure rise upon this floor in righteous dignity, and we hear them expound the principle of States' rights and cry out against what they proclaim to be an outrageous invasion of the rights of the sovereign States.

Mr. President, what rights will these States have if our soldiers and sailors are not victorious upon the battlefields; and what will victory mean to the soldiers and sailors when they realize, as they surely will, that the Federal Government—not the States—had the power to conscript them into the armed forces, take them from their homes and scatter them to the four corners of the earth; and that having done this, it was lacking in the power to protect them in their right to vote for those of their choice in the Government of their country, during their forced absence.

Mr. President, we are told by the opponents of this measure, that we can provide a method by which our soldiers and sailors can vote for President, Vice President, Representatives, and Senators only under such terms and conditions as the States may see fit to provide. We are told if we do otherwise we will be violating the Constitution and invading the sovereign right of the States. To those of my colleagues, if there be any, who seriously take this view, I ask them to read the address on this subject delivered on this floor by the able, learned, and distinguished junior Senator from Tennessee [Mr. STEWART].

Mr. President, let us pull aside the thin veil behind which the opponents of the pending measure hide. What is the real opposition to this matter? What is hoped to be accomplished by its opponents? Mr. President, it has been charged time and time again, that an unholy alliance exists between northern Republicans and southern Democratic reactionaries, the object of which is to preserve the privileged basis of voting in the South and to cut down the body of voters in the 1944 Presidential election in the North. The method by which this is to be achieved is to amend the pending measure in such way as to leave the members of the armed forces entirely at the mercy of the States, with 48 different sets of laws, in passing upon the validity of their ballots.

Let us proceed, Mr. President, to examine the evidence and determine whether there is any basis for such a charge.

Mr. President, it is conceded by the distinguished senior Senator from Louisiana [Mr. OVERTON] that the pending measure is a proposed act to amend Public Law No. 712, of the Seventy-seventh Congress. Section 2 of the act provides that:

> No person in military service in time of war shall be required as a condition of voting in any election for President or Vice President, or for Senator or Members of the House of Representatives, to pay any poll tax or other tax, or make any other payment to any State or political subdivision thereof.

The act also provides that the requirements of registration shall be dispensed with.

Mr. President, the question pending before the Senate is on agreeing to the amendment offered by the senior Senator from Louisiana [Mr. OVERTON], the effect of which would be to require every member of our armed forces to meet the qualifications of one of the 48 States before he could cast a valid ballot. In support of his amendment the Senator from Louisiana said—Mr. President, I particularly request that the Members of this body listen carefully to what the distinguished senior Senator from Louisiana said. I read from his remarks:

> An attempt has been made to muddy the waters. Controversial issues and controversial provisions have been inserted in the previous legislation, and are being sought to be retained in the pending legislation, which, in my humble judgment, are wholly unnecessary. It seems to me that those who are anxious—and I am one of them—to see to it that our soldiers and sailors have the opportunity to vote should undertake to free such legislation from questions concerning which the minds of men may honestly differ and which may bring about the very defeat of the laudable purpose which the President of the United States and we have in mind. Take for instance, Mr. President, the poll-tax provision which was inserted in the act of 1942.

Thus it will be seen, Mr. President, that the senior Senator from Louisiana foresees the defeat of this measure unless it is emasculated to meet his objections. The Senator further said:

> What about the poll-tax bugaboo: One does not have to pay a poll tax in person. A soldier over in Italy does not have to come back to Texas to pay his poll tax. He can send the money with which to pay it, his father can pay it for him, his mother can pay it for him, his brother can pay it for him, any member of his family can pay it for him—and many of the politicians do so; hence there is no trouble about the soldier's qualifying by paying the poll tax.

So spoke the senior Senator from Louisiana when he proffered the amendment.

Mr. President, if the amendment of the senior Senator from Louisiana is adopted, a soldier from the great State of Louisiana, who happens to be in the jungles of New Guinea, will just have to step across to the post office and get a money order to pay his poll tax, and in that very simple manner will become qualified to vote for President of the United States. Or if the soldier is busy killing Japs so that those of us who are here debating this measure may continue to do so, and for that reason the soldier is unable to get to the post office, some politician might be willing to pay his poll tax for him in exchange for his vote.

Mr. President, the senior Senator from Louisiana says he is anxious to have our soldiers and sailors have the opportunity to vote. Every Senator upon this floor has made the same statement. But, Mr. President, from the statements made by the able senior Senator from Louisiana in this debate, I wonder if he does not have certain reservations in mind when he makes that statement.

Mr. President, there are probably 50,000 men and women of the Negro race, from Louisiana, in the armed forces of the United States. Those men and women are making the same sacrifices, they are bleeding and dying, just as the white men and women from the State of Louisiana are bleeding and dying, on the battlefields all over the world. For what are those men and women fighting, Mr. President? For what principles are they paying the supreme sacrifice? Why are they bleeding and dying?

Mr. President, bullets make no discrimination between black and white, Jew and gentile, Catholic and Protestant, rich and poor. Then why should ballots?

Ah, Mr. President, in this crucial hour, when the future destiny of our Nation is at stake, when we are engaged in a death struggle with those forces which seek to destroy representative government and reduce the free people of the world to slavery under the cruel heel of a ruthless enemy, and when millions of men and women of all races, all colors, and all creeds are paying with their lives, which is the price exacted by our foes, that our free democratic institutions shall survive, shall this, the greatest deliberative body in all the world, by subtle legislative chicanery, give its approval to a brazen, unconcealed scheme to rob millions of our citizens of their right to vote?

Mr. President, what is the objective sought by the senior Senator from Louisiana [Mr. OVERTON] through his pending amendment? Why does he insist that the States shall be the sole judges of the validity of a soldier's ballot? Why does he assert the right to have these people die in order that he might live, and why does he deny them the right to say who shall order them to die?

Mr. President, the senior Senator from Louisiana does not camouflage his purpose. He brazenly tells us what it is. He asks the Senate of the United States to commit this Nation to the principle of white supremacy.

Mr. President, the senior Senator from Louisiana, who presumes to speak for eight Southern States, said:

> Mr. President, let us be perfectly frank about the matter. In Mississippi and Louisiana, down in the solid South, we have got to retain our constitutional rights to prescribe qualifications of electors, and for what reason? Because we are bound to maintain white supremacy in those States.
>
> Mr. EASTLAND. Does the Senator think that this bill would tend to tear down white supremacy?
>
> Mr. OVERTON. It would. If the Federal Government should propose to invade the rights of the States to prescribe qualifications of the voters, if the Federal Government were to say to the States of Mississippi, South Carolina, Florida, Texas, and others, "You cannot prescribe the qualifications of the voters; we will prescribe their qualifications; we deny you the right to require registration; we deny you the right of prescribing educational tests; we deny the poll-tax provision; we deny this and we deny that; and we assume the authority to abolish all those safeguards which you have undertaken to throw around white control of your local governments." We cannot, we shall not, Mr. President, submit to such action.

O Mr. President, how comforting to the ears of Hitler and Hirohito must those words be:

"White supremacy."

"Aryan supremacy."

Synonymous terms.

Mr. President, the senior Senator from Louisiana is frank. He tells us what he wants. We must give him the right to strike down the thirteenth, fourteenth, and fifteenth amendments to the Constitution. We must permit him to have all of the qualifications he enumerated standing between a soldier and the ballot box, and it must be done to assure white supremacy.

Mr. President, I subscribe to the doctrine of our forefathers—that God Almighty created all men equal. There is no such thing as white supremacy, and the whole theory is pure poppycock, shrewdly used to disfranchise poor whites as well as Negroes.

Mr. President, according to the 1940 census, there were 2,363,880 people in the State of Louisiana, of which number 849,000 were Negroes. There were 1,514,000 more whites than Negroes. There were 1,364,933 persons 21 years and older.

In the Presidential election of 1940 the total vote cast in the State of Louisiana was 372,197, less than 25 percent of the eligible vote being cast. With a ratio of 3 white to 1 Negro, where does the difficulty arise in maintaining white supremacy at the ballot box or anywhere else?

Mr. President, just a few days ago there was held in Washington a meeting of the Democratic National Committee. Among other business transacted at this meeting was the election of a new chairman. We all know that the chairman of the party is its leader. The new chairman of the Democratic National Committee, and its leader, is Mr. Robert E. Hannegan. Mr. Hannegan is the leader of the party of the senior Senator from Louisiana; and while the senior Senator from Louisiana is appealing to the United States Senate to aid him in disfranchising the Negro boys and girls from his State who are members of the armed forces, I have another appeal. I hold in my hand a facsimile reproduction of a letter written in the handwriting of the chairman of the Democratic National Committee, which reads as follows:

> I urge Negro Americans to continue their support of the Democratic Party and its leader—because I believe our party has demonstrated its ability to meet the problems of minority groups and all Americans. It will continue this record.
>
> ROBERT E. HANNEGAN.

Now, we have the chairman of the Democratic Party appealing to the Negro

voter in the North to support the Democratic Party, and we have the senior Senator from the State of Louisiana insisting upon the disfranchisement of the Negro. "Consistency, thou art a jewel."

Now, let us turn our gaze upon this side of the alleged unholy alliance. Let us see what position my own Republican Party has taken on the question of States' rights as it pertained to the question of suffrage.

Of course, although we have had no one tell us before the senior Senator from Louisiana told us the other day that the voting qualifications contained in the constitutions of the Southern States were placed there solely for the purpose of prohibiting the Negro from voting and thereby maintaining white supremacy, we have always been slightly suspicious that the purpose of these very complicated clauses was as the senior Senator from Louisiana stated. We were suspicious in 1872, when we inserted the following plank in our platform:

The recent amendments to the National Constitution should be cordially sustained because they are right not merely tolerated because they are law, and should be carried out according to their spirit by appropriate legislation, the enforcement of which can safely be entrusted only to the party that secured those amendments. Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation. Neither the law nor its administration should admit any discrimination in respect of citizens by reason of race, color, creed, or previous condition of servitude.

Then again, 4 years later, when the great Republican Party met in 1876, the Republican platform contained the following plank:

The Republican Party has preserved these governments to the hundredth anniversary of the Nation's birth, and they are now embodiments of the great truth spoken at its cradle—that all men are created equal; that they are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness; that for the attainment of these ends governments have been instituted among men, deriving their just powers from the consent of the governed." Until these truths are cheerfully obeyed, or, if need be, vigorously enforced, the work of the Republican Party is unfinished. The permanent pacification of the southern section of the Union and the complete protection of all its citizens in the free enjoyment of all their rights and duties to which the Republican Party stands sacredly pledged. The power to provide for the enforcement of the principles embodied in the recent constitutional amendments is vested by those amendments in the Congress of the United States, and we declare it to be the solemn obligation of the legislative and executive departments of the Government to put into immediate and vigorous exercise all their constitutional powers for removing any just causes of discontent on the part of any class, and for securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights.

I ask, What could be clearer?

In 1884 the Republican Party met again in convention and the platform of the Republican Party contained the following plank:

The perpetuity of our institutions rests upon the maintenance of a free ballot, an honest count, and correct returns. We denounce the fraud—

We denounce the fraud—

and violence practiced by the Democracy in Southern States, by which the will of a voter is defeated, as dangerous to the preservation of free institutions; and we solemnly arraign the Democratic Party as being guilty recipients of the fruits of such fraud and violence. We extend to the Republicans of the South, regardless of their former party affiliations, our cordial sympathy and pledge to them our most earnest efforts to promote the passage of such legislation as will secure to every citizen, of whatever race and color, the full and complete recognition, possession, and exercise of all civil and political rights.

In 1888, 4 years later, the Republicans met again. This time we find the following plank in the platform of the Republican Party. Ah, I wonder if the Republicans were looking for Negro votes. That was when they put these planks in their platforms. In 1888 in their platform the Republicans said:

We reaffirm our unswerving devotion to the National Constitution and to the indissoluble Union of the States; to the autonomy reserved to the States under the Constitution; to the personal rights and liberties of citizens in all the States and Territories in the Union, and especially to the supreme and sovereign rights—

Sovereign rights—

of every lawful citizen, rich or poor, native or foreign born, white or black, to cast one free ballot in public elections and to have that ballot duly counted. We hold the free and honest ballot and the just and equal representation of all the people to be the foundation of our republican government, and demand effective legislation to secure the integrity and purity of elections, which are the fountains of all public authority. We charge that the present administration—

That was the Democratic administration—

and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and laws of the United States.

Again, 4 years later, the Republicans met. I wonder how any Republican on this side of the Chamber will ever be able to justify his vote in favor of the amendment offered by the distinguished senior Senator from Louisiana who rose and brazenly and honestly announced that his amendment was for the purpose of preventing the colored people in the South from voting. I wonder how any Republican on this side of the Chamber can possibly vote for that kind of an amendment, in view of the history and record of the Republican Party almost from the day it was established.

Furthermore, 4 years later, in 1892, we find the following plank in the platform of the Republican Party:

We demand that every citizen of the United States shall be allowed to cast one free and unrestricted ballot in all public elections, and that such ballot shall be counted and returned as cast; that such laws shall be enacted and enforced as will secure to every citizen, be he rich or poor, native or foreign born, white or black, this sovereign right, guaranteed by the Constitution. The free and honest popular ballot, the just and equal representation of all the people, as well as their just and equal protection under the laws, are the foundation of our republican institutions, and the party—

That is the Republican Party—

will never relax its efforts until the integrity of the ballot and the purity of elections shall be fully guaranteed and protected in every State.

And that, may I say to the distinguished junior Senator from Mississippi, includes the State of Mississippi.

Four years later, in 1896, the Republican Party met again, and what do we find then to be the plank in the Republican platform? It says:

We demand that every citizen of the United States shall be allowed to cast one free and unrestricted ballot and that such ballot shall be counted and returned as cast.

Four years later, in 1900, the Republican Party met again, and the following plank was in the platform adopted by the party in that year:

We favor such congressional action as shall determine whether by special discriminations the elective franchise in any State has been unconstitutionally limited, and, if such is the case, we demand that representation in Congress and in the electoral colleges shall be proportionately reduced, as directed by the Constitution of the United States.

So it will be seen that my party, the Republican Party, has time and time again since the adoption of the thirteenth, fourteenth, and fifteenth amendments to the Constitution charged the Democratic Party of the South with the use of fraudulent, yes, even criminal devices, to circumvent and defeat the sacred right, which is the heritage of every free American, to cast a free ballot and to have that ballot counted. Yet today the Republican Party stands accused of being party to an unholy alliance with those we have so mercilessly condemned, in a scheme which is more unholy, by striking out sections 1 and 2 of Public Law No. 712.

There is not a Member of this body on my side of the aisle, or on the other side of the aisle, who does not well know what will happen to the ballots cast by the Negro soldiers and sailors who reside in the so-called solid South if the validity of their ballots is to be determined solely by the States.

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

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. LANGER. I yield to the distinguished Senator from Nebraska.

Mr. WHERRY. That is the point I raised in the beginning of the Senator's remarks. I come from a State which recognizes the Negro vote. Nebraska does not have a poll tax; it does not have educational qualifications, but it does have registration laws. In Nebraska, some of our most intelligent voters are Negroes, and as a member of the Republican Party and as an individual I have worked for their rights.

Under this bill, I ask the Senator now, despite the plea the Senator has been making for a guaranty that the soldiers' votes shall be recorded if, in sections 14 (a) and (b), that protection and that

guaranty will not be invalidated by a State election commission which is empowered in the final analysis to determine the soldiers' vote, and can therefore throw it out as not being valid. If that shall be the effect, the Senator will have committed a greater fraud than if he had not supported the bill at all. That is the point I am making.

Mr. LANGER. I appreciate the Senator's point thoroughly, and my answer is——

Mr. WHERRY. Will the Senator yield a moment further?

Mr. LANGER. I yield.

Mr. WHERRY. There is no question between the Senator and me as to the philosophy he expresses so far as the poll tax is concerned, but the very thing that the Senator is making a plea for is the very thing I am afraid wil not be effectuated by sections 14 (a) and (b), because as sections adopted later they will take precedence over sections 1 and 2 of Public Law 712. The States the Senator is mentioning will throw out those ballots; so the Negro soldiers in the southwest Pacific who the Senator urges shall have the right to vote, will find when their ballots come back that they have been thrown out by the election officials of the States; and the Senator will have been a party to passing a piece of legislation—he said he was for it—which will do that very thing.

Mr. LANGER. Has the Senator concluded?

Mr. WHERRY. I have concluded.

Mr. LANGER. Let me answer the question by asking the Senator another one. The Senator says he objects to election officials in the South counting the ballots.

Mr. WHERRY. I did not say that.

Mr. LANGER. That is what I understood the Senator to say.

Mr. WHERRY. No; I said if we pass this bill containing sections 14 (a) and (b) the election boards of the Southern States he mentioned can declare the validity of the ballot, and thus they can declare that they will not let a soldier vote because he has not paid his poll tax. In that event the Senator has led that soldier boy to believe that this legislation would insure his ballot being counted, when the Senator knew it would be thrown out in the first place.

Mr. LANGER. I ask the Senator to read out aloud as he did awhile ago that same section.

Mr. WHERRY. Very well, I read section 14 (a) on page 39:

> The commission shall have no powers—

The reference is to the Federal commission—

> shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title—
>
> The commission shall have no power to do that.

Mr. LANGER. Read what follows.

Mr. WHERRY. Very well. It continues:

> Such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States.

In this section by that clause every precinct, every county, every election district in the State of Mississippi is empowered to determine the validity of a ballot.

Mr. LANGER. That is correct.

Mr. WHERRY. If they determine that the soldier has not paid a poll tax or if they determine that his vote is invalid because he has not met an educational qualification, out goes the ballot.

Mr. LANGER. In answer to the Senator's question I asked him a question. I now ask him another one. Whom would the Senator have count the ballots if not the officials in Mississippi?

Mr. WHERRY. That is not the question.

Mr. LANGER. Oh, but it is.

Mr. WHERRY. Wait a moment. I am not writing the legislation, but recently there came a message from the President of the United States, at the White House, stating that a fraud had been committed on the soldiers, that a fraud had been perpetrated on the American people, because we had passed a ballot law which he said was meaningless.

What I want to ascertain is this—and I say it from the bottom of my heart: I am not in any way attacking the Senator's position in relation to the voters and the poll tax.

Mr. LANGER. I know the Senator would not do so.

Mr. WHERRY. I am saying that inasmuch as sections 1 and 2 are left in the bill, when section 14 is enacted it would be the last legislation passed, and I think would be controlling, if there were a contest, and a legal decision were rendered. I ask the Senator now, if he votes for section 14 (a) and (b) of the bill, does he not vote to bring about the very situation he is attempting to correct? If we grant the soldiers from Alabama the privilege of the ballot, and then take it away as a result of the election commissioners of the precinct or the county or the State declaring it invalid, then we have perpetrated a fraud.

A few days ago I sat on the other side of the Chamber, alongside the distinguished Senator from Illinois [Mr. LUCAS]. I was seeking light and, believe me, when he was answering the questions of the senior Senator from Ohio he first tramped on one of my feet and then on the other. Yet I sat it out, because I wanted to get from him the exact interpretation of what he proposed. In the discussion between the senior Senator from Louisiana and the senior Senator from Illinois I gathered that the very law for which the senior Senator from Louisiana was asking was practically the same in force and effect as section 14 (a) and (b). Perhaps I am wrong, but I believe that the senior Senator from Louisiana said it was practically the same thing. I hope I am right in that interpretation.

I am seeking light; I am open-minded on the Green-Lucas bill. I have not said what I shall do in the final vote on the Green-Lucas bill; I am open-minded; but I am asking the Senator, because of the remarks he made about protecting the soldiers and wanting the soldier ballots recorded, if it is not a fact that by enacting section 14 (a) and (b) we would be doing to the soldier in Mississippi or Alabama the opposite of what the Senator is trying to accomplish, especially so when the Senator from North Dakota says the Senate should eliminate in those States the poll tax as a qualification for voting.

Mr. LANGER. Of course not; exactly the opposite. Does the distinguished Senator from Nebraska contend that all the election judges in the cities and villages and precincts in Louisiana are a bunch of crooks?

Mr. WHERRY. If what the Senator said in his speech is true, election officials in States are likely to invalidate thousands of ballots.

Mr. LANGER. Oh, no. What I said in my speech was, there is a law in Mississippi which provides that citizens must pay a poll tax before they vote.

Mr. WHERRY. Yes.

Mr. LANGER. The officials in Louisiana and Mississippi, or wherever there is a poll tax, are acting according to law when they bar someone. We have taken away the poll tax as a prerequisite, and we have taken away the necessity of registration as a prerequisite. Of course, the men down in the South are just as honorable Americans as are those in Minnesota, or Nebraska, or in the State of North Dakota, and when the law says the citizens do not have to pay a poll tax, when the law says they do not have to register, then, while a few not observing the law may be found, I have every confidence that the great arm of justice in the United States will be able to take care of any violations of the law.

What the Senator fails to see is that at the present time in those States the law is written to keep poor whites and poor blacks from voting. If the Overton amendment shall be enacted, the same kind of situation would continue. If the Overton amendment shall be defeated, and if the Green-Lucas bill shall become law, then all necessity for paying a poll tax and all necessity for registering will be done away with. As I understand the Senator's argument, it is that down South the officials will not let them vote anyway. Is not that correct?

Mr. WHERRY. Will the Senator yield?

Mr. LANGER. I yield.

Mr. WHERRY. I am not arguing for or against the bill; I am asking the Senator a question, and he has not yet answered it. I am asking the Senator this question: Does Public Law No. 712, sections 1 and 2, control, or does section 14 of the pending bill control? If section 14 controls, it is my opinion that the State election officials can declare any ballot illegal which does not meet the State requirements. If I am correct in that position, the Senator is trying to do the very opposite of what he seeks to accomplish.

Mr. LANGER. Does not the Senator see that the only way by which the officials can do what he suggests is by committing a crime?

Mr. WHERRY. I do not think so.

Mr. LANGER. In what other way can they do it?

Mr. WHERRY. It depends on which statute is controlling.

Mr. LANGER. I do not understand.

Mr. WHERRY. If section 14 is controlling, there is the possibility of invalidating ballots, legal prosecutions, and contests.

Mr. LANGER. No——

Mr. WHERRY. There certainly is a conflict.

Mr. LANGER. No; there is not even a conflict.

Mr. WHERRY. We cannot give the right to vote in one section and take it away in another without a conflict, can we?

Mr. LANGER. I do not think we do that.

Mr. WHERRY. I say if Public Law 712, sections 1 and 2, takes away all the State qualifications except those permitted under those sections. If we come along and pass section 14 (a) and (b), what do we provide? We leave it to the commissioners of the States to validate or invalidate the ballot, and what ever those officials do is determining and controlling.

Mr. LANGER. No——

Mr. WHERRY. I am asking the question.

Mr. LANGER. Perhaps I can make it clear. There is something the Senator does not understand. The men in the precincts and towns and villages in the States we are discussing, if this bill shall become law, will determine not only that the man does not have to pay a poll tax, and that he does not have to register, but they will determine affirmatively that he is at least 21 years of age, and they will determine affirmatively that he is a soldier, and that he has a right to vote. They do that in Mississippi, as they do in Nebraska, or North Dakota, or in any other State. Certainly it is necessary to delegate to some board the right to say whether or not a ballot is legal or illegal. That is done in the Senator's State.

Mr. WHERRY. When a ballot comes back from across the seas, if it is executed there, it will go to one of the election commissioners, who will have absolute authority over the validity of the ballot, and the commissioners of the State count or do not count the ballot. Is that the situation?

Mr. LANGER. They will not have to count it if a man is not 21 years of age, or, for example, if a soldier is from Nebraska, they could not send his vote to Louisiana and have it counted there.

Mr. WHERRY. Let me tell the Senator what I think will happen.

Mr. LANGER. Very well.

Mr. WHERRY. I think that if a ballot came back, anyone would have a right to challenge it in any respect in which he thought it should be challenged.

Mr. LANGER. That right would exist anyway.

Mr. WHERRY. If the election officials thought there was an infringement of a State statute, they would have to throw the ballot out, and if one of the statutes in Alabama provided that citizens had to pay a poll tax, or provided some other qualification, I think the board would be justified in throwing the ballot out if the qualification were not complied with. Therefore I think sections 14 (a) and (b) is controlling, because it does take away a right the Senator wants to give the soldier.

Mr. LANGER. The Senator is proceeding under the assumption that the officials in the Southern States are dishonest.

Mr. WHERRY. Oh, no.

Mr. LANGER. Yes, the Senator is.

Mr. WHERRY. I never met a finer man than the senior Senator from Louisiana. Some of the finest men I ever met were from the South. That is not the question.

Will the Senator from North Dakota yield to me so that I may ask a question of the senior Senator from Louisiana?

Mr. LANGER. Yes, I have no objection to the Senator asking him any question he desires to propound.

Mr. WHERRY. Did not the Senator from Louisiana ask a question of the senior Senator from Illinois relative to whether or not sections 14 (a) and (b) given force and effect, contained the provisions the Senator from Louisiana was seeking, that is to say, that the qualifications should be set up by the State, and did not the senior Senator from Illinois respond, "Well, I would have to think that over, but I think that in this section we reach the very thing you are asking for?" Am I right in that?

Mr. OVERTON. That is substantially correct.

Mr. WHERRY. That shows I am not far afield in my interpretation of the pending measure. I am still seeking light. In other words, I do not want to be accused by anyone ever of being a party to a fraud, pretending to give the soldier a ballot, regardless of any State qualification, and permit him to use the ballot, and then throw it out because it was invalidated by election commissioners of the State since section 14 (a) and (b) confer and make mandatory the duty of determining the validity of such ballot. I want to give the soldiers the right to vote, and I should like to see them vote not only the Federal ballot but the State ballot, and I should like to see them vote constitutionally. I do not see any reason why they cannot so vote.

Mr. LANGER. Madam President, I suggest that the distinguished Senator read the speech made on the floor of the Senate last week by the junior Senator from Tennessee [Mr. STEWART]. The Senator could not have read his speech or——

Mr. WHERRY. The speech dealing with transportation of ballots?

Mr. LANGER. No. I have it before me and will read from it.

Mr. WHERRY. The Senator from Tennessee spoke for 30 minutes and told the Senate the reason State ballots could not be sent overseas was because of lack of transportation facilities.

Mr. LANGER. Yes; but he said more than that. I ask the Senator from Nebraska, How does it happen that in Tennessee, where the poll-tax requirement is in effect, and where educational and registration requirements are in effect, the votes of the Negroes are counted?

Mr. WHERRY. I wish the Senator would leave the Negroes out of the question. This applies to everyone who is barred or disfranchised—white as well as Negro.

Mr. LANGER. No; I will not leave the Negroes out.

Mr. WHERRY. I am not arguing with respect to the poll tax.

Mr. LANGER. The Senator knows that that is what is at the bottom of the whole thing.

Mr. WHERRY. I am not arguing about the poll tax. If the Senator wants to know the truth, I am going to vote against the Overton amendment.

Mr. LANGER. I congratulate the Senator.

Mr. WHERRY. The Senator from North Dakota still has not answered my question.

Mr. LANGER. If the Senator will repeat the question perhaps I can get it through my head.

Mr. LUCAS and Mr. FERGUSON addressed the Chair.

Mr. LANGER. After I shall have yielded to the distinguished Senator from Illinois, I will yield to the Senator from Michigan.

Mr. WHERRY. My question is this: If paragraphs (a) and (b) of section 14 are adopted, under which full powers are given to the election units in the precinct, county, and State to determine the validity of a ballot, and a soldier from one of the States in which the Senator is interested casts a ballot, he simply writes out a ticket. The ballot comes back home. What I want to know is if under this section a guaranty is provided that that vote is protected to the extent that it will be counted in the State? My interpretation of the language is that subsections (a) and (b) of section 14 are controlling, and that the election officials can throw the ballot out because it is invalid by reason of the fact that the voter does not meet the requirements of the State law with respect to poll tax, educational qualifications, or registration.

Mr. LANGER. I yield to the distinguished Senator from Illinois.

Mr. WHERRY. The Senator from North Dakota has not answered my question.

Mr. LANGER. The Senator from Illinois will answer it for the Senator. I think I have answered it, however.

Mr. WHERRY. I do not know of any Senator whom I would rather have answer the question than the distinguished Senator from Illinois. I should like to have him answer it.

Mr. LUCAS. Madam President, we have discussed section 14 (a) many times, but I wish to read it again, because I know from talking with the Senator from Nebraska in private in connection with the pending measure that he is actually seeking light upon the question and is not trying to drag in politics. I should like to give him the answer to his question so he can satisfy his own conscience when he finally casts his vote on the measure.

Mr. WHERRY. The Senator from Illinois is correct in his statement. All I

am interested in is getting light on the subject.

Mr. LUCAS. In reading section 14 (a) we find this language:

The commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title.

That language was placed in the bill primarily because under the original Lucas-Green bill there was some question in the minds of Senators whether the commission did have that power. So, under this language, we stripped any control that the commission might have over the validity of the ballots. That is definite and certain. The Federal authorities are completely removed in the first instance, insofar as the war ballots commission is concerned.

The language continues:

Such determination shall be made—

By whom?—

by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States.

They are the only ones who can finally receive and count the Federal ballots. I undertake to say that the uniform Federal ballot, when it comes back to the Senator's precinct in Nebraska, let us say, will be treated on the same basis as any other absentee ballot which comes through the State processes. In other words, the local election officials, after all, are the only ones who can count and canvass the ballots. They do not have any power to determine the validity of the ballots. They are merely doing administrative work in line with what the Congress of the United States has declared. They are the couriers or the agents, so to speak, for Congress.

If the ballot is challenged, then it will be necessary for someone interested there to make a prima facie case to overcome the challenge through the ordinary affidavit which is required. There are many things involved in challenges. They usually deal with the basic State qualifications of a voter. In my State, for example, the voter must be a resident of the precinct for 30 days, a resident of the county for 90 days, a resident of the State for 1 year. He or she must be 21 years of age, a citizen, and so forth. Senators are all familiar with similar provisions in their States. If there is any question about the legal validity of the ballot, that can only be determined by the courts. Its validity is a judicial proposition and not a legislative matter. That is done, as the Senator knows, wherever there is an election contest, and, in my humble opinion, section 14 in no wise repeals sections 1 and 2 of the basic law now on the statute books; otherwise we would not have the Overton amendment presented, we would not have the Eastland amendment presented, we would not have the long debate upon this question, if it were thought that his provision did repeal sections 1 and 2. I think that is a fair answer to the Senator's question.

Mr. WHERRY. I should like to ask one more question. Then, I understand the Senator's interpretation is that the election officials do not have the determination of the validity of the ballot? All they do is to certify the ballot and transmit it to the place it belongs, and they have no determination with respect to the validity of the ballot at all?

Mr. LUCAS. They have a determination of it only if a challenge is made, and if the challenge is not overcome by prima facie proof.

Mr. WHERRY. That right exists anyway.

Mr. LUCAS. That right exists now.

Let me read the next section.

Mr. WHERRY. Before the Senator does that let me tell him how I interpret the language.

The Commission—

That is the Federal War Ballots Commission—

shall have no powers or functions with respect to the determination of the validity of ballots cast under the provision of this title.

I understand that language. It is clear. I think that is a wise provision. Then we come to the next sentence, "Such determination shall be made by the duly constituted election officials" of the States.

It is not the judicial officials of the State who determine the validity but the election officials. If that is what the Senator from Illinois means, I think the language should be clearer. I certainly do not interpret it the way the Senator explained it, but I understand what the Senator means, and I think he has answered my question. However, the language is not clear. Public Law 712, sections 1 and 2, should be repealed before section 14 (a) and (b) is passed to comply with what the distinguished Senator from Illinois has said.

Mr. LUCAS. I wish to go one step further. The language of all sections relating to this subject matter must be construed together in order to find out the exact intention of any particular paragraph. That is a rule of legal construction which every lawyer knows.

Mr. WHERRY. Yes; I know about that.

Mr. LUCAS. The next sentence after the language I have read is as follows:

Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

Mr. WHERRY. That language led me to believe that the prior language provided that the election board shall determine the validity of the ballot.

Mr. LUCAS. But the Senator knows that the election board never determines the validity of a ballot unless it is challenged.

Mr. WHERRY. That is correct. That is the point.

Mr. LUCAS. The ballot is going to be considered, when it finally arrives in the Senator's precinct, just the same as if the ballot were cast in person by John Doe, who had lived in the precinct for 30 years, or as a ballot which comes in under the absentee-voters law. The uniform Federal ballot will be counted the same as any other ballot. In other words, they are all in the same category from the standpoint of what the Senator is attempting to ascertain, in the opinion of the Senator from Illinois.

Mr. WHERRY. I thank the Senator from Illinois for the answer he has given. I still feel that a reading of the section gives the very definite impression which I obtained—that is, that the election officials do have the determination of the validity of the ballot itself.

Mr. LUCAS. I can understand that, and I hope the Senator has cleared up the point.

Mr. WHERRY. I thank the Senator from North Dakota for yielding to me. I apologize to him for taking so much time out of his speech, but the matter is a vital one to me.

Mr. LANGER. I am glad the Senator has obtained the information he sought.

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

Mr. LANGER. I yield for a question.

Mr. FERGUSON. I desire to proceed for more than a question.

Mr. LANGER. I yield, but I do not desire to yield the floor.

Mr. FERGUSON. No; I do not wish to take the floor.

Madam President, I have listened to the argument on the interpretation of this section, and it is on that interpretation that I should like to say a few words. I think that in the drafting of legislation we cannot be too clear in the language used, so that there can be no question about what we are doing. I feel that there is some danger in the use of the words we are using.

What I think we are trying to do by this section is to allow the duly elected officials in the election precincts to determine the validity of the ballots, rather than to have a commission which may be sitting in Washington determine their validity. But I think that at the same time we wish to retain two provisions of Public Law 712, because by the pending bill we propose to repeal all of Public Law 712 except section 1.

Let us examine section 1 and determine what it does. It provides—and this is very important:

In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual absent from the place of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve and the Women's Army Auxiliary Corps, who is—

In other words, under the State law—

or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this act, to vote for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress.

Now, we are going to follow the State law as respects all persons registered or qualified to be registered to vote for the various officials. But section 2 says there are two exceptions to that. Section 2 reads as follows:

2. No person in military service in time of war shall be required, as a condition of voting

in any election for President, Vice President, electors for President or Vice President—

That means when the voter votes directly for President or Vice President or in case he votes for President or Vice President by means of voting for the electors for such officers—

or for Senator or Member of the House of Representatives—

Here is the real meat in the section—

to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

When we adopt section 14 (a), which relates to the validity of ballots, we repeal all of Public Law 712 except that one section. Here is the danger in the interpretation. We know that in law we can have an implied repeal, just as we can have an express repeal. We say:

The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title.

We must note the use of the words "under the provisions of this title." Title I is a title with respect only to Federal ballots. It has nothing to do with State ballots.

I read further:

Such determination—

That is, as to the validity of ballots—

shall be made by the duly constituted election officials.

The Senator from Louisiana [Mr. OVERTON] says he wants to include—and I can thoroughly understand why he desires to do so—the following words in line 9, after the word "made":

In accordance with the State law.

The Senator from Louisiana desires to have the validity determined in accordance with the State law, not in accordance with sections 1 and 2 of Public Law 712, as enacted in 1942.

Therefore, if those words are inserted at that point, every voter who has not paid a poll tax and every man or woman in the armed services who has not qualified according to the State law will not be able to have his or her vote counted, but the vote can be thrown out by the State officials. There is no doubt about that.

If the words proposed by the Senator from Louisiana are inserted, in my opinion the result will be expressly to repeal sections 1 and 2, so far as registration and the payment of the poll tax are concerned; and, as I read the language, there is no reason for inserting those words at that point except for the purpose of repealing the registration and poll-tax provisions.

But, Madam President, I say to each Senator on this floor that those of us who want to retain sections 1 and 2 of Public Law 712, enacted in 1942, those of us who want members of the armed forces who have not paid their poll tax to be able to vote, and those of us who want members of the armed forces who have not been able to register, because they are outside the jurisdiction, to vote, are willing and want to place in the bill the words:

Nothing in this section shall repeal sections 1 and 2 of Public Law 712, enacted in 1942.

Why do not we do what we say we want to do? If we do it in the way proposed by the pending bill as now written, I think we shall have a close legal question as to whether we have not repealed sections 1 and 2 of Public Law 712, insofar as they relate to the poll tax and to registration.

Therefore, in order that there will be no close question, why do we not stand up and be counted, and say "Here is what we want to do"? If we do not have sufficient votes, then we shall have to accept defeat. But we should be clear in the language we use in the measure.

I know there are able lawyers on both sides of the question who will come into court and will say, "Because the law reads 'under the provisions of this title' it does not mean Public Law 712; it means only this particular title."

In the Supreme Court across the way some day I shall hear the voices of men arguing, "When Congress inserted this title it repealed the sections of Public Law 712. The title became a part of Public Law 712, and therefore Congress has made an implied repeal."

We do not want to have close questions decided by courts. We want to make our language so clear that men who run may read. We should be careful about the language we use.

Therefore I have taken this much time of the Senate to state how I, as a lawyer, explain the meaning of these terms.

Mr. LANGER. Madam President, does the Senator have an amendment to offer?

Mr. FERGUSON. I have not offered one yet. I shall wait until the conclusion. I think clarifying amendments should be offered.

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

Mr. LANGER. I yield.

Mr. MURDOCK. I should like to make a statement in answer to the remarks of the Senator from Michigan [Mr. FERGUSON]. First, I refer to the first part of section 14 (a):

The Commission shall have no powers or functions with respect to the determination of the validity of ballots.

Certainly that means something. In my opinion, it was inserted for the express purpose of satisfying every Senator who wanted no infringement or encroachment on States' rights; those words were inserted in order to have a definite statement that the Federal commission should have no power to invalidate or to validate ballots.

Suppose the provision stopped right there, and suppose there had been omitted the second clause, which reads:

Such determination shall be made by the duly constituted election officials of the appropriate district.

If all of the second clause, as I have just read it, were left out, the result would be exactly the same as it will be with the clause included. There is no other duly constituted authority except the local election judges.

If we did not include any of the clause, we would not have any Federal officials counting votes in the local districts.

But as an extra precaution—and I think wisely so—the two authors of the bill said, "Let us write it in the bill if it makes any difference." In my opinion it makes no difference whether we put that language in or leave it out; but it is in there. It can do no harm. It conforms to the Constitution of the United States. It conforms to the State constitutions, and it conforms to State laws.

If the Senator will yield a little further, I should like to refer to the two words "ballots" and "votes." They are used advisedly in this section.

What is a ballot? A ballot is something tendered by the elector to the local judges of election. Up until the time it is cast and counted, it is not a vote. It is a ballot. So we follow the State laws with respect to ballots. In all elections I have ever heard of, the sole judges of the validity of a ballot are the local election judges, not the courts.

When a ballot comes out of the ballot box and is counted and duly canvassed by the State officials, it then becomes a vote. After the local judges have acted and refused to let a ballot go into the box, or let it go in, then, of course, a contest may be instituted in the courts of the State. If the contest involves a Senator or a Representative in Congress, it may be instituted before either the Senate or the House, which are the sole and exclusive judges of the elections and qualifications of their Members.

So, in my opinion, Madam President, the Constitution is complied with in section 14 (a), and the State laws are absolutely protected. In my opinion the language means exactly what it says—that the local election judges shall be the sole judges as to the validity of a ballot. Of course, if they decide one way or the other, and their decision does not satisfy someone, after the election there may be an appeal from their judgment, either by an action in court, or a contest action brought to the Senate or the House of Representatives.

I am in full agreement with the Senator from Michigan in this respect: If we insert the words proposed by the Senator from Louisiana [Mr. OVERTON] we do so for one purpose, and one purpose only, and that is to repeal sections 1 and 2 of Public Law 712.

If we do not insert those words, what will be the result? The result will be that when the local election judges are tendered a Federal ballot, or a thousand Federal ballots, in passing on ballots in Federal elections, they must consider first the Constitution of the United States; second, the Federal statutes; and, third, the State constitution and State statutes. Why? Because the right to vote for Federal officials stems from the Constitution of the United States. It is true that we delegate to the State legislatures the setting up of qualifications; but the Constitution itself sets up the qualifications of an elector before he may vote for a Federal official.

In my opinion, if the amendment of the Senator from Louisiana should prevail the Congress would say, in plain lan-

guage, that notwithstanding the fact that we are legislating on elections in the next breath we stultify ourselves by telling the local election judges that they do not need to consider anything but the State law. I do not believe that the Congress wishes to do that.

I thank the Senator.

Mr. LANGER. Madame President, I now yield to myself for the purpose of completing my remarks. [Laughter.]

If we did not know it before, we have now been told by the senior Senator from Louisiana. He throws out the bugaboo of white supremacy and says that if we fail to adopt his amendment, white supremacy will be threatened. How about the State of Tennessee, Madam President, which although it requres the payment of a poll tax, permits the Negro citizen to vote? How about the State of Kentucky and the State of Oklahoma, where the Negro vote contributed so much to the return of the distinguished senior Senator from Oklahoma [Mr. THOMAS] in his last election. How about the State of West Virginia? The Negro votes there. All of those States are in the South, Madam President; and although the Negro votes, there is not a single instance in which a Negro holds an elective office, except in the States of Kentucky and West Virginia. If we adopt the amendment offered by the senior Senator from Louisiana we shall be aiding in the perpetration of this nefarious and diabolical scheme. We shall be giving our assent to a scheme upholding the principles of white supremacy, and we shall be saying to the Senator from Louisiana and those who feel as he does that the Senate of the United States is behind him in the disfranchisement of the Negro soldier who resides in his State. The same result will be accomplished unless we pass the Green-Lucas bill.

Madam President, unless we are certain that the pending measure will not permit the perpetration of this outrage, we should answer the senior Senator from Louisiana in a clarion tone and strike from the pending measure section 14 or surround it with such clarifying language as to prevent the fraudulent use thereof.

Madam President, we know the alinement which resulted in the defeat of this measure when it was first before the Senate, by the adoption of the so-called Eastland amendment, which the President of the United States so aptly designates as a meaningless proposal. This measure was killed by an alliance between Senators from the poll-tax States and Senators from this side of the aisle.

O Madam President, let not the Members of this body be deceived. Let them know that the eyes and ears of the world are upon them. The eyes and ears of our soldiers and sailors are upon them; and as surely as God Almighty sits upon the judgment throne they will hold us to a strict accountability in the not-too-distant future.

Let all of the advocates of States' rights, white supremacy, and all the rest of the undemocratic smoke screens beware. There is a new day dawning—a day in which we shall see the forces of real democracy, the democracy for which our sons and daughters are bleeding and dying on a hundred battlefields—the democracy which will embrace all mankind, white, black, yellow, Jew, gentile, rich, poor, Catholic, and Protestant. We shall see these forces rise up in all their might and power and crush the bigots and hypocrites who, although they claim for themselves the blessings of democracy, are unwilling to extend them to their fellow man, even though he lay down his life in order that they may survive.

O Madam President, let us form no alliances in the disposition of the pending measure. Let us say to the soldiers and sailors scattered all over the world that we are merely their servants and their tools, ever willing to serve them and to back them to the limit in upholding the principles of real democracy for which they are bleeding and dying. Let them know that we are not playing politics with this measure. Let them know that this is not a party measure, nor a Willkie measure, nor a Roosevelt measure, nor a measure designed for the benefit of any party or any candidate, but a sincere effort to provide a simple and effective method by which they can give their assent and approval to those who seek to govern them during their forced absence from their beloved land. In this hour of national crisis; in this hour of distress, uncertainty, and suffering; in this hour when there should be 100 percent unity; in this hour of misery and death, which threatens all mankind, I pray that we may be as united here as our boys are on the field of battle.

Mr. CHAVEZ obtained the floor.

Mr. McCLELLAN. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. CHAVEZ. I yield.

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

The PRESIDING OFFICER (Mr. WALSH of New Jersey in the chair). The clerk will call the roll:

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

Aiken	Gerry	O'Daniel
Andrews	Gillette	O'Mahoney
Austin	Green	Overton
Bailey	Guffey	Radcliffe
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Bilbo	Hayden	Russell
Bone	Hill	Shipstead
Brewster	Holman	Smith
Bridges	Jackson	Stewart
Brooks	Johnson, Colo.	Taft
Buck	Kilgore	Thomas, Idaho
Burton	La Follette	Thomas, Okla.
Bushfield	Langer	Thomas, Utah
Butler	Lodge	Tobey
Byrd	Lucas	Truman
Caraway	McCarran	Tunnell
Chavez	McClellan	Tydings
Clark, Idaho	McFarland	Vandenberg
Clark, Mo.	McKellar	Wagner
Connally	Maloney	Wallgren
Danaher	Maybank	Walsh, Mass.
Davis	Mead	Walsh, N. J.
Downey	Millikin	Wheeler
Eastland	Moore	Wherry
Ellender	Murdock	White
Ferguson	Murray	Willis
George	Nye	Wilson

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

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

Mr. CHAVEZ. I yield.

Mr. LUCAS. Mr. President, in the time of the Senator from New Mexico I rise for the purpose of presenting what seems to me to be an extremely important letter in connection with the measure now before the Senate. I hold in my hand a letter from one of the most beloved stars of the screen, radio, and stage of America, Miss Jane Cowl. I read the letter into the RECORD because it is short, to the point, and very illuminating so far as the pending measure is concerned. The letter reads as follows:

> I know I speak for hundreds of my coworkers in the theater who cannot appear today in person before you when I say that in our opinion the armed forces should be granted facility to vote in the simplest, speediest, and most direct way possible. Therefore, we urge that the Green-Lucas bill be enacted into law.

Mr. President, the letter was presented to me by one of the ladies in the delegation of approximately 50 screen, stage, and radio stars who are in Washington this afternoon for the sole purpose of aiding in the passage of the measure which is now pending before the Senate.

Mr. MALONEY. Mr. President, will the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yield.

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be inserted in the RECORD a telegram which my colleague [Mr. DANAHER] and I have received from His Excellency Raymond E. Baldwin, Governor of Connecticut, informing us of the passage by the Connecticut General Assembly of the soldiers' vote law.

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

> HARTFORD, CONN., *January 28, 1944.*
>
> Hon. FRANCIS MALONEY,
> *United States Senator From Connecticut,*
> *Washington, D. C.:*
>
> Connecticut General Assembly just passed soldiers' vote law making it possible to be made voters although absent from the State, to vote a straight, split, or individual candidate ticket with liberal provisions concerning application for absentee ballots either in person before leaving country, by informal written request, or by request of relative or friend directed to registrar of voters. Ballots simplified as to form and reduced as to size and weight. Provision made for using Federal facilities if provided for distribution of absentee ballot forms without application.
>
> RAYMOND E. BALDWIN,
> *Governor of Connecticut.*

Mr. O'DANIEL. Mr. President, will the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yield to the Senator from Texas.

Mr. O'DANIEL. Mr. President, I desire to read a letter which I have received from Mr. D. K. Martin, of San Antonio, Tex., which bears on the soldiers' vote bill. He says:

> DEAR SENATOR O'DANIEL: I had a cousin of mine, who is a major in the United States Air Corps, with me for lunch yesterday. His name is Maj. Franklin A. Nichols, of Wewoka, Okla. He is a graduate of Washington and Lee University, and to my way of thinking

he represents the finest type of young American citizenship and manhood. He was at Pearl Harbor when the Japanese made their attack December 7, 1941. He has been, until a month ago, in the south Pacific ever since. He has more decorations than you can count and wears a decoration that was awarded his squadron. He is the leader of a squadron in the south Pacific area.

I am writing this letter to quote him. His father is a member of the State Senate of Oklahoma. The other day his father had him talk to a gathering of people in Oklahoma at which the Governor of Oklahoma was present. He said that in his talk to the assembly he made the statement that all this agitation about the soldier vote worried and annoyed the soldiers who are in service, that the soldiers would much rather that the effort it will require to extend the vote to the soldiers—and that it would be much more appreciated by them—be spent toward giving them the equipment, material, and supplies, and men that they need to fight the war in the south Pacific. He said he looked right at the Governor of the State of Oklahoma when he made this statement.

He told me that he had no objection to my quoting him to you on this subject. He added that he believed he could influence, if he made up his mind to do so, no less than 200 votes in his squadron, if votes were allowed. He could do this by simply expressing a desire that they vote with him. I mention this solely to show how little interest the soldiers in action have in the soldier-vote question.

I believe that you will use your good offices to comply with his request to help win the war rather than to play politics with the soldier-vote question.

Mr. CHAVEZ. Mr. President, I shall vote for the Green-Lucas bill, but I believe it to be only proper that I should make a statement of my position in the matter. I shall vote for the bill for practical reasons which affect soldiers whose homes are in New Mexico. Notwithstanding my belief, basically, the opposition may be correct, I wish it were in the power of Congress to make provision so that the soldiers could vote for all candidates, national and local. I can readily see that so far as the New Mexico soldier is concerned—and I presume so far as all individual soldiers are concerned—he desires to vote not only for candidate for Senator from his State, and for the Representative from his district, but also for the collector of taxes, who will collect the taxes on his property, for the county clerk in his county, who is the one who issues his marriage license, and records his deed, and the soldier would like to vote for all the supervisors in his immediate vicinity, just as much as he would for President or for Senators. As a matter of fact American citizens as a whole are more interested in home officials than in candidates, say, for the United States Senate.

I have indicated the kind of law I should like to have passed, the kind of law for which I should like to vote, but I know that under the circumstances of the moment that that will be impossible in New Mexico. My State does not have an absentee ballot law, and it cannot have one unless an amendment is adopted to the State constitution, and that cannot be done. I want our soldiers to vote wherever they may be, and if they cannot vote for their local officials in my State, if they cannot vote for sheriff, I at least desire that they be enabled to vote for the President and Vice President and for Members of Congress. So far as I am concerned—and I feel my position is sound—I wish, as I am sure the Senator from Illinois wishes, that we could enact legislation to enable the soldiers to vote for all State and local officers, but I am afraid we cannot do so.

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

Mr. CHAVEZ. I yield.

Mr. LUCAS. I agree 100 percent with what the Senator from New Mexico says. To give the Senator an illustration of what we confront in the State of Illinois, in 1944, according to the Census Bureau, there will be held in excess of 12,000 general elections in the State, including elections for mayors of cities, school boards, drainage commissioners, county commissioners, and others, all of whom are just as important as the sheriff or the county clerk, and many of whom are much more important.

Mr. CHAVEZ. Insofar as the soldiers are concerned, they are more important than the candidate for Senator or Representative in Congress.

Mr. LUCAS. The Senator is correct. As the Senator from Washington says, school boards are extremely important; indeed, all these officers are so important from the standpoint of local civil government that I should like, of course, to have accorded every soldier, sailor, and marine, wherever he may be, in training or fighting, an opportunity to vote for all these officers. I mention, however, the more than 12,000 general elections in my State to show definitely how impractical and impossible it is to go through the State voting processes and come to any fair conclusions with respect to getting the votes back in time to be available in every election.

Mr. CHAVEZ. The reason I am making the statement is to outline my position. I should like to see passed a law which would enable the servicemen to vote for every candidate on the ticket, from supervisor or school director up; but under the circumstances that is impossible so far as New Mexico is concerned. I make this statement for the further reason that I personally do not feel that it is in keeping with the dignity of the Senate to have Senators on both sides of the aisle accusing their colleagues of trying to perpetrate a fraud upon the American people because they feel one way or the other. I wish we could pass a law which would permit every soldier to vote, but we cannot do it, and therefore we have to do the best we can. With me it is a practical matter. If the soldiers who are residents of New Mexico cannot vote for county commissioner, I want them to be able to vote for President.

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

Mr. CHAVEZ. I yield.

Mr. LUCAS. I agree with the Senator with respect to the word "fraud." I do not agree with the President when he uses that word in the message he sent to the Congress; but that does not change the question of suffrage one iota, regardless of what anyone may say.

If the newspapers quoted the senior Senator from Ohio [Mr. TAFT] correctly in a speech he made in Ohio, yesterday or day before, he charged that the Lucas-Green bill is a fraud in connection with the American soldier and also the people at home. I do not know whether he said it; but nevertheless it is in the newspapers. I agree with the Senator from New Mexico; and, insofar as the charge of fraud is concerned and insofar as the charge of politics is concerned, I challenge anyone to show one statement made by the Senator from Illinois or the Senator from Rhode Island from the beginning with respect to politics or fraud in this or any other bill.

As I stated a few days ago, and now repeat, I do not care how the soldier votes, I do not care anything about whether he is a Democrat or a Republican, because what we are considering is the question of suffrage, it is the question of a basic right of representative government which cannot be denied our servicemen in this great crisis. That is what I am fighting for, and the only thing I am battling for. I shall continue with high hope that a principle of right may prevail in a world where might is seeking to prevail over right.

Mr. CHAVEZ. Mr. President, of course, if the proposal could be carried to the ultimate conclusion, the best thing to do would be to let the soldiers vote for all officials; but for practical reasons that cannot be done. Neither the Navy nor the Army can, for obvious reasons, deliver the ballots containing the names of county commissioners, road supervisors, county clerks, and the like, but it does appear that it is practical to furnish the soldiers Federal ballots.

Mr. President, I make the statement in all sincerity that the servicemen from New Mexico are more interested in the selection of the Governor than in a Senator or the President. They like to vote for the Governor. I know they would like to vote for local county officials in preference to Representatives, or Senators, or the President. But that cannot be done in my State, and I want them to vote at least for someone, and it appears to me that the Green-Lucas bill is the only way by which we can secure them that right.

Mr. President, I think, so far as I am concerned, I have cleared the record, and my position is plain. I do not care to take the time of the Senator longer on this subject, but there is another matter to which I now wish to advert.

Mr. DANAHER. Will the Senator from New Mexico yield?

Mr. CHAVEZ. I yield for a question.

Mr. DANAHER. I do not wish to interrupt the Senator's train of thought, but in view of the fact that he is about to embark upon a new subject, this is an appropriate place for me to ask him a question.

Am I correct in my understanding that under the law of New Mexico, or under a provision of its constitution, it is impossible for an absent citizen to vote in a New Mexico election?

Mr. CHAVEZ. That is correct.

Mr. DANAHER. Does the Senator know of any way by which the Congress can make it possible for a citizen of New Mexico who is in the armed forces to vote in New Mexico?

Mr. CHAVEZ. There is a difference of opinion. I think that so far as Federal officials are concerned, Congress has that authority.

Mr. DANAHER. I agree with the Senator. I wanted to know whether that was his view.

Mr. CHAVEZ. That is my view.

Mr. DANAHER. I thank the Senator.

ATROCITIES COMMITTED BY JAPANESE

Mr. CHAVEZ. Mr. President, Thursday night of last week the War and Navy Departments gave to this country the most shocking and horrifying information thus far divulged during the war. It was information which those Departments have had in their possession for a long time. It was information which, in my opinion, should have been given to our people at the time when it was received. For reasons better known to them than to me they waited more than a year before they informed the American people of the horrifying torture suffered by American soldiers who were captured by the Japanese in the Philippine Islands.

Mr. President, I am keenly interested, due to the fact that the entire National Guard of New Mexico, after being inducted into the Federal service, went to the Philippine Islands and took part in all the military activities, from the 7th of December, 1941, until the fall of Bataan and Corregidor.

The population of New Mexico being small, it is possible for the Senators and Representatives from that State to know the personnel of our National Guard. It is not like the National Guard of a large industrial center, whose personnel, except in the immediate vicinity, becomes known only through reading the published accounts. Our State is made up of small towns and cities, and every little town and city has had a National Guard unit, and we know the boys who constitute it.

Mr. President, the units of our Guard were in the Philippines, as I have stated. The mothers and the fathers, the relatives and friends, knew what it was all about. They were willing to make the sacrifices necessary to carry out the plans of our Government, and when Bataan and Corregidor surrendered, naturally the mothers and fathers and relatives felt sad.

I happened to be in the little city of Deming, on the Mexican border, when Bataan fell. That little community furnished two troops of our National Guard. The colonel of the regiment, Colonel Sage, was from Deming. The lieutenant colonel of the regiment, Memory Cain, was from Deming. The medical officer of the regiment, Major Colvard, who, incidentally, had been a delegate to the Democratic National Convention in Chicago in 1936, was from Deming.

I knew the families of those officers. Mrs. Chavez and I called on Mrs. Colvard the evening of the day Bataan fell. She had gathered at her home a group of 35 or 40 women, some the wives of officers, some the mothers of soldiers, all related to the boys who had been captured that day. As everyone knows, there is so little one can do, even in offering condolences, but we went to Mrs. Colvard's home and visited about an hour with the good women gathered there.

I am making this statement in order that I may use it a little later with reference to some telegrams I have received since the news came last Thursday.

I asked Mrs. Colvard, "What about the soldiers and the rest of the population, the so-called Mexican population? Were there any in the troops?"

She replied, "Senator, 70 percent of the personnel was that type of people, and they are fine people."

I inquired from her whether she had the names of the relatives of those men, and whether she could tell me where they lived, so that I could go to see them the next day.

Mrs. Chavez and I went from house to house, and eventually we went across the railroad tracks. Every town has its settlement across the railroad tracks, where the poor people live. The people in Deming were very poor. We went to a little adobe residence—a jacal, as it is called on the border—a little home containing two rooms. I knocked at the door and a poor woman came out. She was of the so-called Mexican people, her eyes dark and blazing. Two or three children were hanging onto her skirts. I introduced myself and asked her how she felt. She said, "Senator, you can just imagine how I feel." She said further, "I am so poor I do not have 10 cents to buy one of the stamps that the Government sells. I do not have a dollar to obligate myself for one of the bonds that the Government is selling. But if my three boys, who are now in the Philippine Islands, have to die in order to carry on what our Government is trying to do, I will be satisfied with the three candles that I have burning."

Mr. President, what more can a human being give? Then, 15 months after the event, these mothers, wives, and other relatives received the information concerning the atrocities and horrors; they received the information from the War Department and the Navy Department. The wife of Colonel Sage, the wife of Lieutenant Colonel Cain, the wife of Lieutenant Colonel Colvard, the mother of Staff Sergeant Byrne, and other wives and mothers received information concerning what occurred. How do Senators think these wives and mothers feel when they hear that their loved ones have suffered the agony of the damned, as was reported by the War Department? They then ask of us what we are going to do about it, and they ask why it was necessary to give out this terrible story. I have heard only one answer, and that is by the Secretary of the Treasury, "We will sell more bonds."

Of course, Mr. President, we must sell bonds, but it is a shame that American mothers in Illinois, in North Dakota, in Texas, in Oklahoma, in New Mexico, all over the Union, must suffer as they have suffered by reason of the release of the report, without at least being given some hope that we are thinking about them, that we are going to get a thousand planes to MacArthur instead of a negligible number; that if it is necessary to send tanks, and more tanks, and more tanks to Italy, it is also necessary and just and fair and humane and American to send the same class of tanks, and in large numbers, to MacArthur. If they had been assured that such was the plan and purpose, at least the mothers in New Mexico and throughout the Nation, whose hearts are agonized, would have said, "We are willing to suffer."

Have Senators heard one word about doing such a thing? What are we going to do about it? We have heard nothing except what the Secretary of the Treasury said, that the second of February is going to be "Avenge Bataan Day."

Mr. President, the release itself is 15 months too late. So far as Pearl Harbor is concerned, so far as Bataan itself is concerned, so far as Clark Field in the Philippine Islands is concerned, it is now 2 years too late.

I believe in the selling of bonds and having the American people buy until it hurts in order to further the winning of the war. This notice should have been given to the world: "Yes, we will avenge Bataan and the Philippine Islands, and the suffering of our boys over there by the selling of bonds and by supplying MacArthur with all the munitions and other things he may need."

Mr. President, we cannot blame the people of my State for the resentment that will be shown in the telegrams which I shall read to the Senate. No one can prove to a single mother in my State that it is more essential to send 2,000 tanks to England or to Tunisia, than to send 200 to MacArthur in the Philippine area. Such proof cannot be given them which will satisfy them, in spite of what the War Department or any other branch of the Government may say.

I have before me some telegrams which show, first, discouragement; second, suffering; and, third, resentment for neglect, as those whose sons have been killed understand it.

I read one telegram as follows:

DEMING, N. MEX., *January 28, 1944.*

Hon. DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.:

We have suffered enough through yours and the War Department's utter disregard of Japan's attack on us. Your refusal to heed the pleas of your own hard-pressed troops while all available aid was rushed elsewhere places the responsibility for the horrible suffering and death of our sons on Bataan and Corregidor, the dramatization of which was released by the Army and Navy last night. You heap insult upon injury by using this at an opportune time to sell more War bonds. Why was this report not released sooner and in a more humane way? Is there no pity even here? Secure the necessary funds in any other way, but please spare us from living over and over again these terrible experiences of your own flesh and blood. We have known for a long time that our boys were dying of starvation and disease; you have, too, if you have paid any attention to many wires and letters sent in January 1942. Mrs. Byrne flew to Washington, frantic over the desperate situation in the Philippines. She was assured in General Marshall's office that help was on the way and believed it would reach there in time. In the White House she was told that help had already reached our besieged forces. Our relief was short-lived. We soon realized that somebody had forgotten the simple adage, "Charity begins at home." Approved by the Bataan Relief Organization of New Mexico, copies of this

message have been sent to President Roosevelt, Secretary of War Stimson, Secretary of Navy Knox, Senator CHAVEZ, and the Bataan Relief Organization at Albuquerque.

The telegram is signed by Blanche Cain, whose husband is a prisoner of the Japanese, if he is not dead. It is also signed by Fleda Colvard, whose husband is a prisoner, if not dead. It is also signed by Lydia Byrne, mother of Staff Sgt. Lawrence H. Byrne, a prisoner of the Japanese, if he is not dead.

I have another telegram from Belle Luther:

ALBUQUERQUE, N. MEX., *January 30, 1944.*
Senator DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.:

Relative to Army-Navy press release considered inopportune and inhuman regarding the safety of our boys now held prisoners by the Japanese. We demand immediate action on floor of House and Senate for redemption our remaining live heroes.

BELLE LUTHER.

Mr. President, we need immediate action.

In speaking today I do so with the hope that someone who has power to take action may hear. The senders of these telegrams do not want armchair strategists to act. I do not know how to send the ships to the Pacific or how to punish Japan. I think we in the House and in the Senate have been extremely tolerant. We have realized that the war must be conducted by the Chief of Staff and the Chief of Naval Operations. They, however, should get action.

I hold in my hand a telegram from Tom E. Kirk, of Gallup, N. Mex. Mr. Kirk has a boy who is imprisoned over there, if not dead. His telegram reads as follows:

GALLUP, N. MEX., *January 28, 1944.*

SENATOR D CHAVEZ: Kindly inform explicitly, why Corregidor and Bataan prisoners atrocities are revealed in full at this time.

TOM E. KIRK.

The only ones who can obtain that information are the Secretary of War and the Secretary of the Navy. We are not supposed to interfere. But I can call it to their attention and hope that it is not too late.

Here is a telegram from Artesia, N. Mex., signed for the Two-hundredth Club of the Bataan Relief Organization, by Beth King, secretary. It reads as follows:

ARTESIA, N. MEX., *January 28, 1944.*
Senator DENNIS CHAVEZ,
United States Senate, Senate
Office Building, Washington, D. C.:

We are greatly concerned regarding Japanese torturing our American prisoners in Philippine Islands. Why has this knowledge been withheld from American people? Why have we not organized our efforts, manpower, and war materials to protect and defend our own fronts and soldiers in our Pacific war? If this story to increase War bond drive, results only torture of mothers of boys who fought the battles of Philippines. The American people can face the facts and truth of this war, and we want action in the Pacific.

THE TWO-HUNDREDTH
CLUB, B. R. O.,
By BETH KING, *Secretary.*

The next telegram I shall read is signed by Kathleen H. McCahon and Paul W. McCahon, parents of Lt. James H. McCahon. As we read the telegram we can feel their resentment. Their telegram is as follows:

As individuals, taxpayers, voters, and true Americans, parents of an American soldier who has undoubtedly been for 2 years and still is suffering—

Unless dead—

the tortures of hell in a Japanese prison camp—tortures unheard of in this supposedly civilized century—we condemn the political chicanery as is being practiced by our representatives and other leaders in Washington. Anyone voting for supporting or even wasting time tolerating such legislation as the soldiers' vote bill at this time, in our opinion, is un-American and is unworthy of further support. It is negligence of the highest type. You gentlemen should be fighting to the last breath for our heroic American soldiers in the Pacific instead of supporting England and harboring further political ambition in time of extreme distress. The blackest and most disgraceful pages of American history have been written during the past 2 years, and we are firmly convinced that it should be called a raw deal instead of a new deal. Such performance by trusted representatives and leaders who have taken oath to support and protect the interest of the United States is revolting. A speech on the floor means nothing unless followed up. Your future actions and record in support and defense of the welfare and immediate redemption of our sons and promotion of the conflict now waging in the Pacific area will be our answer to this wire.

KATHLEEN H. MCCAHON,
PAUL W. MCCAHON,
Parents of Lt. James H. McCahon.

The telegram was also sent to the other Members of the New Mexico delegation in Congress.

George F. King, whose son is either a prisoner or dead, has sent the following telegram:

ARTESIA, N. MEX., *January 28, 1944.*
Senator DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Please do something about our boys of the Two Hundredth. Try to get some action in the Pacific. My son is a prisoner of war in Tokyo.

GEORGE F. KING.

We have been insisting on having that done. We have insisted on it time and time again. But the military authorities do not want to have us interfere. They know all about the situation, so they say.

Of course, Mr. President, it is not proper for any Member of the Senate or for the whole Senate to endeavor to become military strategists. The military authorities should be the strategists for the armed forces. But for years we have been trying, and the suffering mothers of the boys who have gone from my State have been trying, to impress upon the War Department and the Navy Department the fact that the Pacific is just as important as the Atlantic. However, our efforts have had but negligible results.

I hold in my hand a telegram signed for the Forty and Eight of the American Legion, Voiture 703, Albuquerque, N. Mex., by James B. Jones, the Lieutenant Governor of the State of New Mexico, and a member of the Forty and Eight. He makes a different suggestion, and refers to a procedure which I think would not be a bad one for the Senate to adopt, if action could be taken along that line. His telegram reads as follows:

ALBUQUERQUE, N. MEX., *January 29, 1944.*
Senator DENNIS CHAVEZ,
United States Senate Building:

Voiture 703 Forty and Eight in regular meeting assembled urge you present and press passage resolution in Senate stating that body will not consider terms peace treaty with Japanese Government at termination hostilities until complete investigation of treatment of all United States prisoners of war has been made and terms of treaty shall be influenced by result of investigation.

Forty and Eight, the American Legion, Voiture 703, Albuquerque, N. Mex.

JAMES B. JONES,
Lieutenant Governor, State
of New Mexico, Voiture
Chairman, Legislative Committee.

The telegram, as I have said, is signed by the Lieutenant Governor of my State, who is also chairman of the legislative committee of the Forty and Eight.

I now hold in my hand a letter written by a poor woman of New Mexico, by Mrs. Max Rico, 401 Wisconsin Boulevard, Albuquerque, N. Mex. It is dated January 29, 1944, and reads as follows:

ALBUQUERQUE, N. MEX., *January 29, 1944.*
Senator DENNIS CHAVEZ,
United States Senator of New Mexico,
Washington, D. C.

HONORABLE SENATOR: The recent publication of the hardships of our sons in Bataan places me in such a desperate situation to turn to you and ask you to do all you can to bring speedy help for our beloved sons in that burning hell of the Japanesce prison camps.

I am in a great hope that all our leading men in Congress from our State will do every effort of their knowledge to stick up for our sons, since there is such a great quantity from New Mexico.

Since Japan has taken such a great authority in mistreating our boys, why don't we do the same thing to the imprisoned Japs in America instead of being treated so well and fed with such a great precaution so they will appreciate it, since they are such brutes and haven't the least gratitude toward us?

I expect your immediate reply and your personal opinion.

Sincerely yours,

Mrs. MAX RICO.

Another telegram which I have received has come from Dr. V. H. Spensley. He does not have a boy over there as a prisoner. His boy died in a prison camp. He is President of the Bataan Relief Organization, of Albuquerque, and of the State of New Mexico. I read his telegram, which was sent on the 29th of January:

ALBUQUERQUE, N. MEX., *January 29, 1944.*
DENNIS CHAVEZ,
United States Senate:

We respectfully request of you gentlemen, our Congressmen and Senators, to place before our Congress as representatives of the United States to go on record as officially presenting an ultimatum to the Imperial Japanese Government wherein they are notified that the kind of peace terms granted Japan shall be predicated upon the kind of treatment accorded prisoners of war held by them, and that retribution will be exacted of the military and civil authorities, including the Emperor and his heirs.

Dr. V. H. SPENSLEY,
President, Bataan Relief Organization.

Mr. President, according to the report released last Friday, the War Department and the Navy Department had information of the atrocities, the suffering, and the horrors for a long, long

time. I did not know about them. The Senate did not know about them. The House of Representatives did not know about them. The American people did not know about them. In order to bring about a little justice to our boys who were prisoners of the Japanese, or who, as we thought, were prisoners, we introduced early in the fall a bill which had for its purpose the promotion of the Army officers and enlisted personnel who were prisoners in the Philippine Islands.

That was after the War and Navy Departments had received information as to the atrocities. The bill went to the Committee on Military Affairs, and in due course the chairman of that committee [Mr. REYNOLDS] received a report on the bill from the War Department. It was an adverse report. Remember that the Department knew of the horrors about which it spoke on Friday, and which will bring about such an increase in the purchase of bonds. Nevertheless, the Secretary of War, in explaining why he objected to the proposed legislation, and in speaking of the boys who he knew had suffered the agony of the damned, stated, in a letter dated November 20, 1943, and addressed to the Senator from North Carolina, chairman of the Committee on Military Affairs, as follows:

In the case of captured personnel—

Those were the ones who, the War Department knew, had already suffered the tortures described on last Friday—

there is no way to distinguish between those men who, by virtue of having fought to the last, might be deserving of a reward in the form of promotion, and those who surrendered in circumstances under which they might reasonably have been expected to continue to resist.

Having in its possession the knowledge which it finally gave to the American public on Friday last, the Department had the audacity and the arrogance to inform the mothers and wives of some of those boys who are prisoners that some of them might have surrendered under circumstances under which they might reasonably have been expected to continue to resist.

We may forgive the inhumanity of the release. We may forgive the insult in this statement of the Secretary of War, if the Department will only tell the American people now that MacArthur is to have ships, airplanes, personnel, and ammunition, and that we are just as much interested in the Pacific as we are in Europe and elsewhere.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

The Senate resumed the consideration of the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence and for other purposes.

Mr. WHITE. Mr. President, I ask the distinguished Senator from Illinois how much longer this evening he proposes to keep the Senate in session. We have been in session for almost 6 hours, and it seems that we might appropriately take a recess at this time.

Mr. LUCAS. Mr. President, let me say to my good friend from Maine that I had hoped we might reach at least one vote today, but apparently we shall not be able to do so.

I am willing to agree to take a recess under the agreement that we meet tomorrow at 11 o'clock. I should like to ask the Senator from Maine whether or not he believes we can obtain some kind of an agreement to limit debate.

Mr. WHITE. I am sure we could not obtain such an agreement without first having a quorum call, and I am very doubtful if it could be accomplished even then. So far as I am concerned, I do not object to taking a recess until 11 o'clock tomorrow, but I think it would be premature to make any attempt to fix a limitation upon debate.

Mr. LUCAS. Let me ask the Senator if he will canvass the situation in the morning to ascertain whether or not it may be possible, from the standpoint of Senators on the opposite side of the aisle, to agree to some kind of limitation on debate, in order that we may conclude consideration of the bill. The bill has been under consideration for a week. It seems to me that we ought to able to reach a vote pretty soon. All the amendments which are on the table have been debated and redebated. Every Senator knows what the controversy is, and I think Senators are pretty well satisfied as to how they will vote on the amendments.

Mr. WHITE. I will agree to undertake to canvass the situation and see if I can find any unanimity of thought on this side of the aisle with respect to a limitation on debate; but I do not undertake to agree to obtain assent to that proposal.

Mr. LUCAS. I realize that. I merely suggest that to the Senator.

Mr. WHITE. I will make inquiry in good faith to see if some arrangement can be made, so far as Senators on this side of the aisle are concerned.

EXECUTIVE SESSION

Mr. LUCAS. 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. GEORGE, from the Committee on Finance:

Sundry officers for promotion in the Regular Corps, United States Public Health Service.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). If there be no further reports of committees, the clerk will state the nominations on the executive calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc; and, without objection, the President will be immediately notified.

IN THE NAVY

The legislative clerk read the nomination of Joseph J. Clark to be a rear admiral in the Navy, for temporary service.

Mr. McKELLAR. I ask that the nomination be confirmed, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the nomination is confirmed; and, without objection, the President will be notified forthwith.

That completes the calendar.

RECESS

Mr. LUCAS. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 1, 1944, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31 (legislative day of January 24), 1944:

IN THE NAVY

TEMPORARY SERVICE

Joseph J. Clark to be a rear admiral in the Navy, for temporary service, to rank from April 23, 1943.

POSTMASTERS

LOUISIANA

Mattie P. Jones, Downsville.
Gladys Trask Graves, Norwood.
Eliud D. McCallum, Ruston.

MISSISSIPPI

Charles Olin Anderson, Tylertown.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 31, 1944

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. McCORMACK.

The SPEAKER pro tempore laid before the House the following communication which was read:

JANUARY 31, 1944.

I hereby designate the Honorable JOHN W. McCORMACK to act as Speaker pro tempore today.

SAM RAYBURN.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the God of nature and of the human heart, we pray for grace abounding, for that reawakening hunger and thirst after righteousness, and for those open and promising doors which lead to a fuller spiritual experience. We praise Thee that we are rich in friends, in heritage, and in opportunities, and we earnestly pray for that courage to seek the honorable contest rather than the comfortable submission.

The exigencies of the times call for new sacrifice, new consecration, and new