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

4596. By Mrs. NORTON: Petition of the Board of Commissioners of the Town of Irving, N. Y., opposing itself to the President; to the Committee on Foreign Affairs.

4597. By Mr. SCHIFFLER: Petition of Nathan Harrison, president, and E. S. Heimer, 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 1929, and that Palestine be opened wide to Jewish immigration and the Palestine mandate be carried out; 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 Andette, 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. By Mr. SMITH of Wisconsin: Petition of sundry residents of Monroe, Wis., opposing House bill 2083; to the Committee on the Judiciary.

4604. By Mr. WEISS: Petition of William A. Fisher and 660 residents of the Thirty-fifth Congressional District of Pennsylvania and vicinity, opposing House bill 2083; to the Committee on the Judiciary.

4605. By Mr. WILLEY: Petition of sundry citizens of the State of Delaware, opposing House bill 2083; to the Committee on the Judiciary.

4606. Also, petition of sundry citizens of the State of Delaware, favoring House bill 2083; to the Committee on the Judiciary.

4607. By Mr. BAKER: Petition of the legislative committee, United Federated War Workers Union, Local 105, United Federal Workers of America, Congress of Industrial Organizations, Dearborn, Conn., petitioning consideration of their resolution with reference to urging enactment of legislation giving the right to vote to the soldiers and sailors the right to vote; to the Committee on the Judiciary.

4608. Also, petition of the city clerk, council of the city of Niagara Falls, N. Y., petitioning the President with 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.

On Election of President, Vice President, and Representatives in Congress.

4609. Petition of Frank Nicholas Beluscu, of Hampstead, Md., and sundry citizens of the State of Maryland, petitioning consideration of their resolution with reference to the expiration of the President's term; to the Committee on the Judiciary.

4610. Also, petition of the deputy city clerk, city of White Plains, N. Y., urging the President to submit consideration of their resolution with reference to the soldier vote bill; to the Committee on the Judiciary.

4611. Also, petition of Warren F. Hoyle Post, No. 88, 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.


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 with moral 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 responsible for the noble heritage which is still ours because of the men and women who are responsible for 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 am privileged to designate Mr. C. L. Clark, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

Mr. C. L. Clark.

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
Andrews
Austin
Bailey
Ball
Bankhead
Barkey
Bilbo
Bone
Browder
Bridge
Brooks
Burton
Bushfield
Butler
Byrd
Connally
Chambers
Chavez
Clark, Idaho
Clark, Montana
Connally
Connelly
Cox
Crandall
Davis
Downey
Durham
Eldridge
Blender
Brown
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. ScOGGINS] 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. WYCKOFF] are absent without leave.

The Senator from Kansas [Mr. CAPPERS] 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 in 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. WOODBURY of Virginia, Mr. LUDLOW, Mr. SKYRDN, Mr. O'NEAL, Mr. RABAY, 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.
The Acting President presented the following letters, which were referred as indicated:

REPORT OF THE OFFICE OF EDUCATION

A letter from the Acting Administrator of the Office of Education, transmitting pursuant to law, combined annual reports of the United States Office of Education covering the period from July 1, 1943, to June 30, 1943, including, in manuscript form, a detailed report of the activities of the Office of Education to the District of Columbia.

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 Education and Labor.

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 of that company for the year ended 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 surplus property 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 hereby respectively 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 transmitted to the secretary of state and sent by him to each of the Senators and Representatives of this State in the Congress."
of the United States be permitted to forge ahead under the stimulus of world competition. Their growth should not be strait-jacketed by the warring nations of today. Private ownership, with its encouragement of initiative and creativity, and its attendant rewards for accomplishment should be our undeviating policy; be it further

Resolved, That there should be no delay in the detailed system of transportation policies and the consummation of negotiated arrangements to make them operable.

The Torrington Chamber of Commerce, Harvey C. Smith, President, Montana Farm Bureau, Executive Secretary, Edwin J. Dow, Secretary.

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., Jan. 8, 1944, which were referred to the Committee on Finance and ordered to be printed in the Record, as follows:

PUBLIC LANDS COMMITTEE

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 for the welfare of our returning soldiers and war-plant workers and develop our many resources; and

We resolve, therefore, be it

Resolved, That the Montana wool growers, assembled at their annual convention in Billings, Jan. 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 war planning in Montana; and be it further

Resolved, That this committee be authorized to promote and cooperate in all sound practices which will benefit the sheepman, his neighbor, and Montana, and which will enable our communities even more substantially 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 seed oil 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.

RESOLUTION OF CURRENT HOSES

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

Whereas the prosecution of this war requires greater utilization of live horses, but it 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; and

Resolved by the Montana Wool Growers Association, that the 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, and which has eliminated the exterior taxpayer levy; and

Whereas the Montana wool growers have reduced its outstanding bond obligations; and

Whereas the Montana wool growers have had no warrant indebtedness at the end of 1943; has made substantial reductions in operating costs; and has eliminated the State general-fund property-tax levy; and

Whereas the past 20 years counties have reduced the property tax assessment by $277,000,000 to a part of the State tax levy social security program, as proposed by the Wagner-Murray bill, requiring from wool growers the payment of from $3,000,000 to $5,000,000, or up to $3,000,000 in any case, for the purchase of $27,707,000 to a part of 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 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 the State and local tax relief of tremendous wartime Federal obligations.

2. That we urge continued debt reduction, economy, and the restriction of public expenditure 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 constructive work in the equalization of assessments and in its excellent program of promoting efficiency of public service and simplification of government structures, and we urge the active cooperation of wool growers throughout the State in this work.

TAXATION COMMITTEE

Whereas it is absolutely essential, in this desperate war-time 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 billion dollars 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. 2206, which would appropriate $189,000,000 for a ship canal in anticipation of the needs of the next war;

(b) Opposition to an expanded social-security program, as proposed by the Wagner-Murray bill, requiring from wool growers the payment of at least $277,000,000, or up to $3,000,000 in any case, for the purchase of $27,707,000 to a part of 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 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 the State and local tax relief of tremendous wartime Federal obligations.

2. That we urge continued debt reduction, economy, and the restriction of public expenditure 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 constructive work in the equalization of assessments and in its excellent program of promoting efficiency of public service and simplification of government structures, and we urge the active cooperation of wool growers throughout the State in this work.

TAXATION COMMITTEE

Whereas it is absolutely essential, in this desperate war-time 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 billion dollars 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. 2206, which would appropriate $189,000,000 for a ship canal in anticipation of the needs of the next war;

(b) Opposition to an expanded social-security program, as proposed by the Wagner-Murray bill, requiring from wool growers the payment of at least $277,000,000, or up to $3,000,000 in any case, for the purchase of $27,707,000 to a part of 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 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 the State and local tax relief of tremendous wartime Federal obligations.

2. That we urge continued debt reduction, economy, and the restriction of public expenditure 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.
Mr. RUSSELL asked and obtained leave to have printed in the Record several editorials from newspapers published in important cities setting forth the views of those newspapers on the pending legislation to enable service-men 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. 1619). to amend the act of September 16, 1944, to add 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. TUNNELL told the floor.

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

The Clerk. In the amendment of the committee on page 99, 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 of the interesting amendment in Section 2 which I believe, does everyone else, that the right exists in the men 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 conflict 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 noisemakers on the lungs of their more vocal constituents, I think my representatives should hear my small voice only on election day. However, I am seriously 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—

The letter is addressed both to the junior Senator from Delaware [Mr. Buck] and myself.
substitutes for or emasculating amendments to S. 1612 and H. 3962.

The Seventy-seventh Congress declared war and these 11,000,000 Americans were drafted to discharge their responsibilities of citizenship by waging that war in defense of some 150,000,000 other Americans. Will the Seventy-eighth Congress? No; it is not possible that any Congress would deny the rights of 130,000,000 to every corner of the world. It is unthinkable that any Congress would believe the temporary dupes of such Machiavellian legislation, and it is to be hoped that Delaware’s cogent sentiment will defeat the thousands of Delawarians in a tempest 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, only 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 opposed to 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 a preference for 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 have not heard a good deal of that fear that the act might be unconstitutional. We have heard the fear that it would be a disappointment to the servicemen who, believing they had an opportunity to vote, might find themselves not so fortunate if they 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 heard 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 was 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 an 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 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 for 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 fast 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 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 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 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. If any of them fail 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 on Privileges and Elections which involved in the delivery of the ballots themselves. But that is not 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, it must be a real technical work for every 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 possibility 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, and the physical 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 service post cards and the necessity 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 no applications for them in every political division in the State. The printing of the ballots cannot be begun until 20 days before election. At least by the General and the Secretary of 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?

Mr. President, what will happen if the servicemen are 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 was 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
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 of the situation. As far as the situation will have progressed by election day, if the Senate wishes my opinion.

I will deal with that subject now. In our country, the Governor and a legislator, 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. These are the only candidates proposed to be voted for on the other ballots. There is absolutely no excuse for such a proposal if the desire is to have people to vote. That is not to 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 Treasury of the United States is to be doubted by some men 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 in 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 the two gentlemen 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 of public life. I do not think it is so much better than the Federal method. The secretary of the United States who may be considered as candidates 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 credit of victory. That statement is very refreshing. With the frankness which is sometimes associated with extreme youth, the Senator not only has suggested that 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 credit of victory. That statement is very refreshing.

With the frankness which is sometimes associated with extreme youth, the Senator not only has suggested that 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 credit of victory. That statement is very refreshing.

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 Senate 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 voted from courage the passage in their lot shall be void if the servicemen's votes would be thwarted by the Secretary of War and the Attorney General. Senators have that done. In saying that, we are not voted a burden on my own State. We are not objecting to that system. We do not believe the soldier to be voted, then let the States in my own State do not believe that the voting opportunities for the soldier to the States. 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. It is not the bill of the Senators that the pending bill is unconstitutional. Mr. President, where is the constitutional Federal ballot law which Senators opposed to the pending bill vote for the States. Home 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 what kind of a Federal ballot will support? I do not mean such a recommendation as we passed here a few weeks ago, which simply recommended would not. 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 us 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 if there are 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 permit the passage of laws which will enable them to have the opportunity to express themselves by the ballot, and if the Constitution in its existence totally failed. We can take the boys and send them across the seas, we can take them from the opportunity which they have as citizens of the United States. If 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.

There is going to be a loss of morale to a greater extent in the American Army—the refusal of the Congress to pass a sensible law providing for their right of voting by troops than if 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 have that 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 soldiers are entitled to have that opportunity. We do not object to giving him the opportunity to vote. Do those who oppose this bill object to his Nation trying to give him the opportunity to vote? Is there not a provision which 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 every way. 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 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 not a State that 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 to have its servicemen vote. The State's rights will not permit us, we are told, to give 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 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 and for a part of the people?
To those who say that they want the services of the Federal officers 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 by-passing of State candidates when their proposed candidates are not eligible to the Federal position. The State laws 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 their candidates elected. It is unnecessary for us to 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 State of Connecticut has taken the constitutional arguments out of the window. He said the debate would end with the removal of a particular individual as a candidate for the Presidency, or one, as was the case in Indiana. Constitutional questions are out, quibbling questions as to rights to soldiers are out. It is not a question, after all, of any right to anything. It is 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 by many individuals 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.

Apparent the prediction of 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. That prediction was not taken seriously, at least by those who take the position announced by the Senate from Oregon, who do not want the President to be defeated by 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, exactly as the people of the State have a right to name a candidate for the State office. And we are entitled to that vote when United States Governments are involved, to have a voice in governmental matters, who have proven not only their ability to govern the country 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 those men serve. 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.

SENIOR 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 Nuy.

The VICE PRESIDENT. The clerk will read the credentials.

The legislative clerk read as follows:

To the President of the Senate of the United States:

This is to certify that, pursuant to the provisions of the Constitutional and 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 Nuy, is filled by election as provided by law.

In testimony whereof I have hereunto set my hand and caused to be affixed the Great Seal of State. Done at the city of Indianapolis, State of Indiana, this 26th day of January in the year of our Lord 1944 and of the Independence of the United States.

By the Governor:

[Seal]

HENRY F. SCHRIKER,
Governor.

RUS J. ALEXANDER,
Secretary of State.

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

Mr. WILLIS,advanced to the Vice President's chair, 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, when 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. 853. An act for the relief of Johnny Newton Stockley; and
P. S. 4489. An act to authorize the Secretary of the Interior to convey to Jose G. Romero all right, title, and interest of the United States in a certain tract of land within the Carson National Forest, N. Mex.

WAR TIME 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, 1940, and prescribed a method of voting in time of war by members of the Senate 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 on the table now, it is available for distribution, for a print has been made.

The PRESIDING OFFICER (Mr. McNary). 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 Senate compromise. And I have been able to say that it is my hope that a constitutional measure could be worked out which would protect the States and would protect the South. In my judgment the pending bill does not meet the test. In this 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:

Section (a) The States have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this section. The 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, or attempting to control 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 the States that they should be canvassed, counted, and certified in each State as were the votes cast under the laws of the States.

The first part of the Constitution of the United States provides that Presidential electors shall be appointed by the States as the legislatures thereof may direct.
Mr. EASTLAND. I yield.

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 of trying to delegate our own duty to 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 ballots 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. 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 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 our 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 for the right which they believe their States are fighting to maintain white supremacy and the control of our election machinery.

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

Mr. EASTLAND. I yield.

Mr. MILLIKIN. May I remind the distinguished Senator that the provision in the first two sections, 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 shall say to the Senator, but a little later I shall discuss the matter at length. 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 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 the Senators and Representatives and if it be unimpaired. They desire to see the measure we see the measure we mean we would not be responsive to the wishes of Congress. It is written in the Constitution. The good men. The Constitution is being interpreted. The South are fighting to maintain the rights of the States, and was adopted, and with it we adopt section 14, subsections (a) and (b), and those subsections (a) and (b) would be in conflict with the provisions of Public Law 712, does the Senator feel that subsections (a) and (b) would be in conflict with 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. WHERRY. 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. Mr. President, 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 is 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 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 50,000 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 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 the Senators and Representatives and if it be unimpaired. They desire to see the broad 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, 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 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 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 the 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 the Senator desires, I will yield to him 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 vote with respect to the validity of the ballots—
Mr. EASTLAND. Well, do they?
Mr. WHERRY. Then, they would encourage people 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. Mondale) who said in his opening remarks 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 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 right to go into the States that 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. Winship) asked the Senator from Mississippi whether, if that 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. "Can they do that?" would be our question. 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 that not 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 would be controlled by the law, by both the Constitution of the United States, by the State laws, and by Public Law 712. The next clause 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 who are adjudicated in a court. 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 encouraged if they think 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 refuse, to him the 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 broken. Mr. OVERTON. Mr. President, will the Senator yield?
Mr. EASTLAND. I yield.
Mr. OVERTON. Mr. President, with 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 that 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 difficult. 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 law is much better than Mr. Overton's, or, as I believe I have said, 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 ballots. It seems to me that no Senator could wish to take the position that he is afraid to allow his 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 law. It seems to me that no Senator who is in such a position, in determining the validity of the ballots, will be made.

Mr. EASTLAND. As I have stated to the able junior Senator from South Dakota, the whole object of the amendment I have suggested is to determine who will determine the validity of 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. EASTLAND. The Senator is setting up a straw man and proceeding to knock him down.

Mr. MURDOCK. The local judges are 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 suggests 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 soldiers and the statute which Congress has enacted. 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?

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 law to be printed on our ballots, I am not the one who 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 the ballots, 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 law. It seems to me that no Senator could 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. EASTLAND. The Senator is setting up a straw man and proceeding to knock him down.

Mr. MURDOCK. The local judges are 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 suggests 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 soldiers and the statute which Congress has enacted. 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?

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 can we 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 Constitution of the United States 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 leave 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 leave that out “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 included 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—

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 under the borders of the States 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 who 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 leave it in, “in accordance with State law” or leave it out, the validity of the ballot will be judged, and the ballot will be counted, canvassed, and cer-
titled 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 bring out the question 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 ballots 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 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, that we shall 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. These 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 the form 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 ballots. 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 the 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 think 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 into 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. These 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 distinguishing 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 the nature of a personal communication. 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 Montana will put into effect the Overton amendment and those before the Overton amendment, 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 they 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 their doing so. These and 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 this, it would absolutely nullify the Federal ballots from top to bottom. In my opinion no State official can successfully challenge that statement.

Mr. LUCAS. 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. I agree with the Senator who 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 opposed it 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 the 18-year-old, legal voter, and I insist the States must be protected.
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 that 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. They cannot be the proxy for a boy 18 years old who is not 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 imperatively a part of the moral 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 read to accept 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, if Congress is to accept the qualifications of the electors, it must control the election laws of the country and determine the qualifications of the voter. That can only be done, as we all know, by the people of each State. 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 for the votes of 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 approval and approbation of the Fiji Islands," that will not change the Constitution, and it will not change the right of every State, through its legislature, to provide that 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 tweedle dum 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 the determination of the qualifications of the electors and control the election laws of the States, it goes as that of a boy who is past 21.

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 each State is in 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 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 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 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 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 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 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 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 part of the validity depends on the qualifications of the man who casts the ballot.

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 he will provide certain exceptions to the rule, and the Senator from Illinois says that if the amendment 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 unconstitutional, it is no good unless it conforms to the philosophy of the anti-poll-tax bill, which is 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 whether 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 would you decide in such an amendment? 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. McKELLAR and Mr. HATCH addressed the Chair.
Mr. McKELLAR. I hope the Senator will do me the favor of answering my question.
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 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 that 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 law.
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 Constitution 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, except under a Constitution by which it may delegate such authority to the State Government.
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 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, and 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 that the times, places, and manner of voting, the officers of the State, and the manner in which the ballots are cast are 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—that 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 the 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. Tennes] 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 would be much wiser to determine 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——
Mr. MILLIKIN. First, I should like to remark to the distinguished Senator from Mississippi that the Supreme Court, in the Green case, in, as I recall, one hundred and thirty-four United States Reports, distinctly and specifically declared that the payment of a certain amount of taxes is a condition precedent to the right to vote, that the Federal government 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 election officials had to be 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 gives directions as to the manner in which the elections are to be conducted by 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 examine the ballots under this bill unless their State legislatures specifically give them that authority.

Mr. EASTLAND. I thank the distinguished Senator from Colorado for his comments on this subject. Mr. President, we are told by some that the local election managers shall have sole discretion and sole authority in determining the qualifications of the persons who are permitted to vote. I object to this authority being placed in the hands of the electors in the States, unless Congress specifically provides for it.
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, which the Honorable Mr. Thomas Fontaine, the statement of the distinguished Senator from Utah:

Then we come to the next step, the Federal statutes with reference to voting for Federal officials. We find them already enacted in Public Law 712, to which I have referred. I 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 the bill. Because I 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 not desired by 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 ballots. 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 the bill in? 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 the sole authority in the matter, then why put section 14 (b) in the bill? Section 14 (b) in the bill sets up three conditions under which a Federal war ballot would not be good?

It is said that there is a conflict between sections 14 (a) and sections 1 and 2 of Public Law 712, and that because section 14 (b) of the bill last mentioned 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 it would not be required to be an amendment of Public Law 712, would under the proper rule of construc-

tion 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. 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 yield. 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 for the District of Maryland, to the sergeant and jailer of the city of Manchester in the State of Virginia, who justified his detention under a judgment of the hustings or corporation court of the city, sentencing him to be imprisoned in the city jail for a penal fine of $3, 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 Court of Virginia of 1887, general elections are held throughout the States on the fourth Tuesday in May, and on the first Tuesday after the first Monday in November, when the council electors are chosen, also in each county, by law to be chosen at such elections respectively, section 10; persons convicted of bribery at an election, and holders of public funds, treason, felony, or petty larceny, are disqualified to vote, section 62; elections are by ballot and the result is declared by the judge of the election, section 98; 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 58; electors for President and Vice President of the United States are chosen by the qualified voters of the States 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 84, 85; and any person who shall knowingly vote in any election district in which he is not a qualified voter, section 130, or vote more than once at the same election, "or, not being a qualified elector, at an election held in the city of Manchester in the State of Virginia, he was convicted of petty larceny and sentenced to be imprisoned in the city jail for a penal fine of $3, 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 Court 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, when the council electors are chosen, also in each county, by law to be chosen at such elections respectively, section 10; persons convicted of bribery at an election, and holders of public funds, treason, felony, or petty larceny, are disqualified to vote, section 62; elections are by ballot and the result is declared by the judge of the election, section 98; 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 58; electors for President and Vice President of the United States are chosen by the qualified voters of the States 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 84, 85; and any person who shall knowingly vote in any election district in which he is not a qualified voter, section 130, or vote more than once at the same election, "or, not being a qualified elector, at an election held in the city of Manchester in the State of Virginia, he was convicted of petty larceny and sentenced to be imprisoned in the city jail for a penal fine of $3, 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."
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 Re-

including, in this statement and sentence, of illegal voting both for a representative in Congress and for Presidential electors, does not go beyond the letter of the Constitution, 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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

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 declare it unconstitutional and save every good feature of this bill. It would be a step toward placing 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 elec-

Mr. MILLIKIN. Exactly.
inexorable obligation to make a total ballot opportunity available to all who are in the armed services.

But, Mr. President, having made these three separate points, let me 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. They must not be conducted by absentee 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 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 the pending bill give such obvious promise to the ear and break it to the 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 necessary for 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 Missouri (Mr. E llenberg), 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. E llenberg 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 obligations 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 bill 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 (40 Stat. 1161), which allows leave to be paid on a per person basis, has consistently 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, nonre troactive legislation that would provide in all cases for the payment of the commuted value of unused leave, I do not think it is 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. 5928 and S. 5098, 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 special 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 thought it 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 heretofore 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.

As 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 Americanism, I have shown it to both private and public life to the implication of any action, statement, or purpose

1944 CONGRESSIONAL RECORD-SENATE 917
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 in 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 Congress to interfere improperly 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 me the 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 as an 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 conviction professedly held that 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 of 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 and 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 specifically 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 specifically or jointly with any other agency of the Government.

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 is the certifying act which finally confirms the legislative action, as required by law 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 of the United States 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 President 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 on the state of the Union 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 which I have just referred to does not contemplate a message of opposition to pending legislation, even in the way of a formal message to the Congress. The President can be expressly 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 of the President to participate in the purely legislative functions of the United States Congress. He is charged with the responsibility of 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, is not competent to debate 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 intrude himself in the debates 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 word 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 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 to connect with deliberation upon and the formulation of the words and phraseology of legislation by the Congress for the people of the United States.
the United States. He is a great and
dynamic leader, and the Nation's people
have three times chosen him to repre-
sent them in all major legislative deci-
sions. They have elected us of the Sen-
ate and House of Representatives to sole
legislative authority and responsibility.

WARTIME METHOD OF VOTING BY MEM-
BERS OF THE ARMED FORCES

The Senate resumed the considera-
tion of the bill to amend the act of Sep-
tember 18, 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 18, 1942, which provided a method of vot-
ing 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 the means of giving to
to all the men and women of our
armed forces, more than 11,000,000 of
them, the right to express their choice
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. He is a great and
dynamic leader, and the Nation's people
have three times chosen him to repre-
sent them in all major legislative deci-
sions. They have elected us of the Sen-
ate and House of Representatives to sole
legislative authority and responsibility.

WARTIME METHOD OF VOTING BY MEM-
BERS OF THE ARMED FORCES

The Senate resumed the considera-
tion of the bill to amend the act of Sep-
tember 18, 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 18, 1942, which provided a method of vot-
ing 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 the means of giving to
to all the men and women of our
armed forces, more than 11,000,000 of
them, the right to express their choice
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.

Mr. President, during the campaign
work which I have been doing in the
Congression, held unanimously that the Federal
Government could take over the railroads
within the constitutional powers of the
States. These groups are therefore en-
deavoring to amend the bill or substitute
other some 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
arrest of hell that the sacred right
which we are now debating shall survive.
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 so, will it not result in this, that some servicemen who believe they are voting really will not be counted? If they can throw out your ballot if they want to? In the final analysis, will it not result in this, that some servicemen 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 confounded me, and I should like to have the answer to his question. If he feels that it has not been answered, I shall be very happy to answer it specifically.

Mr. President, if the distinguished Senator from Nebraska will wait until I shall have concluded my remarks, if I may, I should like to hear 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, if I may, I should like to hear the Senator’s observation with respect to it.

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 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 every 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.

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 attacks 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 overwhelming vote of both Houses of Congress?

"States’ rights," the 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, and when 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 tenants 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?

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 a disastrous dispute to show how near they 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 will, that they will, that they did not have 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 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 terms and conditions that 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 measure? What is the real hope to be accomplished by its opponents? Mr. President, it has been charged time and time again, that an unholy alliance exists between northern Democrats and southern 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 48 States of the Union. The method by which this is to be achieved is to amend the pending measure in such a 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 Senator from Louisiana [Mr. Overton] that the pending measure is a proposed act to amend Public Law No. 12, 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 to take any poll tax or to 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 suggested in the previous legislation, and are being sought to be retained in the pending legislation, which, in my judgment, is 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 sees the defeat of this measure unless it is emasculated to his objections. The Senator further said:

What about the poll-tax bugaboo: One does not have to pay poll tax in person. A soldier, officer 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, 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 offered 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 have just to step over 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 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 a certain application 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?

In Mr. Overton's amendment no discrimination between black and white, Jew and gentle, Catholic and Protestant, rich and poor. Then why should ballot?

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 for all 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 suble legislation, chicanery, give the negroes of the United States a brazen, uncensored 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 the Democratic Party, and its leader, 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 and 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 American Negroes to continue their support of the Democratic Party and its leaders—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, but this art is a relic of the past.

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 voids were completely filled, the State 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 because they are law, and should be carried as such; because they are right not merely tolerated, but made law, and made law, out according to their spirit by appropriate legislation, the enforcement of which can safely be committed only to the party who secured those amendments. Complete liberty and exact equality in the enjoyment of all rights, public and private, should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation. Complete liberty and exact equality in the enjoyment of all rights, public and private, should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation.

The Republican National Convention, in 1872, expressed the following plank in our platform:

The recent amendments to the National Constitution should be cordially sustained because they are a right not merely tolerated but made law, and made law, out according to their spirit by appropriate legislation, the enforcement of which can safely be committed only to the party who secured those amendments. Complete liberty and exact equality in the enjoyment of all rights, public and private, should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation.

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 creation, that all men are created equal; that they are endowed by their Creator with certain inalienable 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 permanently 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 constitutional 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 execution all their rights and duties in respect to removing any just causes of discontent on the part of any class, and for securing to every citizen of every class and condition of life the equal protection of the laws, as well as their just and equal protection under the law, the foundation of our republican institutions, and the party.

That is the Republican Party.

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 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 franchises in any State have 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 vitality 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. LANDER. 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 guarantee 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 will 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 are cast and 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. 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) they shall have no power to do that. The States the Senator is mentioning 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 to believe that this legislation would insulate 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 power—

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. I think, 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 from them, make summary criminals 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 so vehemently last year, that is 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, 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 when he is asking the Senate, is this the way to insulate the 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 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 enacted, and 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 argues that the law as it now stands the South 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 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 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 sections 14 (a) and (b) confer and make mandatory the duty of determining the validity of such ballot. 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 officials, and he 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. WHERRY. 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 North Dakota ask 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 to have? Don't you think 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 cannot determine affirmatively that he is a soldier, and that he does not have to register, but you do not think we do that?'

Mr. WHERRY. 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, and (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 under the 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. Sirwartz]. The Senator could not have read his speech or—

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

Mr. LANGER. Yes; I have it before me and will read a part of it.

Mr. WHERRY. The Senator from Tennessee spoke for 20 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 Negroes.

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 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 to the distinguished Senator from Illinois.

Mr. LUCAS and Mr. FERGUSON addressed the Chair.

Mr. LANGER. After I 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 officials in the precincts and towns and villages of the States, and Section 14 (a) and (b) of 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 to have? Don't you think 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 cannot determine affirmatively that he is a soldier, and that he does not have to register, but—'

Mr. WHERRY. I am not arguing with respect to 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. 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 this question 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 absolutely against the election unit 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 convictions when he finally casts his vote on the measure.

Mr. WHERRY. The Senator from Illinois is correct in his statement.
am interested in 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 the ballot cast under the provisions of this title."

That language was placed in the bill primarily because under the original legislation, it was felt there was some question in the minds of Senators whether the commission did have that power, and, under this language, 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 come in.

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 understand that when the 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 mails or in any other manner. 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 ballot unless it is within their administrative work in line with what the Congress of the United States has declared. They are the couriers or the agents 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, nor to 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. Let me read the next section:

"That right exists anyway."

Mr. LUCAS. That right exists now. Let me read the next sentence:

"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 provisions 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 States who determine the validity but the election officials who will determine whether 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 have 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 on 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 the precinct. 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 do not wish to yield the floor.

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

Madam President, I have listened to the arguments of 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 careful in the language used, so that there can be no question about what we are doing at all. 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—

In other words, under the State law—or was eligible to register for and is qualified to vote at any election that 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 regards all persons registered or qualified to be registered to vote for the various officers. Section 2 says there are two exceptions to that. Section 2 reads as follows:

1. No person in military service in time of war shall be required, as a condition of voting...
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—repeal the section of the law that created the want of power in section 1 of this title, which power is not vested in the Congress by means of voting for the electors for President or other Federal officials? The action is more positive than the pending bill, which merely repeals section 2 of the Public Law 712. We have a clearer definition of the issue to be decided by the vote of the people, and we have a better chance of getting a good result.

Therefore, in order that there will not be no close question, I propose an amendment to the pending bill in the following terms:

"Section 14 (a) of Public Law 712 is hereby repealed, and the words therein are to be read 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.""

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 "shall have no powers or functions" so that it is clear that the Commission is to be abolished and is to have no further existence. If the pending bill should pass in its present form, it will be a victory for the constitutional officers of the States, and a defeat for the federal officials who have been trying to impose their will on the States. We want to do this for the benefit of the people of the States, and for the preservation of the Constitution.

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 the pending bill in Congress. This is in accordance with the pending bill in Congress.

Therefore, if those words are inserted at that point, every voter who has not paid a poll tax and every man or woman who has not paid a poll tax shall be able to vote, and the vote can be thrown out by the local election judges. If the vote is to be thrown out, the result is that the vote is invalid, and the vote is lost. If the vote is to be counted, the result is that the vote is valid, and the vote is counted. The result depends on the interpretation of those words, and therefore of the pending bill.

Therefore, 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 only the second clause, which reads:

"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 only the second clause, which reads:

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

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 duty constituted authority except the local election judges.
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 have a right to judge as 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 the purpose of the pending measure. Let us say to the soldiers and sailors scattered all over the world that we are merely their servants and that they, having given their assent, will to back them to the limit in upholding the principles of real democracy for which they are bleeding and dying. To those who see to it that this is not a party measure, nor a Wilde measure, nor a Roosevelt measure, nor a measure designed for the benefit of any man, whether 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, let us all realize our great responsibility. I pray that we may be as united here as our boys are on the field of battle.

Mr. CHAVEZ. I yield.

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. WASH 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:

Allen, O'Daniel
Andrews, O'Mahoney
Austin, Overton
Bailey, Guffey
Ball, Gurney
Burkehead, Hake
Burke, Reynolds
Buxton, Robertson
Cate, Russell
Brose, Shipstead
Burlew, Smith
Brewer, Stewart
Bridges, Taft
Brooks, Johnson, Colo.
Buck, Ewing
Burton, Haldenff
Butler, Lander
Byrd, Tilden
Caraway, Turkey
Chavez, McElrathy
Clark, McKellar
Clark, M. M., Vanderbilt
Connelly, Wallgren
Dannenhoffer, Walsh, Mass.
Downey, Walsh, N. J.
Douglas, Wheeler
Eastland, Wherry
Elisander, White
Ferguson, Wilson

definition of democracy. Let us say to the soldiers and sailors scattered all over the world that we are merely their servants and are 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. To those who see to it that this is not a party measure, nor a Wilde measure, nor a Roosevelt measure, nor a measure designed for the benefit of any man, whether 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, let us all realize our great responsibility. I pray that we may be as united here as our boys are on the field of battle.

Mr. CHAVEZ. I yield.

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. WASH 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:

Allen, O'Daniel
Andrews, O'Mahoney
Austin, Overton
Bailey, Guffey
Ball, Gurney
Burkehead, Hake
Burke, Reynolds
Buxton, Robertson
Cate, Russell
Brose, Shipstead
Burlew, Smith
Brewer, Stewart
Bridges, Taft
Brooks, Johnson, Colo.
Buck, Ewing
Burton, Haldenff
Butler, Lander
Byrd, Tilden
Caraway, Turkey
Chavez, McElrathy
Clark, McKellar
Clark, M. M., Vanderbilt
Connelly, Wallgren
Dannenhoffer, Walsh, Mass.
Downey, Walsh, N. J.
Douglas, Wheeler
Eastland, Wherry
Elisander, White
Ferguson, Wilson

...
Mr. CHAVEZ. Mr. President, I shall vote for the Green-Lucas bill, but I believe that if it is right to 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 the soldier is concerned—and I presume so far as all individual soldiers are concerned—he desires to vote not only for candidates from his immediate vicinity, but 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 homes 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. The 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 count without a vote of the soldiers 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 that would enable the soldiers to vote for all State and local officers, but I am afraid we cannot do so.

Mr. CHAVEZ. I yield.

Mr. LUCAS. Mr. President, 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 Chicago Sun-Times, there will be held in excess of 12,000 general elections in the State, including elections for majors of cities, school boards, 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. As far 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 Governor of 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 matter that local 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 permit the soldier to vote for every candidate on the ticket, from supervisor or school director up; but under the circumstances that is impossible. Nevertheless, so it is, and I am 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, or county commissioners, 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, and 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 was right or wrong, but it is in the newspapers. I agree with the Senator from New Mexico; and, insofar as the charge of fraud is concerned and so far as the charge of politics is concerned, I challenge any man to read that 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.

At the moment that that will be settled, 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 believe it with high hope that a principle of right may prevail in a world where might is seeking to prevail over right.

Mr. CHAVEZ. The reason I am making the statement is to outline my position. I would like to see passed a law which would permit the soldier to vote for every candidate on the ticket, from supervisor or school director up; but under the circumstances that is impossible. Nevertheless, so it is, and I am 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, or county commissioners, 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, and 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 was right or wrong, but it is in the newspapers. I agree with the Senator from New Mexico; and, insofar as the charge of fraud is concerned and so far as the charge of politics is concerned, I challenge any man to read that 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.

At the moment that that will be settled, 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 believe it with high hope that a principle of right may prevail in a world where might is seeking to prevail over right.
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 this 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 Department heads 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. Chavez. The news was only furnished 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 activities, from the 24th 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 that State to follow 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 the Guard.

Mr. President, the units of our Guard were in the Philippines, as I have stated. The mothers and the fathers, the relatives and the people of what it was 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 commanding 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 know many 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 of the wives of officers, some of the sons 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 other troops of our National Guard 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 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 hotel, and, 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 small 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 the war, I shall 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 began to hear information concerning the atrocities and horrors; they received the information from the War Department and the Navy Department. It was the story of 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 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 they will 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, in Texas, in Deming, whose hearts are agonized, would have said, "We are willing to suffer."

Have Senators heard one word about demobilization? 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." I think that President Roosevelt himself 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. That is not the story today. The story today is: "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 the Filipino Islands with ammunition 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 will go to the Senate. Nor can I 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 Philippines or 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 the lives and blood that we all shed. We ask you to spare the pangs of your own hard-pressed troops while all available aid was rushed elsewhere. It would be the responsibility for the horrible suffering and deaths 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 before? Is there no pity here? Secure the necessary funds in any other way, but please spare us from living over and over again the terrible experiences of your own flesh and blood. We have known for a long time that our boys are 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. When she reached the White House she was told that help had already reached our besieged forces. Our relief was cut off just before this. We would have been glad to have had the story of the sufferings of our boys. We understand that the Secretary of the Treasury 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, a prisoner of the Japanese, if he is not dead. It is also signed by Fieda 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.

Believe 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 regarding the safety of our boys now held prisoners of the Japanese. Why has this knowledge not too late. We are in a great hope that all our leading military and civil authorities, including the President of the Philippines, should do every effort of their knowledge to stick up for our sons, since there is such a great quantity of American people can face the facts and truth of the war.

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 if I can get the 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:

ARTEZIA, N. Mex., January 28, 1944.

Senator Dennis Chavez, Senate Office Building, Washington, D. C.

My dear Senator: Please do something about the 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 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 are the only ones 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 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 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, Albuquerque, New Mexico.

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., dated January 29, 1944, and reads as follows:

ALBUQUERQUE, N. Mex., January 29, 1944.

Senator Dennis Chavez, United States Senator from New Mexico, Washington, D. C.

Honorable Senator: The recent publication of the hardships of the Bataan prisoners 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 the burning hell of the Japanese prisoner camps.

I am in a great hope that all our leading men in Congress from our State and all will do every effort of their knowledge to stick up for our sons, since there is such a great quantity of American people can face the facts and truth of the war.

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 preoccupation 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.

Mr. President, according to the report released last Friday by 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 Department 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. Retnows) 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 number of our enemies.

He objected to the proposal, and in speaking of the boys who he knew had been taken by any of the Japanese, 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 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 is asking the Senate arrogantly 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 did not tell the American people now that MacArthur is to have ships, airplanes, personnel, and ammunition, that we are just as much interested in the Pacific as we are in Europe.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

The Senate resumed the consideration of the bill (S. 1613) 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 in 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, having 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 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.

There is no way to distinguish between those boys who are prisoners that some way to seek the honorable contest rather than the comfortable submission.

The exigencies of the times call for new sacrifice, new consecration, and for temporary service, to rank from April 23, 1943.

CONIRMATIONS

Executive nominations confirmed by the Senate January 21 (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 F. Jones, Downsville.

Gladys Trask Graves, Norwood.

Eluid D. McCullum, Ruston.

MISSISSIPPI

Charles Othn Anderson, Tyrlentown.