the United States Department of Agriculture?

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a short article on the shortage of farm implements, and also to include a resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. GILLIE]?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a speech by Senator Clarence Becker, of Lebanon, Pa., on the Pennsylvania military balloting law.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KUNKEL]?

There was no objection.

Mr. O'KONSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. O'KONSKI]?

There was no objection.

RESIGNATION AS CONFEREE

The SPEAKER laid before the House the following communication, which was read:

JUNE 3, 1944.

The SPEAKER,
House of Representatives, United States, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a conferee on the bill H. R. 4464, the so-called debt limit bill.

Respectfully,

DANIEL A. REED.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Minnesota [Mr. KNUTSON] as a conferee, and the Clerk will notify the gentleman accordingly.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SCOTT (at the request of Mr. CANFIELD), for 1 day, on account of illness.

To Mrs. ROGERS of Massachusetts (at the request of Mr. MARTIN of Massachusetts), for 1 day, on account of illness of a relative.

To Mr. MAGNUSON, indefinitely, on account of official business for Naval Affairs Committee.

ENROLLED BILL SIGNED

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 2085. An act to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House adjourned until Monday, June 5, 1944, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, June 6, 1944, to begin public hearings on bills extending the Civilian Pilot Training Act.

SELECT COMMITTEE TO INVESTIGATE MONTGOMERY WARD & CO. SEIZURE

The Select Committee to Investigate the seizure of Montgomery Ward & Co. will hold a public hearing Tuesday, June 6, 1944, at 10 o'clock a. m. in the Ways and Means Committee hearing room, New House Office Building. Mr. Sewell Avery, chairman of the board of directors of Montgomery Ward & Co., will be a witness.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will continue its consideration of H. R. 4486, relative to the post-war disposition of merchant vessels, on Tuesday, June 13, 1944, at 10 a. m.

Persons desiring to be heard should notify the clerk of the committee in writing as soon as possible.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1607. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the Department of the Interior, for 1945 and prior fiscal years, amounting to $203,567.18 (H. Doc. No. 638); to the Committee on Appropriations and ordered to be printed.

1608. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Security Agency, for the fiscal year 1944, amounting to $11,000 (H. Doc. No. 639); to the Committee on Appropriations and ordered to be printed.

1609. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to amend section 1442, Revised Statutes, relating to furlough of officers by the Secretary of the Navy; to the Committee on Naval Affairs.

1610. A letter from the President of the Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on Banking and Currency. H. R. 4941. A bill to extend the period of operation of the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, and for other purposes; without amendment (Rept. No. 1593). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITE:

H. R. 4947. A bill to provide for the settlement of war veterans, war workers, and others on the Central Valley project, for encouragement of the development of the project in family size units, for cooperation by Federal, State, and private organizations to these ends, and for other purposes; to the Committee on Irrigation and Reclamation.

H. R. 4948. A bill to authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands; to the Committee on Irrigation and Reclamation.

By Mr. LANE:

H. Res. 581. Resolution to provide for the temporary admission of political or religious refugees of continental Europe into areas within the United States to be known as free ports for refugees; to the Committee on Immigration and Naturalization.

SENATE

MONDAY, JUNE 5, 1944

(Legislative day of Tuesday, May 9, 1944)

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

Rabbi Solomon H. Metz, Adas Israel Congregation, Washington, D. C., offered the following prayer:

Our God and God of our fathers, in this hour of crisis in our struggle with the cruel enemy, when the fate of the world trembles in the scales of destiny, we turn to Thee in humility and contrition, praying from the depths:

Be Thou with our armed forces on land, on sea, and in the air. Guide them and sustain them. O Lord of Hosts and Father of mercy, grant us a speedy and decisive victory. Bless us with Thy righteous and abiding peace. Bind the wounds of Thy stricken children. Let the healing sun of Thy love quicken to life and hope and courage those who languish in the shadows of want and fear in the doleful dominion of our deadly foes.

O Source of all Blessings and all Wisdom and Power, open our eyes to see that only with Thee is the fountain of life; that only in the light of Thy law of truth, justice, and the beauty of holiness can we find the way that leads from strife and hate and woe to the uplands of fulfillment and creative peace.

May the vision of the prophets of Thy Book be our inspiration in building the world tomorrow. May the deathless word of Micah become the sacred song of our civilization, the gentle appealing

words that reveal Thy eternal will, saying:

"It hath been told thee, O man, what is good; and what doth the Lord require of thee, but to do justice, to love mercy, and to walk humbly with thy God?"

May all this come to pass for the salvation of Thy children and the glory of Thy holy name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., June 5, 1944.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SAMUEL D. JACKSON, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. JACKSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 1, 1944, was dispensed with, and the Journal was approved.

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 the President had approved and signed the following acts:

On June 1, 1944:

S. 1029. An act to provide for regulation of certain insurance rates in the District of Columbia, and for other purposes.

On June 3, 1944:

S. 1758. An act to amend section 451 of the Tariff Act of 1930, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4070) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1945, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 37 and 69 to the bill and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 68 to the bill and concurred therein with an amendment in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 8, 14, 29, 30, 35, 52, 53, 54, 55, 56, 57, 64, 65, 66, and 67 to the bill.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4278) to provide for the control and eradication of certain animal and plant pests and diseases, to facilitate cooperation with the States in fire control, to provide for the more efficient protection and management of the national forests, to facilitate the carrying out of agricultural conservation and related agricultural programs, to facilitate the operation of the Farm Credit Administration and the Rural Electrification Administration, to aid in the orderly marketing of agricultural commodities, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 and 3, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendment of the Senate numbered 2 to the said bill.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4414) making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1945, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. O'NEAL, Mr. HENDRICKS, Mr. GORE, Mr. KIRWAN, Mr. JOHNSON of Indiana, Mr. PLOESER, and Mr. TIBBOTT were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4464) to increase the debt limit of the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. COOPER, Mr. DINGELL, Mr. REED of New York, and Mr. WOODRUFF of Michigan were appointed managers on the part of the House at the conference.

The message informed the Senate that Mr. KNUTSON had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4464) to increase the debt limit of the United States, vice Mr. REED of New York, resigned.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4559) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1945, and additional appropriations therefor for the fiscal year 1944, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 17 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 1, 5, and 16 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 8 and 9 to the bill.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4679) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1945, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Oklahoma, Mr. FITZPATRICK, Mr. KIRWAN, Mr. NORRELL, Mr. CARTER, Mr. JONES, and Mr. JENSEN were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4771. An act to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, as amended, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves;

H. R. 4899. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1945, and for other purposes;

H. R. 4937. An act making appropriations for defense aid (lend-lease), for the participation by the United States in the work of the United Nations Relief and Rehabilitation Administration, and for the Foreign Economic Administration, for the fiscal year ending June 30, 1945, and for other purposes; and

H. J. Res. 286. Joint resolution providing for operation of naval petroleum and oil-shale reserves.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2085) to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians, and it was signed by the Acting President pro tempore.

BOARD OF VISITORS TO UNITED STATES MERCHANT MARINE ACADEMY

The ACTING PRESIDENT pro tempore. The Chair appoints the Senator from Delaware [Mr. TUNNELL] as a member of the Board of Visitors to the United States Merchant Marine Academy, pursuant to the act of May 11, 1944.

EXECUTIVE COMMUNICATIONS, ETC.

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

SUPPLEMENTAL ESTIMATE, SELECTIVE SERVICE SYSTEM (S. Doc. No. 199)

A communication from the President of the United States, transmitting draft of a proposed provision and a supplemental estimate of appropriation in the amount of $1,098,000 pertaining to the appropriation for the Selective Service System, fiscal year 1945, in the form of an amendment to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, submitting, pursuant to law, a report stating all the facts and pertinent provisions of law in the cases of 157 individuals whose deporta-

tion has been suspended for more than 6 months under authority vested in the Attorney General together with a statement of the reason for such suspension (with an accompanying report); to the Committee on Immigration.

LEGISLATION ENACTED BY MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN, V. I.

A letter from the Executive Director of the Interior, transmitting, pursuant to law, copies of legislation enacted by the Municipal Council of St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

REPORT OF THE NATIONAL WAR LABOR BOARD

A letter from the Executive Director of the National War Labor Board, transmitting, pursuant to law, the thirteenth monthly report of that Board covering the month of March 1944 (with accompanying papers); ordered to lie on the table.

SUMMARY REPORT ON FEDERAL REGULATORY RESTRICTIONS UPON MOTOR AND WATER CARRIERS

A letter from the Board of Investigation and Research (Transportation Act of 1940), transmitting, pursuant to law, summary of a report on Federal Regulatory Restrictions upon Motor and Water Carriers (with an accompany report); to the Committee on Interstate Commerce.

DISPOSITION OF EXECUTIVE PAPERS

Two letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of War (9), Navy (2), Interior and Agriculture (3); Federal Power Commission, Federal Works Agency, the National Archives (2), and Office for Emergency Management (2), which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—OWNERSHIP AND OPERATION OF NONMILITARY GOVERNMENT AUTOMOBILES (S. DOC. NO. 198)

The ACTING PRESIDENT pro tempore laid before the Senate a letter from Mr. BYRD, chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, submitting, pursuant to law, an additional report of the joint committee, relating to the ownership and operation of nonmilitary Government automobiles, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BYRD. Mr. President, I ask consent that the report from the Joint Committee on Reduction of Nonessential Federal Expenditures, relating to the ownership and operation of nonmilitary Government automobiles, be printed in the body of the RECORD.

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

REPORT ON THE OWNERSHIP AND OPERATION OF FEDERAL AUTOMOBILES

In accordance with title VI of the Revenue Act of 1941, Public Law 250, Seventy-seventh Congress (55 Stat. 726), an additional report herewith is presented by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Two previous investigations by this committee (CONGRESSIONAL RECORD, May 15, 1942, p. 4393, and S. Doc. No. 5, 78th Cong., 1st sess.), on the operating costs of nonmilitary passenger automobiles owned and operated by the United States Government, have shown that substantial economies can be effected by eliminating all nonessential automobile travel by officials and employees of some 40 agencies of the Federal Government. In the committee's 2 reports to the Congress it was obvious that the travel expenses of the various Government agencies were extravagant beyond measure and that the justifications for such expenditures should be carefully scrutinized by the Appropriations Committees of the House and Senate. From facts presented to the committee, it is evident that a substantial reduction in these expenses can be made in the executive branch of the Government.

The committee herewith presents to the Congress a third report on the total number and operating costs of automobiles owned and operated, respectively, by the various Government agencies, exclusive of those used by the War and Navy Departments.

GOVERNMENT COOPERATION NEEDED

The Office of Price Administration has repeatedly called upon the civilians of the Nation and upon the officials of the various State governments to cut their mileage by 40 percent. It appears that both of these groups have substantially complied with this request. Basic data with respect to Government-owned passenger cars during the calendar year 1941 are not available, but a comparison of fiscal year 1942 and 1943 figures indicates that the Federal Government has been able to make only a small reduction.

THE RECORD OF THE PAST 2 YEARS

An analysis of the fiscal year 1942 and fiscal year 1943 figures discloses that during the fiscal year 1943 the Federal Government owned 3,015 more automobiles than were reported as of the end of fiscal year 1942. Of these cars, 1,159 were disposed of prior to the end of the last fiscal year, thereby reducing the amount to 1,856 more cars on hand at the end of that fiscal year. The committee is glad to report that there was a decrease of 1,812,117 in the number of gallons of gasoline used in the operation of Government-owned passenger cars, but it is convinced that further reduction can be made.

The committee wishes to restate its conviction that the same standard of strictly essential driving should be applied to Government officials and employees traveling in nonmilitary Government automobiles as is now applied to individual citizens. On the basis of a comparison of fiscal year 1942 and fiscal year 1943 figures, the committee concludes that these steps are not being undertaken as conscientiously as they might be.

INCREASED NUMBER OF CARS OWNED

At the close of the fiscal year 1943, the Federal Government owned 19,161 passenger automobiles, 1,159 having been disposed of prior to the end of the fiscal year. This figure excludes those operated by the War and Navy Departments and also excludes trucks and motorcycles. This is a substantial increase over the fiscal year 1942 figure of 17,305 cars.

In the fiscal year 1942, the cost of operating these vehicles, exclusive of interest charges and depreciation, was $4,243,602. In the last fiscal year, the figure was $3,941,776, a reduction but not a substantial one.

Comparing the miles traveled by Government automobiles in the fiscal years 1942 and 1943, the committee found that in the former year mileage on these Government-owned passenger automobiles totaled 203,550,280 miles, and in the latter year, 190,778,000 miles. Federal Government agencies effected some savings in the consumption of gasoline in both of these fiscal years. The amount used by Government-owned cars in the fiscal year 1942 was 13,793,594 gallons. In the fiscal year 1943 gasoline consumption amounted to 11,981,477 gallons.

In balancing these figures with the restrictions placed on the civilian population, the committee finds that while there were some reductions in the cost of operating these nonmilitary vehicles, the number of gallons of gasoline used, and the number of miles driven, these reductions, the committee is certain, are neither substantial nor impressive. Also it is the opinion of the committee that any increase in the number of motor vehicles owned by the Federal Government agencies is questionable.

COMPARISON OF FEDERAL AND STATE CONTROL

The committee finds that there is nothing special about the work of the Federal Government agencies which are not engaged in law-enforcement of war activities that would not permit drastic reductions in the number of miles traveled in Government automobiles owned and operated by such agencies. While a drastic reduction may not be feasible with respect to those agencies engaged in law enforcement and war activities, the committee is of the opinion that these agencies should make an increased effort to reduce the number of cars owned and miles traveled.

Although it is not possible to compare State government figures with Federal Government figures, because of the increased activities of the latter, it is encouraging to note the progress which the State governments have been able to make. The State of Connecticut alone, as compared with the same period in 1941, reported a reduction of about 17,000,000 miles. Thus the State of Connecticut reduced its mileage figure by 56 percent, which is a typical and not an isolated instance.

Figures on 8 other States re equally significant. New Hampshire reports a reduction in official mileage traveled of 5,000,000 miles or 64 percent; South Carolina, 20,000,000 miles, or 60 percent; North Dakota, 5,000,000 miles or 48 percent; South Dakota, 3,500,000 miles, or 47 percent; Nevada, 2,500,000 miles, or 45 percent; New Mexico, 6,000,000 miles, or 42 percent; Idaho, 2,163,000 miles, or 41 percent; and Washington, 5,000,000 miles, or 41 percent. Thus, the savings of official miles traveled is about 49,000,000 miles for these 8 of the 48 States, a record more than 4 times better than that of the executive branch of the Federal Government.

ANALYSIS OF THE RECORD OF CERTAIN AGENCIES

The committee is convinced that it would be worth-while economy to reduce the number of automobiles, and miles driven, the number of gallons of gasoline consumed, and the cost of operation in the five Government agencies, exclusive of the War and Navy Departments, which own 16,399 vehicles. The committee in presenting the record of these agencies realizes that they are engaged in law-enforcement and war activities and that there are other agencies, not engaged in essential activities, which could possibly effect a higher percentage of reduction. However, as these five agencies own 85 percent of all Government-owned automobiles, exclusive of those operated by the War and Navy Departments, any worth-while reduction must necessarily be reflected in these figures.

The committee found that during the 1943 fiscal year the Department of Agriculture owned more cars than any other Government agency.

The Departments of Agriculture, Interior, Justice, and Treasury, and the Tennessee Valley Authority together owned 16,399 of the 20,320 automobiles owned and operated by the United States Government during the fiscal year 1943.

The Department of Agriculture operated 4,871 passenger automobiles. The average mileage driven in each of these automobiles was 8,233.97 miles, which consumed, per car 488.32 gallons of gasoline. The cost of operation for each of these passenger vehicles for the Department of Agriculture was $160.23.

Next in the list of the largest owners of automobiles in the executive branch of the Government comes the Department of the Interior with 4,121. For this Department, the committee finds each automobile traveled 7,593.05 miles and consumed 469.79 gallons of gasoline. The cost of operating these passenger automobiles on an average equaled $147.04.

The Department of Justice, the third largest owner of automobiles among Government agencies, possessed 3,294 passenger automobiles during the fiscal year 1943. These cars traveled on an average of 12,824 miles and consumed 828.66 gallons of gasoline. The cost of operation per vehicle was $246.64.

During the last fiscal year, the Treasury Department operated 3,096 passenger vehicles. The average mileage traveled by these cars was 9,660.36, while the gasoline consumption was 612.7 per automobile. In this Department, the average cost of operation was $229.52.

The Tennessee Valley Authority owned 1,017 cars. These vehicles operated by that agency traveled on the average 10,030.18 miles and consumed 669 gallons of gasoline. The average cost of operation for the automobiles operated by this department was $347.88.

The following is a comparison of the average number of miles that each of these vehicles was able to get out of each gallon of gasoline. The Department of Agriculture automobiles averaged 16.861 miles per gallon; Interior, 16.16 miles per gallon; Justice, 15.368 miles per gallon; Treasury, 15.762 miles per gallon, and Tennessee Valley Authority, 14.992 miles per gallon.

The committee observed that in the fiscal year 1942 the average nonmilitary Government car traveled 14.757 miles per gallon of gasoline, while a year later the average Government car traveled 15.92 miles per gallon.

Considering the average Government car for the fiscal year 1942 and the average Government car for the fiscal year 1943, the committee finds that for the former fiscal year each car averaged 11,762.5 miles and consumed 797 gallons of gasoline, while in the latter fiscal year each car averaged 9,444.81 miles and used 593.09 gallons of gasoline. The average operating cost for the fiscal year 1942 was $245.22 and $193.98 for the fiscal year 1943.

These figures do not tell the entire story of passenger travel paid for by the Federal Government. It is a recognized fact that Government departments allow employees to travel and be reimbursed for expenses incurred in privately owned automobiles. Employees on official business are paid on a mileage basis. In the fiscal year 1942, five agencies report that they paid employees $7,261,856.32 for 145,606,241 miles.

It is evident to the committee, therefore, that much more Government travel was done in private automobiles, also at Government expense. It is difficult to supervise traveling habits of officials and employees of the many bureaus of the Federal Government which result in expenditures of this nature. A conservative estimate of the total number of miles traveled on Government business at Government expense in passenger automobiles is still between 300,000,000 and 400,000,000 miles per year with an accompanying consumption of between 20,000,000 and 30,000,000 gallons of gasoline.

INCREASE IN NUMBER OF AUTOMOBILES OWNED

The committee would like some explanation as to why it was necessary for Federal agencies to acquire more than 3,000 automobiles during the past fiscal year. This figure, the committee is certain, is high, particularly in these days when the private citizen has been requested to utilize and conserve pre-war equipment in order to curtail nonessential and luxury expenditures.

The following is an analysis of the 5 largest owners of automobiles among the executive departments, with particular attention to the number of cars owned during the fiscal year 1943 and on hand at the end of the fiscal year, as compared with the 1942 fiscal year figures. The Department of Agriculture, though it disposed of 312 cars, had 200 more automobiles than it did at the end of the previous year; Interior disposed of 115 cars and reported 95 additional cars; the Department of Justice disposed of 90 and closed the fiscal year with 837 additional cars; the Treasury Department disposed of 524 cars and had on hand 67 additional cars; and the Tennessee Valley Authority had acquired 257 cars during the past fiscal year.

PRESENT REPORTING SYSTEM FAILS

Under the terms of Circular No. 422 of the Bureau of the Budget, all departments, independent establishments, and agencies, except the War and Navy Departments, the Maritime Commission, and the War Shipping Administration, are required to submit to the Public Roads Administration pertinent information concerning Government-owned vehicles. In the course of its investigation the committee was notified that the system of reporting was not being carried out effectively by all the agencies. Some failed to supply the exact information requested and others delayed sending in the information until it was of no value to the reporting agency. To further aggravate the situation, it was found that the information now gathered on an annual basis by the Public Roads Administration failed to meet the needs of the Office of Price Administration, thus necessitating the setting up of a separate system.

It is the opinion of the committee that when information on a subject as important as this one is compiled only on an annual basis, its value is not as great as it would be if the agencies were required to supply this information on a semiannual basis. A semiannual study of travel expenditures in Government-owned passenger automobiles would make possible timely analyses of nonessential mileage and the unjustifiable purchase of cars. Thus, if the committee had known that in the first half of the fiscal year 1944 that one agency had effected a reduction of 66 percent in miles traveled over the same period in 1943, while another agency effected a reduction of only three-tenths of 1 percent, at that time the committee could have taken steps immediately to determine whether the latter agency had developed an adequate system of reducing travel in Government-owned cars.

CONCLUSIONS

It is apparent that the Federal Government is in the position of urging the State governments and its citizens to drastically cut down on the use of automobiles, the consumption of gasoline and tires, while its own record is not as good as it might be.

RECOMMENDATIONS

1. The committee recommends once again that any Government official or employee who uses or authorizes the use of any Government-owned or leased vehicle other than for official purposes shall be summarily removed from office, and may, also, upon conviction thereof be subject to a fine of not more than $1,000, or imprisonment for not more than 1 year, or both.

2. The committee recommends that the Appropriations Committees of Congress continue to carefully survey the need for passenger cars owned by each of the agencies of the Federal Government and adjust accordingly the appropriation requested for such cars as are necessary.

3. The committee recommends that the various agencies consider establishing merit raises for employees who suggest successful ways of decreasing the use of Government-owned automobiles, saving gasoline, and reducing the cost of operation.

4. The committee recommends that the Congress enact legislation requiring all Government agencies, except the War and Navy Departments during wartime, to report to the Public Roads Administration each 6 months the number of passenger automobiles owned, the number of miles traveled, the number of gallons of gasoline consumed, the cost of operation, and all other information necessary to carry out the mileage-conservation program of the Office of Price Administration.

5. The committee recommends that the Bureau of the Budget study methods of operation of the agencies which get the most miles per gallon and have the lowest cost of operation and which make the best use of their automobiles in order to determine if some standard operating procedures might not be profitably adopted by all Government agencies.

6. As the Office of Price Administration has requested the civilian population and State governments to reduce travel by 40 percent, the committee recommends that the necessary steps be taken by the Bureau of the Budget to require those agencies not directly engaged in law-enforcement or war activities to substantially curtail their mileage in compliance with the request of the Office of Price Administration.

Automobiles (passenger) owned by the U. S. Government—Summary of operating costs and mileage, by departments, fiscal year 1943

Agency or department	Vehicles registered as of June 30, 1943	Vehicles disposed of during fiscal year 1943	Vehicles operated during fiscal year 1943			
			Number	Miles driven	Number of gallons of gasoline used	Cost of operation
Department of Agriculture	4,559	312	4,871	40,107,700	2,378,644	$780,511
Department of Commerce	725	3	728	9,125,500	526,640	167,081
Department of the Interior	4,006	115	4,121	31,311,600	1,936,028	605,977
Department of Justice	3,204	90	3,294	42,260,900	2,749,944	812,445
Department of Labor	6		6	32,900	2,795	1,206
Post Office Department	49		49	260,300	24,019	13,105
Department of State	159		159	693,600	37,595	12,322
Department of the Treasury	2,572	524	3,096	29,898,500	1,896,919	710,624
Board of Economic Warfare	6		6	59,900	5,306	2,060
Bureau of the Budget	3		3	20,700	2,080	547
Civil Aeronautics Board	20		20	306,000	17,807	5,959
Federal Communications Commission	176	3	179	2,302,700	137,889	38,143
Federal Power Commission	15	3	18	121,600	6,620	1,964
Federal Security Agency	588	11	599	5,576,600	352,131	102,369
Federal Works Agency	624	62	686	6,291,500	363,235	96,708
General Accounting Office	2		2	8,800	830	104
Government Printing Office	4		4	24,200	2,072	1,174
Interstate Commerce Commission	133	23	156	1,240,900	68,633	20,405
Library of Congress	2		2	13,900	863	126

Automobiles (passenger) owned by the U.S. Government—Summary of operating costs and mileage, by departments, fiscal year 1943—Continued

Agency or department	Vehicles registered as of June 30, 1943	Vehicles disposed of during fiscal year 1943	Vehicles operated during fiscal year 1943			
			Number	Miles driven	Number of gallons of gasoline used	Cost of operation
Maritime Commission	44	----------	44	248,000	16,830	$4,545
National Advisory Committee for Aeronautics	33	----------	33	381,300	28,545	8,996
National Archives	1	----------	1	5,400	400	88
National Capital Park and Planning Commission	1	1	2	7,000	491	69
National Housing Agency	283	1	284	1,522,400	131,679	38,644
Office of Defense Transportation	2	----------	2	20,300	1,073	283
Office for Emergency Management	79	1	80	639,800	48,415	13,533
Office of Strategic Services	26	----------	26	270,600	23,095	8,905
Office of War Information	8	----------	8	39,200	2,860	1,103
Panama Canal	2	----------	2	8,000	747	183
Petroleum Administration for War	21	----------	21	218,700	12,594	2,365
Railroad Retirement Board	3	2	5	36,700	3,380	1,393
Reconstruction Finance Corporation	22	2	24	359,100	20,534	5,109
Securities and Exchange Commission	1	----------	1	2,700	240	83
Selective Service System	120	3	123	1,676,100	92,204	19,334
Smithsonian Institution	1	----------	1	4,800	478	63
Tennessee Valley Authority	1,017	----------	1,017	10,200,700	680,381	353,803
Veterans' Administration	257	----------	257	2,059,600	158,075	46,110
War Manpower Commission	10	----------	10	55,800	3,611	937
War Relocation Authority	339	3	342	3,695,700	227,539	58,389
Office of Censorship	38	----------	38	268,900	18,256	4,951
Total	19,161	1,159	20,320	190,778,000	11,981,477	3,941,776
Fiscal year 1942	17,305	----------	----------	203,550,280	13,793,594	4,243,602

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Acting President pro tempore and referred as indicated:

Resolutions of Local No. 685 (U. A. W.-C. I. O.), of Kokomo, Ind.; Ford Local No. 897 (U. A. W.-C. I. O.), of Flat Rock, Mich.; and Local No. 999 (U. A. W.-C. I. O.), of Burlington, Vt., favoring an adequate appropriation for the support of the Fair Employment Practices Committee; to the Committee on Appropriations.

A resolution of the Metropolitan Council of Exchange Clubs, of Detroit, Mich., favoring the postponement of legislation affecting the further promotion of aviation until at least 6 months after the conclusion of the present war; to the Committee on Commerce.

A resolution adopted by a meeting of the National Executive Council of the Textile Workers of America (C. I. O.) at New York City, commending the President of the United States for vetoing recent proposed tax legislation; to the Committee on Finance.

The petition of Hon. Maury Maverick, Chairman and General Manager of the Smaller War Plants Corporation, stating that "Capitol Hill is a deadly place on Sunday; tens of thousands of soldiers never get to see anything," and praying that all of Capitol Hill, including the Capitol itself, the Supreme Court, and the Congressional Library, be opened on Sunday, and that bands play from 11 a. m. to 8 p. m., etc.; to the Committee on Public Buildings and Grounds.

A resolution by the Central Trades and Labor Council of Rochester, N. Y., and vicinity; the Federal Trades Council, of Reading and Berks County, Pa., and the Central Labor Council of Riverside County, Calif., favoring the adoption of measures to establish a Nation-wide broadcast of congressional proceedings; to the Committee on Rules.

A resolution adopted by Local 11-132 I. W. A., Boommen and Rafters, of Everett, Wash., favoring the extension and improvement of the Emergency Price Control Act; ordered to lie on the table.

A resolution adopted by the Chamber of Commerce of the State of New York, favoring amendment of the rent-control provisions of the Emergency Price Control Act so as to remove existing inequities and discriminations against owners of housing accommodations and to provide for "fair and equitable" rent control on the same basis as the price control of commodities without impairing the essential purposes of the act to curb inflation; ordered to lie on the table.

A resolution adopted by the Central Joint Committee of the Coalition Party, at San Juan, P. R., protesting against certain alleged actions of the Secretary of the Navy, the Federal Communications Commission, and the Director of the Office of Censorship in connection with the maintenance of the guarantee of free speech to the citizens of Puerto Rico; to the Committee on Territories and Insular Affairs.

PRICE CONTROL—PETITION

Mr. ELLENDER. Mr. President, I present for appropriate reference a petition signed by thousands of Louisianans living in New Orleans. The petition is rather short, and I shall read it:

We, voters of New Orleans, La., request that you, our Senators and Congressmen, fight and vote not only for maintenance of the present Price Control Act but also for even more stringent legislation to control rents and prices. We realize that price rises mean wage cuts; and we urge you to protect our buying dollar.

The ACTING PRESIDENT pro tempore. Without objection, the petition presented by the Senator from Louisiana will be received and lie on the table.

CEILING PRICES ESTABLISHED BY THE O. P. A.—PETITION; AMENDMENT

Mr. WILLIS. Mr. President, I present a petition signed by Mr. Ralph Drake and 904 others, which I ask to have printed in the RECORD, relative to ceiling prices on articles purchased for use and resold.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

To the Senators and Representatives of the United States of America:

We, the undersigned, citizens of the United States of America and legal voters, respectfully petition you to take such action as may be necessary to abolish immediately certain restrictions, imposed by the Office of Price Administration under the Emergency Price Control Act of 1942, on the following sales and transactions:

1. Public sales by a bona fide owner, directly or through an agent or auctioneer, of such owner's used furniture, household goods and personal effects acquired by such owner for his own use or consumption, and not acquired for the purpose of resale;

2. Public sales by a bona fide farmer, directly or through an agent or auctioneer, of such farmer's used tractors, machinery, implements, and tools, acquired by such farmer for his own use in connection with his farming operations and activities, and not acquired for the purpose of resale;

3. Public sales by an administrator, executor, guardian, or trustee, directly or through an agent or auctioneer, pursuant to an order of court, of any used personal property of the character enumerated in paragraphs numbered 1 and 2 above.

Your petitioners represent that the maximum-price regulations, prescribed by the Office of Price Administration and popularly known as "ceiling prices," when applied to sales of the character above described, are unjust, unfair, unreasonable, arbitrary, un-American, and impracticable; that it was never intended or desired by Congress, or by the American people whom Congress represents, that the Emergency Price Control Act of 1942 or the maximum-price regulations issued thereunder, should apply to sales of the character above described, but on the contrary such act and regulations were intended to apply only to sales by merchants, dealers, retailers, and wholesalers engaged in the buying and selling of merchandise; that such regulations, when applied to sales of the character enumerated in paragraphs Nos. 1, 2, and 3 above, tend to promote connivance and fraud on the part of sellers and buyers and that such regulations impose such undue hardship and restraint on an American citizen in the liquidation or disposition of his own used personal property (acquired by him for his own use or consumption) and so hamper, impede, and interfere with the right of such owner to sell such property as to practically deny to him the right of such sale or auction.

RALPH DRAKE
(And 904 other signers).

Mr. WILLIS. I also submit an amendment to the bill S. 1764, a bill to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.), as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), covering the matters set forth in the petition, and ask that the amendment be printed and lie on the table..

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be received, printed, and lie on the table.

RELIEF OF POLISH REFUGEE CHILDREN

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD at this point, a letter and resolution, which I have received from Rev. Paul J. Bartlewski, pastor of St. Adalbert's Church, Thompsonville, Conn. The resolution was adopted by the United Polish Societies of Thompsonville, and urges immediate assistance to Polish refugee children.

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

CENTRAL COMMITTEE OF THE
UNITED POLISH SOCIETIES OF
ST. ADALBERT'S PARISH,
Thompsonville, Conn., May 27, 1944.

Hon. FRANCIS T. MALONEY,
Senator from Connecticut,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MALONEY: I enclose herewith, for your earnest consideration, a copy of the resolution adopted by the United Polish Societies of Thompsonville, Conn., on the anniversary of the adoption of the Polish Constitution, May 3, 1791.

I would appreciate any action you may deem advisable on behalf of the Polish refugee children, now scattered throughout the world.

Very truly yours,
REV. PAUL J. BARTLEWSKI,
Pastor, St. Adalbert's Church.

Whereas the present global war has inflicted a multitude of hardships and privations upon all the peoples of the world, particularly the people of Nazi-persecuted Europe, has slaughtered countless people, ruined and desolated numerous villages and towns, and left destitute hordes of small children, orphans in the world's storm; and

Whereas efforts have been directed to aid and assist these persecuted peoples, but because of the war's intensity and scope, these efforts, naturally, are not as effective and as complete as conditions would permit; and

Whereas Poland has become one of the first and continuous battlegrounds of this intensified war, the battles surging forward across that country, leaving in their wake desolation, destruction, and slaughter; driving before the countless hordes Polish people, particularly Polish orphan children who are left to the mercy of both the Russian and Nazi Governments; and

Whereas those countless Polish orphans, unwanted for the most part in the famine-ridden war zones, have trekked and marched many thousands of miles from their homes, either voluntarily or by direction and edict of either of those governments and

Whereas the United Polish Societies of Thompsonville, Conn., have accurate and exact information from eye witnesses that there are in the cities of Bombay and Karachi, India, 30,000 or more such Polish orphan children, concentrated in those cities with little or no help or aid, enduring all manner of privations, hungry and starving, partially or scarcely clothed; and

Whereas the Federal Government having organized a commission to aid and assist refugees of war-torn Europe to find a haven or a harbor during the struggle, could not or does not know of the existing conditions among the above-mentioned Polish orphan children in the cities of Bombay and Karachi, nor the dangers because of their location in these famine-stricken areas; and

Whereas the United Polish Societies of Thompsonville believe that through the National Polish Societies of America necessary funds could be raised whereby the children could be transported to a better locality and cared for under better conditions if the Federal Commission on Refugees became aware of the existence of these Polish orphan children; and

Whereas the United Polish Societies of Thompsonville, Conn., have information and verily believe that the National Polish Societies will cooperate to the fullest with any agency or agencies of the Federal Government and render any and all assistance necessary to provide transportation for these children to a safer refuge to be cared for until the termination of the global struggle: Now, therefore, be it

Resolved, in public assembly convened, of the United Polish Societies of Thompsonville, on the one hundred and sixty-third anniversary of the adoption of the Polish Constitution, That this assembly go on record favoring immediate intensified action by the United Polish Societies of America, favoring immediate assistance to be furnished Polish refugee children located at Bombay and Karachi, India, and that immediate steps be taken to acquaint the Federal Commission To Aid Refugees of War-Torn Europe with the plight of these children, with a view of enlisting the assistance of that Commission in procuring relief and assistance for the abovementioned orphan children, and request their transportation to safer havens where they may be properly fed and clothed; and be it further

Resolved, That this resolution be spread upon the records of the United Polish Societies of Thompsonville, Conn., and a copy forwarded to the United Polish Societies of America, at Chicago, Ill., and that copies of the same be forwarded to the Honorable WILLIAM E. MILLER and B. J. MONKIEWICZ, Congressmen from Connecticut, and the Honorable JOHN A. DANAHER and FRANCIS MALONEY, Senators from Connecticut.

REV. PAUL J. BARTLEWSKI.
W. KLIMEK.
ANOBREW PAJA.
FRANK ZAWASLO.
FRANK SZELA.
MICHAEL LIZAK.

BOUNDARY BETWEEN NORTHERN AND SOUTHERN IRELAND

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD at this point a letter and resolution which I have received from Mr. William P. Looney, national director of the Ancient Order of Hibernians in America. The resolution urges that we "petition our ally, Great Britain, to remove at once the artificial political boundary that divides Northern and Southern Ireland, and that they and we remove from her shores all semblance of a violation of her neutrality until the Irish National of its own free will changes its course or follows its present course without interference."

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

ANCIENT ORDER OF HIBERNIANS IN AMERICA,
New Haven, Conn., May 19, 1944.

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

DEAR SENATOR: I am forwarding to you as a matter of interest a copy of a resolution passed by the National Board of the Ancient Order of Hibernians in America and its Ladies Auxiliary.

As a member of the national board of the Ancient Order of Hibernians, I wish to request you, as my Representative in the Congress of the United States, to consider this resolution favorably and to employ whatever steps may be necessary to bring the message of this resolution to the attention of any and all persons whose position in our Government would enable them to assist in bringing to fruition the long sought goal so adequately expressed by this resolution.

Respectfully yours,
WM. P. LOONEY,
National Director.

We, the members of the National Board of the Ancient Order of Hibernians in America and its Ladies Auxiliary, in meeting assembled in the city of New York this 29th day of April, A. D. 1944, do hereby reaffirm our loyalty, fidelity and continued support of our Government, the United States of America, in our all-out endeavor of winning the war on every battle front. We pledge the continued support of the membership of our order in the performance of our duty in the present war, as we have met the test in every national emergency from the birth of this great Republic.

We are deeply grieved over the strained relations between our Government and the government of Eire over the question of neutrality. We offer up our prayers to God and pray St. Patrick, the apostle of the Gael, to intercede that this misunderstanding will be corrected by applying to Eire the principles of the Atlantic Charter—the principles for which our American blood is now being shed in all parts of the world.

Ireland, a nation for more than 7 centuries fighting for these rights with no question as to her geographical boundary—until partition took from her 6 of her 32 counties, is under God and man entitled to the recovery of her liberty and territory, not part free and part slave but all free and independent.

With this accomplished both our country and our allies will find the people of Ireland not only willing and anxious to join with us but to offer up her last drop of blood and pound of treasure in defense of liberty and justice: Be it therefore

Resolved, That we request our President, Franklin D. Roosevelt, our Secretary of State, Cordell Hull, and our Members of the American Congress to petition our ally, Great Britain, to remove at once the artificial political boundary that divides northern and southern Ireland, and that they and we remove from her shores all semblance of a violation of her neutrality until the Irish National of its own free will change its course or follows its present course without interference: Be it further

Resolved, That copies of these resolutions be sent to President Franklin D. Roosevelt, to Secretary of State Cordell Hull, and to the Members of Congress.

JOSEPH E. KERRIGAN,
National President.
LEO KELLY, *National Secretary.*
F. E. SHAUGHNESSY,
Chairman of Committee on Resolutions.
Mrs. ANNA M. CAREY,
National President, Ladies' Auxiliary.
Mrs. VERONICA M. MCCAUL O'BRIEN,
National Secretary, Ladies' Auxiliary.

T. V. A. APPROPRIATION AMENDMENTS—LETTER FROM KANSAS STATE FEDERATION OF LABOR

Mr. CAPPER. Mr. President, I have received from F. E. Black, secretary of the Kansas State Federation of Labor, one of the strongest labor groups in the West, a petition expressing the opposition of the members of his organization to certain objectionable provisions in the appropriation bill for the Tennessee Valley Authority. I ask unanimous consent to have his letter printed in the RECORD.

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

KANSAS STATE FEDERATION OF LABOR,
Topeka, Kans., April 22, 1944.

Hon. ARTHUR CAPPER,
Senator from Kansas,
Senate Building, Washington, D. C.

DEAR SENATOR CAPPER: It has been brought to my attention that amendments to the appropriations bill for the Tennessee Valley

Authority are pending before Congress and it is my understanding that these amendments will hamper the operations of the Tennessee Valley Authority. These amendments were presented by Senator McKELLAR and it is our desire to have your support in seeing that they are not adopted. The workers of the Tennessee Valley Authority will be seriously handicapped through their adoption, and we urge your serious consideration and support by opposing such amendments.

Sincerely yours,

F. E. BLACK, *Secretary.*

REPORT OF THE JUDICIARY COMMITTEE DURING RECESS

Under authority of the order of May 31, 1944,

Mr. HATCH, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 133) to extend the time limit for immunity, reported it during the recess of the Senate on June 1, 1944, with amendments and submitted a report (No. 935) thereon.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 1464. A bill for the relief of the estate of Charles Noah Shipp, deceased; with an amendment (Rept. No. 936);

H. R. 2576. A bill to confer jurisdiction upon the Court of Claims to determine and render judgment for any losses suffered by Duffy Bros., Inc.; with an amendment (Rept. No. 937);

H. R. 2788. A bill for the relief of Frank Baptiste; without amendment (Rept. No. 938);

H. R. 3093. A bill for the relief of Dr. H. H. Smith; without amendment (Rept. No. 939);

H. R. 3674. A bill for the relief of William E. Widby; without amendment (Rept. No. 940);

H. R. 3739. A bill for the relief of the Wesix Electric Heater Co.; without amendment (Rept. No. 941); and

H. R. 3977. A bill for the relief of Harry Schultz; without amendment (Rept. No. 942).

By Mr. STEWART, from the Committee on Claims:

H. R. 1668. A bill for the relief of Lessie C. Selman; without amendment (Rept. No. 943);

H. R. 1682. A bill for the relief of Edwin H. Taylor, Jr.; without amendment (Rept. No. 944);

H. R. 1755. A bill for the relief of Broadus D. Boland; with amendments (Rept. No. 945); and

H. R. 2605. A bill for the relief of Charles W. Kirby; without amendment (Rept. No. 946).

By Mr. WHERRY, from the Committee on Claims:

H. R. 2405. A bill for the relief of Clarence P. Hale, Jr.; without amendment (Rept. No. 947).

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

S. 1773. A bill to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, as amended, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves; with an amendment (Rept. No. 948).

By Mr. BILBO, from the Committee on the District of Columbia:

H. R. 3236. A bill to provide aid to dependent children in the District of Columbia; without amendment (Rept. No. 952); and

H. J. Res. 242. Joint resolution to amend an act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes," approved September 19, 1918, as amended; without amendment (Rept. No. 950).

By Mr. CHANDLER, from the Committee on Military Affairs:

S. 1936. A bill to amend the Selective Training and Service Act of 1940 by making it a criminal offense to possess unlawfully or to reproduce various certificates issued pursuant thereto; without amendment (Rept. No. 951).

By Mr. BYRD, from the Committee on Rules:

S. Con. Res. 40. Concurrent resolution authorizing the appointment of a joint committee to arrange for the inauguration of the President-elect of the United States on January 20, 1945; without amendment.

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

S. Res. 291. Resolution to investigate whether rayon and other synthetic products can be used as a substitute for cotton and wool; without amendment, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

VIOLATIONS OF FREE SPEECH AND RIGHTS OF LABOR—EMPLOYERS' ASSOCIATIONS AND COLLECTIVE BARGAINING IN CALIFORNIA

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to submit a report from the Committee on Education and Labor pursuant to Senate Resolution 266 of the Seventy-fourth Congress, being part IX—the origin and promotion of recent legislation in California limiting labor's civil rights.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received and printed. (Pt. 5 of Rept. No. 398.)

REPORT OF BOARD OF VISITORS TO THE COAST GUARD ACADEMY

Mr. MALONEY. Mr. President, I submit herewith, and ask that it be printed in the RECORD, the report of the Congressional Board of Visitors to the Coast Guard Academy. I should like to supplement the report just a little bit by a little better identifying the distinguished members of the Advisory Committee to the Academy.

Prof. H. L. Seward, chairman of the Advisory Committee, is professor of marine engineering at Yale University; Dean H. E. Clifford is professor emeritus of electrical engineering (retired dean of the faculty of engineering), Harvard University; Judge T. W. Swan (who was not present), judge of the second circuit court of appeals, New Haven; Dean J. W. Barker, dean of the faculty of engineering, Columbia University, professor of electrical engineering (on leave of absence as a Special Assistant to the Secretary of the Navy); and Prof. G. E. Russell, professor of civil engineering, Massachusetts Institute of Technology.

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

CONGRESSIONAL BOARD OF VISITORS TO THE COAST GUARD ACADEMY, 1944

The PRESIDENT OF THE SENATE.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Gentlemen, pursuant to the act of July 15, 1939 (Public, No. 183, 76th Cong., 1st sess.), the following Senators and Members of the House of Representatives were designated in January of this year to constitute the 1944 Board of Visitors to the Coast Guard Academy:

Senators: FRANCIS MALONEY, of Connecticut, BENNETT C. CLARK, of Missouri, and OWEN BREWSTER, of Maine, appointed by Senator JOSIAH W. BAILEY, of North Carolina, chairman, Senate Committee on Commerce, ex officio member; Senator JAMES M. MEAD, of New York, appointed by the President of the Senate. Senator FRANCIS MALONEY was appointed to serve in place of Senator JOSIAH W. BAILEY.

Members of the House of Representatives: Hon. FRANK W. BOYKIN, of Alabama, the Honorable HERBERT C. BONNER, of North Carolina, and the Honorable FRED BRADLEY of Michigan, were appointed by the Honorable SCHUYLER O. BLAND, of Virginia, chairman of the Committee on the Merchant Marine and Fisheries and ex officio member of the Board of Visitors. The Honorable AIME J. FORAND, of Rhode Island, and the Honorable JOHN D. MCWILLIAMS, of Connecticut, were appointed by the Speaker of the House of Representatives. The Honorable LOUIS CAPOZZOLI, of New York, was later appointed in place of Mr. BOYKIN, who was unable to attend.

The visit of the Board this year marked the sixty-eighth anniversary of the academy as a national institution, its genesis having been the establishment of a school of prospective officers of the old Revenue Cutter Service in 1876. Originally located in New Bedford, Mass., the school was moved to Baltimore in 1900 and to New London 10 years later. The physical plant of the academy at New London was authorized by congressional appropriation in 1929, and the buildings were completed in 1932. In 1940 the academy was accredited by the Association of American Universities and awards the degree of bachelor of science. The facilities of the academy were expanded in 1941 to meet the increased needs of the service. Since the Coast Guard is a military service, operating under the Treasury Department in time of peace and under the Navy Department for the duration of national emergencies, the discipline of the academy is military in nature and the curriculum is based on marine and engineering subjects, but includes also such general college subjects as English, foreign languages, and history. In view of the increased Coast Guard activities relating to the merchant marine, new courses in maritime law and economics have been added to the academy curriculum. The wartime demands made upon the service have required the introduction of new courses, but the academy remains an engineering college of the highest standing.

Provision was made for the Board to leave Washington on the Colonial at 10 a. m., Friday, May 5, accompanied by Rear Admiral Robert Donohue, Rear Admiral Frank J. Gorman, Capt. Ellis Reed-Hill, and Lt. (Jr. Gr.) Sandford C. Smith. Upon arrival in New London at 5:30 p. m., the party was met by Rear Admiral James Pine, superintendent of the academy, accompanied by other Coast Guard officers of his staff, and were transported by a Coast Guard Reserve boat to the academy. At 7:30 p. m. the Board reviewed the battalion parade and SPAR cadet exhibition drill on the academy parade grounds. At 8 p. m. the superintendent entertained the board at dinner in the officers' mess. Coast Guard films, depicting activities of the academy and life in the service, were

shown after dinner in the reading room of the officers' club.

The next morning, Saturday, May 6, members met for the formal meeting of the Board at 9 a. m. at the academy. Senator FRANCIS MALONEY was elected Chairman of the Board of Visitors for 1944. Capt. Ellis Reed-Hill, United States Coast Guard, was designated secretary of the Board.

The Board convening with four members of the advisory committee, consisting of Prof. H. L. Seward, Dean H. E. Clifford, Dean J. W. Barker, and Prof. G. E. Russell, invited Rear Admiral James Pine, superintendent of the academy, to appear before it. Rear Admiral Pine presented his annual report, as follows:

"REPORT TO THE CONGRESSIONAL BOARD OF VISITORS TO THE COAST GUARD ACADEMY

"General: During the year that has elapsed since the last visit of the Board of Visitors to New London, Reserve cadet training, the academy's major activity for the past 2 years, reached a peak and is now being discontinued. Regular cadet training and the indoctrination course for SPAR cadets remains at about the same level as before. A course in sound training for enlisted men, established last September to provide soundmen for Coast Guard manned combat ships, will continue in operation for some time. Within the past year 82 Regular cadets, 1,879 Reserve cadets, 462 SPAR cadets have been commissioned—a total of 2,423 officers.

"Since December 7, 1941, the academy has trained and commissions have been granted to 184 Regular cadets, 3,511 Reserve cadets, and 593 SPAR cadets—a total of 4,288 officers.

"Regular cadets: The accelerated 3-year course instituted in 1942 remains in effect, but the academic board has recommended return, to the normal 4-year course for the class due to enter this year; the two upper classes to continue on a 3-year basis for the time being.

"There are at present 95 cadets in the first class, 101 in the second class, and 134 in the third class. Total, 330. Cadets come from 44 States, the District of Columbia, Alaska, and Hawaii. Twenty-nine States are represented in the class of 1945, 30 each in the classes of 1946 and 1947. More than 2,000 applications to compete in the 1944 examinations have been approved by headquarters.

"Reserve cadets: The 4-month course for Reserve cadets will be discontinued after the graduation of the twenty-second class, due to be commissioned in June 1944. There are at present 169 members of this one remaining class. Of these, 139 are taking the deck course and 30 the engineering course. The Reserve course consists of 1 month preliminary training, 2 months' academic training, and 1 month apprentice-seaman training at sea. Of the 3,511 graduates of this course, 1,522 have received apprentice-seaman training, 1,698 deck-watch officer training, and 291 engine-room training.

"SPAR cadets: The SPAR indoctrination course, originally 3 weeks, has been increased twice, first to 6 weeks and more recently to 8 weeks. The 57 SPARS now attached are scheduled to be commissioned on May 17, 1944. With the commissioning of this class, the fifteenth class of SPARS—650 SPAR officers—will have been trained at the academy.

"Enlisted training courses: A 5½-week course for training soundmen, ashore and afloat, was established in September 1943. There are at present 13 men enrolled in this course. Four hundred and eighty-three have been trained since its establishment, and rated soundman, third class.

"Eighty-three-foot cutter shake-down training: All 83-foot cutters are sent to the academy upon completion for a 10-day shake-down period prior to reporting for duty at sea. Graduates of the Reserve training course are assigned as commanding officers. Since April 1942, when this plan was begun, crews for 184 cutters of this type have been trained, and the cutters released for duty at sea.

"Future planning: With the completion of the Reserve cadet program, the buildings used for that training will become available for other use. The officers' indoctrination school at St. Augustine, Fla., is being discontinued at that place and will be removed to the academy. Other officer specialty instruction, heretofore given at Atlantic City, at Boston, and other places will also be concentrated at the academy. This will utilize fully the buildings of the Reserve Cadet School.

"Plans for future construction await the end of the war. However, some sketches and plans for a future chapel for the academy, which has received the approval of the Board of Visitors in previous years, have been made and are available for inspection.

"The heads of all departments of instruction are available to the members of the board for any detailed information desired.

"JAMES PINE,
"Rear Admiral, United States, Coast Guard, Superintendent."

The subject of a chapel for the use of the academy was discussed. Capt. Elbert E. Stone, Chaplains' Corps, U. S. Navy, who is chaplain of the academy, emphasized the need for a chapel. He said that it had a very high morale value, promoted regularity in church attendance, and provided easy access to the chaplain's office. Captain Stone pointed out further that the cadets respond readily to the opportunity both of conferring with the chaplain and of attending religious services. He pointed out that there is now a Bible class held on Sundays following chapel services. He repeated that the anxiety of the cadets to attend religious services not only justified but virtually required the construction of a chapel for the academy. Cadet Battalion Commander Robert C. Boardman later presented the cadets' point of view on the subject of the chapel and suggested that consideration be given the possibility of erecting a chapel. Mr. BLAND proposed ways and means be considered to further the chapel project. It was suggested that a committee be appointed to consider such ways and means. The following committee was named: Mr. BLAND, chairman; Senator BREWSTER; Messrs. FORAND, MCWILLIAMS and BONNER.

On behalf of the advisory committee, Professor Seward, chairman, reported briefly on the academic strides taken by the academy during the past 10 years. He outlined the history of the committee and the part it has played during development of the Coast Guard Academy. It first functioned as a voluntary group in response to letters written to the presidents of Harvard, Yale, M. I. T., and Columbia, asking them to designate a member of their faculty to serve on a voluntary basis. The body received its official authorization on April 16, 1937. Professor Seward gave praise to the instructors and present faculty and administrative officers of the Academy for the results which have been achieved over the 7-year period, with particular emphasis on the able manner in which the curricula had been adapted to wartime needs. The problem of post-war planning, the reconversion of the reserve facilities and plans for post-war training was presented for discussion by Senator BREWSTER.

Lt. Dorothea Wyatt, of the Women's Reserve, appeared before the Board. She recalled that since June 24, 1943, SPAR officer candidates have received their entire training at the Coast Guard Academy. Facilities have been completed to make available a general indoctrination course which includes the historical background, duties in war and peace of the Coast Guard, leadership, personnel organization, and functional activities of the service. SPARS, she said, are given some idea of the paper work, records, and importance and responsibilities of a Coast Guard officer. Lieutenant Wyatt advised the Board that enlisted girls in the service are given the opportunity to quality for commissions. An average of 50 percent enlistees to 50 percent civilians is the general ratio. Lieutenant Wyatt stated that this proportion adds immeasurably to the morale of the girls in the service.

Admiral Pine and Captain Reed-Hill absented themselves from the session in order that the Cadet Battalion Commander, Robert C. Boardman, might have the opportunity to acquaint the Board with suggestions and recommendations in behalf of the student body. He stressed the need of an academy chapel, and expressed his view on the need for a larger fleet of sailboats. Cadet Boardman said that there was some hope among the cadets for a longer course at sea on a destroyer escort or some other power craft as a part of the academy program, even if in wartime such cruise courses have to be taken on the Great Lakes. He recommended greater athletic facilities.

Based on its observations and inspections and testimonies presented by officers and cadets and, after discussion and consideration, the Board recommends that the committee under chairmanship of Mr. S. O. BLAND be authorized to study ways and means to obtain suitable property and to provide a chapel commensurate with the needs of the Coast Guard Academy. The Commandant of the Coast Guard and Superintendent of the academy, the Board learned, are cognizant of the points raised by the commander of the cadet battalion, and the recommendations made by this cadet will be further considered at the earliest practicable date.

After the meeting members of the Board of Visitors were taken on an inspection tour of the academy grounds and installations, Admiral Pine conducted the group through the numerous new reserve buildings, including barracks, auditorium and indoor drill ground-gymnasium. The visitors inspected the permanent new infirmary and were impressed by the splendid work being done there. The members of the Board were shown the new docks and water-front facilities and inspected the Coast Guard training ship *Danmark*, 83-foot cutters, and other Coast Guard craft. During this inspection tour heads of departments and assistants stood by their respective departments to discuss with members of the Board academic problems of their work.

Following the inspection there was a battalion review by the Board of Visitors. Heads of departments comprised the superintend's staff. Members of the Board then had luncheon in Chase Hall with cadets.

The congressional board departed at 2 p. m.

The Board finds the academy in excellent physical condition, and of high scholastic attainments. The cadet corps, which is composed of a group of young Americans selected from every part of the country by a competitive examination open to all, is a body of the highest order.

The Board is particularly impressed by the outstanding work which has been done at the academy, as the institution was adjusted to the greatly expanded needs of war. While undergoing great emergency expansion the academy during the year trained 1,882 cadets for reserve commissions. These young men receive intensive training as deck and engineering officers for assignment to Coast Guard units afloat. During the year 486 SPAR officer candidates received training.

SPECIAL REMARKS BY CHAIRMAN MALONEY

The Board, in conclusion, desires to register its high opinion of the excellent and invaluable contribution made by the Advisory Committee in its relationship with the academy. The personnel of the committee and its achievement made a marked impression on the Board of Visitors. The Board was like-

wise impressed by the efficiency of the officer personnel under the direction of Admiral James Pine.

FRANCIS MALONEY, RALPH O. BREWSTER, JAMES MEAD, S. O. BLAND, HERBERT C. BONNER, FRED BRADLEY, AIME J. FORAND, JOHN D. MCWILLIAMS, LOUIS D. CAPOZZOLI.

MAY 26, 1944.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Sundry officers for promotion in the Regular Corps of the United States Public Health Service.

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

Ambrose O'Connell, of New York, to be associate judge of the United States Court of Customs and Patent Appeals, vice Hon. Irvine Luther Lenroot, resigned.

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

Capt. Charles P. Cecil, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 4th day of February 1943; and

Sundry officers for appointment in the Navy.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MALONEY:

S. 1967. A bill for the relief of Pauline Cimmino; to the Committee on Claims.

By Mr. WALLGREN:

S. 1968. A bill for the relief of Elizabeth A. Becker; to the Committee on Claims.

By Mr. WHITE (for Mr. JOHNSON of California):

S. 1969. A bill for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co.; to the Committee on Claims.

By Mr. CLARK of Missouri:

S. 1970. A bill to amend the National Service Life Insurance Act, 1940, as amended; to the Committee on Finance.

By Mr. McKELLAR:

S. 1971. A bill to provide for the disposal of certain mail matter condemned by the Director of Censorship; to the Committee on Post Offices and Post Roads.

By Mr. McKELLAR (for Mr. McCARRAN):

S. 1972. A bill to authorize the continued operation of certain airport traffic-control towers by the Civil Aeronautics Administration; to the Committee on Commerce.

By Mr. REYNOLDS:

S. 1973. A bill to provide additional pay for enlisted men of the Army assigned to the infantry who are awarded the Expert Infantryman badge or the Combat Infantryman badge; to the Committee on Military Affairs.

By Mr. WALSH of Massachusetts:

S. 1974. A bill to amend section 1442, Revised Statutes, relating to furlough of officers by the Secretary of the Navy; to the Committee on Naval Affairs.

(Mr. BILBO introduced Senate bill 1975, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

(Mr. WHERRY introduced Senate bill 1976, which was referred to the Committee on Interstate Commerce, and appears under a separate heading.)

By Mr. GURNEY:

S. 1977. A bill to provide for issuance of temporary certificates for air transportation; to the Committee on Commerce.

By Mr. BILBO:

S. J. Res. 135. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies;

S. J. Res. 136. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1945; and

S. J. Res. 137. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1945, and for other purposes; to the Committee on the District of Columbia.

INADMISSIBILITY IN FEDERAL COURT OF EVIDENCE GIVEN BY A DEFENDANT IN A STATE COURT

Mr. BILBO. Mr. President, the most alarming and discouraging oft-repeated observation of modern times is to the effect that the meaning of the Constitution of the United States is not what it says in plain and understandable English but that its meaning is what the Supreme Court of the United States construes it to be.

Patriotic and thoughtful students of the Constitution of the United States have more than once sounded a note of warning against the tendency of the Supreme Court to invade the field of action and responsibility of the legislative branch of the great scheme of our representative democracy wherein the powers and functions of government are clearly and distinctly divided into the three great branches of government that have given to the world the greatest Republic of all times, composed of the legislative, the executive, and the judicial departments.

In the face of specific and definite pronouncements, couched in the plainest of understandable English, the judicial branch of our republican scheme of government has, to my mind, in recent decisions, by and through hair-splitting definitions and fine-spun theories, gone far afield in their natural and human desires to construe and interpret the written Constitution upon which our whole and heretofore successful scheme of government is founded, to make the Constitution say what was never intended by the founding fathers, and reaching conclusions and shaping the policies of Government in such a way and to such an extent as the framers and writers of the Constitution never intended in their wildest dreams.

There is just reason for every patriotic and thoughtful citizen to be disturbed and alarmed when one of the outstanding Justices of this Court is alleged to have given utterance to this statement which is alarming indeed:

> The notion that because the words of a statute are plain, its meaning also is plain, is merely pernicious oversimplification.

That, Mr. President, comes from a Justice of the Supreme Court.

If a member of the highest branch of the judicial system of our Government possesses and indulges in such mental processes as this statement indicates, it is timely that the legislative branch of Government give thought and attention to the evident plan and purpose of the judiciary to invade the legislative field for the purpose of destroying and robbing it of its duties, functions, and responsibilities in making the laws and shaping the policies of the 134,000,000 people of the American Republic.

The most precious and priceless part of the Constitution of the United States to every citizen, that part of this great document which gives a sense of security and freedom to the humblest citizen of the Republic, is found in the Bill of Rights, being the first 10 amendments to the Constitution.

The fifth of these amendments is the guaranty to every citizen against abuses and persecutions that have been characteristic of all despotic forms of government. Let me read it to the Senate:

AMENDMENT V

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

That is the substance, Mr. President, of what I am discussing.

Only last week, the Supreme Court of the United States in No. 193, October term, 1943, May 29, 1944, delivered an opinion in the case of Samuel Feldman, petitioner, against the United States of America, on writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. Mr. Justice Frankfurter delivered the opinion of the Court. However, this opinion was by four out of the nine members of the bench—not a majority since two Justices, to wit, Murphy and Jackson, took no part in the consideration or decision of the case. In other words it was a 4-to-3 decision.

As stated by Justice Frankfurter, putting aside all other issues in the case, the main question was whether the fifth amendment prohibited the admission against the defendant Feldman upon his trial in a Federal court of the earlier testimony given by him in the State courts. Justice Frankfurter frankly admits that this point had never been formerly decided in the history of the Court, yet he deemed the answer to be controlled by a long series of decisions expressing basic principles of our federation.

This 4-to-3 decision of the Court, in my judgment, was in direct violation of the safeguards vouched to every citizen of this Republic in the fifth section of the Bill of Rights, which I have just read to the Senate.

With all of the Court's hairsplitting and, to my mind, specious reasoning, they were not justified in robbing this defendant, a citizen of the Republic, from the guaranteed protection under the Bill of Rights that no citizen of the Republic "shall be compelled in any criminal case to be a witness against himself."

The dissenting opinion of three of the Justices, Justice Black delivering the dissenting opinion of the Court, blasts the

opinion of the other four Justices in a most direct and unanswerable way. Justice Black said that the opinion of the other four in this case—

Is contrary to the principles of a free government. It is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom.

In these words Justice Black is quoting from the case of *Boyd* v. *United States* (116 U. S. 616, 631–632).

Justice Black further says:

Unless the Court now is disavowing this belief, the use of testimony obtained by compulsory discovery to convict an accused must be considered "shocking to the universal sense of justice" and "offensive to the common and fundamental ideas of fairness and right," and, therefore, under past decisions of the Court, incompatible with constitutional due process of law.

Quoting Justice Black further, he says:

The very narrow problem thus presented, and upon which this Court never before has passed, is whether Federal courts can convict a defendant of a Federal crime by use of self-incriminatory testimony which someone in some manner has extracted from him against his will. The Court's holding that a defendant can be so convicted cuts into the very substance of the fifth amendment, and it justifies this result, not by the language or history of the Constitution itself but by a process of syllogistic reasoning based upon broad premises of "dual sovereignty" stated in previous opinions of the Court relating to immunity statutes. Even were there here a "dual sovereignty" problem, which there is not, such a method of decision would be questionable. Constitutional interpretation should involve more than dialectics. The great principles of liberty written in the Bill of Rights cannot safely be treated as imprisoned in walls of formal logic built upon vague abstractions found in the United States reports. "The ultimate touchstone of constitutionality of the Constitution itself and not what we have said about it."

Mr. President, in order to vouchsafe to every citizen of this Republic, from the highest to the lowest, the constitutional shelter of the people's liberties as guaranteed under amendment 5 of the Bill of Rights, which has been removed by the majority opinion of the Supreme Court in the case of Samuel Feldman, petitioner, against the United States of America, the opinion having been delivered on May 29, 1944, I ask consent to introduce a bill to prohibit the use of certain evidence in Federal proceedings.

There being no objection, the bill (S. 1975) denying in certain cases in criminal prosecutions the inadmissability in Federal courts of evidence given in State courts, was received, read twice by its title and referred to the Committee on the Judiciary.

Mr. BILBO. Mr. President, the bill reads as follows:

Be it enacted, etc., That no testimony given by any person who shall have been compelled to testify as a witness in a judicial proceeding under the laws of any State shall be admissible as evidence against such person in any criminal prosecution in a court of the United States.

SEC. 2. No evidence obtained by agents or officers of a State in a manner which would have rendered such evidence inadmissible in a criminal prosecution in a court of the United States, if it had been obtained in the same manner by agents or officers of the United States, shall be admissible as evidence in any criminal prosecution in a court of the United States.

Mr. President, I ask unanimous consent to have inserted in the RECORD following my remarks the majority opinion of the Court in the 4-to-3 decision, and the dissenting opinion, so that the public and lawyers throughout the Nation will know exactly the purport of the bill I have introduced. To my mind this decision on the part of the Supreme Court, not by a majority of the Court, but by only four out of the nine Justices, is the latest and the most damnable stab at the Constitution of the United States.

There being no objection, the majority opinion and dissenting opinion were ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES—NO. 193—OCTOBER TERM, 1943—SAMUEL FELDMAN, PETITIONER V. THE UNITED STATES OF AMERICA—ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT—MAY 29, 1944

(Mr. Justice Frankfurter delivered the opinion of the Court.)

This is an indictment under section 215 of the Criminal Code (18 U. S. C., sec. 338), for using the mails to further a fraudulent scheme. Petitioner's conviction was affirmed by the circuit court of appeals, one judge dissenting (136 F. 2d 394). We brought the case here (320 U. S. 724) to consider the single question whether the admission of testimony previously given by petitioner in supplementary proceedings in a State court deprived him of the protection of the fifth amendment against being "compelled in any criminal case to be a witness against himself."

In accordance with New York procedure, known as supplementary proceedings, designed to aid in the discovery of assets of a debtor (N. Y. Civil Practice Act, art. 45), Feldman, a judgment debtor, was called as a witness in such proceedings on several occasions between March 31, 1936, and September 29, 1939. Up to March 14, 1938, the New York immunity statute merely provided that a debtor might not be excused from testifying because of self-incrimination but that his testimony could not be used in evidence in a subsequent criminal proceeding against him (N. Y. Laws, 1935, ch. 630, sec. 789). By an act of March 14, 1938, New York broadened the debtor's immunity so as to free him from prosecution on account of any matter revealed in his testimony (N. Y. Laws, 1938, ch. 108, sec. 17; N. Y. Civil Practice Act, sec. 789). While the earlier provision was in effect, Feldman testified that he was unemployed, paid rent of $250 a month from funds supplied by his family, owed about $340,000 and contemplated immediate bankruptcy. He further testified that about once a month his father sent him a book of signed checks, he sent large sums of money to his father by Western Union and destroyed whatever evidence the receipts might offer—in short, that he was "kiting" his father's checks by sending the proceeds of the later checks to cover those cashed earlier. After March 14, 1938, and down through September 1939, Feldman again testified in New York supplementary proceedings, giving further details of his bizarre "kiting" practices.

The Federal charge was the use of the mails in a scheme to defraud executed by "kiting" checks. In the trial, the Government introduced Feldman's testimony in the New York supplementary proceedings. He did not take the stand. The Goverment contends that it is unnecessary to decide whether the claim of privilege duly made bars the admission of this testimony. It suggests that testimony given prior to the act of March 14, 1938, was not compellable and therefore Feldman waived any privilege, in that the New York statute prior to March 14, 1938, did not grant an immunity coextensive with the privilege available under New York law. (*People ex rel. Lewisohn* v. *O'Brien* (176 N. Y. 253)). As to testimony under the later New York statute, the Government suggests that it either was not incriminating or was merely repetitive of the earlier voluntary testimony, making its admission in any event not prejudicial.

We put to one side all these subtler issues because we think they cannot dispose of the case. And so we come directly to the main question, namely whether the fifth amendment prohibited the admission against Feldman upon his trial in a Federal court of the earlier testimony given by him in the State courts. While the point has not been formally decided, we deem the answer to be controlled by a long series of decisions expressing basic principles of our federation.

The effective enforcement of a well designed penal code is of course indispensable for social security. But the Bill of Rights was added to the original Constitution in the conviction that too high a price may be paid even for the unhampered enforcement of the criminal law and that, in its attainment, other social objects of a free society should not be sacrificed. We are immediately concerned with the fourth and fifth amendments, intertwined as they are, and expressing as they do supplementing phases of the same constitutional purpose—to maintain inviolate large areas of personal privacy. "The efforts of the courts and their officials to bring the guilty to punishment, praiseworthy as they are, are not to be aided by the sacrifice of those great principles (of the fourth and fifth amendments) established by years of endeavor and suffering which have resulted in their embodiment in the fundamental law of the land." *Weeks* v. *United States*, (232 U. S. 383, 393). "We have already noticed the intimate relation between the two amendments. They throw great light on each other. For the 'unreasonable searches and seizures' condemned in the fourth amendment are almost always made for the purpose of compelling a man to give evidence against himself, which in criminal cases is condemned in the fifth amendment; and compelling a man 'in a criminal case to be a witness against himself,' which is condemned in the fifth amendment, throws light on the question as to what is an 'unreasonable search and seizure' within the meaning of the fourth amendment. And we have been unable to perceive that the seizure of a man's private books and papers to be used in evidence against him is substantially different from compelling him to be a witness against himself" *Boyd* v. *United States* (116 U. S. 616, 633).

But for more than 100 years, even since *Barron* v. *Baltimore* (7 Pet. 243), one of the settled principles of our Constitution has been that these amendments protect only against invasion of civil liberties by the Government whose conduct they alone limit (*Brown* v. *Walker* (161 U. S. 591, 606); *Jack* v. *Kansas* (199 U. S. 372, 380); *Twining* v. *New Jersey* (211 U. S. 78)). Conversely, a State cannot by operating within its constitutional powers restrict the operations of the National Government within its sphere.

The distinctive operations of the two governments within their respective spheres is basic to our Federal constitutional system, howsoever complicated and difficult the practical accommodations to it may be. The matter was put in classic terms in what Chief Justice Taft called "the great judgment" (*Ponzi* v. *Fessenden*, 258 U. S. 254, 261), of

Chief Justice Taney in *Ableman* v. *Booth* (21 How. 506, 516): "The powers of the general government, and of the State, although both exist and are exercised within the same territorial limits, are yet separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. And the sphere of action appropriated to the United States is as far beyond the reach of the judicial process issued by a State judge or a State court as if the line of division was traced by landmarks and monuments visible to the eye."

This principle has governed a series of decisions which for all practical purposes rule the present case. When this Court for the first time sustained an immunity statute as adequate, it rejected the argument that because Federal immunity could not bar use in a State prosecution of testimony compelled in a Federal court, the immunity falls short of the constitutional requirement (*Brown* v. *Walker*, supra, at 606). And when the reverse claim was made as to a State immunity statute, that a disclosure compelled in a State court could not assure immunity in a Federal court, the argument was again rejected because "the State [antitrust] statute could not, of course, prevent a prosecution of the same party under the United States [antitrust] statute, and it could not prevent the testimony given by the party in the State proceeding from being used against the same person in a Federal court for a violation of the Federal statute, if it could be imagined that such prosecution would be instituted under such circumstances" (*Jack* v. *Kansas*, supra, at 380). When the matter was here last it was thus summarized: "This Court has held that immunity against State prosecution is not essential to the validity of Federal statutes declaring that a witness shall not be excused from giving evidence on the ground that it will incriminate him, and also that the lack of State power to give witnesses protection against Federal prosecution does not defeat a State immunity statute. The principle established is that full and complete immunity against prosecution by the Government compelling the witness to answer is equivalent to the protection furnished by the rule against compulsory self-incrimination" (*United States* v. *Murdock*, 284 U. S. 141, 149).

And so, while evidence secured through unreasonable search and seizure by Federal officials is inadmissible in a Federal prosecution (*Weeks* v. *United States, supra; Gouled* v. *United States* (255 U. S. 298); (*Agnello* v. *United States* (269 U. S. 20)) incriminating documents so secured by State officials without participation by Federal officials but turned over for their use are admissible in a Federal prosecution (*Burdeau* v. *McDowell* (256 U. S. 465). Relevant testimony is not barred from use in a criminal trial in a Federal court unless wrongfully acquired by Federal officials. "If knowledge of them [the facts] is gained from an independent source they may be proved like any others, but the knowledge gained by the Government's own wrong cannot be used by it. * * *" (*Silverthorne Lumber Co.* v. *United States* (251 U. S. 385, 392)). This court has refused to draw nice distinctions as to when wrongful acquisition of evidence by State agencies was also a Federal enterprise. When a representative of the United States is a participant in the extortion of evidence or in its illicit acquisition, he is charged wth exercising the authority of the United States. Evidence so secured may be regained (*Go-Bart Co.* v. *United States* (282 U. S. 344)), and its admission, after timely motion for its suppression, vitiates a conviction (*Byars* v. *United States* (273 U. S. 28)).

The Constitution prohibits an invasion of privacy only in proceedings over which the Government has control. There is no suggestion of complicity between Feldman's creditors and Federal law-enforcing officers. The Government here is not seeking to benefit by evidence which it extorted. It had no power either to compel testimony in the State court or to forestall such disclosure as a means of avoiding possible interference with the enforcement of the Federal penal code. Whether testimony in a New York court should be compelled in exchange for immunity from prosecution under the penal laws of New York is for New York to say. For what purposes the United States may deem the disclosure of testimony more important than prosecution for Federal crimes is for Congress to say. It has seen fit to make the exchange very sparingly. (See *United States* v. *Monia* (317 U. S. 424).) Certainly it is not for New York to determine when, because it suits its local policy to employ testimonial compulsion, it will relieve from Federal prosecution "for or on account of any transaction, matter or thing concerning which" a New York court may have seen fit to require testimony. Such would be the practical result of sustaining petitioner's claim. The immunity from prosecution, like the privilege against testifying which it supplants, pertains to a prosecution in the same jurisdiction. Otherwise the criminal law of the United States would be at the hazard of carelessness or connivance in some petty civil litigation in any State court, quite beyond the reach even of the most alert watchfulness by law officers of the Government.

Only a word need be said about the phrase of skepticism in *Jack* v. *Kansas*, supra, at 380, that it could hardly be imagined "that such prosecution would be instituted under such circumstances." The "prosecution" and the "circumstances" there referred to were a prosecution on the same facts for violation of the State and the Federal antitrust laws. But see *Fox* v. *State of Ohio* (5 How. 410, 435); *United States* v. *Lanza* (260 U. S. 377). The cautionary words in *Jack* v. *Kansas* in nowise qualified the principle of that and later cases as to the separateness in the operation of State and Federal criminal laws and State and Federal immunity provisions. There are, as we have already seen, ample safeguards. If a Federal agency were to use a State court as an instrument for compelling disclosures for Federal purposes, the doctrine of the Byars case, supra, as well as that of *McNabb* v. *United* States (318 U. S. 332), afford adequate resources against such an evasive disregard of the privilege against self-crimination. Nothing in this record brings either doctrine into play.

Judgment affirmed.

(Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.)

(Mr. Justice Black, dissenting.)

In *Boyd* v. *United States*, this court said that "any compulsory discovery by extorting the party's oath * * * is contrary to the principles of a free government. It is abhorrent * * * to the instincts of an American. It may suit the purposes of despotic power; but it cannot abide the pure atmosphere of political liberty and personal freedom" (116 U. S. 616, 631–632).[1] Unless the Court now is disavowing this belief, the use of testimony obtained by compulsory discovery to convict an accused must be considered "shocking to the universal sense of justice" and "offensive to the common and fundamental ideas of fairness and right," and therefore, under past decisions of the court, incompatible with constitutional due process of law (*Betts* v. *Brady*, 316 U. S. 455, 462, 473).

Or at least, even if the use of testimony extracted by compulsory discovery be held consistent with due process, adherence to the belief expressed by the Boyd case should require the Court to hold that, absent a conflicting act of Congress, "a decent regard for the duty of courts as agencies of justice and custodians of liberty forbids that men should be convicted upon evidence" so obtained (*McNabb* v. *United States*, 318 U. S. 332, 347). But I do not base my dissent upon judicially defined concepts of procedural due process or upon judge-made rules of evidence. The Bill of Rights, proposed in 1789 by the First Congress convened under our Constitution, and quickly ratified by the States in 1791, declares in part that, "No person * * * shall be compelled in any criminal case to be a witness against himself" (amendment 5, Constitution of the United States). Never since the Bill of Rights was adopted until today has this Court sustained a single conviction for a Federal offense which rested on self-incriminatory testimony forced from the accused. I cannot agree to do so now.

Feldman was compelled to testify under oath in a creditors' compulsory discovery proceeding in a New York court conducted pursuant to a State statute which granted him immunity from State prosecution for any State crime he might be forced to confess. Had he refused to testify he could have been imprisoned. Over his objection, a transcript of his compelled testimony was used in the United States District Court to convict him of a Federal crime. As the fifth amendment heretofore has been interpreted, Feldman's testimony could not have been used for this purpose had it been compelled by a Federal court rather than the State court.[2] This would have been true whether the Federal court proceeding had been nocriminal or criminal,[3] and whether Feldman had testified as a mere witness or as a defendant.[4] Nor could his forced testimony have been used had it been compelled by Federal officers outside of a court room;[5] by foreign detectives in a foreign country inquiring into commission of an offense against the United States committed on the high seas;[6] or by State officers interrogating a suspect for the purpose of enforcing a Federal law.[7] There is, then, no sanction in the precedents of this Court for viewing the fifth amendment's prohibition against compelled testimony with grudging eyes and reducing its scope to the narrowest plausible limits. As the decisions reflect, the previously declared attitude of the Court toward this prohibition has been that it "must have a broad construction in favor of the right which it was intended to secure" (*Counselman* v. *Hitchcock*, 142 U. S. 547, 562; *McCarthy* v. *Arndstein*, 266 U. S. 34).

Today, however, the Court adopts a different approach to the task of construing

[1] And see *Jack* v. *Kansas* (199 U. S. 372), where this Court disposed of an argument that a Kansas statute unconstitutionally compelled Jack to confess his violations of a Federal criminal statute with the assertion that, "We do not believe * * * such evidence would be availed of by the Government for such purpose." Id., 381–382. In an earlier case, *Brown* v. *Walker* (161 U. S. 591), this Court thought that the likelihood that State prosecutors would use testimony compelled by the Federal Government was "so improbable that no reasonable man would suffer it to influence his conduct." Id., 606–606. But see *Ensign* v. *Pennsylvania* (227 U. S. 592).

[2] *McCarthy* v. *Arndstein* (266 U. S. 34); and see *Bram* v. *United States* (168 U. S. 532); *Wan* v. *United States* (266 U. S. 1); cf. *Boyd* v. *United States* (116 U. S. 616).

[3] *McCarthy* v. *Arndstein, supra*, note 2, pp. 40–41; *Counselman* v. *Hitchcock* (142 U. S. 547, 562). See also *United States ex rel. Bilokumsky* v. *Tod* (263 U. S. 149); *United States ex rel. Vajtauer* v. *Commissioner of Immigration* (273 U. S. 103).

[4] *Counselman* v. *Hitchcock* (142 U. S. 547).

[5] *Wan* v. *United States*, supra, Note 2; *Anderson* v. *United States* (318 U. S. 350, 356).

[6] *Bram* v. *United States*, supra, Note 2.

[7] *Anderson* v. *United States*, supra, Note. 5; and see *Bram* v. *United States*, supra, Note 2.

the fifth amendment. We are now told that under certain circumstances compelled testimony is purged of the fatal taint which the fifth amendment places upon it, and that an accused can be convicted in a Federal court on words he was forced to speak. The circumstances under which it is now held that men can be forced to convict themselves by their own testimony are, (1) that the testimony was compelled by State officers, and (2) that the State officers were not acting to enforce Federal law. These slight variations in the techniques of compulsion are considered a sufficient excuse to escape the fifth amendment's command against the use of compelled testimony by Federal courts. Surely such a holding is not to be justified by the language of that amendment. Within its sweeping prohibition are found no exceptions based upon the persons who compel, their purpose in compelling, or their method of compelling, whether by threats of imprisonment, physical torture, or other means. Testimony is no less compelled because a State rather than a Federal officer compels it, or because the State officer appears to be primarily interested at the moment in enforcing a State rather than a Federal law.

Nor is the holding in this case to be defended as one which our Federal system requires. This case presents no conflict between Federal and State spheres of power such as that presented by cases involving the validity of Federal and State immunity statutes, wherein it has been contended, unsuccessfully, that neither the United States nor a State can compel a witness to testify against himself unless it grant him complete immunity from prosecution in both jurisdictions.[8] Feldman's objection to the use of his compelled testimony is not based on a claim that New York must grant him, or has granted him, immunity from prosecution for the Federal crime it has forced him to confess. He does not question the power of the United States to prosecute him for that crime on proper evidence. Nor, for that matter, does he contend that the fifth amendment prevented New York from compelling him to confess a Federal crime.[9] He claims only that the fifth amendment's prohibition against self-incrimination prevents the use of his compelled testimony against him in the present proceeding.

The very narrow problem thus presented, and upon which this Court never before has passed, is whether Federal courts can convict a defendant of a Federal crime by use of self-incriminatory testimony which someone in some manner has extracted from him against his will. The Court's holding that a defendant can be so convicted cuts into the very substance of the fifth amendment. And it justifies this result not by the language or history of the Constitution itself but by a process of syllogistic reasoning based upon broad premises of "dual sovereignty" stated in previous opinions of the Court relating to immunity statutes. Even were there here a "dual sovereignty" problem, which there is not, such a method of decision would be questionable. Constitutional interpretation should involve more than dialectics. The great principles of liberty written in the Bill of Rights cannot safely be treated as imprisoned in walls of formal logic built upon vague abstractions found in the United States Reports. "The ultimate touchstone of constitutionality is the Constitution itself and not what we have said about it" (*Graves* v. *New York ex rel. O'Keefe*, 306 U. S. 466, concurring opinion, 487, 491–492).[10]

Putting aside the Court's dialectical method of interpretation, and examining the history and purpose of the fifth amendment, there appears to be no justification for reducing its scope as the Court is now doing. Compulsion of self-incriminatory testimony by court oaths and by the less refined methods of torture were equally detested by the fifth amendment's liberty-loving advocates and their forebears.[11] Their abhorrence of these practices did not spring alone from a predilection for personal privacy. They had other reasons to despise and fear them. They still remembered the hated practices of the Court of Star Chamber, the Court of High Commission, and other inquisitorial agencies which had brought religious and political nonconformists within the penalties of the law by means of their own testimony. And history supports no argument that the framers of the fifth amendment were interested only in forbidding the extraction of an accused's testimony, as distinguished from the use of his extracted testimony. The extraction of testimony is, of course, but a means to the end of its use to punish. Few persons would seriously object to testifying unless their testimony would subject them to future punishment. The real evil aimed at by the fifth amendment's flat prohibition against the compulsion of self-incriminatory testimony was that thought to inhere in using a man's compelled testimony to punish him. By broadly outlawing the practice of compelling such testimony the fifth amendment struck at this evil at its source, seeking to eliminate the possibility that compelled testimony would ever be available for use to punish a defendant.[12]

Perhaps, as some have argued, the men who framed this amendment were mistaken or their fears have lost foundation and the unqualified prohibition against the extraction and use of compelled testimony which they put into the fifth amendment should be repealed or modified.[13] This view of the desirability of constricting the fifth amendment I am not ready to accept, but were it otherwise I would not consider such a view should play any part in the process of interpretation. I am unwilling to see any constriction of the liberties and the procedural safeguards of these liberties specifically enumerated in the Bill of Rights unless it be by constitutional amendment.[14]

The prohibition against compelled testimony which the Court today has seen fit to restrict cannot be dissociated from the other specific protections afforded the individual by the Bill of Rights. The founders of our Federal Government were too close to oppressions and persecutions of the unorthodox, the unpopular, and the less influential to trust even elected representatives with unlimited powers of control over the individual. From their distrust was derived the first 10 amendments, designed as a whole to "limit and qualify the powers of Government," to define "cases in which the Government ought not to act, or to act only in a particular mode," and to protect unpopular minorities from oppressive majorities. 1 Annals 437. The first of the 10 amendments erected a constitutional shelter for the people's liberties of religion, speech, press, and assembly. This amendment reflects the faith that a good society is not static but advancing, and that the fullest possible interchange of ideas and beliefs is essential to attainment of this goal. The proponents of the first amendment, committed to this faith, were determined that every American should possess an unrestrained freedom to express his views, however odious they might be to vested interests whose power they might challenge.

But these men were not satisfied that the first amendment would make this right sufficiently secure. As they well knew, history teaches that attempted exercises of the freedoms of religion, speech, press, and assembly have been the commonest occasions for oppression and persecution. Inevitably such persecutions have involved secret arrests, unlawful detention, forced confessions, secret trials, and arbitrary punishments under oppressive laws. Therefore it is not surprising that the men behind the first amendment also insisted upon the fifth, sixth, and eighth amendments, designed to protect all individuals against arbitrary punishment by definite procedural provisions guaranteeing fair public trials by juries. They sought by these provisions to assure that no individual could be punished except according to "due process," by which they certainly intended that no person could be punished except for a violation of definite and validly enacted laws of the land, and after a trial conducted in accordance with the specific procedural safeguards written in the Bill of Rights.[15] If occasionally these safeguards worked to the advantage of an ordinary criminal, that was a price they were willing to

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[8] See *Hale* v. *Henkel*, 201 U. S. 43, and *United States* v. *Murdock*, 284 U. S. 141, holding it enough that the United States grant immunity from prosecution for Federal crimes; but see, *contra*, *United States* v. *Saline Bank*, 1 Peters 100; *Ballmann* v. *Fagin*, 200 U. S. 186. Had the Court in the Murdock case, supra, accepted the contention that the Federal Government must grant an immunity from State as well as Federal prosecution, it would inevitably have been faced with the problem of the Federal power to interfere with enforcement of State laws through the device of granting immunity from State prosecution to witnesses in Federal proceedings—a problem replete with both practical and legal difficulties. See J. A. C. Grant, Immunity From Compulsory Self-Incrimination in a Federal System of Government, 9 Temple L. Q. 57 and 194, 207–211.

Compare *Jack* v. *Kansas*, supra, note 1, holding that Kansas could compel a witness to testify to his past crimes upon a grant of immunity from State prosecution, though he still be subject to Federal prosecution. In reaching this result the Court took specific notice of the fact that, were the rule otherwise, State immunity statutes must all be stricken down. "The State statute could not, of course, prevent a prosecution of the same party under the United States statute" (199 U. S. 372, 380).

[9] See *Twining* v. *New Jersey*, 211 U. S. 78, and *Ensign* v. *Pennsylvania*, supra, note 1, holding respectively that despite the fourteenth amendment a State may compel a defendant to incriminate himself, and may use against him schedules he filed in an involuntary Federal bankruptcy proceeding. But see *Ashcraft* v. *Tennessee*, No. 391, decided May 1, 1944.

[10] For a critical analysis of the conflict between the legal concept of "dual sovereignty" and preservation of the constitutional prohibition against self-incrimination. (See J. A. C. Grant, op. cit., supra, Note 8.)

[11] See Pittman, The Colonial and Constitutional History of the Privilege Against Self-Incrimination in America, 21 Va. L. Rev. 763, 775–783.

[12] See *United States* v. *Burr*, 25 Fed. Cas. 38–41; *Counselman* v. *Hitchcock*, 142 U. S. 547, 564–566; *Brown* v. *Walker*, 161 U. S. 591, 594, 600, 605–606; cf. Ex parte Lange, 18 Wall. 163, 173. And see Pittman, op. cit., supra, note 11; and cases cited Notes 5, 6, and 7, supra.

[13] Compare Knox, Self-Incrimination, 74 Univ. Pa. L. Rev. 139 with VIII Wigmore on Evidence, Third ed., pp. 304–313; and see Editorial, 16 Journ. Crim. Law and Crim. 165–166.

[14] See dissenting opinion of Circuit Judge Frank, in *United States* v. *St. Pierre*, 132 F. 2d 837, 840, pp. 847–848. "Strangely enough, those who are most opposed to any changes in judicial constructions of those designedly elastic clauses of the Constitution are often the most vigorous in their demands that the courts should eviscerate the specific and relatively inelastic self-incrimination clause." Id., 848.

[15] See *Chambers* v. *Florida*, 309 U. S. 227, 235–238; *Tot* v. *United States*, 319 U. S. 463, 473.

pay for the freedom they cherished. And one of the specific procedural safeguards which they inserted to shield the individual was the prohibition against compulsion of self-incriminatory testimony.

It is impossible for me to reconcile today's restrictive interpretation of the prohibition against compelled self-incrimination with the principle of broad construction which this Court heretofore has deemed essential to full preservation of the basic safeguards of liberty specifically enumerated in the Bill of Rights. The protections explicitly afforded the individual by the Bill of Rights represent a large part of the characteristics which distinguish free from totalitarian government. Under our constitutional system the privileges it embodies and the rights it secures were intended to be above and beyond the power of any branch of government to mutilate or destroy. We have no assurance that the fears of those who drafted and adopted our Bill of Rights were groundless, nor that the reasons for those fears no longer exist. Ancient evils historically associated with the possession of unqualified power to impose criminal punishment on individuals have a dangerous habit of reappearing when tried safeguards are removed.

This case involves the fifth, not the fourth, amendment. Decisions which have read the fourth and fifth amendments together for the purpose of broadening the fourth amendment should not now be employed to narrow the fifth amendment. To do so ignores the particular reasoning of these decisions as well as the separate language and history of the two amendments. See *Boyd* v. *United States*, supra; *Counselman* v. *Hitchcock*, supra; *Brown* v. *Walker* (161 U. S. 591); VIII Wigmore on Evidence (third ed., pp. 276–304, 368). Nothing this court has said with regard to the fourth amendment requires that we now open the door which the fifth amendment in 1791 closed to compelled self-incrimination.

I would reverse the judgment.

(Mr. Justice Douglas and Mr. Justice Rutledge join in this opinion.)

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

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

H. R. 4771. An act to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, as amended, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves; to the calendar.

H. R. 4899. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1945, and for other purposes; and

H. R. 4937. An act making appropriations for defense aid (lend-lease), for the participation by the United States in the work of the United Nations Relief and Rehabilitation Administration, and for the Foreign Economic Administration, for the fiscal year ending June 30, 1945, and for other purposes; to the Committee on Appropriations.

H. J. Res. 286. Joint resolution providing for operation of naval petroleum and oil-shale reserves: to the Committee on Naval Affairs.

AMENDMENT OF THE BUDGET AND ACCOUNTING ACT—AMENDMENTS

Mr. LA FOLLETTE. I ask unanimous consent to submit two amendments to the bill (H. R. 2795) to amend the Budget and Accounting Act, 1921, to provide for the more efficient utilization and disposition of Government property other than land or buildings and facilities or fixtures appurtenant thereto, and for other purposes, which I ask to have printed and lie on the table and also to have printed in the RECORD.

There being no objection, the amendments were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 8, between lines 23 and 24, insert a new paragraph as follows:

"(2) By sale or lease to people's utility districts and cooperative, nonprofit, or limited dividend associations, the projects of which comply with the requirements of the Rural Electrification Act of 1936."

On page 8, line 24, and page 9, lines 1, 3, 6, and 7, change the paragraph numbers to conform.

On page 9, line 19, before the comma, insert "and of districts and associations included under paragraph (2) of subsection (a)."

On page 9, line 23, after the word "organizations", insert "or to districts or associations included under paragraph (2) of subsection (a)."

RIVER AND HARBOR FLOOD-CONTROL WORKS—AMENDMENTS

Mr. WALLGREN submitted amendments intended to be proposed by him to the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

AMENDMENT OF COMMUNICATIONS ACT—AMENDMENTS

Mr. JOHNSON of Colorado submitted amendments intended to be proposed by him to the bill (S. 814) to amend the Communications Act of 1934, and for other purposes, which were referred to the Committee on Interstate Commerce and ordered to be printed.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS—AMENDMENTS

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, Seventy-seventh Congress) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which was ordered to lie on the table and to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. THOMAS of Oklahoma to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong): At the proper place in the bill add the following:

"Provided, That notwithstanding the provisions of law no agent, bureau, or department of the Government shall be authorized to fix, establish, or maintain any price ceiling on crude petroleum below the parity price per barrel as shall be determined by the application of the parity law 'in the case of all kinds of tobacco except burley and fluecured.' (Paragraph (1) of (a) of section 301 of subtitle A of title III of 'Agricultural Adjustment Act of 1938,' as amended): *And provided further*, That the provisions of this paragraph shall be applicable to effect an average price of the various grades of crude petroleum throughout the United States at parity as above defined: *And provided further*, That the director of the Office of Price Administration shall proceed immediately to adjust the ceiling price per barrel for such crude petroleum in the various grades and the refined products thereof in harmony with the provisions of this paragraph."

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which was ordered to lie on the table and to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. STEWART to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), viz: At the end of title II of the bill add the following section:

"SEC. 205. Section 3 of the act of October 2, 1942 (Public Law 729, 77th Cong.) is hereby amended by adding a new paragraph to read as follows:

" 'PERISHABLE COMMODITIES

" 'Whenever a maximum price is established on any fresh fruit or fresh vegetable, including potatoes, adequate allowance shall be made for hazards of production and marketing of such commodities throughout the crop year, including increased costs due to crop losses which have resulted or may result from such hazards. If a maximum price has been established on any such commodity, the Price Administrator shall take immediate action to review and increase such maximum price from time to time by making further allowances to the extent necessary to compensate for subsequent substantial changes in such conditions including substantial reductions in merchantable crop yields.' "

Mr. CHANDLER, Mr. LUCAS, Mr. MALONEY, Mr. WEEKS, and Mr. WILLIS each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which were severally ordered to lie on the table and to be printed.

Mr. GEORGE. Mr. President, I wish to have an amendment to Senate bill 1764 printed and lie on the table. It relates to the venue of suits for civil damages.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be received and lie on the table.

Mr. MALONEY. Mr. President, a short time ago I offered an amendment to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.), as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), and asked that it be printed and lie on the table. I now ask unanimous consent that the amendment be printed in the RECORD for the information of the Senate.

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

There being no objection, the amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. MALONEY to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.), as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), viz: At the appropriate place in the bill insert after section 3 of the Stabilization Act a new section 3A, reading as follows:

"SEC. 3A. (a) The Economic Stabilization Director is authorized and directed to formulate a comprehensive and coordinated national program for the purpose of increasing the supply and improving the quality of essential cotton textiles and cotton-textile products to the maximum extent consistent with the effective prosecution of the war. Special emphasis shall be given in the program to the production and distribution of low-cost children's clothing, work clothing, and other low-cost staple cotton goods.

"(b) Every agency of the Government concerned, directly or indirectly, with the production or distribution of such cotton textiles or textile products is directed, in cooperation with the Director and with each other, to utilize its full legal authority to put the program promptly into effect. So far as each may be authorized by law and to the fullest extent necessary to effectuate the program, it shall be the specific duty and responsibility—

"(1) of the War Production Board to allocate necessary facilities and materials to the production of the commodities required by the program and to institute appropriate restrictions when and to the extent that the production or distribution of any commodity is inconsistent with the program;

"(2) of the War Manpower Commission to take such action as may be appropriate to avoid shortages of manpower required by the program;

"(3) of the Smaller War Plants Corporation to take such action as will enable small business concerns to participate to the fullest extent practicable in the program; and

"(4) of the Office of Price Administration to take such action as may be necessary to remove price impediments to the production or distribution of commodities required by the program, including increases in maximum prices where no practicable alternative exists to carry out the purposes of this section and including reductions in maximum prices, either to offset such increases or to prevent diversion from production or distribution of commodities required by the program.

"(c) From time to time, but not less frequently than once every 90 days, the Director shall transmit to the Congress a report of operations under this section. If the Senate or the House of Representatives is not in session, such report shall be transmitted to the Secretary of the Senate, or the Clerk of the House of Representatives, as the case may be."

RETURN TO STANDARD TIME

Mr. WHERRY. Mr. President, I submit a concurrent resolution to terminate war time and to return to standard time.

The question whether the Congress can reserve the right in a statute to terminate such statute at its pleasure without approval by the President has apparently never been ruled on by the courts.

There is no doubt that the Congress has the power to pass temporary statutes to expire on a given date. Nor would there seem to be a very serious question as to its power to provide for termination upon the happening of a certain event, such as the cessation of hostilities in the war. It may be argued, however, that termination of a statute by concurrent resolution, without regard to the happening of any event, as contemplated by the language of Public Law 403, amounts to a repeal, and would be an unconstitutional restriction of the President's veto power. It is true that a number of statutes enacted during the present war have contained similar language. It does not appear, however, that Congress has attempted to exercise any rights thereunder.

I am asking that the concurrent resolution be received and referred to the proper committee for appropriate action. In the event the committee might decide that Congress cannot by concurrent resolution repeal a legislative enactment created by a joint resolution containing the signature of the President, I have also prepared a bill which seeks the same objective as does the concurrent resolution, and I ask that it be received and referred to the proper committee for consideration.

The ACTING PRESIDENT pro tempore. Without objection, the concurrent resolution and bill will be received and both referred to the Committee on Interstate Commerce.

The concurrent resolution (S. Con. Res. 44), submitted by Mr. WHERRY, was referred to the Committee on Interstate Commerce, as follows:

Resolved by the Senate (the House of Representatives concurring), That in accordance with the provisions of section 2 of the Act entitled "An Act to promote the national security and defense by establishing daylight saving time", approved January 20, 1942, the Congress hereby designates the date on which the two Houses of the Congress concur in the provisions of this resolution as the date on which such act shall cease to be in effect.

The bill (S. 1976) to provide for returning to the use of standard time, introduced by Mr. WHERRY, was read twice by its title and referred to the Committee on Interstate Commerce.

INVESTIGATION OF THE COTTON TEXTILE INDUSTRY

Mr. ELLENDER. Mr. President, I ask unanimous consent to submit at this time for appropriate reference a resolution. I shall read the first paragraph of the resolution:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the cotton textile industry, with particular reference to (1) the ceiling prices fixed by the Office of Price Administration on cotton textiles and the relation of these ceiling prices to prices paid for raw cotton, and (2) the alleged practice of the textile industry in producing luxury fabrics in preference to work clothes and other low-priced goods. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be received and appropriately referred.

The resolution (S. Res. 301) was referred to the Committee on Agriculture and Forestry, as follows:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the cotton textile industry, with particular reference to (1) the ceiling prices fixed by the Office of Price Administration on cotton textiles and the relation of these ceiling prices to prices paid for raw cotton, and (2) the alleged practice of the textile industry in producing luxury fabrics in preference to work clothes and other low-priced goods. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable.

For the purpose of this study and investigation, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PAYMENT FOR REPORTING SERVICE INCURRED BY COMMITTEE ON IRRIGATION AND RECLAMATION

Mr. HAYDEN submitted the following resolution (S. Res. 302), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expense of $106.75 for stenographic reporting incurred by the Committee on Irrigation and Reclamation at the hearing on February 3, 1944, on the subject of the delay in construction of irrigation projects, hereby is authorized to be paid from the contingent fund of the Senate.

EMPLOYMENT OF ADDITIONAL PRIVATES FOR THE POLICE FORCE

Mr. HAYDEN submitted the following resolution (S. Res. 303), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms hereby is authorized to employ 10 additional privates for the police force, to be paid from the contingent fund of the Senate from June 1 to September 30, 1944, at the rate of $1,620 each per annum.

CONDUCT OF RECENT SENATORIAL PRIMARIES IN OREGON

[Mr. HOLMAN asked and obtained leave to have printed in the RECORD a statement prepared by him relative to the methods employed and the expenditures made in the recent senatorial primary election in Oregon, together with an article entitled "White House Guard Linked with C. I. O. Group," published in the Washington Times-Herald of June 3, which appear in the Appendix.]

ADDRESS BY SENATOR MALONEY TO KNIGHTS OF COLUMBUS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by him at a banquet of the Fourth Degree Assemblies of the Knights of Columbus of Connecticut, at the Bond Hotel, in Hartford, Conn., May 28, 1944, which appears in the Appendix.]

ISOLATIONISM—FOREIGN AND DOMESTIC—ADDRESS BY SENATOR GREEN

[Mr. HILL asked and obtained leave to have printed in the RECORD on address entitled "Isolationism—Foreign and Domestic," delivered by Senator GREEN at the opening of the National Wartime Conference, at the Hotel Commodore, in New York City, on June 2, 1944, which appears in the Appendix.]

THE NEW MONETARY STABILIZATION PROPOSAL — ADDRESS BY SENATOR JOHNSON OF COLORADO

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a radio address entitled "The New Monetary Stabilization Proposal," delivered by him on June 1, 1944, which appears in the Appendix.]

THE PROBLEM OF THE RETAIL FOOD DEALERS — ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address entitled "The Problem of the Retail Food Dealers," delivered by him at the banquet of the Associated Food Stores of Milwaukee, on May 7, 1944, which appears in the Appendix.]

POST-WAR AVIATION—ARTICLE BY SENATOR THOMAS OF UTAH

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD an article entitled "The Air Must Be Free," written by Senator THOMAS of Utah, and published in the magazine Flying, for May 1944, which appears in the Appendix.]

ADDRESS BY REPRESENTATIVE GORE BEFORE YOUNG DEMOCRATIC CLUB OF PENNSYLVANIA

[Mr. HILL asked and obtained leave to have printed in the RECORD an address delivered by Representative GORE, of Tennessee, before the Young Democratic Club of Pennsylvania, in State convention at Harrisburg, Pa., on May 24, 1944, which appears in the Appendix.]

MEMORIAL DAY ADDRESS BY CAPT. EDDIE RICKENBACKER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a Memorial Day address entitled "America, Wake Up," delivered by Capt. Eddie Rickenbacker before the War Dads Association, at Kansas City, Mo., on May 30, 1944, which appears in the Appendix.]

MEANING OF THE RECENT PRIMARY ELECTIONS—ADDRESS BY DR. FRANK KINGDON

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a radio address relative to the recent primary elections, delivered by Dr. Frank Kingdon on May 10, 1944, which appears in the Appendix.]

POWER VERSUS CONSCIENCE—EDITORIAL FROM LIFE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an editorial entitled "Power Versus Conscience," published in Life of the issue of June 5, 1944, which appears in the Appendix.]

PHILIPPINE FREEDOM—EDITORIAL FROM THE WASHINGTON POST

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an editorial entitled "Philippine Freedom" published in the Washington Post of June 4, 1944, which appears in the Appendix.]

SMALL BUSINESS PLANK FOR POLITICAL PLATFORMS

[Mr. WHERRY asked and obtained leave to have printed in the RECORD a letter from George J. Burger, publisher of the magazine National Independent, and a proposed 1944 plank on small business, which appear in the Appendix.]

EIGHTY-SEVENTH BIRTHDAY ANNIVERSARY OF TIMOTHY W. CROWLEY—ARTICLE FROM HARTFORD TIMES

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an article published in the Hartford Times of May 20, 1944, on the eighty-seventh birthday anniversary of Timothy W. Crowley, of Hartford, Conn., former labor leader, which appears in the Appendix.]

SOUTH CAROLINA'S NATIONAL GUARD ARTILLERY—ARTICLE FROM THE BALTIMORE SUN

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an article entitled "Crack Carolina Artillery Outfit Backs Up French at Hitler Line," by Price Day, published in the Baltimore Sun for Saturday, May 20, 1944, which appears in the Appendix.]

THE ATLANTIC CHARTER AS IT RELATES TO FINLAND—LETTER TO THE PRESIDENT FROM FINNISH LEADERS

[Mr. FERGUSON asked and obtained leave to have printed in the RECORD a letter dated May 20, 1944, addressed to the President of the United States by Hon. O. J. Larson, a former Representative in Congress from the State of Minnesota; Rev. Paul A. Heideman, of the Finnish Apostolic Lutheran Church of America, at Calumet, Mich.; Henry Puranen, of the Finnish-American League for Democracy, Fitchburg, Mass.; and V. K. Nikander, president of Suomi College and Theological Seminary, the Finnish Lutheran Church of America, at Hancock, Mich., relative to the preservation of the principles of the Atlantic Charter as related to Finland and other small independent states, which appears in the Appendix.]

THE DANISH PEOPLE AND THE DANISH CONSTITUTION

Mr. WILEY. Mr. President, yesterday our soldiers entered Rome; today is the anniversary of the constitution of the Danish Government.

The desire for an ordered law-abiding existence, a national trait of the Danish people and of all people everywhere to whom Denmark is the land of their ancestors, was attained 95 years ago—on June 5, 1849—when the Danish Constitution became law.

That constitution, in spirit so like our own, gave the people of Denmark the right to freedom of religion, freedom of assembly, and freedom of speech. It assured them the fundamental justice of a speedy trial. It protected their homes and their property from unlawful violations.

Such was the effect of living under the guidance of this just and equitable constitution that the Danish citizen himself became the finest product of Denmark.

All groups, all classes, have contributed toward the quiet, determined resistance of the Danes against the Nazi invaders. Danes who have made their way to the havens of the United Nations have aided the war effort of the Allies.

I pay especial tribute to the Danish merchant fleet.

When Denmark was invaded, 40 percent of the Danish merchant fleet, comprising approximately 800,000 tons of shipping and 5,000 experienced sailors, came over to the Allies. Now, when Allied bombing has thrown an ever-increasing burden on enemy railroads, the lack of these vessels and these men may help to spell defeat for the Nazis.

Two obstacles must be overcome before Danes are able to live once more under the guidance of their 95-year-old constitution. The Nazis must be completely defeated and the Danish people must be restored to the high standard of living which was their birthright before the Nazi invasion.

Plans have already been made and forces have already been set in action which will result in the liberation of Denmark. In this country a movement is now on foot to help the Danes to help themselves after liberation. I refer to the American Danish Relief, Inc., formerly known as the National America-Denmark Association. This organization, representing 500 societies of Americans of Danish origin, has established a relief fund for the people of Denmark; $125,000 has already been collected, of which $100,000 has already been sent to Sweden to pay for the care of Danish refugees. Last Christmas packages were sent by this organization to 1,500 Danish seamen under United Nations flags. Further plans are being carried out to provide shipments of food, raw materials, fodder, and medicine and surgical instruments when Denmark's day of liberation arrives, which, I feel confident, Mr. President, is just around the corner.

I have every confidence in the future of the Danish people. This great-hearted nation had the courage to go to the polls and cast their ballots overwhelmingly for freedom and overwhelmingly against slavery while under Nazi domination. A nation and a people who have the deep-rooted love of liberty to act so bravely deserve to live under a just constitution and to keep their heads high in the company of their fellow nations and their fellow men.

Mr. President, the latter part of August and the first part of September 1939 I spent in Denmark. I was in Copenhagen when Hitler went into Poland.

The origin of Copenhagen dates back to ancient times when the fishing and trading place named Havn grew up on a cluster of islets in the sound, but Bishop Absalon (1128–1201) is regarded as the actual founder of the city. On one of the islets he built a stronghold against the pirating Wends and the remnants of this still exist underground in front of Christiansborg. We visited Elsinore on this trip which contains the grave of Hamlet, the Danish prince immortalized by Shakespeare.

The castle of Kronborg at this place with historic casemates and old bastions and old bronze guns was very interesting.

There were in Denmark in 1939, 564,000 horses, 3,258,000 head of cattle, 3,127,000 swine, and 27,500,000 hens.

The Danish dairy products are world famous and the country in normal times exports more butter than any in the world and produces more bacon than any other with the exception of the United States. Denmark's fisheries are also important.

In Denmark there are many cooperatives. The first cooperative consumers society was established in 1866, and in 1939 there were 1,964 affiliated societies.

The Danish farmers operated more than 1,400 cooperative dairies, 60 cooperative bacon factories, and numerous slaughter houses.

The chief exports in normal times are dairy products, eggs, provisions, and fodder, animals and animal products.

Denmark has a great King, Christian X. Germany invaded Denmark on April 9, 1940, although a 10-year pact pledging Germany not to make war or use force against Denmark was signed May 31, 1939.

Denmark's population in 1939 was 3,805,000.

In Wisconsin a great many Danes have settled. They have made a great contribution to our State. This is true of other States also.

We look forward to the day—and we hope it will not be very distant—when Denmark again will be freed from the invader.

CRUDE PETROLEUM PRICE CONTROL—CHARTS OF O. P. A.

Mr. REED. Mr. President, Mr. Chester Bowles, head of the O. P. A., is widely known as an advertising man, and in various public appearances, including appearances before congressional committees, he freely uses the arts of that profession, or trade, whichever it may be. Someone has defined advertising as the "essence of exaggeration and omission." Presumably, that could be interpreted as meaning that advertising an article emphasizes its virtues and omits its defects, if any.

At least, Mr. Bowles uses such practices very freely in his public statements and appearances. I have admired the proficiency with which he skates over thin places in the ice, and the adroit way in which he makes a half truth serve in lieu of the whole truth.

Recently, the O. P. A. issued a set of charts, labeled "Crude petroleum price control." A letter transmitting a set of these charts to me, under date of May 17, was signed by Mr. Bowles. Anyway, the letter and the charts recommended the O. P. A. and Mr. Bowles and the policies being followed, very highly.

I am reminded of a story of a public speaker who had addressed an outdoor audience. After his speech, the speaker visited around the edges of the crowd and met a colored man who failed to recognize him as the speaker. So, the orator asked:

"Question. What kind of a meeting is this?

"Answer. We have been listening to a man talk.

"Question. What was his name?

"Answer. I don't exactly remember.

"Question. What did he say?

"Answer. I couldn't make out exactly what he was a talking about, except that he recommended hisself very highly." [Laughter.]

I examined this set of charts, and they did not make a great deal of sense to me. However, I admit I am an amateur in advertising.

Mr. Russell Brown, general counsel for the Independent Petroleum Association of America, is an expert in oil matters. Under date of May 27 he addressed a letter to Members of Congress, in which he analyzed the O. P. A. charts to which I have referred. Mr. Brown said:

Under date of May 17 the Administrator of the Office of Price Administration signed a letter to some, and perhaps all, Members of Congress, and attached to it a set of charts labeled "Crude petroleum price control."

For more than 2 years the independent producers of petroleum have sought to convince the O. P. A. that its crude-oil price policy was wrong, that it was making it impossible for the producers to increase the supply of petroleum in the amount needed, and that the consumers of the Nation would reach the point where they would be deprived of the essential gasoline they need. The latter stage, of course, has been reached.

Assuming that the same right exists to address the Members of Congress as was exercised by the Price Administrator, I take this means of commenting upon the charts mentioned above. They contain fallacies of reasoning and errors in fact.

The charts were not offered during the hearings on the renewal of the price-control law and thus no opportunity for discussion and criticism existed at that time. They are obviously designed to prove a case and superficially they plead the case with eloquence. They will not stand cross-examination.

I shall not go into the analysis of them to any great extent. Comment on two or three will illustrate the point I make as to their veracity. Some of the others require greater analysis, but are nonetheless misleading.

On page 3 there is offered to the Congress chart 1 which asks the question, "Are reserves being exhausted?" Three separate subjects are stated on this page, but the subject would appear to be reserves and a block graph is shown. Frankly, I cannot tell whether the graph relates to reserves, or to production, or to war demands. There is no scale and no coordinates to show what it is. If it does mean reserves, then it would appear that reserves increased in 1943, although on the next page it is shown that there was a decrease. For any meaning the chart has it could just as well have been labeled "Mairzy Doats and Dozy Doats."

On page 6 is a chart relating to wildcat drilling. It asserts that "wildcat drilling at peak during price control years." This is not true. To make the chart more striking, the last panel shows estimates for 1944, the estimates being 5,000 wells, of which 900 would be successful. The only basis for inclusion of the figure 5,000 is the recommendation of the Petroleum Administrator for War that such minimum number be drilled. It is a request based on needs. There is no basis at all for estimating success. It would have been as consistent to have shown the recommendation for 1943, which was 4,500 wildcats, instead of the figure shown on the chart, which was 3,599. This same chart carries the assertion that "recent wildcat drilling fortunately is proving more successful in opening up productive reserves." Again, this must refer to numbers of successful wells, not barrels of oil found, for last year's estimate of new reserves found by wildcatting, as estimated by the American Petroleum Institute's Committee on Reserves, was 282,418,000 barrels, almost the same as in 1942, compared to 429,974,000 barrels in 1941. Many of the successful wells find very small fields. It is the barrels in the new fields and not the number of fields that count.

On page 14 of the collection the O. P. A. offered a second chart 1. It purports to show that crude-oil prices have advanced 21 percent in the period 1939–43. The inclusion of years prior to price control is not pertinent to O. P. A.'s attempts to make a case, nor is a rise from $1.02 to $1.21 an increase of 21 percent.

The entire set of charts is shot through with, to use a soft term, mendacity. This is best illustrated by taking chart 1, the one on page 14, not the chart 1 on page 3, laying it alongside the unnumbered chart on page 18.

The line on the page 14 chart would indicate that there was a precipitous rise in the price of crude petroleum. That was apparently what they wanted you to believe.

On page 18, the World War No. 2 line demonstrates that petroleum prices have been almost level under price control. This one is more nearly accurate.

Thus, on two charts, drawn on the same scale, located three pages apart, exactly opposite cases are proved. You may conclude from the one that O. P. A. has permitted prices of petroleum to rise, from the other that they have held the line.

Chart 3, page 17, purports to show profits of 10 major companies. My only comment is, after examining the annual statements of these companies, a list of which I obtained from O. P. A., that the figures O. P. A. used are not the ones published by the companies. Some form of adjustment for purposes of chart making seems to have been employed.

I believe these errors, miscalculations, and fabrications here cited are basis enough for suggesting that the entire set of charts should be disregarded, except for the purpose of demonstrating the fact that an undirected and uninstructed O. P. A. will not solve the petroleum shortage. We have sought to present the case for a price increase in petroleum on the basis of facts, without distortions and without the substitution of fancy for fact. We submit that this set of charts proves our contention that we have never been given an unprejudiced hearing by O. P. A.

Respectfully submitted.

RUSSELL B. BROWN.

SECURING A PERMANENT PEACE—EDITORIAL FROM PHILADELPHIA INQUIRER

Mr. DAVIS. Mr. President, the problems of creating a just and lasting peace are both numerous and complex, and the liberation of Rome serves to remind us that the day is drawing near when we shall have to devise our final solution to those problems.

Certainly the United States is anxious to avoid a third world war and to create the long-sought-after peace which "passeth all understanding." But if we are to build such a peace, we must be constantly aware of the attitudes of other nations and other peoples.

It is for this reason that I ask unanimous consent to have printed in the RECORD as a part of my remarks a copy of an editorial entitled "No 'Next War' for Germans," which appeared in this morning's issue of the Philadelphia Inquirer.

I am sure this editorial will prove of great interest to all those who are sincerely concerned with the problems of peace, since it reflects something of the German attitude regarding a possible third world war.

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

NO "NEXT WAR" FOR GERMANS

An article in the Munich Neueste Nachrichten says that after this war Germany will have no opportunity to bid for military supremacy until she has created sea power capable of combating that of America and Britain. This is one way of admitting that the Nazi submarine campaign has been a wash-out. But, more important, it reveals that the Germans are already looking forward to the next war.

It is the great task and the high responsibility of the Allies to make it impossible for Germany to wage a "next war." Whether Germany is planning future aggression by means of land, air, or sea forces, or by a combination of all three should make no difference to the Allies. They must see to it that for decades ahead German industry shall not be turned to the production of guns, planes, or ships to further the persisting ambitions of the Prussians and the Junkers.

PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE—LETTER AND EDITORIAL COMMENT

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and attached editorials I received from Anna Arnold Hedgeman, national executive secretary of the National Council for a Permanent Fair Employment Practice Committee, Washington, D. C., commenting on able editorials which have appeared recently in the Washington Post and Washington Evening Star in support of legislation setting up a Fair Employment Practice Committee. I heartily approve the proposed legislation, and I hope favorable action will be taken by the Senate in the near future.

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

NATIONAL COUNCIL FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE,
Washington, D. C., June 2, 1944.

Hon. ARTHUR CAPPER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CAPPER: The attached clippings, we believe, will be of considerable interest to you.

It is heartening to the minority groups in America to find that the press of the Nation's Capital has come to the support of the Fair Employment Practice Committee. We hope that this obvious interest on the part of such important American newspapers as the Washington Post and the Washington Star indicates the possibility that both Democrats and Republicans will forget partisan lines and actively support the appropriation for this significant Government agency.

It is our hope that the Senate will approve this appropriation by a substantial majority. We and our supporting organizations and councils throughout the country are anxious to know if you personally will vote for the appropriation. An early affirmative report from you will be most appreciated.

Sincerely yours,

ANNA ARNOLD HEDGEMAN,
National Executive Secretary.

[From the Washington Post for May 27, 1944]

F. E. P. C.

The House Appropriations Committee showed a wise tolerance, we think, in recommending the allotment of half a million dollars for continuation of the President's Fair Employment Practice Committee. If the recommendation is approved by both Houses of Congress, as we very much hope it will be, the F. E. P. C. will cease to be merely a Presidential agency and will have independent status under congressional authorization. This is as it should be. The Post has expressed endorsement, in principle, of Senator RUSSELL'S proposal requiring all Federal agencies set up by Executive order to secure an appropriation from Congress after they have been in existence for a year. We should regret very much indeed, however, to see this sound general requirement employed, as some intended, to end the F. E. P. C.'s useful career.

There is particular need of the F. E. P. C. at the present time. To Negroes, the minority most urgently in need of its protection, the agency symbolizes the Government's recognition of their plight. Through the activities of the F. E. P. C., war employment otherwise barred to them because of racial prejudice has been opened up to Negroes. The war effort of the Nation has been accelerated by the utilization of their skills and energies. By gradual, patient, constructive effort the areas of discrimination are being reduced. The effort must not be abandoned now if we are to keep faith with the democratic principles we profess.

[From the Washington Evening Star for May 31, 1944]

FUNDS FOR F. E. P. C.

The Fair Employment Practice Committee, in some respects the most controversial of the war agencies created by Executive order, crossed one hurdle in its fight for survival when the House, by a four-vote margin, approved an appropriation of $500,000 for the agency, thereby exempting it from the death sentence which otherwise would have been imposed under the Russell amendment to the independent offices appropriation bill. A still higher hurdle in the form of Senate opposition remains, however, and if this proves insurmountable the F. E. P. C. probably will go out of existence on January 1.

There are compelling reasons why the Senate should not permit this to happen. The fundamental purpose of the F. E. P. C. is to eliminate forms of discrimination which stand between minority groups, Negroes especially, and the realization of their legitimate economic aspirations. For the most part this program has been pitched on a note of wartime necessity for full utilization of labor, but this imparts a quality of impermanence to the effort which is unrealistic and harmful. For the undeniable fact is that there will be more need after the war than there is now for an intelligent effort to strike down the artificial handicaps that discrimination imposes on Negroes and other minorities in the job market.

At the moment, however, the problem is to keep the F. E. P. C. from passing out of existence this year. Unfortunately, the committee has made errors of judgment and these mistakes have inflamed some segments of public opinion against it. But these mistakes should not blind one to the fact that this agency, relying largely on methods of persuasion, has been able to do a great deal of good work.

Approximately 3,000 complaints of discrimination had been docketed by the F. E. P. C. as of the first of this year. Nearly 1,000 of these cases were closed by January 1, about one-third of them representing satisfactory adjustments. The others listed as closed were dismissed for lack of jurisdiction or other reasons. If that is not a sensational record it is at least an unexpectedly good one for an agency which has to work in a field that has so many explosive possibilities.

On the record, and in good conscience, this is plainly a program which should be continued. There are Senators, of course, who are not in sympathy with what the F. E. P. C. has been doing and who are skeptical of what it proposes to do. But this is a matter which should be settled in perfecting a bill to give the F. E. P. C. a permanent legislative status, on which the House Labor Committee begins hearings tomorrow. Nothing constructive could be accomplished, but serious harm would be done, by permitting the agency to die for lack of funds while legislation to give it whatever powers Congress thinks it should have is under consideration.

INCREASE IN LIMITATION ON NATIONAL DEBT

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 4464) to increase the debt limit of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GEORGE. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. GEORGE, Mr. WALSH of Massachusetts, Mr. BARKLEY, Mr. LA FOLLETTE, and Mr. VANDENBERG conferees on the part of the Senate.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1764, providing for amendment of the Emergency Price Control Act of 1942.

The ACTING PRESIDENT pro tempore. The bill will be stated by title, for the information of the Senate.

The CHIEF CLERK. A bill (S. 1764) to amend the Emergency Price Control Act of 1942—Public Law 421, Seventy-seventh Congress—as amended by the act of October 2, 1942—Public Law 729, Seventy-seventh Congress.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency, with amendments.

EXTENSION OF TIME LIMIT FOR IMMUNITY IN THE CASE OF CERTAIN OFFICERS

Mr. HATCH. Mr. President, at this time I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed immediately to the consideration of Senate Joint Resolution 133, Calendar No. 948.

In explanation let me say that the joint resolution was introduced by the Senator from Michigan [Mr. FERGUSON], and would extend the period of time in which court-martial proceedings could be instituted against all persons connected with matters at Pearl Harbor, preceding December 1941, particularly relating generally to Admiral Kimmel and General Short. I have conferred with the leaders on both sides of the aisle, and with the Senator from New York [Mr. WAGNER], and I understand there is no objection to having the joint resolution considered at this time.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title, for the information of the Senate.

The CHIEF CLERK. A joint resolution (S. J. Res. 133) to extend the time limit for immunity.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from New Mexico?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 133) to extend the time limit for immunity which had been reported from the Committee on the Judiciary, with amendments.

The ACTING PRESIDENT pro tempore. The first amendment of the committee will be stated.

The CHIEF CLERK. On page 2, line 3, after the words "period of", it is proposed to strike out "three months", and insert "one year."

Mr. CLARK of Missouri. Mr. President, I did not object to consideration of the joint resolution, and I do not intend to object to the amendments, except that I desire to give notice now, inasmuch as probably there will not be a yea-and-nay vote on the amendments or on the joint resolution, that I wish to be recorded as voting against the amendments and against the joint resolution. I think the procedure has been a disgraceful one. General Short and Admiral Kimmel have not been brought to trial. I have heretofore expressed myself on that subject on this floor. Apparently some of the higher-ups in the Government are afraid of the nature of the defense which might be made by Admiral Kimmel and General Short.

Recently I have seen in the public press a demand on the part of Admiral Kimmel that he be brought to trial. We all know that if the time limit is extended for a year we might as well recognize the fact that these men will never be brought to trial, or, if they are brought to trial, that the trial will be held after some of the witnesses are dead and after much of the evidence has been dissipated. If we are to extend the time limit for a year, the whole proceedings might as well be dismissed.

We all know what the actual effect of the proposed extension will be. In the press I have read articles quoting some of the members of the Committee on the Judiciary, not by name, but in reference to them, as saying that it is the purpose to see that these men are not brought to trial until after the war. As I have said, it is my opinion that if they are not brought to trial until after the war, they might as well not be brought to trial at all.

We all know that Pearl Harbor is one of the most disgraceful episodes in the history of the United States. We know that the disaster of Pearl Harbor was not due to any lack of armament or any lack of equipment or any lack of personnel, but was due to the fact that the ordinary precautions in the service of security, which should have been taken in peacetime, were flagrantly disregarded. Someone should be court-martialed for that. Someone should be court-martialed while the evidence is fresh. If it was not the fault of Kimmel and Short, they are entitled to be brought to trial and given the opportunity to show upon whom the responsibility rests.

As I have said, I wish to be recorded against this measure, because I think it amounts to allowing the hushing up of the whole episode; and if the persons responsible for it are not brought to trial until the war is over, the trial will be absolutely nugatory in its effect.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the first amendment of the committee.

Mr. HATCH. Mr. President, I was about to explain the amendments, when the Senator from Missouri took the floor and made his statement. It was not my purpose to argue the matter at all. However, in fairness to the Senate and to the Committee on the Judiciary, I think a very brief explanation of the measure should be made, and I shall do so at this time.

As I have said, the joint resolution was introduced by the Senator from Michigan [Mr. FERGUSON]. It was not designed as a method of covering up or of preventing a trial. On the contrary, the joint resolution, as introduced, had exactly the opposite effect. I think it is a matter of common knowledge that the statute of limitations, not only as against the two men who were mentioned, but as against all others connected with Pearl Harbor, had run, and could have been pleaded as a defense or bar to any court-martial proceeding.

The Congress passed a joint resolution extending the period of time in which court-martial proceedings could be had. That extension of time will expire on the 7th of this month. If the statute of limitations is to be extended in order that it may not be pleaded as a bar to possible court-martial proceedings, it is probably necessary that this joint resolution be passed and be acted upon now. I say "probably necessary" because the Army and Navy both take the position that no resolution is necessary at all so far as Admiral Kimmel or General Short are concerned. Both those gentlemen have voluntarily signed agreements, which our committee saw and inspected, in which they agreed to waive the statute of limitations at any time the court-martial proceedings were brought, up to and including 6 months after the end of the war. Those waivers are relied upon by the War and Navy Departments as being sufficient. So far as those two men are concerned, the Departments do not regard this joint resolution as necessary.

On the other hand, as was ably pointed out in the committee by the author of the joint resolution, the Senator from Michigan [Mr. FERGUSON], those waivers relate only to the two men. There may be others who have not waived or have not agreed to waive the statute of limitations. This joint resolution would cover all of them. That was one of the purposes of the joint resolution, and one of the purposes of the committee's action.

We amended the joint resolution to extend the time from 3 months, as proposed, to 1 year, to make it conform with a similar resolution which is pending in the House. It was further amended by striking out section 2 of the original joint resolution. That section would have required the prompt and immediate filing of charges against those persons. That particular section was discussed very thoroughly in a subcommittee of the Senate Committee on the Judiciary. We had with us officials from the Army and Navy, and other representatives, who went into the whole question.

The Senator from Missouri has stated that certain members of the Judiciary Committee have been quoted as saying that this was a move to cover up and prevent any prosecution. I do not know who those members of the Judiciary Committee are.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. Let me say to the Senator from New Mexico that the article which I saw was an Associated Press dispatch. It did not mention the name of any Senator. However, it stated that certain Democratic members of the committee had stated as their opinion that the effect of the committee amendment would be to insure that Kimmel and Short would not be brought to trial until after the war. I added my own view that they might as well never be brought to trial as to be brought to trial after the war is over, when the evidence is cold, and when an effort will be made to cover up the whole thing.

Mr. HATCH. I do not know who made the statement.

Mr. CLARK of Missouri. I myself do not profess to know.

Mr. HATCH. I misunderstood what the Senator from Missouri said. I understood him to mean that this was a measure to prevent the trial at any time.

Mr. CLARK of Missouri. I added my own observation that they might as well not be tried at all as to be tried after the war is over.

I should like to add one further observation. It is the contention, of course, on the part of the War and Navy Departments, that to proceed with the trials now might interfere with the prosecution of the war. That contention is "hokum" on its face. The leading generals of the Army, the most vitally necessary generals, have been flying around from one place to another. General Clark returned to the United States only a few weeks ago. The commander of the Fifth Army flew over here for consultations with the President and with various War Department officials, and was back in command of his army before anyone knew he had left it. There would be no reason why men who might be necessary witnesses in a court martial of this magnitude could not be called from anywhere in the world, testify, and be back at their stations in 2 or 3 days.

Mr. HATCH. Mr. President, while I have the utmost respect for the views of the Senator from Missouri, I do not agree, and cannot agree that the contention to which he refers is "hokum." On the contrary, I am of the exactly opposite view. I think it would be a grave mistake to enter into an investigation and a public trial of these men now, at a time which may be the most critical in the history of the whole war. I think it would be perfectly ridiculous to bring men from

every theater of war—perhaps hundreds of them, because there were hundreds of men at Pearl Harbor before the disaster there—for a public trial of all the mistakes which may have occurred, or may not have occurred. Military and naval information would be spread on the pages of all the newspapers in the world. I think that would be "hokum." It would be disastrous and almost suicidal.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. Does the Senator have any doubt that the Japs know all about what happened at Pearl Harbor? There is no military secret so far as they are concerned. The only ones who have been kept in the dark are the American people.

Mr. HATCH. I believe there are many things which the Japs do not know with respect to what happened at Pearl Harbor. I am glad that at the time they did not know what happened at Pearl Harbor.

I am not arguing that point. We are confronted with the question whether the statute of limitations is to be effective after the 7th day of June.

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

Mr. HATCH. I yield.

Mr. BUSHFIELD. I am in general sympathy with the comments of the Senator from Missouri in connection with this matter. However, I should like to submit a question to the Senator from New Mexico. A moment ago he stated that waivers had been signed by the two officers involved.

Mr. HATCH. That is correct.

Mr. BUSHFIELD. I should like to have the Senator's idea as to the effect of such a waiver in a case of this kind. Can a defendant waive the statute of limitations?

Mr. HATCH. In my opinion, it is not a waiver of the statute of limitations. It is an agreement not to plead the statute of limitations. Those gentlemen could violate the agreement and plead the statute of limitations if they so desired. However, other proceedings could be instituted by the War and Navy Departments to punish them for violation of such an agreement. I do not anticipate that they would violate the agreement.

Mr. BUSHFIELD. The other proceedings to which the Senator refers would mean dismissal from the service, I take it.

Mr. HATCH. Dishonorable discharge.

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

Mr. HATCH. I yield.

Mr. CHANDLER. As I understand, my friend from New Mexico meant that in the case of Admiral Kimmel and General Short, the agreement not to plead the statute of limitations would be sufficient.

Mr. HATCH. That is correct.

Mr. CHANDLER. They have promised, upon their honor as officers and gentlemen, not to plead the statute of limitations. If they should do so, there would be other proceedings against them. If the waivers are not good, I do not believe anything can be done to Admiral Kimmel and General Short. I remind the Senate that up to the present time no charges have been filed against either of them. The original resolution by which we sought to extend the time of the operation of the statute of limitations was passed on the 7th of the month and signed by the President on the 20th.

In my judgment, what we propose to do is perfectly innocuous. I do not believe it means anything. I believe that any man who is charged with a serious offense against his country which involves a court martial is entitled to trial. Admiral Kimmel has demanded a trial. However, thus far no charges have been filed against him, and I am not certain that any real charges can be filed against him which would support a court martial. The Army and Navy had a right to believe that the President, by appointing a special commission, took the case out of their hands. It is perfectly foolish to assume that the Army has a right to investigate the Executive offices, the State Department, the F. B. I., the Federal Communications Commission, and various other commissions which may have to be investigated in order to ascertain the full facts and circumstances surrounding what happened at Pearl Harbor. The Army can investigate itself and can ascertain the facts as to what happened in the Army. The Navy can investigate itself and determine the facts, so far as it is able to do so, as to what happened in the Navy on that occastion.

I do not agree with the statement that we were ready for war at Pearl Harbor. We were not ready for war. I should not like to see these two officers made scapegoats because of the failure of many others to estimate the seriousness of the situation and take steps which would have prevented what happened. I should dislike, during wartime, to see a situation which would require, as we all agree, that officers from all over the world who are now fighting the enemy be called back to Washington to engage in a trial which might last 3 or 4 months.

What happened at Pearl Harbor is past. It was a tragic loss—the greatest loss we ever suffered in any single engagement in the history of the Republic. Fighting over that question now will not bring back any ships or restore the lives of any men.

Although I should like to see Admiral Kimmel tried, personally I do not believe that he has committed any offense against the American people. He was in the American Navy for 40 years, and reached the highest rank in the Navy. I do not believe that he has committed any wrong. However, time will tell. In the meantime, he carries the burden of suspicion that he has betrayed the American people in an important public trust. I do not believe he did so. However, he must stand trial, and in the suspicion and heat of the day he must remain on the side lines. He cannot fight for his country, after having trained for that purpose practically all his life. However, that is a burden and a suspicion to which he must be subject in the interest of the general welfare of all parties concerned. Although many witnesses may die in the meantime, or be called from where it would be inconvenient to summon them for the trial, those are circumstances to which he may be subject during the remainder of his life. He says, in effect, "I am not guilty, and I want a trial." The Government says, "We cannot make investigations now."

Mr. CLARK of Missouri. Mr. President, will the Senator from New Mexico yield to me?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. The Senator from Kentucky said that the Navy Department and the War Department cannot investigate other departments. I wish merely to ask the Senator if it is not a fact that the War Department gave out information with a great flourish of trumpets that General Short would be court martialed, and with a great flourish of trumpets information was given out that Admiral Kimmel would be court-martialed, and yet neither has been brought to trial. Kimmel now comes along and says, "I demand to be tried. I demand to be tried while the evidence is available." I express no opinion as to whether either Admiral Kimmel or General Short is guilty, or whether both of them are guilty, but if they are to be tried at all, I assert that they should be tried while the evidence is available. I have heard intimations made repeatedly that the reason they have not been tried is that higher authorities were apprehensive about the nature of their defense.

Mr. CHANDLER. Mr. President, I am quite sure that those who made statements in the heat of debate and without knowing the facts, that certain ones should be shot or court-martialed, probably now regret such statements.

A great tragedy has stricken the American people and they do not know who was responsible for it. After 40 years of service Admiral Kimmel was allowed to retire. General Short was removed from his post. The finger of suspicion has been pointed toward each of those men ever since, and many of the American people think to this hour that those men were derelict in their duty. However, no charges have been filed against either of them. According to American justice, they have a right to believe that the presumption of innocence goes with them until they are confronted with charges, know the nature of them, and have an opportunity to present witnesses in their defense, and to be considered innocent until they are proved guilty.

Mr. CLARK of Missouri. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. CLARK of Missouri. What the Senator from Kentucky has said is exactly what Admiral Kimmel and General Short are demanding.

Mr. CHANDLER. I do not think that either the Army or the Navy should contend that the other was derelict in its duty, but that, instead, the facts should first be brought out.

Mr. HATCH. Mr. President, I agree fully with what the Senator from Kentucky has said.

I did not desire to occupy the time of the Senate, but——

Mr. JOHNSON of Colorado. Mr. President, will the Senator from New Mexico yield in order that I may ask a question of the Senator from Kentucky?

Mr. HATCH. I yield.

Mr. JOHNSON of Colorado. There is a great deal of truth in what the Senator from Kentucky has said about the Navy not being able to investigate the situation with reference to the Army, and vice versa. However, there is an authority which can investigate all phases of the matter, and that is the Senate of the United States. Instead of doing that, we are now asked to consider a joint resolution which the Senator from Kentucky contends has no effect. I believe his view to be correct. However, I think that if the United States Senate is to take any part in the case at all, it should investigate the whole affair pertaining to the Army, the Navy, and everything else in connection with it.

Mr. CHANDLER. Mr. President, I agree with my friend from Colorado; and if the Senate of the United States wishes to conduct such an investigation, I shall vote for it. However, I said that I thought the reason for the Army and the Navy hesitating to take charge of the matter was that the President of the United States had appointed a commission. The President, as Commander in Chief of the Army and the Navy, had a right to appoint the commission. The officials of the Army and the Navy may have thought that he had taken the matter out of their hands. The Roberts commission filed a report. That report must be the basis for the filing of any charges which may be made; and so far no charges have been made against either Admiral Kimmel or General Short.

Mr. HATCH. Mr. President, the Senator from Texas has been on his feet, and I yield to him.

Mr. CONNALLY. Mr. President, I wish to ask the Senator with reference to the statute of limitations, had the statute of limitations run prior to the joint resolutions extending it?

Mr. HATCH. In my opinion it had, because while the joint resolution was passed it was not actually signed by the Executive until after the time the statute of limitations had run.

Mr. CLARK of Missouri. Waivers had been signed before that, had they not?

Mr. HATCH. Yes.

Mr. CONNALLY. If extension had been granted before the expiration of the period, no question would now be raised as to the extension of the time.

Mr. HATCH. None whatever.

Mr. CONNALLY. The question of limitation, however, does not go to the merits of the offenses with which the men might be charged.

Since the question relates only to a matter of pleading, it seems to me that it is not beyond the realm of possibility that the Congress would have the right to say that from now on, limitation cannot be pleaded in any court except under the following circumstances—naming them. I think that point is worthy of consideration. The limitation does not affect the vital rights of the men so far as their innocence or guilt is concerned. It simply relates to proceedings of the court.

Mr. HATCH. In answer to the Senator from Texas let me say that there is very substantial weight of authority which holds as he has just announced. There is authority holding the other way, and the question is debatable. However, it is not debatable if the Congress fails to pass the pending joint resolution.

The Senator from Michigan (Mr. FERGUSON) has made a considerable study of the question, and I am sure he wishes to say something with reference to it. I now yield to him.

Mr. FERGUSON. On the particular point to which reference has been made, and whether it is within the power of the Congress to create a new statute of limitation which would be binding in this case, I am of the opinion that the great weight of authority is that Congress has the right to enact this statute. A statute of limitations is a remedial piece of legislation. It is not substantive law, and for that reason it is not covered by the inhibition against enacting an ex post facto law. So far as it relates to a criminal proceeding, I think it is clear that an ex post facto law is applicable as follows:

First. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal; and punishes such action.

Second. Every law that aggravates the crime or makes it greater than it was when committed.

Third. Every law that changes the punishment and inflicts a greater punishment than the law annexed to the crime.

Fourth. Every law that alters the legal rules of evidence and receives less or different testimony than the law required at the time of the commission of the offense in order to convict an offender.

Such laws would be ex post facto laws.

We realize that the Congress did all within its power to pass a law within the time limit of the 2 years and did pass a law on the 7th of December extending for a period of 6 months the time when the limitation would run. But the President did not sign that law within the 2-year period, and the law takes effect as of the time the President signed it. Because of the particular wording of that resolution, however, it relates back.

This body has done all it can do to extend the statute of limitations. I think it has been very unfortunate for these two defendants who have signed a waiver—that is, a waiver to plead the statute—that no one else, either in higher rank or lower rank, has been compelled to sign such a waiver of the statute of limitations. These two defendants are in an unusual position. They are not like defendants in a common criminal case who can give their version to the public. These two men are now in the service of the United States, and for that reason the rules and regulations of their respective services seal their lips so that they are unable to make known what they believe the true facts to be.

There was no attempt when this original resolution was submitted to keep anyone from being prosecuted. It was an attempt to make certain that all the facts would be obtained within a 3-month period—not that the case would be tried, but that the charges would be made so that these two men would be able to perpetuate what testimony they believed essential to defend themselves, not only before court martial but before the American people. They have not been able to do that.

I think it is well that the Senate should know that up until the day of the hearing before the resolution was reported the War Department made no attempt to obtain the facts to ascertain whether or not anyone was guilty other than General Short or Admiral Kimmel. Therefore, they had no facts in their files from which they could charge anyone else with dereliction of duty. Consequently, they obtained a waiver only from General Short and Admiral Kimmel because the President of the United States and the Secretary of War had stated that they alone were derelict in their duty from the facts disclosed in the Roberts report.

I think it is well that the Senate should know also that the report of Mr. Justice Roberts was filed about the 23d of January 1942. That was before the white paper was published in 1943. The Roberts report and those who were on the Roberts commission did not have the facts which are now contained in the white paper as to whether or not higher-ups were guilty of dereliction of duty to the American people.

I, for one, believe that the Army of the United States and the Navy of the United States and those in charge should ascertain all the facts. For that reason I was satisfied with paragraph 2 of the resolution as now amended. I believe that they should obtain the facts in order to ascertain who is guilty, if anyone, and, then, after a reasonable time, I believe it is the duty of this body to ascertain, in executive session if necessary—for no one wants to give any aid to the enemy—what the Army and Navy have been able to ascertain, and if the State Department and other departments, the Interior Department and even the Executive, fail to give to the Army and Navy officials all the facts so that they can perpetuate those facts for the future of America, then this body should step in and exercise its power to ascertain what the facts are.

It is not that we want to give aid to the enemy, but we want to keep the institutions of America functioning so as to make sure that no man who is accused shall be denied a fair trial, that he will be given a fair trial and also the right and the chance to perpetuate testimony that may clear his name from any charges which may have been made.

I hope that the Senate will pass this joint resolution this morning and extend the statute of limitations, because I believe that the statute should be extended so that not only these two officers who as gentlemen and as soldiers have waived

the right to plead the statute but all who might be charged within any reasonable time would be included and have a fair opportunity, whether by court martial or trial, at such time as would not aid the enemy, so that the institutions of justice in America may be safeguarded, whether we are at war or whether we are at peace. If the Army and Navy do not do their duty in ascertaining the facts, then this body should step in and perpetuate the testimony so that a fair trial can be had by all.

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

Mr. FERGUSON. I yield to the Senator from Ohio.

Mr. TAFT. The Senator evidently disagrees with the conclusion of the minority views of Representative KEFAUVER and Representative CELLER, who say:

This statute—

Referring to the statute of December 7—

This statute is of very dubious validity. The 2-year period of limitations prescribed by the Articles of War and the Articles of the Navy with respect to offenses committed on December 7, 1941, expired at midnight December 7, 1943, and it would appear that any subsequent extension thereof would be ex-post facto and therefore void. There is abundant judicial authority in support of this view. Further the statute, even if valid, would apply only to offenses committed on and after December 7, 1941. The statute of limitations respecting offenses committed prior to December 7, 1941, would have expired in any event, even assuming that the statute could be effective, as was the intent of Congress, on December 7, 1943.

What I do not quite see is the value of passing anything at all at the present time and relieving the administration of its clear legal duty to bring these men to trial before the statute expires. I see no reason why we should take any action or assume any responsibility. It seems to me it is at least doubtful whether we accomplish anything by doing it.

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

Mr. TAFT. Certainly.

Mr. FERGUSON. I do disagree with the theory of the minority views. I believe it is within the power of the Congress to extend the statute of limitations after it had expired, because it is merely a remedial law and not a substantive law as cited in the four cases referred to by me a few moments ago. The difficulty is that if we do not do anything at this time, then the Army and the Navy and the executive branch will do nothing within the time, and all the cases will drop except as to Admiral Kimmel or General Short.

Mr. TAFT. I do not understand why if we could pass an ex post facto law in December we could not let this go and pass an ex post facto law any time in the future when we care to deal with the question, and in the meantime leave the responsibility for acting on the executive department, where it belongs, a responsibility which, in my opinion, they have wholly failed to meet.

Mr. FERGUSON. I do not think we can say this is an ex post facto law, because, if it is, it is void and of no effect. I can see the point of the Senator from Ohio that it is the duty of the executive branch to do this; but I also feel that it is our duty as a Congress, the Executive having failed, to take steps to preserve the right of action against anyone who may be guilty.

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

Mr. FERGUSON. I have yielded the floor.

Mr. TAFT. Have I the floor?

The ACTING PRESIDENT pro tempore. To clear the legislative situation, the Senator from Ohio is recognized.

Mr. TAFT. I yield to the Senator from Kentucky.

Mr. CHANDLER. Mr. President, I agree with the contention of the minority of the House committee. I think that originally Congress did fail to pass a law in time to prevent the statute from running, and that the statute did actually run, and that unless the waivers which were signed by Admiral Kimmel and General Short are not now good nothing we do now will revive the right of prosecution. If so, the action we are asked to take will not be important, it may be merely innocuous, it may seek to perpetuate something we did not do well at first.

Congress might have intended to save the running of the statute, but it did not do so. It waited until the last day, and then put the bill on the President's desk so that he signed it on the 20th, 2 years and about 13 days after Pearl Harbor. The Senator from Michigan and I disagree, but I think now that unless the waivers are good, the men affected could plead the statute, and that would be a bar to prosecution.

Mr. TAFT. Mr. President, I wish to have inserted at the end of my remarks an article by Arthur Krock appearing in the New York Times on May 31, and another article by George Sokolsky appearing in the New York Sun on Saturday, June 3.

I should like to read one or two of the questions raised by the refusal to proceed with the trial at this time. Mr. Krock says:

It is because Congress hesitates to dispute the expressed judgment of the High Command in such a matter—

That is, to the effect that this will in some way interfere with the progress of the war—

and also knows the President could legally sustain an order to the officers not to give testimony.

He discusses the question why we should not proceed with an investigation, which would be entirely within our power. He proceeds:

The questions growing out of Pearl Harbor, however, which were either unmentioned in the Roberts report or left unclarified, will eventually be pressed by Congress if a court martial does not produce the answers. Among them are these:

1. Why was a fleet concentrated in the harbor waters in the presence of a crisis which the Secretary of State, Cordell Hull, had twice reported to the War Council (that included the Secretaries of War and Navy) and as much as 10 days before had described as requiring an alert against simultaneous Japanese attacks at several points "anywhere in the Pacific area"?

2. Why was the Pacific Fleet based on Hawaii instead of on the west coast of the United States?

3. Why were so many fleet units dispatched into the Atlantic before, after, and during the time when the Secretary of the Navy, the late Col. Frank Knox, was warning the Secretary of War, Henry L. Stimson, of a possible Japanese air attack in the Pacific, specifically at Pearl Harbor?

4. In what degree was there correlation between State Department intelligence and War and Navy Department instructions to field commanders?

5. What were the circumstances surrounding the selections of General Short and Admiral Kimmel for their commands, and what if any were their liaisons?

6. Why did the Army in Hawaii continue tolerant policies toward those Japanese in Hawaii whom the Navy wished to arrest for violation of the foreign agents registry law?

7. Why did the Navy shore officer fail to call for alert No. 3 after a two-man Japanese submarine was discovered and sunk shortly before the air attack?

8. Why was the Army command in Washington silent after receiving on November 29 General Short's report that he had only instituted alert No. 1, or, if it sent a correcting message before the new attack, what became of that message which is said never to have been received?

9. Why did Washington's orders to Pacific commanders concentrate on sabotage of airplanes on the ground; and why did they emphasize the Southwest Pacific as the point of possible attack when Mr. Hull had predicted simultaneous assaults everywhere in that ocean? Was this emphasis the explanation of what happened at Manila when the Navy was ordered away in time and General MacArthur kept his planes massed on Nichols Field?

10. In general, what is the share the Washington administration should have in culpability for the success of the Japanese attacks?

I say now that the only possible reason why the trial is being postponed is not the reason alleged, but is what the administration does not desire to have brought out, the answers to the questions which are posed by Mr. Arthur Krock.

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

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

[From the New York Times of May 31, 1944]

PEARL HARBOR ECHOES—KIMMEL'S RENEWED PLEA FOR HEARING SPOTLIGHTS QUESTION

(By Arthur Krock)

WASHINGTON, May 30—The request by Rear Admiral Husband E. Kimmel, renewed in his telegram yesterday to Senator HOMER FERGUSON, of Michigan, for an open court martial to inquire into the causes of the disaster at Pearl Harbor on December 7, 1941, is being echoed in Congress, as it was when previously made. And Maj. Gen. Walter C. Short, who commanded the Army forces in Hawaii at the time of the attack, is understood to take the same position as Admiral Kimmel, who commanded the Navy.

But if the administration and the highest military authorities again decline to order the trial on the ground that it would be against the interest of security, an attitude they have assumed for nearly 2½ years, the chances are against a congressional inquiry of Pearl Harbor to attempt to learn the whole story, which, as Admiral Kimmel telegraphed, was not told in the report of the Presidential

Commission headed by Justice Owen J. Roberts of the Supreme Court of the United States.

This is not because Congress does not agree with the admiral or has ever been convinced as a body that reasons of military security have required the postponement of the court martial so long.

It is because Congress hesitates to dispute the expressed judgment of the high command in such a matter, and also knows the President could legally sustain an order to the officers not to give testimony.

SOME QUESTIONS UNMENTIONED

The questions growing out of Pearl Harbor, however, which were either unmentioned in the Roberts report or left unclarified, will eventually be pressed by Congress if a court martial does not produce the answers. Among them are these:

1. Why was a fleet concentrated in the harbor waters in the presence of a crisis which the Secretary of State, Cordell Hull, had twice reported to the War Council—that included the Secretaries of War and Navy—and as much as 10 days before had described as requiring an elert against simultaneous Japanese attacks at several points "anywhere in the Pacific area"?

2. Why was the Pacific Fleet based on Hawaii instead of on the west coast of the United States?

3. Why were so many fleet units dispatched into the Atlantic before, after, and during the time when the Secretary of the Navy, the late Col. Frank Knox, was warning the Secretary of War, Henry L. Stimson, of a possible Japanese air attack in the Pacific, specifically at Pearl Harbor?

4. In what degree was there correlation between State Department intelligence and War and Navy Department instructions to field commanders?

5. What were the circumstances surrounding the selections of General Short and Admiral Kimmel for their commands, and what if any were their liaisons?

6. Why did the Army in Hawaii continue tolerant policies toward those Japanese in Hawaii whom the Navy wished to arrest for violation of the foreign agents registry law?

7. Why did the Navy shore officer fail to call for alert No. 3 after a two-man Japanese submarine was discovered and sunk shortly before the air attack?

8. Why was the Army command in Washington silent after receiving on November 29 General Short's report that he had only instituted alert No. 1, or, if it sent a correcting message before the new attack, what became of that message which is said never to have been received?

9. Why did Washington's orders to Pacific commanders concentrate on sabotage of airplanes on the ground; and why did they emphasize the Southwest Pacific as the point of possible attack when Mr. Hull had predicted simultaneous assaults everywhere in that ocean? Was this emphasis the explanation of what happened at Manila when the Navy was ordered away in time and General MacArthur kept his planes massed on Nichols Field?

10. In general, what is the share the Washington administration should have in culpability for the success of the Japanese attacks?

EMPHASIS ON PLANE SABOTAGE

Of these questions the light of explanation has been thrown on only one, and that unofficially. This question concerns the emphasis in the War Department messages to General Short on airplane sabotage, which could easily have led him to believe that his watchfulness should be directed groundward toward his equipment. In a dispatch published February 3, 1942, in this newspaper this correspondent, on information furnished privately by persons with knowledge of the events leading up to the tragedy, gave the following reason:

On November 27 G–2 (Army Intelligence), acting on a request from Gen. H. H. Arnold, warned all corps area commanders in the Pacific against subversive Japanese activities. To this General Short sent a prompt acknowledgment, which was addressed to the War Plans Division and arrived early on November 28. But for some reason war plans did not apprise G–2 of the receipt of this reply until late in the day.

Meanwhile, General Arnold, alarmed over G–2's report that no acknowledgment had come from General Short, arranged for two strong orders to be sent to all field commanders, directing them to be on the watch against saboteurs, especially of airplanes. These dispatches, because G–2 did not then know of General Short's reply to the original warning, failed to acknowledge that reply and concentrated on the sabotage alert instead of broadening the warning. That probably convinced him that airplane sabotage was his chief concern, particularly when subsequently he got no acknowledgment of an answer he sent to the second and third messages in which he outlined the precautions he had taken. This, said the Roberts report, tended to make him believe "he had met the requirements."

[From the New York Sun of June 3, 1944]

THESE DAYS

(By George Sokolsky)

THE KIMMEL CASE

Admiral Kimmel stands convicted, without trial, of cowardice and incompetence in the hearts and memories of the American people. He has never been given a chance to defend his honor or his integrity. He lives in the black cloud of being a despised person without ever having been given any opportunity even to state his case, much less to prove it. His family suffers with him the fate of a condemned man. Al Capone had a fair trial. Lepke had a fair trial. Lonergan had a fair trial. But Admiral Kimmel has been convicted and condemned without a trial. Every parent who has lost a son in this war remembers the name Kimmel. Yet the man has never been tried; his story has not been heard; he has not had his day in court. He has not been permitted to convince these parents that he is not to blame—if he is not to blame. That is not the American way. That is Hitler's way of doing things.

I do not know whether Admiral Kimmel is guilty or not. Nor do you. Nor does anyone. But this I know—he has been refused any opportunity to prove that he is not guilty. And I refuse to believe any American guilty of anything until he has been proved guilty by due process of the law. That is the foundation of American law. Even an indictment does not imply guilt. Nothing but conviction under the law proves guilt. Admiral Kimmel is entitled to due process of law. He has not had that. Must he wait for death or history to clear his name? Must his family live in that vale of tears?

Let no man be fooled by the claim that "national security" demands that Admiral Kimmel be refused a trial such as is given even the most unworthy felon. Whatever his crimes may have been, they were committed in December 1941. That is exactly 2 years and 6 months ago. The Japanese have surely discovered in the course of 2 years and 6 months the facts of Pearl Harbor. It is believable that they knew about them the day it happened. It is to be assumed that their planes photographed what happened on the day it happened and that their intelligence services have since supplied any missing information. National security cannot be the excuse for this prolonged delay in giving this man a chance to prove himself innocent or guilty. There may be some other reason, but it cannot be national security. That cannot possibly be involved at this time or at this stage of the far eastern war.

Admiral Kimmel in a letter to Senator HOMER FERGUSON of Michigan makes statements concerning the Roberts report which need, for the sake of national morale, thorough ventilation. The implication is that the report was not the product of judicial procedures but was prepared politically. Those charges might be ignored were it not that the writer of that report is a Justice of the United States Supreme Court. At a time when that Court stands low in the estimation of most Americans, an accusation of nonjudicial procedure made against one of its members must be investigated fully and immediately. What is involved is not Mr. Justice Roberts but the morality of the Supreme Court, the integrity of our national judiciary.

No whitewashing, no wartime hysteria, no lying in public can prevent this issue from taking on a political character, particularly in a close national election, unless a public, open, fully reported hearing is held in this case. The railroading of Captain Dreyfus in France ultimately wrecked that country; the refusal of even a court martial for Admiral Kimmel and General Short—who have thus far been silent—provides this country with a Dreyfus case in time of war and in the midst of a national election. It is dangerous business—particularly among a people who have made a fetich of fair play.

Mr. HATCH. Mr. President, the Committee on the Judiciary considered this joint resolution most carefully and realized all the complicating legal and other questions involved. The subcommittee and the full committee were practically unanimous in agreeing that at this time about the only thing we could do would be to pass the pending joint resolution, extending the period of time.

The question of a congressional investigation was discussed in the committee. I am sure there was no member of the committee who sought or desired to cover up anything. The thought of a congressional investigation received favorable consideration in the committee. We even discussed the possibility of adding an amendment to the joint resolution now pending requiring a congressional investigation of all the incidents. But we realized that was a matter which should be considered by itself. The time was short. The reason for our asking that the matter be taken up and disposed of is that it was suggested that if a congressional investigation were proper—and it seems to be proper—an appropriate resolution calling for an investigation should be presented, so that it could be fully considered, and if necessary, and the Congress desired and thought it proper to have an investigation, then to have an investigation.

I repeat, in behalf of the committee, not a member of the committee desired to cover up anything or shield any person whatever. We met the legal situation and we made the recommendation unanimously from the committee that this joint resolution be passed.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the first committee amendment, on page 2, line 3.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 2, after line 5, it is proposed to strike out:

(2) The Secretary of War and the Secretary of the Navy are severally directed to institute court-martial proceedings on all charges against any person to whose court martial the extension of time provided for in section (1) hereof relates, as soon as possible, and in no event later than the period of extension provided for in section (1) hereof.

And to insert:

(2) The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in (1) above, and thereafter in their discretion to commence such proceedings against such persons as the facts may justify.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from New Mexico a question. From what I have been able to learn about this case, there are two issues involved. So far as Short and Kimmel are concerned, the issue would be, what knowledge did they have, and what, if anything, did they fail to do which they should have done, in view of the knowledge they possessed? That is a real issue which could well be tried by a court martial.

From what I have further heard—and a good deal of it is rumor and not authenticated—the defense of these officers is that other persons had knowledge which, if they had possessed it, would have resulted in a different situation at Pearl Harbor, and that it was the failure of other persons higher up in the chain of command to transmit knowledge which they possessed that was largely responsible for conditions at Pearl Harbor.

If that is the situation, certainly we should not ask the Secretary of the Navy and the Secretary of War to investigate themselves, or to investigate their own Departments. It seems to me that sooner or later, if we are to know the whole story of Pearl Harbor, which the American people have a right to know sometime, that will have to be brought about by an investigation through some committees of the Congress.

Mr. HATCH. Mr. President, those were largely the sentiments expressed in our committee. There are many other considerations against either of these departments fully investigating itself, but the investigation authorized by the pending committee amendment is more in the nature of an investigation to secure the facts and to preserve and have ready for use the testimony.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee on page 2, after line 5.

The amendment was agreed to.

The joint resolution (S. J. Res. 133) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That (1) effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations affecting the possible prosecution of any person or persons, military or civil, connected with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, that operate to prevent the court martial or prosecution of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, are hereby extended for a further period of 1 year, in addition to the extension provided for in Public Law 208, Seventy-eighth Congress.

(2) The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in (1) above, and thereafter in their discretion to commence such proceeding against such persons as the facts may justify.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Pub. Law 729, 77th Cong.).

Mr. WAGNER. Mr. President, as chairman of the Committee on Banking and Currency, I wish to make a statement with respect to Senate bill 1764, which is now before the Senate. The bill amends the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, in a number of respects and extends their effective period until December 31, 1945.

In my opinion, no more important or, considering the difficult and novel problems involved, more successful wartime legislation has been passed by the Congress than these two acts. They have provided the statutory basis for the stabilization of our economy during a period of unprecedented strain. I am glad to state that there was agreement among the members of the committee, not only that the price control and stabilization acts have worked successfully and should be extended but—apart from the amendment relating to cotton textile prices which I shall discuss later—that they should be extended without substantial change.

NECESSITY FOR CONTINUING STABILIZATION PROGRAM

Mr. President, the first question before the committee was, of course, whether the stabilization program should be continued. On this point there was unanimous agreement, not only among members of the committee, but also among the witnesses who testified at the hearings. I will not, therefore, take up the time of the Senate with any further discussion of this point except to point out that inflationary pressures, both in terms of the excess of income over the quantity of goods and services available for purchase, and the amount of purchasing power held by civilians in liquid form, such as currency and bank deposits, are without precedent in our history. More important for the future is the fact that these pressures are still growing as the war effort reaches peak intensity. Resistance to these inflationary pressures must be maintained more vigorously than ever.

OPERATION OF THE PROGRAM

The cost of living has risen by a little more than 25 percent since the outbreak of the war in Europe. Most of this increase took place before January 1942, when the Emergency Price Control Act became law. In the past two and a half years the increase has been only a little more than 10 percent. Since October 2, 1942, when the Stabilization Act was passed, the increase has been only 5 percent. And for the past year, in the face of the most extraordinary inflationary pressure, there has been practically no change in the cost of living. This is a notable record.

This stability has brought immeasurable benefits to all groups in the Nation: investors, pensioners, white-collar workers, professional people, people dependent on annuities or allotments, to schools, universities, and other institutions, and to Federal, State, and local governments. To protect them was one of the basic purposes of the act, and that purpose has been accomplished.

At the same time that the cost of living has been successfully stabilized, production has expanded enormously. While prices of industrial goods have risen only 22 percent above the August 1939 levels, the Federal Reserve Board's index of industrial production has risen 131 percent.

In agriculture the facts are equally striking when one takes into account the difficulties of increasing production. In the 4 years of World War No. 1 farm production rose 5 percent. Between 1939 and 1943 it rose 21 percent. In 1943 food production was at an all-time peak.

When the price-control legislation was first being considered, not only were there few who believed that a rise in the cost of living could be stopped, as it has been, but many thought it was not even possible to keep inflation down to moderate levels. Mr. President, these people have been proved wrong by the cold facts. We have stabilized. We have done it through wise legislation and vigorous administration.

A few voices can be heard arguing that the Government's program is only a minor factor in this success; that the fate of the legislation is not important; that success has been won mainly because consumers saved their money.

Now I certainly agree that the public has exercised great self-restraint in its spending. But can anyone suppose that if prices had not been controlled this same self-restraint would have been exercised? If the people had not known that their Government was acting to protect them, the initial price rises which we had would sooner or later have given rise to advance buying, which would have accelerated the price increases; that, in turn, would have resulted in still more consumer hoarding until buying would have reached levels that no one now dreams of. On the other hand, what we actually have is a situation in which people are confident that prices are being held and can continue to be held if Congress acts wisely. When they have that confidence, then and only then do they exercise self-restraint. The whole psychology of self-restraint, of willingness to invest in War bonds and to save in other forms, depends on the continuation of firm control. If the program were weakened and prices began to rise again, the enormous income in the hands of the public might become

active and there is no telling how rapid the rise would become.

ADMINISTRATION OF THE ACT

The agencies mainly affected by the present legislation are the Office of Economic Stabilization, the Office of Price Administration, the National War Labor Board, and the War Food Administration, all of which are concerned with the stabilization of prices, wages, and rents.

Of course, successful operation of the stabilization program requires not only wise legislation, which is what we are principally concerned with here, but also efficient administration of the law upon the part of the agencies concerned. In our hearings the heads of all of these agencies testified as to how they operate, what difficulties they have had, and how they are trying to solve them.

OFFICE OF PRICE ADMINISTRATION

In establishing price ceilings O. P. A. must carry out the intention of Congress to stabilize prices, so far as practicable, at the September 1942 level. At the same time the O. P. A. tries to keep its ceilings generally fair and equitable, and to make adjustments to correct gross inequities.

In determining whether or not increases should be permitted on an industry basis when costs rise, O. P. A. says to the industry: "We must carry out the intention of Congress to stabilize. Therefore, we cannot let every rise of costs result in a higher ceiling. If your over-all profits are above the normal peacetime level, and if you are also covering your out-of-pocket costs on this particular product, then you must absorb the rise in costs; we will not give you an increase. But if the rise of costs brings profits below the normal peacetime level, or if it brings the out-of-pocket costs of this particular product above the ceiling, we will give you an adjustment." Those who bear responsibility for the program testified that only by the application of such a standard could they carry out the mandate of Congress to prevent inflation.

Under this standard for industry-wide price adjustments, there are, of course, bound to be individual producers who fare badly. This is nothing new, however. Even in peacetime there have been producers whose profits have been low or who have lost money when the major part of their industry was operating successfully. It was certainly not the intention of Congress to give every producer a virtual guaranty of profits in an act designed to substitute governmental restraint for the forces of competition which protect the economy in peacetime. Nevertheless, increases are given to relieve hardship where that can be done consistently with the purposes of the law.

Business as a whole has prospered under price control, despite some individual hardships. Corporate profits, both before and after taxes, are at all-time high records. Business failures are lower than at any time in the half century for which we have records. Small independent stores are more than holding their own against chain stores and mail-order houses. Balances in the checking accounts of all unincorporated business increased by more than 60 percent in the single year between June 30, 1942, and June 30, 1943.

The problems of administering the Price Control Act have been difficult and varied. Mr. Bowles, the Price Administrator, freely admitted to us that there had been many mistakes in the operation of the O. P. A., and that the operations of the agency have not been as smooth as they should have been. In this connection he pointed out the magnitude of the burden that faced O. P. A. in the first year and a half after Pearl Harbor. I am sure Senators will be impressed, as I was, when they review the tremendous number of problems that the agency had to meet. In the past year O. P. A. recognized the need for overhauling its administration; and Mr. Bowles listed a large number of changes that have been made with a view to improving operations.

One of the significant changes that Mr. Bowles has introduced is to make price-control operations more democratic. He has done this by decentralizing operations as much as possible, by transferring responsibility from Washington to the local areas as far as is consistent with maintaining a unified national policy. The O. P. A. has also greatly increased the extent of consultation with industry.

WAR LABOR BOARD

The wages and salaries of some 30,000,000 employees are subject to the control of the War Labor Board, and hundreds of thousands of establishments are affected by the program it administers. The Board has handled 300,000 applications for wage adjustments, requests for rulings, cases involving wage disputes, and the like, in the year and a quarter between the Stabilization Act and the end of 1943.

The wage stabilization policies under which the Board has operated have limited wage adjustments to workers whose pay is relatively low and to workers whose wages remained unchanged from January 1941 to October 1942. The basic hourly rates of more than three-fourths of the workers subject to the Board's jurisdiction have been unaltered through its actions. Proposed wage adjustments for more than a million workers have been denied by the Board. For workers whose wages have been adjusted, increases have averaged about 6.2 cents an hour for both voluntary cases and disputed cases involving wages.

Of course, many individual workers whose basic rates have not been adjusted have received increases in their total pay during the stabilization period since 1942. This increase in average earnings has reflected longer hours of work, the transfer of thousands of workers to higher paid jobs in the war industry, upgrading and promotions, and other factors which are outside the jurisdiction of the Board. These increases are to a great extent a necessary and desirable means of getting the great shifts of labor that the war economy requires.

War Labor Board wage actions are coordinated with O. P. A. price ceilings by an order from the Director of Economic Stabilization. This order provides that all wage adjustments made by the Board which may affect price ceilings shall become effective only if also approved by him. Less than one-half of 1 percent of all of the wage cases acted upon by the Board through early in February of this year involved any price adjustment or increase in cost to the Government.

TESTIMONY OF THE ARMED SERVICES

The Secretary of War and the late Secretary of the Navy, whose recent death was a tragic blow to the country, both explained to the committee the vital stake that the armed forces have in the successful continuation of the stabilization program. Secretary Knox said that any failure or even weakening of the Price Control Act "would have serious and unpredictable consequences for the Navy during the critical period ahead." Secretary Stimson told us that weakening of the program might give false hopes about early termination of the war, and might disturb the morale of the civilian workers and the soldiers in the field, as well as of their families at home, and he warned that these things must be avoided.

Both expressed the opinion that the stabilization program has played a vital part in maintaining a high level of production of ships, planes, and other material. Let me quote directly what Secretary Knox said about the shipbuilding industry:

> As you well know, the problem of securing manpower and regulating wages has been especially acute in the shipbuilding industry. The expansion of shipbuilding activity has required a great migration of workers from other areas. Higher earnings, due in part to long hours and steady work, have been one of the means by which this labor has been attracted. These higher earnings have in large measure balanced the cost of uprooting families and moving, and the disadvantages of life in congested communities lacking in facilities for normal life. Pressure to lift prices and rents around the shipyards has been particularly intense. Only the firmest control can resist these pressures. The levels to which rents and other living costs would soar if controls were relaxed in these congested areas is an alarming reflection, to say the least. Should living costs rise, we would find ourselves with a dissatisfied working force, and have the greatest difficulty holding this critical manpower. The turn-over is serious as it is.

Secretaries Knox and Stimson also emphasized that the stabilization program plays an important part in sustaining the morale of officers and men by protecting the millions of men in the services and their families. You may be surprised to hear that Army insurance alone reached a total of $74,000,000,000 by the end of 1943. The real value of this insurance to the widows and other beneficiaries of those who give their lives is determined by what happens to prices.

Moreover, the families of servicemen are in greater or lesser degree dependent upon allotments. Concern about the folks back home is bound to mount with prolonged absence, even under the most favorable conditions. If I may quote Secretary Knox again:

> Only effective price stabilization can protect these dependents and preserve the peace of mind of our fighting men. Any substantial rise in the cost of living, or even any

threat of such a rise, will soon be reflected in letters and news from home, with disconcerting effect on morale and spirit.

VIEWS OF THE PUBLIC

It is clear from what both Government and private witnesses said, not only that the stabilization program should be continued substantially in its present form, but that the agencies concerned with administering it are settling down to smoother operations.

I think these expressions of opinion are as striking evidence of the success of the program as one could find. Many private as well as Government witnesses, including representatives of such organizations as the Chamber of Commerce and the American Bankers Association, want the legislation continued with no basic changes. In fact, the president of the American Bankers Association, when asked if he had any amendments to propose, said, "We feel that there are possible dangers in opening up what seems to us a Pandora's box."

It is apparent that an overwhelming majority of the general public feels the same way. There is no question that the stabilization program now has the confidence of the people.

PROVISIONS OF THE BILL

During the course of the hearings a number of amendments were urged upon the committee. Most of the amendments that were suggested would compel the O. P. A. to grant general increases in prices or rents in order to relieve alleged hardship or inequity under the price- and rent-control programs. In view of the generally high levels of prosperity prevailing among the various groups in our economy, it is clear that cases of actual hardship are the exception and not the rule. Adjustments in such cases may be made under the present stabilization policies and, if held within strict bounds, do not have any serious inflationary effect. However, the adoption of any proposals which would require general increases in ceiling prices or rents would undoubtedly precipitate pressures for additional increases all along the line and set in motion inflationary forces which would be impossible to control. The committee, therefore—and in my opinion, wisely—rejected most of the amendments suggested to it.

However, the committee has recommended a number of amendments which, I believe, will improve the existing law and which will substantially aid in removing grounds for complaints against the administration of the program without impeding its operation.

These amendments are discussed in detail in the committee's report, and I shall merely refer to them briefly at this point. I take it that later there will be more detailed discussion.

There has been considerable complaint that the procedures for protesting regulations issued by the Price Administrator, and for challenging the validity of the regulations in the courts, do not give the citizen adequate protection.

In the early days of price control many people unfamiliar with the provisions of the act lost their right to challenge the validity of a regulation by failing to file a protest within the statutory period of 60 days. The bill, therefore, provides a new period of 60 days beginning July 1, 1944, during which protests may be filed with respect to all regulations issued prior to that date.

The present act provides, in section 203 (c), that protest proceedings may be limited by the Administrator to the filing of affidavits or other written evidence and the filing of briefs. In order to assure a protestant full consideration of his objections to a regulation and still leave to the Administrator sufficient flexibility in working out the details of the procedure, we have provided for the consideration of protests by a board of review to be designated by the Administrator. In the case of any protest filed after September 1, 1944, the protestant will have an opportunity to argue his case orally before such a board. The protestant will be informed of the recommendations of the board to the Administrator and, if the recommendations are rejected, of the reasons for such rejection.

The bill also provides a remedy in the event of unreasonable delay by the Price Administrator in the final disposition of a protest. In the event of such delay, the protestant may apply to the Emergency Court of Appeals for an order requiring the Administrator to act within a specified time.

Under the existing provisions of the Price Control Act, the Emergency Court of Appeals has exclusive jurisdiction, subject to review by the Supreme Court, to pass upon the eligibility of price and rent regulations. This jurisdiction may be exercised only when complaints are filed in the Emergency Court of Appeals following a denial by the Administrator of a protest against the regulation. It follows from this that when an action is instituted by the Administrator for the enforcement of a regulation the defendant may not challenge the validity of the regulation in that action. It has seemed to the committee that when these enforcement proceedings are of a criminal nature, the defendant should be given an opportunity to raise the question of the validity of the regulation he is charged with having violated if there is reasonable and substantial excuse for his having failed to challenge its validity by the only other method available to him—that is, through the protest procedure.

Section 107 of the bill provides the opportunity in a manner which will at the same time preserve the essential exclusive jurisdiction feature of the act and the effectiveness of the enforcement procedure upon which successful price control depends.

Section 205 (e) of the Emergency Price Control Act provides for actions for damages against sellers of commodities or landlords on account of overcharges in violation of the applicable maximum price or maximum rent. The liability under this subsection is either $50 or treble the amount of the overcharge, whichever is the greater. The court has no discretion to fix a smaller amount, and if there are a series of overcharges, no matter how small the amount involved, the purchaser is entitled to recover a minimum of $50 for each overcharge. Thus, a roomer who is overcharged 50 cents a day for 10 days is entitled under the present law to recover $500 from his landlord even though the aggregate amount of the overcharges is only $5.

The bill provides that the purchaser may recover only one $50 for all the overcharges which he has paid to a seller prior to the bringing of the suit. With respect to the treble-damage provision, the bill gives to the court the discretion to fix damages within the range between one and a half and three times the amount of the overcharge, subject, of course, to the $50 minimum. The committee felt that the court should be permitted to assess something less than treble damages in cases in which violations occur unintentionally and despite the exercise of due diligence to prevent them.

The bill also strengthens the enforcement provisions by authorizing the Price Administrator to bring a suit for damages on behalf of the United States in situations in which the present statute authorizes suits only by the consumer. If the consumer does not bring his action within 30 days of the violation, the Administrator is permitted to institute the action. This procedure provides the Administrator with a quick and effective remedy for violations of a minor character and thus closes an important gap in the present system of enforcement sanctions.

Another amendment provides that after June 30, 1945, no subsidy may be paid unless the money required for it has been appropriated by Congress. This amendment does not prohibit the payment of subsidies, but it does provide that after the end of the coming fiscal year subsidies shall not be paid except out of money appropriated by Congress for that purpose.

Section 103 of the bill amends section 2 of the Price Control Act by prohibiting agencies and officers of the Government from imposing any conditions or penalties not authorized by the acts under which they are operating or by lawful regulations issued under such acts.

Section 3 (e) of the Emergency Price Control Act appears to require the Price Administrator to obtain the approval of the Secretary of Agriculture before he can institute a suit for damages or suspend a license with respect to an agricultural commodity, even though it is clear that no such approval is necessary for injunction suits or criminal proceedings. The bill amends section 3 (e) so as to make it clear that the Price Administrator may use any of the enforcement procedures authorized by the statute without obtaining the approval of the Secretary of Agriculture.

As an aid to effective enforcement, the bill contains an amendment authorizing the Price Administrator to purchase commodities to obtain information or evidence of violations of the regulations. Other law-enforcement agencies of the Government have this authority, and there is no reason why the Price Administrator should be hampered in this respect.

Title II of the bill continues, until December 31, 1945, the effective period of the Stabilization Act of October 2,

1942, and provides for three other amendments to that act.

Section 201 of the bill—known as the Bankhead amendment—undertakes to provide a new formula for fixing ceiling prices for cotton textiles. I opposed the provision in committee. Together with the other members of the committee I have presented minority views with respect to it in the committee report. I was authorized by the committee to present those minority views, notwithstanding the fact that I was also, on behalf of the committee, presenting the committee report including favorable recommendations by the majority of the committee as to this amendment. While I expect to state my views as to this amendment later in the debate, I do not wish to discuss it at this time as it seems to me that the proponents of the amendment should first have an opportunity to explain it to the Senate and present their views relating to it.

Section 202 of the bill amends the Stabilization Act by providing that any agency provided for by the Railway Labor Act must, as a prerequisite to effecting or recommending a settlement of a wage dispute between employees and carriers, make a finding and certification that the settlement will be consistent with the standards in effect for the purpose of controlling inflationary tendencies. When such a finding is made the amendment provides that it shall be conclusive. The procedures of the Railway Labor Act have furnished an admirable method for the settlement of disputes and the maintenance of a rational wage structure in the railway industry. The agencies established under the Railway Labor Act for the consideration of wage disputes are best qualified, because of their intimate knowledge of the problems involved, to make conclusive determinations as to railway wage rates. This does not mean that railway employees are exempted from the Stabilization Act or the wage stabilization program. The amendment specifically provides that these employees and their employers and the agencies set up by the Railway Labor Act for settling wage disputes shall be bound by the wage stabilization program.

Section 204 of the bill increases the basic rate for Government loans on the basic commodities—cotton, corn, wheat, rice, tobacco, and peanuts—to 95 percent of the parity price. The present basic rate is 90 percent of the parity price. This section also increases the price which is to be supported by the Government for nonbasic agricultural commodities under the Steagall amendment from the present 90 percent to a new rate of 95 percent of the parity or comparable price. The new 95 percent rates provided for by this section will be effective until the end of the second year after the termination of hostilities in the present war.

In conclusion, I want to emphasize that the stabilization program is a vital part of the war effort, and that it must be prosecuted just as vigorously as other aspects of the war program. As the Price Control Act itself declares, economic stabilization is necessary to the effective prosecution of the present war. It is also a necessary part of the readjustment to peace. The problem of demobilizing the great war economy that we have built up will be difficult enough in any case, as we are all aware. If we permit any weakening of the stabilization program we may add difficulties of our own making to those we cannot escape, and release forces that will threaten the entire structure of our free society. Such a consequence can be avoided and the responsibility for avoiding it rests chiefly upon us.

The continuation of the stabilization program is a vital step in the discharge of that responsibility. I am confident that Senators will agree that the present legislation should be extended without substantial change.

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

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from New York yield to the Senator from Nebraska?

Mr. WAGNER. I yield.

Mr. WHERRY. I may not have been in the Chamber when the Senator discussed some of the proposed amendments which he said were rejected by the committee. Does he recall the reason for not including in the committee amendments the so-called section 7 amendment which was offered by me, and which had to do with penalizing those alleged to have violated price directives which set maximum ceilings?

Mr. WAGNER. Did the amendment to which the Senator refers deal with the question of the district court?

Mr. WHERRY. No. The amendment reads as follows:

(g) No person shall be penalized for any sale heretofore or hereafter made of any agricultural commodity at a price which at the time and place of such sale was no higher than a price which would reflect to the producers of such agricultural commodity the prices required by section 3 of the act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes (Public Law 729, 77th Cong., approved October 2, 1942).

In the event a violation were charged it would be provided that in whatever court the action was brought the defendant could set up as a defense any right which he might have had under the Price Stabilization Act with reference to what the price of the commodity should be. The amendment would in no way increase the prices of commodities, but it might afford a defense in cases in which a maximum ceiling price established by a directive was lower than the price the products should have brought under the Price Stabilization Act, section 3. Does the Senator recall what the position was with reference to that amendment?

Mr. WAGNER. That is the so-called Wherry amendment. The committee agreed to a part of it, which has been included.

Mr. WHERRY. It has been included in some of the procedural language, but the part to which I refer has to do with the court procedure. It permits the defense to be offered——

Mr. WAGNER. It permits the defense to be made in any Federal district court, and, as I recall, we wished to avoid that and have the matter dealt with by the Emergency Court of Appeals.

Mr. WHERRY. Each district court would handle the cases which might be brought within its jurisdiction. There would be a multiplicity of opinions from the Federal district court.

Mr. WAGNER. Yes.

Mr. WHERRY. In the event that the amendment were to be perfected by providing an appeal directly to the Emergency Court of Appeals under the new procedure, would the opposition to the amendment be satisfied?

Mr. WAGNER. I should prefer to consider that matter after the Senator offers the proposed amendment.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert——

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Gillette	Reed
Ball	Green	Revercomb
Bankhead	Gurney	Reynolds
Barkley	Hatch	Robertson
Bilbo	Hawkes	Russell
Brooks	Hayden	Shipstead
Buck	Hill	Stewart
Burton	Holman	Taft
Bushfield	Jackson	Thomas, Idaho
Byrd	Johnson, Colo.	Thomas, Okla.
Capper	La Follette	Truman
Caraway	Lucas	Tunnell
Chandler	McClellan	Tydings
Chavez	McFarland	Vandenberg
Clark, Mo.	McKellar	Wagner
Connally	Maloney	Wallgren
Cordon	Maybank	Walsh, Mass.
Danaher	Mead	Walsh, N. J.
Davis	Millikin	Weeks
Downey	Murdock	Wheeler
Eastland	Nye	Wherry
Ellender	O'Daniel	White
Ferguson	Overton	Wiley
George	Pepper	Willis
Gerry	Radcliffe	Wilson

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

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from West Virginia [Mr. KILGORE], the Senator from Montana [Mr. MURRAY], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business.

The Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] are absent on official business.

The Senator from North Carolina [Mr. BAILEY] is necessarily absent.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Vermont [Mr. AUSTIN], the Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. BUTLER], the Senator from North Dakota [Mr. LANGER], the Senator from Oklahoma [Mr.

MOORE], and the Senator from New Hampshire [Mr. TOBEY].

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

The clerk will state the committee amendment.

Mr. TAFT. Mr. President, with the approval of the Senator from New York, I should like to ask unanimous consent that the committee amendment be divided, and that each section of the bill be considered as a separate committee amendment, so that we can take up the amendments in an orderly way.

Mr. WAGNER. I thought I had made such a request.

Mr. TAFT. Apparently the clerks at the desk did not think so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

The clerk will state the first amendment of the committee.

The CHIEF CLERK. On page 1, after line 2, it is proposed to strike out:

That section 1 (b) of the Emergency Price Control Act of 1942, as amended by the act of October 2, 1942, is hereby amended by striking out "June 30, 1944" and substituting "June 30, 1945."

SEC. 2. Section 6 of the act of October 2, 1942, is hereby amended by striking out "June 30, 1944" and substituting "June 30, 1945."

And to insert:

That this act may be cited as the "Stabilization Extension Act of 1944."

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to insert:

TITLE I—AMENDMENTS TO THE EMERGENCY PRICE CONTROL ACT OF 1942

TERMINATION DATE

SEC. 101. Section 1 (b) of the Emergency Price Control Act of 1942, as amended, is amended by striking out "June 30, 1944," and substituting "December 31, 1945."

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

APPROPRIATION REQUIRED FOR SUBSIDIES

SEC. 102. Section 2 (e) of such act is amended by adding at the end thereof the following new paragraph:

"After June 30, 1945, neither the Price Administrator nor the Reconstruction Finance Corporation nor any other Government corporation shall make any subsidy payments, or buy any commodities for the purpose of selling them at a loss and thereby subsidizing directly or indirectly the sale of commodities, unless the money required for such subsidies, or sale at a loss, has been appropriated by Congress for such purpose."

Mr. TAFT. Has the amendment to section 101 been agreed to?

The PRESIDING OFFICER. That amendment has been agreed to.

Mr. WAGNER. I understood that the senior Senator from Connecticut desired to discuss the amendment to section 102. I do not see him present in the Chamber at this time, and I suggest that the amendment be temporarily laid aside unitl he arrives.

The PRESIDING OFFICER. Without objection, the amendment will be passed over, and the clerk will state the next amendment of the committee.

The CHIEF CLERK. On page 2, after line 21, it is proposed to insert the following:

UNAUTHORIZED CONDITIONS OR PENALTIES

SEC. 103. Section 2 of such act is amended by adding at the end thereof the following new subsection:

"(k) No agency, department, officer, or employee of the Government, in the payment of sums authorized by this or other acts of Congress relating to the production or sale of agricultural commodities, or in contracts for the purchase of any such commodities by the Government or any department or agency thereof, or in any allocation of materials or facilities, or in fixing quotas for the production or sale of any such commodities, shall impose any conditions or penalties not authorized by the provisions of the act or acts, or lawful regulations issued thereunder, under which such sums are authorized, such contracts are made, materials and facilities allocated, or quotas for the production or sale of any such commodities are imposed. Any person aggrieved by any action of any agency, department, officer, or employee of the Government contrary to the provisions hereof, or by the failure to act of any such agency, department, officer, or employee, may petition the district court of the district in which he resides or has his place of business for an order or a declaratory judgment to determine whether any such action or failure to act is in conformity with the provisions hereof and otherwise lawful; and the court shall have jurisdiction to grant appropriate relief. The provisions of the Judicial Code as to monetary amount involved necessary to give jurisdiction to a district court shall not be applicable in any such case."

Mr. ELLENDER. May we have an explanation of the amendment?

Mr. WAGNER. Mr. President, the amendment prohibits agencies and officers of the Government, in the payment of sums authorized by acts of Congress relating to the production or sale of agricultural commodities, or in contracts for the purchase of such commodities, or in any allocation of materials or facilities, or in fixing quotas for the production or sale of any such commodities, from imposing any conditions or penalties not authorized by the acts under which the activities concerned are conducted or by lawful regulations issued under such acts. Any person aggrieved by the failure of any agency or officer of the Government to comply with the requirements of this amendment is authorized to petition the district court of the district in which he resides or has his place of business for an order or declaratory judgment to determine whether the requirements of the section are being complied with; and the court is authorized to grant appropriate relief.

Mr. ELLENDER. Are we to understand that penalties were enforced which were not provided for in the law itself?

Mr. WAGNER. No; as I understand, this amendment limits the penalties involved to the particular instances.

Mr. ELLENDER. I understand that, and that is the extent to which I thought penalties were imposed; that is, penalties that are sanctioned by the law.

Mr. WAGNER. I thought so, too, but the complaint has been made that other penalties were imposed in some of these actions. Actually there was no evidence before our committee, but there was a statement that some of these other requirements had been imposed, and this would make the entire question certain.

Mr. ELLENDER. I understand.

Mr. TAFT. Perhaps I can give an example of what the committee was trying to reach, through citing an order issued by the War Food Administration as to dairy products. They provide for various milk arrangements, pools, and other things, under the War Food Administrator. This amendment does not relate particularly to the Price Administration. The Price Administrator had no objection, because he said he was not using other penalties, anyway. It has more to do with the question of the War Food Administrator's actions.

I read a section of the regulations of the War Food Administrator relating to the milk order:

Violations. The War Food Administrator may suspend, revoke, or reduce the quota of any person who violates any provision of this order, may prohibit by order such person from receiving, or using milk, cream, or any other material subject to priority or allocation control by the War Food Administrator.

In other words, they are saying, "If you do not do this particular thing, we will take away the priorities which are given to you through the War Food Administrator," and they recommend that "such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws," and civil action may be instituted.

In other words, the purpose of the amendment is to prevent the enforcement of one act by threatening penalties under another act. The War Food Administrator could proceed under the statute which regulates him, but he would have to confine himself to the penalties provided in the act. He could not call on the Price Administrator and say, "Go after this fellow and take his license away for something he did in violation of our act," and threaten him with that action as a result of his alleged violation of the War Food Administration Act.

Mr. ELLENDER. I am in thorough agreement with the proposition that no agency, be it O. P. A. or any other, should provide any penalty that is not prescribed in the law.

Mr. TAFT. That is all this amendment is intended to cover.

Mr. ELLENDER. Did the committee obtain any evidence of any cases in which penalties were imposed which were not provided for in the law?

Mr. TAFT. As I recall, those interested in farming told us of some cases. They specifically produced the order I have read, Order FDO 79, of the War Food Administration, issued September 7, 1943. On its face it threatens any man who does not abide by it with having his gasoline cut off, we will say, or having some other weapon used in an attempt to make him come in under the order. As a matter of fact, this particular order was taken to court, and the

District Court held later on that the provision for assessment of the cost was a tax which could not be imposed by regulation, and the court knocked out the order. But in the meantime the people concerned were threatened with having their gasoline taken away and having all sorts of other measures used against them. I happen to know that. I do not know whether that case was placed in the record of the hearings, but this was an actual case where such a thing was being done. As a matter of fact, it is being done in other fields, such as the war manpower field. The War Manpower Commission is proposing to enforce its orders entirely by threatening those who fail to obey with some penalty from the War Production Board, for instance, the cutting off of their supplies of material. I do not want to pass on that question, and the amendment does not cover anything outside the sale of agricultural commodities or things processed therefrom.

Mr. President, I do not believe that when they seriously think the matter over any officials will want to do such a thing. Certainly the Price Administration said frankly, "We do not do this and we do not want to do it."

Mr. MURDOCK. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. TAFT. I yield.

Mr. MURDOCK. There was no evidence produced before the committee at all, was there, which indicated that the Office of Price Administration had engaged in any of the procedures which are prohibited by this amendment?

Mr. TAFT. I think the Senator is entirely correct. The entire criticism, as I remember, was of the War Food Administration and the control of dairy products.

Mr. MURDOCK. I should like to propound another question to the Senator from Ohio. Is it not true that the other agencies which would be affected by the amendment were not given an opportunity to come forward and explain the effect such an amendment might have on their operations?

Mr. TAFT. I have no doubt they had been fully advised of it. We did not refuse a hearing to any of them. I think we suggested to the Price Administrator that if he thought they would be embarrassed, or had objections, they could come before the committee. We were quite willing to hear from them.

Mr. MURDOCK. I am sure of that, but, as I recall the situation, although we would have heard them, the other agencies were not called in, and, as I understand the record, there is very little in it that has any bearing on the pending amendment. I cannot see any particular objection to it, but I feel that it is hardly appropriate in the pending bill when there is absolutely no evidence that the Office of Price Administration has ever engaged in these practices. It seems to me that before we adopt an amendment of this character we should have some evidence as to what the ramifications and effects of such an amendment would be on other agencies.

Mr. ELLENDER. Mr. President, I have no desire to oppose the amendment. As has been said, it seems perfectly harmless, but I think the amendment is entirely out of place, and it demonstrates a poor method of legislating. It sounds like an appeasement amendment. We are saying in effect that a Government agency shall not impose conditions or penalties which are not authorized by the act. The law now provides what penalties may be imposed, and it strikes me that that ought to be sufficient. Does anyone contend that penalties not provided by law could be enforced? On the other hand, the evidence shows that O. P. A. has not attempted to impose such penalties as were not provided in the law, and I repeat, the amendment is entirely out of order and out of place.

Mr. TAFT. Mr. President, there was some discussion of the fact that no evidence was presented. I merely wish to call attention to the fact that on page 464 of the record appears the statement of Mr. Holman, the head of the Cooperative Dairy Association. His statement sets out for a page or two his arguments in favor of this amendment. He said:

> The third type of abuse which needs to be corrected in this bill and generally comes directly into our operations, I call regulations to police other regulations.

He gave the case of the kind of affidavit which has to be signed by anyone who obtains a subsidy under the milk order, for instance. At the end of the statement which is presented to every man applying for subsidies for milk—which means approximately 3,000,000 farmers—there appears the statement: "Hereby swears"—and so forth—"that he is in full compliance with all applicable food distribution orders issued by the Secretary of Agriculture or the War Food Administrator of the United States."

In other words, the two are linked together, and it is rather difficult to separate them.

I think the correction of an abuse dealing with food products and the War Food Administrator is perfectly germane to this bill. After all, the War Food Administrator also derives many of his powers from the Price Control Act, and there have been transferred to him powers given by the Price Control Act to the Secretary of Agriculture. So, inasmuch as this amendment deals only with agricultural commodities and articles processed from agricultural commodities, I do not think the Senator should say that we should not deal with abuses in the War Food Administration or matters which we think should be corrected, merely because the bill deals primarily with the Price Administrator. The renewal of the Price Control Act and the Stabilization Act covers not only prices, but wage-fixing provisions and powers of the War Food Administrator conferred by the Price Control Act or conferred on the Secretary of Agriculture and transferred by Executive order to the War Food Administrator. I think we are justified in dealing with matters which have to do with things covered by the price administration law.

Mr. ELLENDER. Mr. President, I read on pages 2 and 3 of the pending bill, beginning in line 25, under subsection (k), the following language:

> No agency, department, officer, or employee of the Government, in the payment of sums authorized by this or other acts of Congress relating to the production or sale of agricultural commodities—

And so forth. Will the Senator state whether this amendment would apply solely to the operations of the Stabilization Act and the Price Control Act, as amended?

Mr. TAFT. I think it might also cover the Commodity Credit Corporation, because it says "in the payment of sums authorized by this or other acts of Congress." That might include a subsidy. In other words, it is said, "If you are going to pay subsidies you should pay subsidies. You should not require that before a man receives a subsidy he must come in and prove that he is not violating any of hundreds of other regulations which might apply to him." That is one thing.

Then, following that in the amendment, we find the provision—

> Or in contracts for the purchase of any such commodities by the Government or any department or agency thereof.

In other words, we forbid the imposing of certain other conditions dealing with price control or other matters as a condition of getting a contract.

Third, the amendment provides—

> or in any allocation of materials or facilities.

In other words, cutting off gasoline.

Mr. ELLENDER. Has the Senator any idea whether other agencies than those mentioned by him may be affected by this provision?

Mr. TAFT. I do not think of any others it would affect except the Commodity Credit Corporation, the O. P. A., and the War Food Administrator, and the R. F. C., in acting as agent for the O. P. A.

I think the amendment is entirely proper.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on pages 2 and 3, inserting a new section 103.

The amendment was agreed to.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

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

Mr. WHERRY. I yield.

Mr. OVERTON. Mr. President, I submit a conference report on House bill 4559, the bill making appropriations for the Navy Department.

The PRESIDING OFFICER (Mr. HILL in the chair). The report will be read.

The Chief Clerk read the report, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4559) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1945, and additional appropriations therefor for the fiscal year 1944, and for other purposes, having met, after full and free conference, have agreed to

recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6 and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 7, 11, 12, 13, and 15, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 54 of the bill, in line 18, strike out the numerals "1943" and insert in lieu thereof "1944"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 5, 8, 9, 16, and 17.

JOHN H. OVERTON,
ELMER THOMAS,
THEODORE FRANCIS GREEN,
RUFUS C. HOLMAN
STYLES BRIDGES,
Managers on the part of the Senate.

HARRY R. SHEPPARD,
ALBERT THOMAS,
JOHN M. COFFEE,
JAMIE L. WHITTEN,
CHARLES A. PLUMLEY,
NOBLE J. JOHNSON,
WALTER C. PLOESER,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report.

There being no objection, the report was considered and agreed to.

Mr. OVERTON. I ask that the Chair lay before the Senate the message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 4559, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 1, 1944.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the bill (H. R. 4559) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1945, and additional appropriations therefor for the fiscal year 1944, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 1 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert: "$42,437,298: *Provided*, That the whole of the appropriation 'Aviation, Navy, 1942,' shall remain available until June 30, 1945, for the payment of obligations incurred under contracts executed prior to June 30, 1942, the provision in the appropriation 'Aviation, Navy,' contained in this act to the contrary notwithstanding."

That the House recede from its disagreement to the amendment of the Senate numbered 5 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"NAVAL PROCUREMENT FUND

"The Secretary of the Treasury is authorized and directed, prior to July 1, 1944, upon the request of the Secretary of the Navy, to transfer $1,000,000 from the naval emergency fund (17X0300) to the naval procurement fund (Public Law 653, approved July 3, 1942) and advances by check or warrant and reimbursements to the naval procurement fund from naval appropriations may be made on the basis of the estimated cost of a project without further accounting distribution of expenditures to the individual appropriations involved: *Provided*, That the naval procurement fund shall not be employed beyond the duration of the present wars except to liquidate obligations incurred prior to the termination of such wars."

That the House recede from its disagreement to the amendment of the Senate numbered 16 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"SEC. 121. The authority contained in section 103 of the Second Supplemental National Defense Appropriation Act, 1943, is hereby extended to and made applicable to the appropriations for the naval service made subsequent to such act and contained in this act without any increase in the amount limitation fixed in such section: *Provided*, That 'information and services' authorized to be rendered by the act of March 11, 1941 (Public, 11), need not be connected with the procurement or disposition of any defense article."

That the House insist upon its disagreement to the amendments of the Senate numbered 8 and 9 to said bill.

Mr. OVERTON. I move that the Senate agree to the amendments of the House to the amendments of the Senate Nos. 1, 5, and 16.

Mr. WHITE. With respect to those amendments or to those portions of the report in which there has been agreement, were the minority conferees in agreement with the majority?

Mr. OVERTON. Does the Senator mean with reference to the amendment of the House which has already been agreed to? The House made a very slight modification to the Senate amendments numbered 1, 5, and 16.

Mr. WHITE. Does the Senator move that the Senate concur in the House amendments to the Senate amendments?

Mr. OVERTON. Yes, the House amendments to Senate amendments numbered 1, 5, and 16. I shall then move that the Senate insist upon its amendments numbered 8 and 9, and ask for further conference thereon.

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

The motion was agreed to.

Mr. OVERTON. I now move that the Senate insist on its amendments numbered 8 and 9, and ask for a further conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

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

The motion was agreed to; and the Presiding Officer appointed Mr. OVERTON, Mr. GLASS, Mr. THOMAS of Oklahoma, Mr. GREEN, Mr. WALSH of Massachusetts, Mr. HOLMAN, Mr. BRIDGES, and Mr. BROOKS conferees on the part of the Senate at the further conference.

EXTENSION OF EMERGENCY PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed the consideration of the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.), as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.).

The PRESIDING OFFICER (Mr. HATCH in the Chair). The next amendment of the committee will be stated.

The next amendment of the committee was, on page 4, line 1, to insert a new section 104, as follows:

ENFORCEMENT AUTHORIZATION

SEC. 104. Section 3 (e) of such act is amended by striking out "(a) and (b)."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 4, line 4, to insert a new section 105, as follows:

EXPENDITURES BY THE ADMINISTRATOR

SEC. 105. Section 201 (c) of such act is amended to read as follows:

"(e) The Administrator shall have authority to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere; for lawbooks and books of reference; for paper, printing and binding; and for purchase of commodities in order to obtain information or evidence of violations of price, rent, or rationing regulations or orders or price schedules) as he may deem necessary for the administration and enforcement of this act. The provisions of section 3709 of the Revised Statute shall not apply to the purchase of supplies and services by the Administrator where the aggregate amount involved does not exceed $250."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 4, line 19, to insert a new section 106, as follows:

PROTEST PROCEDURE

SEC. 106. (a) The first sentence of section 203 (a) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows: "Within a period of 60 days after the issuance of any regulation or order under section 2 (or in the case of a price schedule, within a period of 60 days after the effective date thereof specified in section 206), or within a period of 60 days after June 30, 1944, whichever is later, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections."

(b) Section 203 (c) of such act is amended by inserting before the period at the end thereof a colon and the following: "*Provided, however*, That, upon the request of the protestant, any protest filed in accordance with subsection (a) of this section, after September 1, 1944, shall, before denial in whole or in part, be considered by a board of review consisting of one or more officers or employees of the Office of Price Administration designated by the Administrator in accordance with regulations to be promulgated by him. The Administrator shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the board and the board shall make written recommendations to the Price Administrator. The protestant shall be informed of the recommendations of the board and, in the event that the Administrator rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection."

(c) Section 203 of such act is further amended by adding at the end thereof the following new subsection:

"(d) Any protest filed under this section shall be granted or denied by the Administrator, or granted in part and the remainder of it denied, within a reasonable time after it is filed. Any protestant who is aggrieved by undue delay on the part of the Administrator in disposing of his protest may petition the Emergency Court of Appeals, created pursuant to section 204, for relief; and such court shall have jurisdiction by appropriate order to require the Administrator to dispose of such protest within such time as may be fixed by the court. If the Administrator does not act finally within the time fixed by the court, the protest shall be deemed to be denied at the expiration of that period."

Mr. WAGNER. Mr. President, I see that the senior Senator from Connecticut [Mr. MALONEY] has now entered the Chamber. I ask unanimous consent that the Senate return to the consideration of section 102, which was temporarily laid aside.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 2, beginning in line 11, it is proposed to insert a new section, as follows:

APPROPRIATION REQUIRED FOR SUBSIDIES

SEC. 102. Section 2 (a) of such act is amended by adding at the end thereof the following new paragraph:

"After June 30, 1945, neither the Price Administrator nor the Reconstruction Finance Corporation nor any other Government corporation shall make any subsidy payments, or buy any commodities for the purpose of selling them at a loss and thereby subsidizing directly or indirectly the sale of commodities, unless the money required for such subsidies, or sale at a loss, has been appropriated by Congress for such purpose."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment inserting a new section 102, on page 2.

Mr. MALONEY. Mr. President, because this subject has been discussed time and again during the past 2 years, I shall not now talk about it at length. I wish, however, to register my protest, and to express the hope that the amendment will be rejected.

None of us can tell what the situation may be a year from now. The amendment is another attempt to do away with food subsidies. I am among the Senators who deplore the need for food subsidies, but I am very fearful that if the amendment is adopted we may find ourselves 1 year hence in even a more serious situation. We may find ourselves faced with appeals for new and extensive subsidies. We may be asked by groups throughout the country to provide large sums of money for subsidies to industries, to products, or to produce which we have never considered in connection with the subsidy program. I think it would be a very serious mistake to take away from the Office of Price Administration a subject which it has, through long experience, learned much about, and in effect turn the entire matter back to a Congress which cannot be so well informed as is the Office of Price Administration.

We have gone through very serious and troublesome times since the beginning of the O. P. A. There were, as might be expected with a new program of this sort, very serious mistakes in the beginning. The Office of Price Administration was guilty of many errors and, I think, blunders. But over the years the people of the country have come to a better understanding of the aims and purposes of the O. P. A. The O. P. A. itself has come to a better understanding of the problem. With the passing of the years, it has overcome the mistakes. If, now, as we, I hope and pray, approach the end of the war, we adopt the amendment we shall, in my judgment, by so doing, be abandoning the experience of the Office of Price Administration, and telling them that henceforth, as of the date provided herein, the Congress will alone make the decisions insofar as subsidies are concerned, and we may be overwhelmed by subsidy demands the like of which we cannot now anticipate.

I do not see anything to be gained by the adoption of this amendment at this particular time. I think we might very well let a well-functioning and now highly regarded Office of Price Administration continue with its program for the next year. If we should adopt the amendment, we might create a situation which could be dangerous a year hence. Let me repeat, there is no profit in it now. There is nothing to be gained at this time. I appeal to Senators to set this amendment aside for a year, when, in the light of the circumstances at that time, we can better determine whether or not we wish to abandon completely the experience of the Office of Price Administration. At that time we might determine that it would be best to act upon the advice and suggestions of an organization which has come to have the approval, and in many instances the applause, of the American people.

I hope the amendment will be rejected.

Mr. TAFT. Mr. President, the Senator from Connecticut, for whose judgment I have the highest respect, entirely misstates the issue involved in this amendment. The issue is not whether we shall continue subsidies or not. The issue is, Shall Congress hold the purse strings and determine what money shall be spent by the United States Government? Today we have in effect a program which is spending the taxpayers' money at the rate of $1,500,000,000 a year, without a single appropriation by Congress—in fact, contrary to the expressed will of Congress, as embodied in the law which was enacted.

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

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. TAFT. I yield.

Mr. MALONEY. I should like to point out to the distinguished Senator from Ohio that we are operating on this basis because of the opposition which arose when a proposal was made to appropriate one and a half billion dollars. There was an unwillingness on the part of the Congress to appropriate sufficiently for food subsidies.

Mr. TAFT. So I understand the Senator to say that he is in favor of the administration spending money whenever Congress refuses to appropriate it. He is in favor of the administration finding some other way of getting the money. That absolutely strikes at the very basis of constitutional government in this country. It strikes at the basis on which Anglo-Saxon legislative bodies have retained control over the purse strings during all these centuries.

Mr. MALONEY. Mr. President, I hope the Senator from Ohio will yield to me long enough to permit me to say that I did not make myself understood by him. As a matter of fact, I offered an amendment which provided that the Congress should appropriate the money, but the resistance to the amendment was sufficient to overcome it, and we found ourselves in the midst of a war, with a program under way and our hands tied. It seemed to me that there were powers in the hands of the executive department to provide sufficient money to continue the program; and, rather than have chaos, I favored that procedure.

Mr. TAFT. Again, Mr. President, this is not an amendment to end subsidies. What will happen under this amendment after the new Congress is elected? After an election held by the people of this country someone will come before Congress with a request for an appropriation. It may be for one and a half billion dollars. It may be for less. Sooner or later subsidies will have to be tapered off. I believe that Congress is perfectly capable of considering the question. I believe that the sentiment in Congress in favor of subsidies is greater than it was at that time. It seems to me absolutely illogical to say that nothing Congress can do now can prevent or in any way affect the subsidy program in 1945, and the spending of one and a half billion dollars if the President chooses to veto any bill which we might pass.

The only purpose of this amendment is to return to Congress the power over the purse strings. We fought out the subsidy question for this year. We permitted the continuation of the program on a certain basis. But it seems to me vitally important that never again shall a Government corporation which is given money for one purpose, for purchase and sale, which may or may not involve loss, but which was not intended to involve loss, pay out the money in cash, just as an appropriation for subsidies would be paid out. Money which was never given to those corporations for that purpose is gone forever. It seems to me fundamental that the Congress insist, when it comes to a program for spending money, that only money appropriated by Congress shall be spent. That is the only purpose of the amendment.

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

Mr. TAFT. I yield.

Mr. MALONEY. I think I am in accord with the views of the Senator from Ohio. I have, to a considerable extent, joined with him as we have considered stabilization legislation during the years.

I am inclined to think that I would agree with him a year hence; but I think we should wait until that time comes before legislating on this phase of the subject. All I am asking is that we set this question aside until that time.

Mr. TAFT. The reason for placing the amendment in the bill is this: The authority to pay subsidies—at least rollback subsidies—is contained in the bill. That authority will expire on the 1st of July. Section 2 (e) of the act provides as follows:

(e) Whenever the Administrator determines that the maximum necessary production of any commodity is not being obtained or may not be obtained during the ensuing year, he may, on behalf of the United States, without regard to the provisions of law requiring competitive bidding, buy or sell at public or private sale, or store or use, such commodity in such quantities and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof or otherwise to supply the demand therefor, or make subsidy payments to domestic producers of such commodity in such amounts and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof.

This is the authority, and we are now asked to extend that authority. I think any Senator who might have read the provisions of the act at the time it was enacted would have said that that was not intended to be authority to the Administrator to go ahead by himself. It was always intended that the authority should be implemented by appropriations, as authorization acts are always implemented by appropriations.

The reason why this condition arose was that there was a further provision. When we wrote this law we found that subsidies were already being paid. The act covered commodities other than food. For example, it covered copper. The Reconstruction Finance Corporation was paying subsidies on copper at that time. At least, if it was not paying subsidies, it was purchasing copper at different prices from various producers of copper. So the following proviso was added:

Provided, That in the case of any commodity which has heretofore or may hereafter be defined as a strategic or critical material by the President pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended, such determinations shall be made by the Federal Loan Administrator, with the approval of the President.

The President issued an order finding that beef, butter, and coffee were strategic and critical materials. Whether or not that was legal, it certainly was not the intention of the Congress when it enacted the law. It was very clearly intended that the authority to make subsidy payments should be subject to such conditions as the usual authorization act is subject to; that is, that the Congress should make the appropriations. Such appropriations were never requested, and were never made. The Reconstruction Finance Corporation was then used as a means of carrying out the program.

All this amendment would do would be to restore the condition to what was originally intended. We are now asked to authorize the Price Administrator to continue the payment of subsidies. That is what the extension of the O. P. A. would mean. It would authorize the Price Administrator to continue to pay subsidies. All the amendment would do would be to say that such subsidies should be conditioned upon appropriations by Congress, as we originally intended. It seems to me that that must be the effect. Otherwise, we should be saying, in effect, "All R. F. C. money hereafter may be used to pay subsidies in any amount that the President may see fit to indicate."

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

Mr. TAFT. I yield.

Mr. ELLENDER. In order to remove the apprehension entertained by the distinguished Senator from Connecticut [Mr. MALONEY], would the Senator agree to change the date in line 10, on page 2, of the bill from December 31 to June 30, 1945? By so doing the question of whether or not subsidies should be continued under present conditions could be disposed of should it become necessary to extend the act next year. As I understand, section 101, which would extend the act for 18 months, has already been adopted.

Mr. TAFT. That is correct; but the subsidy amendment would take effect after June 30, 1945, for the next fiscal year. Whether the next administration is to be Republican or Democratic, I believe that it ought to come to Congress, if it is to spend any amount approximating one and a half billion dollars on subsidies or anything else.

Mr. ELLENDER. My idea is to extend the act for 1 year instead of a year and a half, so that when and if the act is extended a year hence, the question of subsidies can be considered in connection with the extension of the act, as I have just indicated.

Mr. TAFT. I rather favor the extension of the act for a period of 18 months, because it seems to me that otherwise it would come back to us very soon. It seems to me that on the whole it would be better to end the act at the end of a calendar year. We might possibly be in a position of not renewing it at all. I am sure we shall have to renew it on June 30, because most of these matters run on the basis of a crop year, and prices have to be fixed according to the year. While this language provides that application for subsidies must be made before June 30, the truth is that the Administrator will have to make up his mind as to a subsidy program immediately after the 1st of January next year, I should say, and come to Congress and state what subsidies he thinks should be determined upon.

Mr. President, I may be making more of this matter than is necessary, because it may be that the Commodity Credit Corporation and the R. F. C. will run out of money by next January 1. I do not know; but it is entirely conceivable that they may run out of money by then. The Commodity Credit Corporation, at least, may run out of money by that time. However, it seems to me that any administration, in making up its budget for the calendar year beginning July 1, 1945, would wish to come to Congress and ask it to approve the budget, including the amount needed for subsidies, as well as for every other expenditure of the Government. Why should the amount involved in this instance alone be exempted from Congressional appropriation?

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

Mr. TAFT. I yield.

Mr. MALONEY. I should like to ask the Senator from Ohio if it is not true that, in the event the Senator's amendment prevails, and if money is not appropriated for food subsidies as of June 30, 1945, the Office of Price Administration may then be a hollow shell and have no power?

Mr. TAFT. It would have no power to pay subsidies. If Congress believes that no subsidies should be paid after July 1, 1945, I do not believe they should be paid. I have the same feeling with regard to every other public policy. This is not a unique idea. I am merely trying to line up the subsidy program with every other program of the Government.

Mr. MALONEY. I am inclined to agree with the Senator, as he knows. But why does the Senator wish to take action now which will become effective 6 months before the expiration of the act?

Mr. TAFT. Unless we are committed to subsidies it is almost impossible to stop them within 6 months. Certain obligations have been entered into, and it is therefore necessary to continue them. As a matter of fact, Congress could not possibly end subsidies today. It has lost all interest in doing so because subsidies have reached such a point, and have become of such vital interest in the minds of many persons, that if an attempt were to be made even to get rid of them it would have to be done very gradually. I believe that Congress would take that point of view with regard to the situation. However, I may say frankly that if Congress does not wish to have subsidies I do not believe, now that we are asked for a renewal of power, that we should leave ourselves in a helpless position. Congress should not be left in such a position that the President, after vetoing a bill which Congress had passed, could continue to pay subsidies against the opinion of the majority of Congress.

Mr. MALONEY. Allow me to ask the Senator from Ohio a question. Suppose that we leave this amendment out of the bill; in the normal course of events will we not consider the question of appropriating for food subsidies?

Mr. TAFT. No. If we wish to provide for subsidies in 1945 we shall have to pass another bill. That bill might well again be vetoed by the Executive, in which event nothing more could be done. No appropriations are required. Subsidies can be paid out of R. F. C. billions for an indefinite period with no control exercised by Congress.

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

Mr. TAFT. I yield.

Mr. ELLENDER. The fact remains, does it not, that the act will be in force

for 18 months if the renewal provision is agreed to by the House, and the only reason for coming back to Congress on June 30, 1945, would be to obtain appropriations in order to continue the subsidy program for 6 months? Is that not true?

Mr. TAFT. Originally I had a proposal drawn so that the subsidies would end on December 31, 1944. It was pointed out that it would not afford sufficient time to this Congress; that after all it was better to postpone the question for consideration of the new Congress. However, a program should be presented 5 or 6 months before the date upon which subsidies will actually end. In effect, this language provides that if subsidies are desired in 1945, the proper officials must come to the next Congress by the 1st of January 1945 and say, in effect, "Here is the program which we recommend."

Mr. ELLENDER. Will the Senator venture an opinion as to what would have happened to the subsidy program if such a proposal had been in the Price Control Act of last year? That is, if subsidies were to depend on appropriations from Congress 6 months before the act expired?

Mr. TAFT. I cannot speak for the House of Representatives. I believe that in this House we would have appropriated a very fair sum of money. We perhaps would not have appropriated all the money that was asked for, but there are some subsidies which I think are not justified. I think some subsidies are justified, and I believe that an appropriation of a reasonable sum would have been made.

Mr. ELLENDER. My guess is that all subsidies would have been thrown out the window.

Mr. TAFT. If they had been, I think it would have been better than what was done. I may be in error and the Senator may be in error. I am not disputing the question. I say that Congress is the body which should determine the question of a spending program involving a billion and a half dollars.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, after line 10.

Mr. BARKLEY. Mr. President, I wish to make a few brief remarks concerning this matter.

I was unavoidably absent from the city at the time the committee acted on the amendment. If I had been present in the committee I should have voted against it.

I had understood that in an informal way we had agreed in the committee to avoid a revival of the subject of subsidies in connection with this bill. I know that the Senator from Alabama [Mr. BANKHEAD], who has therefore been interested in legislation pertaining to the Commodity Credit Corporation, was interested in the matter. He felt, and so advised many of those who cooperated with him, especially on agricultural matters, that subsidy matters should not be injected into this bill.

This is largely a bill to extend for 1 year, as it was first introduced, and now for a year and a half as amended, the O. P. A. and the Stabilization Acts.

Mr. BANKHEAD. The Senator is correct. I believe it was agreed that there would not be injected any subsidy fight in the consideration of this bill.

Mr. BARKLEY. I understand the Senator was very cooperative in trying to avoid any subsidy fight on the bill.

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

Mr. BARKLEY. I yield.

Mr. TAFT. Besides continuing the O. P. A., this bill would continue the right to pay subsidies. We are now asked to extend such power, which would otherwise expire, and that is the reason for raising the question of the commodities to which the extension would be applicable.

Mr. BARKLEY. We have had two fights in Congress over the question of subsidies in connection with the extension of the Commodity Credit Corporation. The Commodity Credit Corporation will expire, as I recall, on the 30th of next June. It seems to me that when the act is about to expire at the end of the fiscal year, the beginning of the next fiscal year would be a more appropriate time to deal with the question of subsidies than the present time.

Mr. TAFT. As a matter of information, of a billion-and-a-half-dollar program—I speak very roughly as I do not have the exact figures before me—about half of the money is paid by the Commodity Credit Corporation but the other half is paid under the act which we are asked to renew. All the roll-backs and really controversial subjects arise under this act.

Mr. BARKLEY. Practically no roll-back subsidies are being paid in the real sense of the word.

Mr. TAFT. The so-called roll-back subsidies are being paid.

Mr. BARKLEY. The payments are about half and half. They do not change the situation. At the end of the fiscal year beginning the 1st of July, as contemplated in the Senator's amendment, Congress can prohibit, if it desires to do so, and if the situation justifies, the continuation of subsidies beyond the 1st of July 1945.

Of course, Congress can deal with it in one of several ways: It can prohibit subsidies at the time, or it can now say that they shall not be paid after that time, or Congress can continue the Commodity Credit Corporation, under which half of them are being paid, and prohibit the further payment of subsidies in another continuation of the Commodity Credit Corporation, or it can do what is now asked by the Senator from Ohio, and say a year in advance that, in order to pay any additional subsidies either under the Commodity Credit Corporation or the R. F. C. or any other agency, it will be necessary to have another fight on the floor of both Houses as to how much shall be paid.

Notwithstanding the controversy that arose around subsidies, I think it is fair to say that the people of the country are reasonably satisfied with that program and the farmers themselves are reasonably satisfied with it. If we cut them off either at the beginning of the next fiscal year or at any other time, we know what is going to happen. There will be a demand for an increase in the price of farm products, and the farmers will be entitled to it. There will be no answer to the proposition that if the subsidy is to be cut off on milk or any other commodity the farmers are going to ask, and will be entitled to receive, an increase in the price they receive at the market. There is no way to avoid that. Subsidies were instituted in order that the farmer could get what he was entitled to for his product and at the same time not result in an increase in the cost of living to the consumer. The country at large is operating under this system with fair satisfaction, I think, with some exceptions in some communities. I think the farmers themselves are satisfied with it. Certainly they would be greatly dissatisfied if subsidies were cut off and they would have to depend then upon market conditions, which might not be as favorable then as they are now, in order to obtain what they are now receiving, including the market price plus the subsidy. So I do not think there is now any great dissatisfaction among any large number of people over subsidies. I think that there is more dissatisfaction in Congress than in the country at large.

Mr. TAFT. Will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. I am not raising the question of subsidies. As the Senator knows, I was for subsidies to a much greater extent than many other Members of the Senate. I am raising a constitutional question as to whether we ought to continue to renew power in the administrative agencies to undertake a tremendous spending program without appropriations by Congress.

Mr. BARKLEY. Of course, if there is any constitutional question involved, it already exists and has existed all along. The Senator could raise that constitutional question, as he has done on former occasions.

Mr. TAFT. I put it off a year in order to eliminate the question of immediate differences of opinion about what ought to be done. It seems to me that we ought first of all to establish this principle and establish the fact that the question whether prices are to be higher or whether we are to pay subsidies is to be determined in the forum of the people's representatives. That is all this provides; that it shall not be determined solely by Executive decree when it involves the spending of huge sums of money.

Mr. BARKLEY. When the time arrives Congress will have the same power as it has now to cut them off and it will be more appropriate to do it in the light of the information we have then, it seems to me, than to do it now.

Mr. TAFT. Of course the Senator can see that a veto of the President means that it will be necessary to have a two-thirds vote in both Houses in order to cut off subsidies, which is not a decision by the people's representatives.

Mr. BARKLEY. A veto by the President is also a constitutional process, as the Senator from Ohio will agree.

I do not desire to take the time of the Senate. I simply wished to say that

had I been present in the committee at the time I would have voted against the amendment, and I shall vote against it when it comes to a vote in the Senate.

Mr. MURDOCK. Mr. President——

Mr. BARKLEY. I yield to the Senator from Utah.

Mr. MURDOCK. While the argument of the Senator from Ohio sounds very logical and, of course, it was intended that Congress should in most instances have absolute control of the purse strings, let us look at the metal subsidies for a moment. The R. F. C. has been paying subsidies to the high-cost mines for copper and for lead and for zinc and for every other strategic metal. It is a simple thing for Congress to appropriate money, but it is much more difficult to unwater a high-cost copper mine or zinc mine or lead mine. That cannot be done in an hour's time; it cannot be done in a day's time; it is a matter of weeks and, perhaps months, to unwater a mine. Many of these mines have been unwatered by contracts entered into with the R. F. C. and its subsidiaries. When the policy is continued, as it is continued under this bill, until December 31, 1945, and the money to finance that program is discontinued 6 months before that time, what does it mean to the metal subsidies? It means that contracts which are entered into by the R. F. C. in order to continue such production will have to be discontinued as of June 30, 1945, unless those interested come back to Congress, submit the question, and see if Congress will appropriate the money.

Under ordinary conditions, Mr. President, of course, the Congress of the United States should have absolute control of the purse strings, but when the policy has been established and has been continued for 2 years, it is proposed to continue it for another 18 months, it seems to me a very anomalous situation to cut off the money to finance that program 6 months prior to the time the policy itself comes to an end.

Mr. MALONEY and Mr. TAFT addressed the Chair.

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

Mr. BARKLEY. The Senator from Connecticut has been on his feet some time, and I yield first to him.

Mr. MALONEY. I shall take but a moment. I desire the record to be clear. I am not hostile to the final aims of the Senator from Ohio insofar as the program is concerned. My only present interest in the matter is that we put off the consideration of this particular problem until a more appropriate time. We can and we will take up this matter a year hence, whereas the Senator from Ohio would have it decided now. I expect as of this moment that I shall be in agreement with what he wants to do, but, in my judgment, this is not the time to do it. We do not know what the situation will be a year hence, and, as I said before, there is nothing to be gained, in my judgment, by taking action now.

Mr. TAFT. Mr. President——

Mr. BARKLEY. I shall yield in a moment. I desire to comment on what the Senator from Connecticut [Mr. MALONEY] and what the Senator from Utah [Mr. MURDOCK] have said. It does seem incongruous to pass an act continuing for 18 months the Stabilization Act and the Price Control Act and in the same act say that 6 months prior to its expiration the question of subsidies shall be rehashed again by Congress and that subsidies shall not be paid unless Congress appropriates the money.

There is another situation that should also be taken into account. We do not know that this will be an 18 months' extension. The House bill provides only for a year, and it might turn out that all we will get is a year's extension. So, if that be true, we will be back here next spring in all likelihood with another bill extending the O. P. A. and the Stabilization Act, and it will certainly be more appropriate at that time to consider the question of subsidies than to do it now. I agree entirely with the Senator from Connecticut.

Mr. TAFT. Of course, if the House approves the 18 months' provision they could approve the subsidy provision or eliminate it.

Mr. BARKLEY. They could, but that only illustrates the incongruity of the Senator's proposal.

Mr. TAFT. It fits in with the 18 months' provision. Furthermore, it covers the question of paying subsidies for the crop year 1945, and they could be paid for the first half of the year. Fundamentally my proposition is to submit to the next Congress whether money shall be appropriated for subsidies after the year 1945.

Mr. BARKLEY. The Senator knows that the crop year is not the fiscal year or the calendar year.

Mr. TAFT. That is correct.

Mr. BARKLEY. The farmers have to make all their contracts in the spring of 1945 for crops that are to be grown in the next year and those subsidies for which they make contracts will not be paid until the harvest season in the fall of 1945.

Mr. TAFT. That is not necessarily so, because there is the alternative of raising prices, which gives a producer exactly the same thing as subsidies. That issue Congress will have to determine.

Mr. BARKLEY. If the alternative of raising prices is exercised instead of subsidies being paid, there will also be the other alternative of raising wages in harmony with the prices charged to the consumer.

Mr. TAFT. I shall discuss that question tomorrow. As to the copper subsidy, in the first place, no one has ever opposed the copper subsidy. There has been no time since the war started that there would have been any difficulty whatever in getting an appropriation for the copper subsidy.

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

Mr. BARKLEY. I yielded to the Senator from Ohio, and I yield to the Senator from Utah.

Mr. MURDOCK. My point is that if a mine is allowed to fill up with water, the equipment is removed, and it stops operating for 30 days, the mine cannot be unwatered and brought back into production.

Mr. TAFT. Why should that be done?

Mr. MURDOCK. Just a moment. That cannot be done overnight, as money can be appropriated by Congress. If the Senator will check on it, he will find that contracts have been entered into by the subsidiaries of the R. F. C. continuing for a period of months, probably for a period of a year or more, but faced with the fact that the money to finance the program must run the gantlet of a fight in Congress before they can go on with the contract, the R. F. C. is in a position where it must let the contracts terminate because of the uncertainty.

Mr. TAFT. With due respect, I do not follow the Senator at all.

The PRESIDING OFFICER (Mr. PEPPER in the chair). Senators will observe the rules of the Senate. The Senator from Kentucky has the floor. Does the Senator yield, and if so, to whom?

Mr. BARKLEY. I had yielded to both Senators. I cannot yield to both at the same time, of course.

Mr. MURDOCK. Mr. President, I do not at all doubt that the Senator from Ohio does not follow me. I do not know how extensive is his knowledge of mining. I know what is involved in the opening up of a metal mine once it is closed down. The high-cost operators will close down unless they know that a subsidy is to be paid.

Mr. TAFT. As I understand, the Senator's argument is that although there is a subsidy in effect, although there is an authorization of Congress to continue the subsidy until July 1, 1945, long before which time Congress will have considered the question of appropriations, the metal miners will close down their mines. They will not do anything of the kind. They will go right ahead, expecting the subsidy to run until the first of July, and hoping that appropriations will continue after that date. If contracts have been made, the chances are that they will be valid anyway. Those contracts are not contracts for subsidies—they are contracts by the R. F. C. to buy the copper at an advanced price. I see no reason why, having entered into those contracts, they should not be binding, or why they should be invalidated. The same copper producers run the risk of having the war end tomorrow, and all the money they put into bringing the mines back into production going into the sewer, because the Government will not need the material after the war ends. So that I think the objection raised on the ground of what is done as to copper is really a red herring dragged across the trail of the pending amendment. The question involved is merely whether or not we are to observe the constitutional provision that no money shall be drawn from the Treasury but in consequence of appropriations made by law. That is the principle I am trying to restore.

Mr. BARKLEY. I do not wish to consume any more time. I think the amendment is a mistake. I do not think any of the agencies involved in the present program will know how to proceed during the coming year in regard to the payment of subsidies to farmers and others,

if they have suspended over their heads, I started to say the sword of Damocles, but I should say the sword of TAFT, and are about to have their appropriations cut, or at least to be deprived of the knowledge of what they can do. Feeling that way about it, I shall vote against the amendment.

Mr. STEWART obtained the floor.

Mr. TAFT. Will the Senator yield?

Mr. STEWART. I yield.

Mr. TAFT. I merely wish to say that I cannot see that anyone would be wronged by the adoption of the amendment. There is not a single contractor with the Goverment who can count on money beyond the first of next July, a year from now, and I am merely proposing that those who draw subsidies should, as in the case of everyone else, be entitled to every assurance from the Government up to that time, and not beyond that, but that thereafter they should come to us for appropriations, as in the case of everyone else in the United States.

Mr. STEWART. Mr. President, I send to the desk an amendment I intend to propose at the proper time, and ask that it be printed and lie on the table. The amendment is to be proposed as an amendment to the pending measure, of course, and it will affect perishable commodities. It would require the O. P. A. to take into consideration and make allowances for the hazard of production and marketing of fresh fruits and vegetables. I shall have more to say about the amendment at the time when I can call it up.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 2, after line 10.

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

The yeas and nays were ordered.

Mr. DANAHER. Mr. President, I want the RECORD to show that while most, if not all, of the important discussion in the last 30 minutes has centered about the subject of food subsidies, this amendment, which commences on page 2, line 12, of the pending bill, applies to a very great many other items. For example, we have the commodity known as aluminum. A subsidy is paid with reference to aluminum to bring in marginal producers. The method of doing it is to buy the output of high cost producers at a figure above the prevailing price.

There is a subsidy with reference to apples. It is paid to cover the high cost of transportation of away-from-market producers, and that is done by the paying of additional transportation costs.

There is the payment of the subsidy on butter, to roll retail prices back to the September 1942 level. At the time I inserted in the RECORD recently a chart which explained this particular subsidy, the rate was 5 cents a pound at the creamery.

Next is the subsidy for canning fruits and vegetables. It is paid to compensate for higher costs, and for the purpose of buying a pack and reselling at a loss, and also compensating for increased wage costs.

The same applies to Cheddar cheese, except it is bought from the manufacturer at 27 cents a pound, and thereafter resold at 23¼ cents a pound, which is the ceiling price.

It applies to Chilean nitrate of soda, to compensate for increased war-time shipping costs. The Government buys nitrates at $37 a ton, and resells for $30 a ton. That is done through the Defense Supplies Corporation.

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

Mr. DANAHER. I yield.

Mr. AIKEN. The estimate of $37 a ton is figured as if a duty were paid on the nitrates, is it not?

Mr. DANAHER. I believe it is figured ex duty.

Mr. AIKEN. Does the Senator know whether the sales of nitrates which are made to the Army and Navy are made at that price, or whether they are made at the market price?

Mr. DANAHER. I am unable to answer the question categorically, but if I were to give my understanding, it is that the mark-up is included at the time of the resale by the Defense Supplies Corporation, to meet the Army and Navy demands. I am not certain, but I believe that to be so.

Mr. President, there is a subsidy with reference to coal. To offset the increased transportation costs to the east coast, the Government, through the Defense Supplies Corporation, pays out the cost differential between the pre-war and the war routes.

There are the copper, lead, and zinc subsidies, to bring marginal mines into production, and the basis upon which that is done is to pay premiums to high-cost producers above specified quotas.

There is the corn-price adjustment to induce movement of yellow corn to East and Southeast where price ceilings are lower. In that case the Commodity Credit Corporation pays 5 cents a bushel to sellers who ship from corn areas to the East and Southeast.

There is the subsidy for dairy feed to compensate for increased feed and labor costs. That is done by paying the farmer 30 to 50 cents a hundredweight for whole milk, or 4 to 6 cents a pound for butterfat.

There is the subsidy on dried beans to encourage production, where the Government buys at a price higher than the ceiling and resells at a loss.

There is the subsidy on flour and bread to compensate for the rise in wheat prices. In that case there is a direct payment to the miller.

There is the subsidy on fluid milk in four urban areas where the Government compensates for increased prices paid to farmers and in that case there is a direct payment to the distributor.

As to imported metals we subsidize to offset wartime transportation costs, and we buy imports at above ceiling prices and sell at a loss.

Jewel bearings are subsidized to offset higher cost of domestic production. In that case we buy the domestic output at cost plus 6 percent, plus certain development expenses, and Mr. President, the subsidy is paid directly to the producer.

All these items involve different questions of policy not only as to what particular item is to be subsidized, what production is to be called for, but the basis on which it is to be done.

Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. DANAHER. Yes.

Mr. TAFT. On page 1214 and page 1216 of the hearings are included lists of all subsidies, showing a total for civilian-conservation programs of $696,000,000, a total for Reconstruction Finance Corporation programs of $654,000,000—those are for food—and a list of other subsidies referred to by the Senator from Connecticut, totaling $351,000,000. I ask that the two tables be inserted in the RECORD after the remarks of the Senator from Connecticut.

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

(See exhibits A and B.)

Mr. DANAHER. Mr. President, I wish to point out further that this particular amendment applies to miscellaneous domestic ores, it applies to nicotine sulfate, to peanuts, to peanut butter, to petroleum, to potatoes, to prunes and raisins, to soybeans, to sugar transport, to sugar beets; to tires, in order to utilize extra passenger-car tires, and in that case, Mr. President, the Government buys from the private car owners and resells the tires at a loss; to truck crops, to wheat for feed, and to wood pulp, and in that case the Government directly pays the increased cost of mills using bleached sulfite wood pulp.

Mr. President, when one considers all the phases of subsidy into which the Government has moved, simply on the decision of authorities in departments who have nothing to do with the Office of Price Administration, subsidy payments that are in no way necessarily connected with section 2 (e) authorizations as set forth in the original Emergency Price Control Act, there would seem to me to be justification for the belief that the Congress itself ought to be the fundamental factor in the decision as a matter of policy on what subsidies it will permit, on what basis they are to be extended, and in what amounts. If that be not the case, Mr. President, the Army and the Navy might easily decide sometimes that they wish to expend larger sums of money than the Congress has authorized them to do, or the Department of Commerce might so decide, or any other agency, and all it has to do, on the theory which is presented here in argument, is to have the President issue a directive or an Executive order, have the R. F. C. go to the Treasury and borrow, and on the strength of the R. F. C.'s borrowings turn over the increased funds it desires to the agency or the administrative body in question.

That certainly is not our system, Mr. President; that certainly is not what we have had in mind, and the basis upon which we have proceeded as a Congress. When the Banking and Currency Committee considered this amendment it was at first believed that we would be wise if we took the date of December 31, 1944, as the time limit within which the present program of subsidy payments would expire. But as we discussed it we felt that

if we were to take that date it would inordinately interfere with a program which today is in process, and with which the committee did not wish in any way whatever to interfere.

We therefore said that since the current program is well known, and since the Congress is advised of it, and that the matter has been in fact discussed, we would be well advised to let the matter alone for this year, and rather to extend it to coincide with the termination of the next fiscal year which will expire June 30, 1945, when all other appropriations for all other agencies and departments will expire. Thus we took the date June 30, 1945, and as of the date of June 30, 1945, and in the interim, all the agencies affected, whether they want to buy wood pulp and resell at a loss, or whether they want to buy copper sulphate and resell at a loss, or whether they want to pay transportation costs and shipping expenses, or whatever they may be, may very well come to the Congress and say: "To you, the representatives of the people, we submit this problem. What is your decision as a matter of policy? What do the people of the United States wish to do? Do they wish to let us, sitting back of these desks in the departments, make all the decisions, or is the Congress, which is charged with the responsibility for doing so, going to make them?"

That is the issue, Mr. President, and it is a very simple one.

EXHIBIT A

Food subsidies—Annual cost and estimated direct savings on programs in effect Apr. 1, 1944 [1]

[Millions of dollars]

	Cost			Savings		
	Total	On civilian purchases	On Government purchases	Total	On civilian purchases	On Government purchases
Apples	4	4	----	24	24	----
Canned grapefruit juice	7	7	----	9	9	----
Canning fruits and vegetables [2]	23	23	----	28	28	----
Dry beans	9	9	----	13	13	----
Dairy products:						
Dairy feed payments	[3] 400	318	82	490	408	82
Fluid milk (regional programs)	6	6	----	6	6	----
Cheddar cheese	14	14	----	18	18	----
Oilseeds and products:						
Peanut butter	18	18	----	26	26	----
Peanuts	30	[4] 57	[4] 22	90	[4] 68	[4] 22
Soybeans	49					
Vegetable bulk shortening	4	4	----	4	4	----
Prunes and raisins	14	14	----	19	19	----
Sugar beets and cane	36	28	8	[5] 173	[4] 132	[4] 41
Sugar transport	17	13	4			
Wheat for livestock	65	51	14	[6] 79	[6] 63	[6] 16
Subtotal, Civilian Conservation Corps programs	696	566	130	979	818	161
Butter	81	60	21	90	69	21
Meat	467	279	188	603	400	203
Wheat for flour and bread	106	89	17	148	131	17
Subtotal, Reconstruction Finance Corporation programs	654	428	226	841	600	241
Total, all programs	1,350	994	356	1,820	1,418	402

[1] These estimates exclude the costs of the potato and egg support programs, which currently are not exercising any restraining effect upon retail prices.

[2] These estimates are based on the assumption that the program covering 1944 operations will be similar to that in effect in 1943.

[3] This estimate does not reflect certain changes in payment rates announced April 26, which will require recalculation of both costs and savings on the program. The increase in cost for the remainder of calendar year 1944, as a result of these changes, will amount to roughly $26,000,000. Neither this $26,000,000 nor the original estimate of $400,000,000 make any deduction for nonparticipation, which the War Food Administration estimates at 5 to 10 percent.

[4] Based on current allocation of all vegetable oil products combined.

[5] Savings for sugar are now calculated with reference to the payment on sugar beets, which has been doubled since the last estimate made. The new estimates cover total sugar consumption, except that of civilian institutional establishments and that portion of industrial consumption for which cost increases could be absorbed by the industries affected. Previous savings estimate covered only household consumption.

[6] Minimum estimate, calculated with reference to increase in feed costs for eggs and fluid milk only.

EXHIBIT A—Continued

Food subsidies, etc.—Continued

[Millions of dollars]

EXHIBIT B

Annual cost and savings on nonfood subsidy programs in effect Dec. 1, 1943

[Millions of dollars]

Defense Supplies Corporation	Paying agency	Cost to paying agencies	Direct savings on Government purchases	Direct savings to civilians
Aluminum rod, bar, and rivets	Defense Supplies Corporation	6	[1] 6	(1)
Chilean nitrate of soda	do	7	----	10.5
Coal	do	25	(1)	[2] 25
Copper, lead, and zinc	Metals Reserve Company	80	1,000	----
Domestic ores	do	5	25	(1)
Fibers	Defense Supplies Corporation	3.65	----	[2] 10
Imported metals	Metals Reserve Company	25	[1] 25	(1)
Industrial alcohol from grain	Defense Supplies Corporation	[3] 15	----	20
Industrial alcohol from molasses	do	3.7	----	5
Jewel bearings	do	7.5	[1] 7.5	(1)
Nicotine sulfate	Agricultural Marketing Administration.	1.8	----	4.1
Petroleum	Defense Supplies Corporation	100	224	166
Petroleum coke	do	2.5	[1] 2.5	(1)
Rubber	Rubber Reserve Company	48	----	110
Wood pulp	Defense Supplies Corporation	1	----	20
Total		51.15	1,290.0	370.6

[1] No direct estimate on savings available. Savings figure shown is equal to cost, which is a minimum estimate, and is assigned to the consumer of major portion.

[2] Includes savings on two small pending fiber programs.

[3] Offset by earnings on industrial alcohol for military and lend-lease purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment embodied in section 102, on page 2 of the bill, on which the yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	Reed
Ball	Gurney	Revercomb
Bankhead	Hatch	Reynolds
Barkley	Hawkes	Robertson
Brooks	Hayden	Russell
Buck	Hill	Shipstead
Burton	Holman	Stewart
Bushfield	Jackson	Taft
Byrd	Johnson, Colo.	Thomas, Idaho
Capper	La Follette	Thomas, Okla.
Caraway	Lucas	Truman
Chandler	McClellan	Tunnell
Chavez	McFarland	Tydings
Clark, Mo.	McKellar	Vandenberg
Connally	Maloney	Wagner
Cordon	Maybank	Wallgren
Danaher	Mead	Walsh, Mass.
Davis	Millikin	Walsh, N. J.
Downey	Murdock	Weeks
Eastland	Nye	Wheeler
Ellender	O'Daniel	Wherry
Ferguson	Overton	White
George	Pepper	Wiley
Gerry	Radcliffe	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

The Chair will state that the bill is being considered by sections. The question is on agreeing to the committee amendment embodied in section 102, on page 2 of the bill. On this question the yeas and nays have been demanded and ordered, and the clerk will call the roll.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. I understand that a vote in favor of the committee amendment is a "yea" vote. Is that correct?

The PRESIDING OFFICER. Those favoring the committee amendment will vote "yea." Those opposed will vote "nay."

The clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative when his name was called.

Mr. WAGNER. Mr. President, as chairman of the committee I merely wish to explain that I opposed the amendment in the committee.

Mr. DANAHER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANAHER. The call of the roll has been commenced, and at least one Senator has already voted. I desire that we proceed with the call of the roll.

The PRESIDING OFFICER. The Senator is correct.

Mr. WAGNER. Mr. President, I ask unanimous consent that I may make a very brief statement.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from New York may proceed.

Mr. WAGNER. Mr. President, when the amendment was before the committee, I stated my opposition to it. I then

said that if a vote was had on the amendment on the floor of the Senate I would vote against it.

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

Mr. WAGNER. I yield.

Mr. TAFT. However, the Senator in his very enlightening minority views dissenting from one of the other amendments made no statement of his opposition to this amendment. Is that correct?

Mr. WAGNER. No; I did not.

Mr. BARKLEY. It was not necessary to cover everything.

Mr. WAGNER. The Senator from Ohio knows that I was accurate in the statement I just made in reference to my own position on this amendment. I merely wished to have that explained, because I propose to vote against the amendment.

The PRESIDING OFFICER. The clerk will resume the calling of the roll.

The legislative clerk resumed and concluded the call of the roll.

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

The Senator from Iowa [Mr. GILLETTE] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from West Virginia [Mr. KILGORE], the Senator from Montana [Mr. MURRAY], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business. I am advised that if present and voting, the Senator from Pennsylvania [Mr. GUFFEY] would vote "nay".

The Senator from Mississippi [Mr. BILBO] is detained in one of the Government departments on matters pertaining to the State of Mississippi.

The Senator from North Carolina [Mr. BAILEY] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] are absent on official business.

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

The Senator from Nevada [Mr. MCCARRAN] is paired on this question with the Senator from North Carolina [Mr. BAILEY]. I am advised that if present and voting, the Senator from Nevada would vote "yea", and the Senator from North Carolina would vote "nay".

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

The Senator from Nebraska [Mr. BUTLER] is paired on this question with the Senator from Pennsylvania [Mr. GUFFEY]. If present, the Senator from Nebraska would vote "yea." I am advised that the Senator from Pennsylvania would vote "nay."

The Senator from Vermont [Mr. AUSTIN] has a general pair with the Senator from Florida [Mr. ANDREWS].

The Senator from Maine [Mr. BREWSTER], the Senator from North Dakota [Mr. LANGER], the Senator from Oklahoma [Mr. MOORE], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON] are necessarily absent.

The result was announced—yeas 50, nays 22, as follows:

YEAS—50

Aiken	Gerry	Reynolds
Ball	Gurney	Robertson
Bankhead	Hatch	Russell
Brooks	Hawkes	Shipstead
Buck	Hill	Stewart
Burton	Holman	Taft
Bushfield	La Follette	Thomas, Idaho
Byrd	McClellan	Thomas, Okla.
Capper	McKellar	Tydings
Caraway	Maybank	Vandenberg
Connally	Millikin	Weeks
Cordon	Nye	Wheeler
Danaher	O'Daniel	Wherry
Davis	Overton	White
Eastland	Radcliffe	Wiley
Ferguson	Reed	Willis
George	Revercomb	

NAYS—22

Barkley	Jackson	Truman
Chandler	Johnson, Colo.	Tunnell
Chavez	Lucas	Wagner
Clark, Mo.	McFarland	Wallgren
Downey	Maloney	Walsh, Mass.
Ellender	Mead	Walsh, N. J.
Green	Murdock	
Hayden	Pepper	

NOT VOTING—24

Andrews	Clark, Idaho	Moore
Austin	Gillette	Murray
Bailey	Glass	O'Mahoney
Bilbo	Guffey	Scrugham
Bone	Johnson, Calif.	Smith
Brewster	Kilgore	Thomas, Utah
Bridges	Langer	Tobey
Butler	McCarran	Wilson

So the amendment on page 2, lines 11 to 21, was agreed to.

Mr. MALONEY. Mr. President, I submit an amendment which I ask to have printed and lie on the table.

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

The clerk will state the next committee amendment.

The next amendment was, on page 4, after line 18, to insert:

PROTEST PROCEDURE

SEC. 106 (a) The first sentence of section 203 (a) of the Emergency Price Control Act of 1942, as amended, is amended to read as follows: "Within a period of 60 days after the issuance of any regulation or order under section 2 (or in the case of a price schedule, within a period of 60 days after the effective date thereof specified in section 206), or within a period of 60 days after June 30, 1944, whichever is later, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections."

(b) Section 203 (c) of such act is amended by inserting before the period at the end thereof a colon and the following: "*Provided, however*, That, upon the request of the protestant, any protest filed in accordance with subsection (a) of this section, after September 1, 1944, shall, before denial in whole or in part, be considered by a board of review consisting of one or more officers or employees of the Office of Price Administration designated by the Administrator in accordance with regulations to be promulgated by him. The Administrator shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the board and the board shall make written recommendations to the Price Administrator. The protestant shall be informed of the recommendations of the board and, in the event that the Administrator rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection."

(c) Section 203 of such act is further amended by adding at the end thereof the following new subsection:

"(d) Any protest filed under this section shall be granted or denied by the Administrator, or granted in part and the remainder of it denied, within a reasonable time after it is filed. Any protestant who is aggrieved by undue delay on the part of the Administrator in disposing of his protest may petition the Emergency Court of Appeals, created pursuant to section 204, for relief; and such court shall have jurisdiction by appropriate order to require the Administrator to dispose of such protest within such time as may be fixed by the court. If the Administrator does not act finally within the time fixed by the court, the protest shall be deemed to be denied at the expiration of that period."

Mr. DANAHER obtained the floor.

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REVERCOMB. As I understand, we are to proceed with the committee amendments before considering any amendment which may be offered from the floor. Is that correct?

The PRESIDING OFFICER. It is the usual practice for the Senate first to consider committee amendments. In this case there has been no order of the Senate adopting that procedure, but that being the usual course, the clerk began to state the committee amendments when consideration of the bill was undertaken.

Mr. REVERCOMB. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REVERCOMB. Therefore, as I understand, if there is an amendment to be offered from the floor to a committee amendment, it should be offered and considered later, after all committee amendments have been disposed of.

The PRESIDING OFFICER. An amendment to a committee amendment would be in order when the committee amendment is being considered.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. As I understand, after the committee amendments shall have been disposed of, an amendment may be offered to a committee amendment, may it not?

The PRESIDING OFFICER. Not to a committee amendment which has been agreed to, unless, of course, there is reconsideration of the vote by which the amendment was agreed to.

Mr. DANAHER. Mr. President, in connection with this amendment, which is dealt with as a whole under the subtitle of "Protest Procedure," commencing after line 18 on page 4, and continuing through line 17 on page 6, I wish to offer an amendment. The amendment which I offer is on page 5, in line 12. I move

to strike out the word "September" and insert in lieu thereof the word "August."

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

The CHIEF CLERK. On page 5, line 12, following the word "after", it is proposed to strike out "September" and insert in lieu thereof "August", so as to read "August 1, 1944."

Mr. DANAHER. Mr. President, I wish to explain the amendment to my colleagues.

When this matter was before the committee for consideration we found that proponents as well as opponents of the general idea of revision of the protest-procedure section of the original act agreed that there should be administrative hearings available to those who had legitimate protests to offer. We found agreement—in fact, very cooperative and, shall I say, solicitous, consideration—on the part of counsel for the Office of Price Administration.

The basis upon which the protest procedure might proceed was the object of great attention. A subcommittee was appointed. It included the chairman of the committee, the distinguished Senator from Maryland [Mr. RADCLIFFE], the equally distinguished Senator from Utah [Mr. MURDOCK], the Senator from Ohio [Mr. TAFT], and the Senator from Connecticut, in our humble capacities as committee members. We met for many long hours. We reviewed the effect of the Supreme Court's decision in the Yakus case, and other decisions on the whole administrative procedure and basis of operation in the Office of Price Administration.

As a result we were in accord that there should be established a more competent mechanism through which those with legitimate protests might obtain a hearing in the Office of Price Administration. To that end there was devised a board, to be set up in the Office of Price Administration itself, which board, however, would be at all times under the Administrator himself.

From the decision ultimately to be rendered an appeal may be taken by any aggrieved person, but he will have a record to take with him, and he will go to the Emergency Court of Appeals. We wished to center the appellate procedure in the Emergency Court of Appeals, to the end that there might be unanimity of action, and not 92 district courts entering 92 different orders on exactly the same regulation or order when complained of.

Without dissent, it was agreed that as to all new orders which are to be entered after July 1, 1944, there should be a period of 60 days within which one might file his protest, and after August 1, 1944, as we originally proposed it, he would take the protest to the board of review within the Office of Price Administration. The reason we selected the date August 1, 1944, was to give the Office of Price Administration the entire month of July within which to set up the board and organize to hear the protests which might be filed. As I have said, Mr. President, as to all future orders, there was no question.

In principle, it would seem that if we are to give to those who ultimately may seek a review in the Emergency Court of Appeals the privilege of a hearing, and of a record in the Office of Price Administration, then logically, if justice, right, and principle are to apply with respect to future orders, they should apply as well with respect to those who might wish to file a protest against presently outstanding orders.

The committee divided on the question. At one time the amendment which I have now proposed was agreed to. Within a few hours one vote was changed, and the amendment was lost.

So it happened that when the bill came to the floor the date September 1, 1944, appeared in the committee amendment rather than the date August 1, 1944. The reason the September 1 date was selected is this: It was agreed that persons who were affected adversely by presently outstanding orders might have 60 days in which to file their protests against any outstanding regulation or order, but that if they filed any such protests they could obtain a review only under the provisions of existing law. Those are the provisions against which complaints have been made on the ground that they are inadequate. The section in question appears on page 9 of the act, being section 203 (a), (b), and (c) of the original Price Control Act.

So, Mr. President, the Office of Price Administration said that if we were to open the door to all those who might be aggrieved by outstanding orders, they might be flooded with protests to such a degree as to make it impossible administratively to handle all protests against outstanding regulations and orders, as well as all future regulations and orders.

Many members of the committee, and at one time most of them, felt that the position of the Office of Price Administration which I have stated was not the answer. If, in fact, persons are being denied a hearing; if, in fact, justice and right require that they be given a hearing, to say that administratively it is difficult to afford such hearing, is not the answer. If the Office of Price Administration needs more help, we should provide it. If it needs more hearing commissioners, or more persons to sit on boards, then additional hearing commissioners or additional personnel for boards should be provided. However, it seemed to many of us that at the very least the right to be heard is fundamental, and that if persons in fact cannot go before the Office of Price Administration with the right to be heard and have their protests considered, and have a record made, then there is a denial of that element of due process which our Constitution guarantees to American citizens.

Many of us also feel that if the individual aggrieved citizen can be assured that he is not indeed being denied due process, much of the complaint which we have heard against bureaucratic absolutism—as the term has been applied to various Government agencies—will be dissipated. We feel that if indeed there can be afforded a fair hearing within the Office of Price Administration, together with the preservation of a record, with the right thereafter to go to the Emergency Court of Appeals for a review, we will be safeguarding and strengthening the regulations and orders of the Emergency Price Control Administration.

Mr. President, I have one further observation, and then I shall conclude.

Clearly, if in fact there is outstanding an order which is invalid and unconstitutional, no person should find his property subjected to penalty on that account. No person should find himself inveighed against in the criminal court for violation of such an invalid order or unconstitutional regulation. Who is to determine whether it is invalid or unconstitutional? All we say, Mr. President, is that we are willing that the Office of Price Administration itself, through its own board of review, shall make the initial determination. Then, if a person is still aggrieved by such determination, and still insists that grounds for a protest exist, he will have a right to go to the Emergency Court of Appeals for a review should the Office of Price Administration deny his protest. By the same token there is no one in the United States who should be more interested in discovering if in fact a regulation is invalid, or an order unconstitutional, than the Office of Price Administration itself. Consequently, if a legitimate protest is in fact filed, and the O. P. A. is advised of its invalidity or unconstitutionality, it will have the authority to make the appropriate corrections. Mr. President, that is equity, fairness, and justice.

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

Mr. DANAHER. I yield.

Mr. BARKLEY. If the Senator's amendment were adopted would it not be possible for all existing orders under which industry had been working, no matter how long they have been in force or observed, to be reopened and protests filed with the board of review which would be set up under the amendment?

Mr. DANAHER. If the committee amendment is adopted, no matter how long the order has been outstanding, any person aggrieved may file a protest as to such old, outstanding, and ancient order under which conditions have been settled and industry is said to be satisfied, as the Senator would state it.

The only change we would make by my amendment is that, instead of causing a particular protest to be disposed of in accordance with the procedure which is set forth in the original act, we would accord to the protestant identically the same kind of a review that another industry would receive in the case of an order entered, let us say, on October 1, 1944. In other words, even if the committee amendment is adopted as to all future orders, a protest may be filed, and a review may be had by the board of review in the office of O. P. A. That is the only difference there would be.

Mr. BARKLEY. Under the Senator's amendment, even if an order had been in existence for a year, and if it had

been administered with reasonable satisfaction, on the chance that protests might bring about a modification, would not there be an inducement to file such protests, to be decided under the new language, instead of being decided under the old language?

Mr. DANAHER. I know the Senator's question is asked in complete good faith. I know that circumstances made it necessary for him to be absent when a portion of this matter was under consideration in the committee. So I wish to ask him to examine the language near the bottom of page 4 of the bill. If he will look at line 22, he will see that the answer to his question is in the committee amendment, as follows:

> Within a period of 60 days after the issuance of any regulation or order under section 2 (or in the case of a price schedule, within a period of 60 days after the effective date thereof specified in section 206), or within a period of 60 days after June 30, 1944, whichever is later—

And so forth. I now point out that in lines 22 to 25, inclusive, at the bottom of page 4, the words apply to all future orders and all future regulations which may be issued by the Office of Price Administration. The first line at the top of page 5, which states, "or within a period of 60 days after June 30, 1944, whichever is later," gives to any person who is aggrieved by an order which may already be a year old, 60 days within which to file a protest.

Why did we allow 60 days? The original act, Mr. President, had already given the individual aggrieved person 60 days within which to file a protest. However, the act became law on January 30, 1942. Sixty days may have elapsed before anybody knew of the impact of a regulation or order governing his business. It was not until April 1942 that the general maximum price orders were promulgated, and even then they took the highest price which prevailed in the month of March 1942, with reference to any commodity. So, Mr. President, the 60 days came and went as to any number of persons in the United States who might otherwise have wished to file a protest, but the time had already run against them. So it was no more than fair and right—and the committee is unanimous on that point—that as to all old orders anyone who is aggrieved may file a protest within 60 days from the 1st of July 1944.

Mr. ELLENDER. Mr. President——

Mr. DANAHER. I shall yield in a moment, if the Senator will bear with me.

So, Mr. President, the only difference in the world that the amendment which I have offered will make in this situation is that if any person who is aggrieved by an outstanding order wishes to file a protest and obtain a hearing before the Board of Review he will have a limited period of 30 days which will commence on August 1, 1944, in which to do it, and he will have only 30 days. If he does not file a protest within the 30 days, he cannot have a review at all. If he does have a review he has to go to the Board of Review, and, as we worded it in the committee, it would be at his option whether he got a hearing before the Board of Review.

Mr. ELLENDER and Mr. RADCLIFFE addressed the Chair.

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

Mr. DANAHER. I yield first to the Senator from Louisiana.

Mr. ELLENDER. I notice, in line 22, page 4 of the bill, that the 60-day period for protest has reference to any regulation or order under section 2, and on page 5 the bill provides "within a period of 60 days after June 30, 1944, whichever is later, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest."

Does that also refer to such orders as may be issued under section 2?

Mr. DANAHER. Yes; or as to a price schedule under section 206.

Mr. ELLENDER. The protests that are to be made against any order after June 30, 1944, may be made as to any order or regulation that has been issued under any section of the act. Is that correct?

Mr. DANAHER. No; under section 2. This does not change existing law, let me say to the Senator from Louisiana. Does the Senator have the original act before him?

Mr. ELLENDER. No; I have it not before me; that is the reason I am asking the question.

Mr. DANAHER. Let me read it so that the RECORD will show the situation exactly. If the Senator will follow the bill, he can compare the provisions. I read from section 203 of the act of January 30, 1942:

> Within a period of 60 days after the issuance of any regulation or order under section 2, or in the case of a price schedule, within a period of 60 days after the effective date thereof, specified in section 206, any person subject to any provision of such regulation, order, or price schedule, may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision—

And so on. There is no difference. We simply reenact existing law in that respect. We do not broaden the remedy in any way whatever, except to give an additional period of 60 days, commencing July 1, 1944, as to all old regulations or orders, and with reference to new ones 60 days after the date of their promulgation, which is what the existing law does. Does that answer the Senator's question?

Mr. ELLENDER. Has the committee given any consideration to the amount of time or the number of additional employees who may be necessary to review all the orders that have been issued since the inception of the act?

Mr. DANAHER. Let me say to the Senator from Louisiana that we gave untold hours—I do not know how many, but certainly 150 or 160 hours—of the meeting time while we considered every possible ramification of it. I shall be happy to yield to my distinguished colleague from Maryland [Mr. RADCLIFFE] who was on the subcommittee with me, and who I know will bear me out in that respect. We do not know how many employees will be needed, but in my judgment the number will not be great, because any aggrieved person will have only 30 days in which to ask for a hearing before the board of review as to old orders; if industry is satisfied with an old order it is not going to file a protest. If it should file a protest and the principle upon which the original ruling of the Price Administrator was based is sound, it is going to be denied, and if it is a case that has been litigated already before the Emergency Court of Appeals it will not be considered. Consequently, there is not going to be any such disturbance as some persons have apprehended.

Mr. RADCLIFFE. Mr. President——

Mr. DANAHER. I am glad to yield to the Senator from Maryland.

Mr. RADCLIFFE. The members of the Banking and Currency Committee were in substantial accord with the idea the Senator from Connecticut has discussed that there should be provided some way by which the old regulations could be given further consideration and protests regarding them heard. For many reasons we were of that opinion. Some of the regulations affected many persons who were not aware of their existence, and their attention had not been called to the significance of these regulations until after the time had expired when any action by way of protest could be taken. So, as I recall, the members of the committee were all in accord with the idea that the old orders should be opened up to review; in other words, that there should be afforded some opportunity by which protests against old orders could be heard.

The committee was also in accord with the idea that the board of review which is proposed to be set up should be appointed by the Administrator, and its decision should be subject to his approval.

When it came to deciding what form of hearing should be given to those who might desire to protest we were confronted with certain very practical questions. There is no doubt of the fact that as to new regulations there should be afforded a chance for a hearing before a board of review. That being the case, why should not a similar opportunity be afforded those who desire to be heard concerning the old regulations? In other words, why should any distinction be made between those who want to be heard on new regulations and those who want to be heard on the old regulations or orders? I grant there is a considerable logic in stating that there should be no such distinction, but we are confronted with very serious and very practical considerations, which I feel should govern in this particular matter. We say to those who desire to file a protest under the new regulations that they may go either before the board of review or before the Administrator. If, however, they want to be heard in regard to old

regulations, then it does not necessarily follow that the same protest facilities must be given to them; although in some respects it would be logical and reasonable to do so if we were not faced by certain very practical problems. It cannot be said that anyone who desires to be heard on the old regulations is denied an opportunity of being heard for under the committee amendment he can go before the Administrator, but he does not have a double opportunity for obtaining a review. It does not necessarily follow that those who want to be heard under the old regulations must be placed in the same category with those who want to be heard under the new ones; but they are not being denied some opportunity for protest and review.

If it was feasible to arrange it so that those who want to be heard under the old regulations could have an opportunity to go before the board of review, and the burden of making necessary regulations and carrying them out were not practically insuperable, I would be in favor of such a plan, but I really feel that such a proposition would carry with it such a burden that it could not readily be sustained.

The board of review must be created and set up. It will not begin to function for some little while. The new regulations and new propositions are to come before it and probably very many protests will develop as to them. If at the same time the board of review, just coming into existence, with all the new problems with which it must contend, must also hear all those who would protest under the old regulations, I am afraid we will find that the board will be bogged down so seriously as to affect adversely its usefulness. No matter how large the board may be, no matter if it obtains all the employees it wants, although I am not sure that is possible, still the board has to be constituted, and it must begin to function. So, much as I regret that there should continue to be some distinction between those desiring to protest under the old regulations and those who desire to be heard under the new, I think the basis of the distinction is a reasonable one and should be applied, bearing in mind the fact that everyone will get a right which he does not have now. In other words, a man who would have no opening to be heard under the old regulations because under existing law his opportunity has terminated, will under the committee amendment be given such an opportunity. He gets something new anyway, that is he gets an opportunity to come forward and present his case before the Administrator. It seems to me that is a very substantial concession to make to him.

Mr. DANAHER. Will the Senator answer a question in my time?

Mr. RADCLIFFE. Certainly.

Mr. DANAHER. The Senator agrees in principle with the entire result, but bases his position, as he now explains it, solely on the factual ground that he thinks there might be a burden on the Administrator.

Mr. RADCLIFFE. I go a little further than that. I do not accept the theory that a man who desires to be heard under the old regulations should necessarily have the same right and the same privileges as those who are affected by the new regulations. It is a question which is coming up now for the first time. It is true the Senator from Connecticut would also give all protestants under the old regulations the same opportunity, but in the proposed legislation we create such an opportunity that the protestant is getting something which has been so far denied to him as to old regulations.

Mr. DANAHER. Or as to which the time has run without his ever having filed a protest.

Mr. RADCLIFFE. That is true, but he is getting a new right, and something very substantial, which he does not have at this time. In other words, even if the committee amendment shall prevail, he can still have his time, during which he can ask for a hearing. If anyone has slept on his rights, if anyone has not taken advantage of the opportunity to assert his rights, he would still be given an opportunity to come forward, and that is a very substantial concession whatever the procedure to be followed out. I do not think it necessarily follows that he should demand that he should have exactly the same opportunity and have therefore both methods of presenting his case which would apply to a man who desired to be heard under the new regulations. In other words, there is a different status as between the two justified because the protestant on old regulations has failed to act when he could have done so.

Mr. DANAHER. The Senator means that if the patient is ill, he does not necessarily get the best medicine that is available, which all other patients who are now ill will get. He can get a medicine that is only about half as good.

Mr. RADCLIFFE. I do not quite follow the analogy as to a man who is ill.

Mr. DANAHER. "Aggrieved" is the correct word.

Mr. RADCLIFFE. Let me put it in this way: If there are two patients to be considered, and one man has, we will say, slept on his rights, without taking advantage of the opportunity to secure treatment, I do not think he can feel that he is not being treated fairly if he does not get quite all the opportunities the other patient obtains who has not failed to be diligent. Do not forget that everyone of these protestants under the old regulations has had his opportunity, and he has not taken advantage of it.

Mr. DANAHER. The Senator will recall that I have the floor, but I have yielded to him. I now at the moment would like to ask him a question.

If one comes in with a protest, even on the basis which the Senator from Maryland suggests, on the ground that the order or regulation is invalid, does not the Senator agree that the Office of Price Administration itself should be put on notice, if it can be shown that the order is invalid?

Mr. RADCLIFFE. He still has his opportunity before the Administrator. He still has the regular procedure outlined there and in the committee amendment. He loses only one link in the chain.

Mr. DANAHER. And the link is that he will not get a hearing, even though it is necessary to demonstrate the invalidity of the order.

Mr. RADCLIFFE. He will be given an opportunity to go before the Administrator.

Mr. DANAHER. Or the opportunity to tell the Administrator that it is invalid. The Administrator may say, "Perhaps it is, but you cannot be heard."

Mr. RADCLIFFE. If we get down to the final analysis, in view of the fact that the Administrator must confirm everything that the proposed Board of Review does, what the Senator says would follow in any case.

Mr. DANAHER. I thank the Senator from Maryland for his contribution. I know that he and I have been in substantial accord on what we are all trying to do, and I certainly do not yield to him or to anyone else in my desire to achieve effective enforcement of the act. What we are trying to do is to accord a hearing to those who are entitled to a hearing, to demonstrate that in fact an order or regulation is invalid.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New York?

Mr. DANAHER. I yield.

Mr. WAGNER. We had before the committee the matter the Senator has been discussing, the question of the dates of August 1 and September 1.

Mr. DANAHER. It was before the committee for many days.

Mr. WAGNER. The representative of the O. P. A. told us that if all the old cases and the new cases were brought together in 1 month the office would be so overwhelmed they could not complete their work. It was for that reason that finally the committee decided to insert the date September 1, because otherwise the office would be overwhelmed.

Referring to the matter the Senator has just debated with the distinguished Senator from Maryland, relating to cases in which the statute had run, except for this new opportunity afforded by the pending measure, if it shall become a law, it is true that even as to the old cases, if the Administrator again denied a protest, the protestant could still go into the Emergency Court of Appeals.

Mr. DANAHER. The Senator is correct. Without the record he has, the aggrieved individual could have gone before the board of review under the procedure the committee unanimously recommended for all future cases.

Mr. WAGNER. There was a good deal of sympathy in the committee for the contention of the Senator. He pressed his point with vigor, but I think a majority of the committee was finally convinced that the work would have been overwhelming. There would not be enough men available to do the work if

the old and the new came in during the month between August 1 and September 1. That is why I am hopeful the amendment will be accepted without the amendment of the distinguished Senator. It would have been an impossible task, I think.

Mr. MURDOCK. Mr. President, will the Senator from Connecticut yield to me?

Mr. DANAHER. I yield.

Mr. MURDOCK. So far as the record is concerned, on which the protestant goes into the Emergency Court of Appeals, it will be the same, will it not, under either procedure?

Mr. DANAHER. No; that does not at all follow. The reason why there is likely to be a difference, or why there can be a difference, is that the original act provides:

> Within a reasonable time after the filing of any protest under this subsection, but in no event more than 30 days after such filing or 90 days after the issuance of the regulation or order (or in the case of a price schedule, 90 days after the effective date thereof specified in sec. 206) in respect of which the protest is filed, whichever occurs later, the Administrator shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the Administrator denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based and of any economic data and other facts of which the Administrator has taken official notice.

That last sentence is important, because we say in the bill:

> The protestant shall be informed of the recommendations of the Board and, in the event that the Administrator rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection.

That is one of the important points of difference.

Moreover, commencing in line 17, page 5, of our amendment, we require the Administrator to present "to the Board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the Board and the Board shall make written recommendations to the Price Administrator."

Those distinctions are very real, and consequently the record which is to go to the Emergency Court of Appeals in the review provided may very easily differ in many radical particulars.

Mr. MURDOCK. That is the point I desire to raise. The Senator seems to be able to read into the language much more than I can find in it. The record on which the protestant goes into the Emergency Court of Appeals is practically identical regardless of which procedure is followed.

Will the Senator yield further?

Mr. DANAHER. Yes.

Mr. MURDOCK. So far as the oral argument is concerned, certainly he cannot take into the Court of Appeals the oral argument which he has made before the Board under the Office of Price Administration.

Mr. DANAHER. Let me point out to my very good friend, the Senator from Utah, whose judgment I respect, and whose friendship I enjoy, that in the existing law, in section 203 (b) we find this sentence:

> In the administration of this act the Administrator may take official notice of economic data and other facts, including facts found by him as a result of action taken under section 202.

We do not find that in the committee amendment which has been unanimously recommended by the committee, including the Senator from Utah, for in this new procedure before the board—

> The Administrator shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate.

In other words he must produce before the board the economic data. It does not take judicial notice of Rand-McNally's map of 1942 as to where the channel was before the storm.

Mr. MURDOCK. Is not practically the only difference in the record made in the Emergency Court of Appeals that with respect to the economic data? In the one instance the Administrator must produce the economic data before the board, and in the other instance he may simply have it in his mind. Under the present law, that is, under present procedure, he is required to set out the grounds, including the economic data.

The language of the law is as follows:

> SEC. 203 (a) * * * In the event that the Administrator denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

So that to all intents and purposes, as I read the two sections, identical records go to the Emergency Court of Appeals, whether it is under the old procedure or under the new.

Mr. DANAHER. I know, Mr. President, that the attendance of the Senator from Utah upon the committee sessions was so faithful and so constant that I would not have my colleagues think that he had not read the amendment which is before the Senate, and for which he voted. He voted for what I am about to read:

> The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the board and the board shall make written recommendations to the Price Administrator.

Consequently, instead of having what in effect might be considered to be an ex parte mental taking of judicial notice by the Administrator of such economic data as he wishes to consider, he now will present that data to the board, whereupon the protestant may file rebuttal evidence and thus for the first time there would be challenged on the record, and for the record, the evidence which will ultimately go as a part of the record to the Emergency Court of Appeals.

There is that very real difference in the two sections, and I know the Senator from Utah was convinced that it was a desirable result. In fact, the committee was unanimous in its recommendations in this respect. So, Mr. President, actually the only thing remaining in this section is to be found on page 6, in subsection (c) where we provide for the basis of getting into court, and the time within which to get into court, to the end that an undue delay by the Administrator may be a ground upon which the protestant may go to the Emergency Court of Appeals.

We also give the court jurisdiction by appropriate order to require the Administrator to dispose of the protest within such time as may be fixed by the court, and that is to the end that the Administrator will not be hurried, and that he will not be flooded by a great number of extra cases, if there should be any. If he needs more time he will receive more time.

So, Mr. President, there is going to be an ample and a facile way by which the Administrator can spell out or space over the hearings in such fashion as to cause no undue harm, and at the same time all protestants and all those properly aggrieved may have their day in court and a chance to be heard.

Mr. President, that is the American way.

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

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

Mr. WHERRY. I should like to ask the distinguished Senator from Connecticut why it is that in the so-called protestant's procedure and also in the procedure of suit for damages, the one charged with the violation is not given the same opportunity to present a complaint before the Administrator or through the appeal board appointed by the Administrator, and opportunity for the same relief afforded as in a criminal suit.

What I mean by that is that in a criminal procedure it is provided that when a complaint is made against the Administrator, setting forth objections to the validity of any provision which the defendant is found to have violated, the district court shall grant relief with respect to any objection which it finds is made in good faith, and with respect to which it finds there is a reason and a substantial excuse for the defendant's failure to present objection and protest in accordance with section 203 (a).

What I should like to know is why the same right is not accorded to one who in a civil suit is charged with a violation, as is afforded in a criminal suit, to come into the district court, or the Emergency Court of Appeals, and there put up as a defense any valid defense he has, as, for example, that the maximum ceiling price was established below the stabilization price which was intended by Congress when it passed the act in 1942. Why does he not have that right?

Mr. DANAHER. Mr. President, let me point out that that question is in no way whatever related to the pending amendment. It has nothing to do with the problem under consideration.

There is a complete answer to it which I should like to make in due course, but for the present let me make the succinct answer that members of the committee who have lived with the Emergency Price Control Act from the beginning are in favor of trying to center within the administrative agency itself a reasonably adequate method of administrative review. That is the first objective.

Second, we wish to have uniformity of decision under regulations and orders of the Office of Price Administration, and so we center all appellate review in the Emergency Court of Appeals, and ultimately, of course, the United States Supreme Court.

Therefore, Mr. President, to the end that there may not be in every one of the 80 or 90 United States districts in which criminal proceedings could be brought for violations an equal number of divergent opinions as to the validity of a regulation or order, we say—to answer now specifically the question of the Senator from Nebraska—if an individual is charged criminally with a violation of an emergency price-control regulation or order he may proceed to trial, he may be convicted, but he shall nonetheless be able to get a stay of execution, to the end that there may be a decision by the very same Emergency Court of Appeals which rules on all other phases of the validity of the regulations and orders of the Office of Price Administration. Consequently, Mr. President, it is eminently desirable that we not have a Maryland court decide one way, a Nebraska court decide another way, and a Connecticut court decide a third way, all on the same order. That is the reason why we wish to permit the appellant in a criminal case to go to the Emergency Court of Appeals to challenge then the validity or the constitutionality of the regulation or order, with the violation of which he is charged.

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

Mr. DANAHER. In a second I shall be glad to yield.

That is a very different process from the administrative review in the Emergency Court of Appeals. Moreover, the Senator from Nebraska should note that under the Price Control Act, whenever the O. P. A. comes forward and asks for an injunction, it may go into the local court, it may go into the State or territorial court, or it may go into the district court. But the individual who is inveighed against civilly has not been denied due process, if we adopt the amendment which I have offered, which will give him time to obtain adequate administrative review; because we are creating the remedy—and that is why we are doing it—in order that there may be no denial of due process.

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

Mr. DANAHER. I previously said I would yield to the Senator from Nebraska, so I yield first to him.

Mr. WHERRY. Mr. President, relative to the procedure in appealing to the Emergency Court of Appeals, I agree with the Senator that that is not in issue. I am simply asking this: Under the procedure which the Senator would establish by his amendment, in filing a protest or a defense before the court, why should the protestant be restricted to the right to do nothing more than protest any order, regulation, or price schedule which the Administrator might issue? Why should he not have the right under this civil procedure, the same as under a criminal procedure, to go into court and set up any valid defense he might have, whether in a suit for damages or in this procedure or in any other procedure? What is the reason for not giving him that right?

Mr. DANAHER. For the reason that we are giving him the remedy. That is what is involved in section 106. Everyone who is aggrieved by an order, if section 106 is adopted, will have 60 days within which to protest.

Mr. WHERRY. I understand that.

Mr. DANAHER. Anyone who is aggrieved by a future order will have 60 days within which to protest.

Mr. WHERRY. But under that, we do not set up the defense by which he may go beyond what the regulation or the directive was.

Mr. RADCLIFFE. Mr. President, if the Senator will yield to me for a moment, I should like to say that I think the Senator from Connecticut has stated the situation very clearly and emphatically. The only reason why I interrupt now is to refer to the following language in section 204 (c) of the original Price Control Act, on page 10:

> There is hereby created a court of the United States to be known as the Emergency Court of Appeals, which shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations.

There the situation is explained.

As the Senator from Connecticut has just pointed out, the Emergency Court of Appeals is not different in its personnel from the judges who now sit in the Federal courts. There is certainly no reason why every judge of the district courts and every judge of the circuit court of appeals might be brought into the picture. Certainly it is a much more orderly procedure to have an arrangement by which the judges of the district courts and the judges of the circuit courts of appeals are selected by the Chief Justice of the United States. Certainly the protestant is not being denied any of his rights while he is able to go into a court which is made up of judges who are already sitting, and who are selected for this particular purpose by the Chief Justice of the United States. It seems to me that is a much more orderly way, and it gets away from the diffuse methods which the Senator from Connecticut pointed out would be used if we did what the Senator from Nebraska suggested. Due process of law or reasonable opportunity for access to court does not mean that every litigant can go to any Federal court. He has his day in court if he goes to the judges selected by the special purposes set up by statute.

Mr. DANAHER. Mr. President, I thank the Senator from Maryland.

There is also a further answer to the point raised by the Senator from Nebraska. Whatever else we might like to do at this time, some 2½ years after the adoption of the original Price Control Act, the fact remains that the act and its ramifications and the regulations and orders promulgated under it sweep all the way from Eastport to San Diego. They reach throughout all the Territories and possessions of the United States. Our whole economy is geared to it. There is no question in my mind, for example, that there have been phases of policy and applications of rules and regulations which have gone contrary to the original congressional intent. I have no doubt there have been instances in which the court could properly find, and perhaps did find, that a given regulation or order is in fact invalid. I have no doubt that the Office of Price Administration itself has applied correctives in hundreds and hundreds of cases in which it itself has found that an error was committed, and I give it credit for doing so. But if we can channel the original intent back into the O. P. A. and can give the O. P. A. a chance to correct the administration of the act and, if it does not correct it, give the Emergency Court of Appeals a chance to review it, then—if that has been done—there cannot be said to be any denial of due process.

So far as the criminal side is concerned, the situation involved is very different from the situation involved in the purely civil side of any case. In the criminal side an individual's liberty is at stake. So, to make absolutely certain, I turn to page 23 of the slip copy of the Supreme Court's report of a case decided on March 27, 1944, the case of Albert Yakus, petitioner, against the United States of America. In that case the Court said in the majority opinion:

> We have no occasion to decide whether one charged with criminal violation of a duly promulgated price regulation may defend on the ground that the regulation is unconstitutional on its face.

So that question was not before the Court.

I read further from the majority opinion:

> Nor do we consider whether one who is forced to trial and convicted of violation of a regulation, while diligently seeking determination of its validity by the statutory procedure, may thus be deprived of the defense that the regulation is invalid.

So that question was not before the Court.

But in what we have done we have perfected the two points as to which the Supreme Court had entered no decision, to the end that there can be no question of the denial of or the existence of due process. Thus we afford a remedy which is a complete answer in both those respects, because we give the citizen time within which he can file the protest. If there is anyone in Connecticut who does not like the existence of a regulation or order which was issued on October 31, 1942, but who failed within 60 days to

file his protest, we say he can file his protest now; and if there is anyone in Nebraska who did not file his protest in January 1943, we say he can come forward and file his protest now.

We do that just the same as we do it as to all future orders. The only point of difference between the members of the committee in this particular is this: Shall we permit those who file protests as to outstanding regulations or orders to have 30 days within which to petition for a review by the board of review and the O. P. A.? That is the only question.

As to all outstanding orders, we give them only 30 days to file a petition for a hearing before the board of review. They do not even have to go to the board of review if they do not wish to do so. It is at their option. But at the very least, there will be no denial of due process if the amendment which a large number of us on the committee previously supported, and still support, shall be adopted. That is why we urge that the Senate take the date of August 1, 1944, instead of the committee date of September 1, 1944.

So saying, Mr. President, I close my presentation on the pending question.

Mr. ELLENDER. Mr. President, will the Senator yield to me for a question?

Mr. WHERRY. Mr. President, did not the Senator agree that he would yield to me for a question?

Mr. DANAHER. I beg the Senator's pardon; I thought he had asked the question he wished to ask.

Mr. WHERRY. No; I had not. My question is this: What is the difference in result as between a man who has a criminal proceeding lodged against him, and who may have to be jailed, and a man who in some of the triple-damage proceedings has a fine levied against him, who will be jailed unless he pays the fine? I do not see any difference.

I am not complaining about the right which is created; but I think every man, whether in a civil suit or in a criminal suit, should have every right which accrues to him. In this instance the right is given to him in a criminal proceeding, but not in a civil suit.

Mr. DANAHER. Mr. President, I think the answer is that he does have it in a civil suit. Let me point out to the Senator that on page 13 of the act there is provided the basis on which the Administrator may apply to any territorial court or district court for an order suspending the license of a person to do business for a period of not more than 12 months. There is no question that civil proceedings in that type of action would lie, just the same as in any other type of civil action.

Mr. WHERRY. There is no place in that procedure to raise the question of the validity of a defense. That is what I am talking about.

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

Mr. DANAHER. I yield.

Mr. TAFT. I think the Senator from Nebraska is speaking of section 107, at the bottom of page 6, which amendment we have not as yet reached.

Mr. WHERRY. That is what I am talking about.

Mr. TAFT. The language is:

(e) Within 5 days after judgment in any criminal proceeding brought pursuant to section 205 (b) for the violation of any provision of any regulation or order issued under section 2 or of any price schedule effective in accordance with the provisions of section 206, the defendant may apply to the district court for leave to file in the Emergency Court of Appeals a complaint against the Administrator setting forth objections to the validity of any provision which the defendant has been found to have violated.

Mr. DANAHER. I will ask the Senator from Nebraska if he is speaking about lines 20 to 25, inclusive, at the bottom of page 7 of the committee amendment.

Mr. WHERRY. Mr. President, I will answer the distinguished Senator from Connecticut if he will bear with me. In this discussion there was read the language on pages 5 and 6, showing how the protest procedure is carried out, to the Emergency Court of Appeals. It is my opinion that under that procedure one who was protesting a price regulation would have the opportunity to dispute or contend only with respect to the price violation, or the regulation itself.

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

Mr. DANAHER. I yield.

Mr. TAFT. I think I understand the Senator's point. Section 107 provides that in a criminal case, even though the 60 days have expired so that the validity of the regulation cannot be challenged, the defendant may raise that question; and if the court is satisfied that he has some good excuse for not filing within 60 days, the question will be referred to the Emergency Court of Appeals for determination of the validity of the regulation. If the regulation is held to be valid, the case will come back, and perhaps he may be convicted. If the regulation is held to be invalid, the criminal prosecution will come to an end.

The objection of the Senator from Nebraska is a point which was not raised in the committee. That procedure does not apply to a suit for triple damages. I believe the Senator from Nebraska is correct in his interpretation of the law. If a man is sued for triple damages, and the 60 days have expired, he can in no way raise the question of the validity of the regulation. I think the Senator correctly states the law. I do not believe that question is before us in connection with the pending amendment. If the Senator desires to do so, he may offer an amendment to that section when it is reached. I do not believe the question was discussed in the committee at all. Subsequently, I discussed it with the Office of Price Administration, and that agency opposed the extension, but I do not believe the question was discussed in the committee.

Mr. BARKLEY. Mr. President, the Senator from New York [Mr. WAGNER] has indicated that he desires to suspend at this point.

Mr. LUCAS. Mr. President, I submit an amendment which I ask to have printed and lie on the table.

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

INVESTIGATION OF SUPPLY AND DISTRIBUTION OF HYDROELECTRIC POWER

Mr. McFARLAND. Mr. President, in May 1943, the Senate adopted Senate Resolution 155, authorizing an investigation with respect to the supply and distribution of hydroelectric power. The resolution authorized the Committee on Interstate Commerce to conduct the investigation. It now appears that the investigation should be conducted by the Committee on Irrigation and Reclamation.

I submit a resolution to amend the provisions of Senate Resolution 155 so as to transfer the investigation from the Committee on Interstate Commerce to the Committee on Irrigation and Reclamation, and ask unanimous consent for its present consideration. I have consulted the chairman of the Committee on Interstate Commerce [Mr. WHEELER], and he agrees with me that the investigation should be conducted by the Committee on Irrigation and Reclamation.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 304) was considered and agreed to, as follows:

Resolved, That the resolution (S. Res. 155) authorizing an investigation with respect to the supply and distribution of hydroelectric power, agreed to on June 26 (legislative day, May 24), 1943, be, and the same is hereby, amended as follows:

In line 1, strike out the words "Interstate Commerce" and insert in lieu thereof the words "Irrigation and Reclamation";

In line 4, after the symbols and figure "(1)", insert the following words: "The present and future need for development of projects for irrigation and hydroelectric power and";

And on page 1, on page 2 in the first sentence under subdivision (5), strike out the words "hydroelectric plants" and insert in lieu thereof the word "projects."

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States, which were referred to the appropriate committees.

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

CONFIRMATION OF POSTMASTER NOMINATIONS

Mr. BARKLEY. Mr. President, there are only two postmaster nominations on the Executive Calendar. I ask unanimous consent that, as in executive session, the nominations be confirmed, and that the President be immediately notified.

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

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 6, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 5 (legislative day of May 9), 1944:

FARM CREDIT ADMINISTRATION

Ivy W. Duggan, of Mississippi, to be Governor of the Farm Credit Administration for the unexpired term of 6 years from June 15, 1940. Vice Albert G. Black.

DEPARTMENT OF AGRICULTURE

Charles Franklin Brannan, of Colorado, to be Assistant Secretary of Agriculture. Vice Grover B. Hill.

IN THE NAVAL RESERVE

Capt. Ellery W. Stone, U. S. N. R., to be a rear admiral in the naval reserve, for temporary service, to continue while serving as deputy to the President of the Allied Control Commission (Italy).

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

(Those officers whose names are preceded by the symbol (×) are subject to examination required by law. All others have been examined and found qualified for promotion.)

To be lieutenant colonel with rank from June 13, 1944

Maj. Morris Haslett Marcus, Cavalry (temporary colonel).

Maj. Frank Zea Pirkey, Corps of Engineers (temporary colonel).

Maj. Karl William Hisgen, Field Artillery (temporary colonel).

Maj. James Harry Marsh, Infantry (temporary colonel).

Maj. Francis Warren Crary, Field Artillery (temporary colonel).

×Maj. John Baylis Cooley, Adjutant General's Department (temporary colonel).

Maj. Selby Francis Little, Field Artillery (temporary lieutenant colonel).

Maj. Milo Glen Cary, Coast Artillery Corps (temporary colonel).

Maj. Harold Joseph Conway, Ordnance Department (temporary colonel).

Maj. Gustin MacAllister Nelson, Infantry (temporary colonel).

Maj. Frank Joseph Spettel, Infantry (temporary lieutenant colonel).

Maj. Burwell Baylor Wilkes, Jr., Infantry (temporary colonel).

To be major with rank from June 14, 1944

Capt. Hans William Holmer, Corps of Engineers (temporary lieutenant colonel).

Capt. Harold Albert Kurstedt, Corps of Engineers (temporary colonel).

Capt. Edward Grow Daly, Corps of Engineers (temporary colonel).

Capt. Donald Chamberlin Hawkins, Corps of Engineers (temporary colonel).

Capt. Theodore Addison Weyher, Ordnance Department (temporary colonel).

Capt. Robert Hammiell Naylor, Corps of Engineers (temporary colonel).

Capt. Paul Dunn Berrigan, Corps of Engineers (temporary colonel).

Capt. Henry Gordon Douglas, Corps of Engineers (temporary colonel).

Capt. Joseph Winston Cox, Jr., Corps of Engineers (temporary colonel).

Capt. George Townsend Derby, Corps of Engineers (temporary colonel).

Capt. Max Sherred Johnson, Corps of Engineers (temporary colonel).

Capt. Lee Bird Washbourne, Corps of Engineers (temporary colonel).

Capt. John Robert Crume, Jr., Corps of Engineers (temporary colonel).

Capt. George Woodburne McGregor, Air Corps (temporary colonel).

Capt. John Leonard Hines, Jr., Cavalry (temporary lieutenant colonel).

Capt. Charles Albert Harrington, Air Corps (temporary colonel).

Capt. Charles H. McNutt, Corps of Engineers (temporary colonel).

Capt. Herman Walter Schull, Jr., Corps of Engineers (temporary colonel).

Capt. Elmer Blair Garland, Signal Corps (temporary colonel).

Capt. Loren Davis Pegg, Cavalry (temporary lieutenant colonel).

×Capt. Garrison Holt Davidson, Corps of Engineers (temporary brigadier general).

Capt. Woodbury Megrew Burgess, Cavalry (temporary colonel).

Capt. Manuel José Asensio, Corps of Engineers (temporary colonel).

Capt. Cecil Winfield Land, Field Artillery (temporary lieutenant colonel).

Capt. Frederick Everett Day, Coast Artillery Corps (temporary lieutenant colonel).

Capt. Frederic Joseph Brown, Field Artillery (temporary colonel).

Capt. Edwin William Chamberlain, Coast Artillery Corps (temporary colonel).

Capt. Alvin Louis Pachynski, Signal Corps (temporary colonel).

Capt. Harry Oliver Paxson, Corps of Engineers (temporary colonel).

Capt. Henry Joseph Hoeffer, Corps of Engineers (temporary colonel).

×Capt. Maurice Francis Daly, Air Corps (temporary colonel).

Capt. Fred Wallace Kunesh, Signal Corps (temporary colonel).

Capt. Alexander Macomb Miller 3d, Cavalry (temporary colonel).

Capt. Gerald Francis Lillard, Field Artillery (temporary colonel).

Capt. George Fenton Peirce, Coast Artillery Corps (temporary lieutenant colonel).

Capt. William Hamilton Hunter, Cavalry (temporary lieutenant colonel).

Capt. Francis Cecil Foster, Field Artillery (temporary lieutenant colonel).

Capt. James Wilson Green, Jr., Signal Corps (temporary colonel).

×Capt. Parmer Wiley Edwards, Coast Artillery Corps (temporary colonel).

Capt. Francis Elliot Howard, Infantry (temporary colonel).

×Capt. Laurence Sherman Kuter, Air Corps (temporary major general).

Capt. William Perry Pence, Signal Corps (temporary colonel).

Capt. Thomas Morgan Watlington, Field Artillery (temporary colonel).

Capt. William Lewis McNamee, Coast Artillery Corps (temporary colonel).

×Capt. Thomas John Hall Trapnell, Cavalry (temporary lieutenant colonel).

×Capt. John Raymond Lovell, Coast Artillery Corps (temporary colonel).

Capt. Raymond Wiley Curtis, Cavalry (temporary colonel).

Capt. Kenneth Earl Thiebaud, Adjutant General's Department (temporary lieutenant colonel).

×Capt. Reynolds Condon, Field Artillery (temporary colonel).

Capt. Charles Brundy Brown, Signal Corps (temporary colonel).

Capt. Edward Gilbert Farrand, Field Artillery (temporary colonel).

Capt. Willard Burton Carlock, Infantry (temporary colonel).

Capt. George McCoy, Jr., Air Corps (temporary brigadier general).

Capt. George Lucien Richon, Signal Corps (temporary colonel).

Capt. Charles Richard Hutchison, Field Artillery (temporary colonel).

×Capt. Stanley Burton Bonner, Field Artillery (temporary major).

Capt. Edward Pont Mechling, Ordnance Department (temporary colonel).

Capt. Robert Graham Lowe, Cavalry (temporary lieutenant colonel).

Capt. George Edward Martin, Infantry (temporary lieutenant colonel).

Capt. John Milton Burdge, Jr., Field Artillery (temporary lieutenant colonel).

Capt. Bertram Arthur Holtzworth, Field Artillery (temporary colonel).

Capt. Frederick Andrew Granholm, Field Artillery (temporary colonel).

Capt. Charles Pennoyer Bixel, Cavalry (temporary colonel).

Capt. Robert Griffith Turner, Infantry (temporary lieutenant colonel).

Capt. Alex Norwood Williams, Jr., Field Artillery (temporary colonel).

Capt. Jeremiah Paul Holland, Field Artillery (temporary lieutenant colonel).

Capt. John Mills Sterling, Air Corps (temporary colonel).

×Capt. Edward James Francis Glavin, Infantry (temporary colonel).

Capt. Joseph Howard Gilbreth, Infantry (temporary colonel).

Capt. James Francis Collins, Field Artillery (temporary colonel).

×Capt. Horace Alvord Quinn, Ordnance Department (temporary colonel).

Capt. Lee Roy Williams, Infantry (temporary colonel).

Capt. James Virgil Thompson, Infantry (temporary colonel).

Capt. Henri Anthony Luebbermann, Cavalry (temporary lieutenant colonel).

×Capt. Harold James Coyle, Field Artillery (temporary major).

Capt. Paul Edwin Meredith, Quartermaster Corps (temporary lieutenant colonel).

Capt. Olaf Helgesen Kyster, Jr., Coast Artillery Corps (temporary colonel).

Capt. Orrin Leigh Grover, Air Corps (temporary colonel).

Capt. Harry Forrest Townsend, Coast Artillery Corps (temporary lieutenant colonel).

Capt. Francis Scoon Gardner, Field Artillery (temporary lieutenant colonel).

×Capt. Walter Morris Johnson, Infantry (temporary lieutenant colonel).

Capt. Harold Stanley Isaacson, Field Artillery (temporary lieutenant colonel).

Capt. Willis Webb Whelchel, Field Artillery (temporary lieutenant colonel).

Capt. Albert Harvey Dickerson, Infantry (temporary colonel).

Capt. Leander LaChance Doan, Cavalry (temporary lieutenant colonel).

Capt. Arthur Edwin Solem, Field Artillery (temporary lieutenant colonel).

×Capt. Theodore Kalakuka, Quartermaster Corps (temporary lieutenant colonel).

Capt. Charlie Wesner, Field Artillery (temporary lieutenant colonel).

×Capt. Henry Magruder Zeller, Cavalry (temporary colonel).

Capt. Orville Melvin Hewitt, Infantry (temporary lieutenant colonel).

Capt. Arthur Layton Cobb, Field Artillery (temporary lieutenant colonel).

Capt. Lewis Hinchman Ham, Field Artillery (temporary lieutenant colonel).

Capt. Virgil Miles Kimm, Coast Artillery Corps (temporary lieutenant colonel).

Capt. Milton Merrill Touner, Air Corps (temporary colonel).

Capt. Robert Curtis White, Field Artillery (temporary lieutenant colonel).

Capt. William Jordan Verbeck, Infantry (temporary colonel).

Capt. Aloysius Joseph Lepping, Coast Artillery Corps (temporary colonel).

×Capt. Joseph Ganahl, Field Artillery (temporary lieutenant colonel).

Capt. Fay Roscoe Upthegrove, Air Corps (temporary colonel).

×Capt. Stuart Wood, Field Artillery (temporary colonel).

Capt. Lawrence Edward Shaw, Coast Artillery Corps (temporary colonel).

×Capt. Matthew Kemp Deichelmann, Coast Artillery Corps (temporary colonel).

Capt. Nathan Alton McLamb, Coast Artillery Corps (temporary lieutenant colonel).

Capt. William Jefferson Glasgow, Jr., Infantry (temporary lieutenant colonel).

Capt. Charles Bertody Stone 3d, Air Corps (temporary brigadier general).

Capt. Frank Thomas Ostenberg, Coast Artillery Corps (temporary lieutenant colonel).

Capt. John Harold Kochevar, Coast Artillery Corps (temporary lieutenant colonel).
Capt. Ernest Benjamin Gray, Quartermaster Corps (temporary colonel).
×Capt. William Joseph Phelan, Infantry (temporary lieutenant colonel).
Capt. Joy Thomas Wrean, Coast Artillery Corps (temporary colonel).
Capt. John Joseph Holst, Coast Artillery Corps (temporary colonel).
Capt. Arthur Roth, Coast Artillery Corps (temporary lieutenant colonel).
Capt. Carl Sherman Graybeal, Infantry (temporary colonel).
Capt. Ralph Wise Zwicker, Infantry (temporary lieutenant colonel).
Capt. Woodson Finch Hocker, Infantry (temporary colonel).
Capt. Cyril Edward Williams, Infantry (temporary lieutenant colonel).
Capt. Vachel Davis Whatley, Jr., Infantry (temporary colonel).
Capt. Harry Ellery McKinney, Infantry (temporary lieutenant colonel).
Capt. Carl Elliott Lundquist, Infantry (temporary colonel).
Capt. Antulio Segarra, Infantry (temporary colonel).
Capt. Guy Stanley Meloy, Jr., Infantry (temporary colonel).
Capt. George Van Horn Moseley, Jr., Infantry (temporary colonel).
Capt. Roy William Axup, Infantry (temporary lieutenant colonel).
Capt. Raymond Earle Bell, Infantry (temporary lieutenant colonel).
Capt. Dana Powers McGown, Infantry (temporary colonel).
Capt. Charles Boal Ewing, Infantry (temporary lieutenant colonel).
Capt. Barney Avant Daughtry, Infantry (temporary lieutenant colonel).
Capt. Philip DeWitt Ginder, Infantry (temporary colonel).
Capt. Ralph Edwin Doty, Infantry (temporary colonel).
Capt. Howell Hopson Jordan, Infantry (temporary lieutenant colonel).
Capt. Robert Frederick Sink, Infantry (temporary colonel).
Capt. Elmer Matthew Webb, Ordnance Department (temporary colonel).
Capt. John Prame Kaylor, Field Artillery (temporary lieutenant colonel).
Capt. Christian Gotthard Nelson, Field Artillery (temporary colonel).
Capt. Gilbert McKee Allen, Jr., Infantry (temporary lieutenant colonel).
Capt. Calvin Louis Whittle, Quartermaster Corps (temporary colonel).
Capt. George Emericus Bender, Infantry (temporary lieutenant colonel).
Capt. Jack Henry Griffith, Infantry (temporary colonel).
Capt. Robert Campbell Aloe, Infantry (temporary colonel).
×Capt. Montgomery McKee, Infantry (temporary lieutenant colonel).
Capt. Nelson Irving Fooks, Infantry (temporary colonel).
×Capt. Lawton Butler, Adjutant General's Department (temporary colonel).
×Capt. Martin Moses, Infantry (temporary lieutenant colonel).
Capt. Robert John West, Jr., Field Artillery (temporary colonel).
Capt. James William Smyly, Jr., Infantry (temporary lieutenant colonel).
×Capt. Raymund Gregory Stanton, Infantry (temporary colonel).
Capt. Neil Bosworth Harding, Air Corps (temporary colonel).
Capt. Willis Small Matthews, Infantry (temporary colonel).
×Capt. Robert Lewis Easton, Air Corps (temporary colonel).
Capt. Henry Malone Bailey, Air Corps (temporary colonel).
Capt. Fred Leroy Thorpe, Quartermaster Corps (temporary lieutenant colonel).

To be major with rank from June 15, 1944

×Capt. Bienvenido Mobo Alba, Philippine Scouts (temporary major).

To be major with rank from June 16, 1944

Capt. Harold Henry Hunt, Field Artillery (temporary major).
×Capt. Joseph Lawrence Dark, Infantry (temporary lieutenant colonel).
Capt. Walter William Gross, Air Corps (temporary colonel).
Capt. Joseph George Felber, Infantry (temporary lieutenant colonel).
Capt. John N. Jones, Air Corps (temporary colonel).

To be major with rank from June 30, 1944

Capt. Morris Miller Bauer, Corps of Engineers (temporary colonel).
×Capt. Frank Alfred Lightfoot, Field Artillery (temporary major).
Capt. Earl Clarence Bergquist, Infantry (temporary colonel).
Capt. Richard Chase, Infantry (temporary lieutenant colonel).
Capt. Albert Neil Hickey, Judge Advocate General's Department (temporary colonel).
Capt. Ronald Irving Pride, Field Artillery.
Capt. Royce Alison Drake, Cavalry (temporary lieutenant colonel).
Capt. Paul Alfred Disney, Cavalry (temporary lieutenant colonel).
Capt. Leo William De Rosier, Air Corps (temporary colonel).
×Capt. Gordon Philip Saville, Air Corps (temporary brigadier general).
Capt. Charles Bernard Overacker, Jr., Air Corps (temporary colonel).
Capt. George Henry Macnair, Air Corps (temporary colonel).
Capt. Louis Howard Foote, Corps of Engineers (temporary colonel).
Capt. James Arthur Ellison, Air Corps (temporary colonel).
Capt. Hoyt Leroy Prindle, Air Corps (temporary colonel).
Capt. James Franklin Walsh, Air Corps (temporary lieutenant colonel).
Capt. George Richard Geer, Air Corps (temporary colonel).
Capt. Martin Joseph Morin, Infantry (temporary lieutenant colonel).
Capt. Donald Wright Benner, Air Corps (temporary colonel).
Capt. Lawrence Henry Douthit, Air Corps (temporary colonel).
Capt. George Robert Acheson, Air Corps (temporary colonel).
Capt. Frank Hamlet Robinson, Air Corps (temporary colonel).
Capt. Waldine Winston Messmore, Air Corps (temporary colonel).
Capt. Herbert Melvin Newstrom, Air Corps (temporary colonel).
Capt. Allen Ralph Springer, Air Corps (temporary colonel).
×Capt. Franklin Calhoun Wolfe, Air Corps (temporary colonel).
Capt. Ford Larimore Fair, Air Corps (temporary colonel).
Capt. Ivan Maurice Palmer, Air Corps (temporary colonel).
Capt. Joseph Gerard Hopkins, Air Corps (temporary colonel).

To be captain with rank from June 12, 1944

First Lt. Charles Francis Tank, Corps of Engineeers (temporary lieutenant colonel).
First Lt. Thomas DeForth Rogers, Corps of Engineers (temporary lieutenant colonel).
×First Lt. John Burroughs Cary, Air Corps (temporary lieutenant colonel).
First Lt. Robert Erlenkotter, Corps of Engineers (temporary lieutenant colonel).
First Lt. John Heughes Donoghue, Corps of Engineers (temporary lieutenant colonel).
First Lt. Staunton Lindsley Brown, Corps of Engineers (temporary lieutenant colonel).
First Lt. Richard Moser Sieg, Corps of Engineers (temporary lieutenant colonel).
×First Lt. Ferdinand Julian Tate, Corps of Engineers (temporary lieutenant colonel).
×First Lt. Burton Blodgett Bruce, Corps of Engineers (temporary colonel).
First Lt. Robert George MacDonnell, Corps of Engineers (temporary lieutenant colonel).
First Lt. Paul Carter Ashworth, Air Corps (temporary colonel).
First Lt. Charles Leon Andrews, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Walter Jackson Renfroe, Jr., Infantry (temporary lieutenant colonel).
First Lt. William Joslin Himes, Corps of Engineers (temporary lieutenant colonel).
First Lt. Robert Beauchamp Miller, Signal Corps (temporary lieutenant colonel).
First Lt. Charles Francis Fell, Signal Corps (temporary lieutenant colonel).
×First Lt. Charles Rea Revie, Field Artillery (temporary lieutenant colonel).
First Lt. Joseph Ochsenschlager Killian, Corps of Engineers (temporary colonel).
First Lt. Thomas Heber Lipscomb, Corps of Engineers (temporary lieutenant colonel).
First Lt. James Edward Walsh, Corps of Engineers (temporary lieutenant colonel).
First Lt. Austin Wortham Betts, Corps of Engineers (temporary lieutenant colonel).
First Lt. John Page Buehler, Corps of Engineers (temporary lieutenant colonel).
First Lt. Paul Henry Berkowitz, Corps of Engineers (temporary lieutenant colonel).
First Lt. Edward Walter Moore, Air Corps (temporary lieutenant colonel).
First Lt. Seymour Irving Gilman, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Curtis Delano Sluman, Air Corps (temporary colonel).
First Lt. Byron Elias Brugge, Air Corps (temporary colonel).
First Lt. Robert Butler Warren, Corps of Engineers (temporary lieutenant colonel).
×First Lt. Thompson Brooke Maury 3d, Field Artillery (temporary major).
First Lt. Wilford Edward Harry Voehl, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. John Jacob Stark, Air Corps (temporary major).
First Lt. William Sebastian Stone, Air Corps (temporary colonel).
First Lt. Jonathan Owen Seaman, Field Artillery (temporary lieutenant colonel).
×First Lt. Kermit LeVelle Davis, Field Artillery (temporary lieutenant colonel).
First Lt. Ellis Oakes Davis, Corps of Engineers (temporary lieutenant colonel).
First Lt. William Loveland Rogers, Corps of Engineers (temporary lieutenant colonel).
First Lt. George Bernard Dany, Air Corps (temporary colonel).
First Lt. Harvey Julius Jablonsky, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Urquhart Pullen Williams, Field Artillery (temporary lieutenant colonel).
First Lt. Peter Samuel Peca, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Lawson S. Moseley, Jr., Air Corps (temporary colonel).
First Lt. Richard Ringo Moorman, Coast Artillery Corps (temporary lieutenant colonel).
First Lt. Jean Paul Craig, Air Corps (temporary lieutenant colonel).
First Lt. James Oscar Baker, Ordnance Department (temporary lieutenant colonel).
First Lt. John Hicks Anderson, Corps of Engineers (temporary lieutenant colonel).
First Lt. Severin Richard Beyma, Ordnance Department (temporary lieutenant colonel).
First Lt. Thomas Leslie Crystal, Jr., Field Artillery (temporary lieutenant colonel).
First Lt. Frederic Wood Barnes, Cavalry (temporary lieutenant colonel).
First Lt. William Beehler Bunker, Corps of Engineers (temporary lieutenant colonel).

First Lt. Theodore Frelinghuysen Hoffman, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Miles Birkett Chatfield, Ordnance Department (temporary lieutenant colonel).

×First Lt. Howard Marshall Batson, Jr., Field Artillery (temporary major).

×First Lt. Charles Henry White, Jr., Field Artillery (temporary lieutenant colonel).

First Lt. William Jack Holzapfel, Jr., Air Corps (temporary colonel).

First Lt. Mathew Valois Pothier, Corps of Engineers (temporary lieutenant colonel).

First Lt. Joseph Sylvester Piram, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. George Edward Adams, Field Artillery (temporary lieutenant colonel).

×First Lt. Almon White Manlove, Infantry (temporary lieutenant colonel).

First Lt. John DuVal Stevens, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Yale Harold Wolfe, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. John Farnsworth Smoller, Field Artillery (temporary lieutenant colonel).

First Lt. Craig Smyser, Corps of Engineers (temporary colonel).

First Lt. Franklin Kemble, Jr., Ordnance Department (temporary lieutenant colonel).

First Lt. Henry Richardson Hester, Infantry (temporary lieutenant colonel).

First Lt. Gersen Leo Kushner, Coast Artillery Corps (temporary major).

First Lt. Richard Edward Weber, Jr., Field Artillery (temporary lieutenant colonel).

First Lt. Robert Waight Fuller 3d, Cavalry (temporary major).

First Lt. James Alexander Costain, Field Artillery (temporary lieutenant colonel).

First Lt. Harold Charles Davall, Infantry (temporary lieutenant colonel).

First Lt. Carl Delbert Womack, Cavalry (temporary lieutenant colonel).

First Lt. Robert Gardner Baker, Ordnance Department (temporary lieutenant colonel).

First Lt. Ronald LeVerne Martin, Chemical Warfare Service (temporary lieutenant colonel).

First Lt. George Julius Weitzel, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Charles Wadsworth Hill, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Gene Huggins Tibbets, Air Corps (temporary colonel).

First Lt. Donald Oliver Vars, Cavalry (temporary major).

First Lt. Henry William Ebel, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Paul Tompkins Hanley, Air Corps (temporary colonel).

First Lt. Jack Edward Shuck, Air Corps (temporary colonel).

First Lt. David Belmont Routh, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Lee Carl Miller, Infantry (temporary lieutenant colonel).

First Lt. Travis Ludwell Petty, Chemical Warfare Service (temporary lieutenant colonel).

First Lt. Peter James Kopcsak, Field Artillery (temporary lieutenant colonel).

First Lt. Robert Griffith Finkenaur, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. William Scott Penn, Jr., Field Artillery (temporary lieutenant colonel).

×First Lt. John dePeyster Townsend Hills, Air Corps (temporary colonel).

×First Lt. Frank Willoughby Moorman, Signal Corps (temporary lieutenant colonel).

First Lt. Horace Lake Sanders, Field Artillery (temporary lieutenant colonel).

First Lt. Merlin Louis DeGuire, Ordnance Department (temporary lieutenant colonel).

First Lt. Alexander James Stuart, Jr., Ordnance Department (temporary lieutenant colonel).

×First Lt. Harrison Francis Turner, Coast Artillery Corps (temporary lieutenant colonel).

×First Lt. Percy Thomas Hennigar, Field Artillery (temporary lieutenant colonel).

First Lt. William Monte Canterbury, Air Corps (temporary colonel).

First Lt. Kenneth Riffel Kenerick, Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Richard Lee McKee, Field Artillery (temporary lieutenant colonel).

First Lt. William Howard Garrett Fuller, Infantry (temporary lieutenant colonel).

First Lt. Jerome Edward Blair, 2d, Air Corps (temporary lieutenant colonel).

First Lt. Stacy William Gooch, Field Artillery (temporary lieutenant colonel).

First Lt. Clark Lynn, Jr., Field Artillery (temporary lieutenant colonel).

First Lt. Leo William Henry Shaughnessey, Infantry (temporary major).

First Lt. Harry Jenkins Hubbard, Field Artillery (temporary lieutenant colonel).

First Lt. Samuel Knox Yarbrough, Jr., Field Artillery (temporary lieutenant colonel).

×First Lt. Joe Free Surratt, Field Artillery (temporary lieutenant colonel).

×First Lt. Charles John Bondley, Jr., Air Corps (temporary colonel).

First Lt. William Milton Gross, Air Corps (temporary colonel).

×First Lt. Claude Morris Howard, Infantry (temporary lieutenant colonel).

First Lt. Dale Orville Smith, Air Corps (temporary colonel).

First Lt. Gordon Graham Warner, Field Artillery (temporary lieutenant colonel).

First Lt. Hudson Hutton Upham, Air Corps (temporary lieutenant colonel).

First Lt. Albert Patterson Mossman, Infantry (temporary lieutenant colonel).

First Lt. Robert Carl Bahr, Field Artillery (temporary lieutenant colonel).

First Lt. Frank Carter Norvell, Field Artillery (temporary lieutenant colonel).

First Lt. John Walker Darrah, Jr., Cavalry (temporary lieutenant colonel).

×First Lt. Robert Hawkins Adams, Field Artillery (temporary colonel).

First Lt. Donald Glover McLennan, Field Artillery (temporary lieutenant colonel).

First Lt. John Francis Franklin, Jr., Cavalry (temporary lieutenant colonel).

First Lt. Theodore Gilmore Bilbo, Jr., Field Artillery (temporary lieutenant colonel).

First Lt. Perry Bruce Griffith, Air Corps (temporary colonel).

First Lt. Berton Everett Spivy, Jr., Field Artillery (temporary lieutenant colonel).

First Lt. Stilson Hilton Smith, Jr., Infantry (temporary lieutenant colonel).

First Lt. Kenneth Alonzo Cunin, Chemical Warfare Service (temporary lieutenant colonel).

First Lt. Thomas Eugene Wood, Field Artillery (temporary colonel).

×First Lt. Fredric Carson Cook, Infantry (temporary lieutenant colonel).

First Lt. Lloyd Elmer Fellenz, Chemical Warfare Service (temporary lieutenant colonel).

First Lt. Joseph Michael Cummins, Jr., Infantry (temporary lieutenant colonel).

First Lt. Percival Stanley Brown, Finance Department (temporary major).

First Lt. Thomas Clary Foote, Field Artillery (temporary lieutenant colonel).

First Lt. Charles Bernadou Elliott, Jr., Field Artillery (temporary lieutenant colonel).

First Lt. James Richard Winn, Field Artillery (temporary lieutenant colonel).

First Lt. Louis Lee Ingram, Infantry (temporary lieutenant colonel).

First Lt. Daniel Henry Heyne, Field Artillery (temporary lieutenant colonel).

First Lt. Harry Evans Lardin, Cavalry (temporary lieutenant colonel).

First Lt. Wilson Hawkes Neal, Air Corps (temporary colonel).

First Lt. Elvin Seth Ligon, Jr., Air Corps (temporary colonel).

First Lt. Charles Herbert Wood, Ordnance Department (temporary lieutenant colonel).

First Lt. John Wentworth Merrill, Infantry (temporary lieutenant colonel).

First Lt. Charles Burton Winkle, Air Corps (temporary lieutenant colonel).

First Lt. George Rolfe Walton, Infantry (temporary lieutenant colonel).

First Lt. Thew Joseph Ice, Jr., Infantry (temporary lieutenant colonel).

First Lt. Dana Watterson Johnston, Jr., Cavalry (temporary lieutenant colonel).

First Lt. Daniel Murray Cheston 3d, Infantry (temporary lieutenant colonel).

First Lt. John Monroe Hutchison, Air Corps (temporary colonel).

×First Lt. Edmund Waller Wilkes, Infantry (temporary major).

×First Lt. Daniel Edward Still, Cavalry (temporary lieutenant colonel).

First Lt. Clifford Guldlin Simenson, Infantry (temporary lieutenant colonel).

×First Lt. Richard Albert Smith, Cavalry (temporary captain).

First Lt. Arno Herman Luehman, Air Corps (temporary colonel).

First Lt. Paul Lawrence Barton, Air Corps (temporary colonel).

First Lt. Frank Joseph Caufield, Infantry (temporary lieutenant colonel).

First Lt. James William Snee, Cavalry (temporary lieutenant colonel).

×First Lt. Floyd Felice Forte, Infantry (temporary major).

First Lt. James Dudley Wilmeth, Infantry (temporary lieutenant colonel).

×First Lt. Stanley Holmes, Infantry (temporary major).

×First Lt. William Starr Van Nostrand, Cavalry (temporary lieutenant colonel).

First Lt. Raymond Judson Reeves, Air Corps (temporary colonel).

First Lt. Harry Lester Hillyard, Infantry (temporary lieutenant colonel).

First Lt. William Hutcheson Craig, Infantry (temporary colonel).

First Lt. William Harvey Wise, Air Corps (temporary colonel).

First Lt. Richard Andrew Legg, Air Corps (temporary colonel).

First Lt. Ralph Doak McKinney, Infantry (temporary lieutenant colonel).

First Lt. Gerald Joseph Higgins, Infantry (temporary colonel).

First Lt. Harvey Thompson Alness, Air Corps (temporary colonel).

First Lt. Charles Edward Johnson, Infantry (temporary lieutenant colonel).

First Lt. Robert Carson Kyser, Quartermaster Corps (temporary lieutenant colonel).

First Lt. John Dixon Lawlor, Infantry (temporary lieutenant colonel).

×First Lt. Russell William Volckmann, Infantry (temporary major).

First Lt. Donald Linscott Durfee, Infantry (temporary lieutenant colonel).

First Lt. Victor Charles Huffsmith, Infantry (temporary colonel).

First Lt. Sidney Thompson Telford, Infantry (temporary lieutenant colonel).

First Lt. Hallett Daniel Edson, Infantry (temporary lieutenant colonel).

First Lt. Edwin Rusteberg, Infantry (temporary lieutenant colonel).

First Lt. Albert Theodore Wilson, Jr., Air Corps (temporary colonel).

×First Lt. Karl Trueheart Gould, Cavalry (temporary lieutenant colonel).

First Lt. Harold Webb Browning, Field Artillery (temporary lieutenant colonel).

First Lt. Herbert Hadley Andrae, Infantry (temporary lieutenant colonel).

First Lt. William Frederick Northam, Infantry (temporary lieutenant colonel).

First Lt. George Lowe Eatman, Infantry (temporary lieutenant colonel).

×First Lt. John Berchman Stanley, Infantry (temporary lieutenant colonel).

First Lt. John William White, Air Corps (temporary colonel).

First Lt. Charles Edward Brown, Infantry (temporary lieutenant colonel).

First Lt. Nathaniel Plummer Ward 3d, Infantry (temporary lieutenant colonel).

First Lt. James Buchanan Wells, Infantry (temporary lieutenant colonel).

First Lt. Donald Adams McPheron, Infantry (temporary lieutenant colonel).

First Lt. Thomas Hogan Hayes, Infantry (temporary lieutenant colonel).

First Lt. Robert Herbert Sanders, Infantry (temporary lieutenant colonel).

First Lt. Paul Lee Turner, Jr., Infantry (temporary lieutenant colonel).

First Lt. Arthur Lafayette Inman, Infantry (temporary lieutenant colonel).

First Lt. Stanley Joseph Donovan, Air Corps (temporary colonel).

First Lt Harold Conly Brookhart, Infantry (temporary lieutenant colonel).

First Lt. Edward Messmore O'Connell, Infantry (temporary lieutenant colonel).

First Lt. Russell Walker Jenna, Infantry (temporary lieutenant colonel).

First Lt. Gerhard Leroy Bolland, Infantry (temporary lieutenant colonel).

First Lt. William Bentley Kern, Infantry (temporary colonel).

First Lt. Louis Alfred Walsh, Jr., Infantry (temporary colonel).

First Lt. George Horner Gerhart, Infantry (temporary lieutenant colonel).

First Lt. Thomas Andrew McCrary, Infantry (temporary lieutenant colonel).

First Lt. John George Benner, Field Artillery (temporary lieutenant colonel).

First Lt. Travis Tabor Brown, Quartermaster Corps (temporary lieutenant colonel).

First Lt. Edwin Gantt Hickman, Field Artillery (temporary lieutenant colonel).

First Lt. David Lyon Hollingsworth, Cavalry (temporary lieutenant colonel).

First Lt. William Alexander Cunningham 3d, Infantry (temporary lieutenant colonel).

First Lt. Edward Ernest Bruno Weber, Infantry (temporary lieutenant colonel).

First Lt. Meade Julian Dugas, Infantry (temporary lieutenant colonel).

First Lt. Thomas Almon O'Neil, Infantry (temporary lieutenant colonel).

First Lt. Emory Alexander Lewis, Infantry (temporary lieutenant colonel).

First Lt. William Joseph Mullen, Jr., Infantry (temporary colonel).

First Lt. William Hammond Waugh, Jr., Coast Artillery Corps (temporary lieutenant colonel).

First Lt. Henry Neilson, Infantry (temporary lieutenant colonel).

×First Lt. Robert Hector McKinnon, Infantry (temporary lieutenant colonel).

×First Lt. Oliver Prescott Robinson, Jr., Field Artillery (temporary major).

First Lt. Dennis John McMahon, Infantry (temporary major).

First Lt. James O'Hara, Infantry (temporary lieutenant colonel).

First Lt. Robert Nabors Tyson, Field Artillery (temporary lieutenant colonel).

First Lt. Joseph Edward Barzynski, Jr., Air Corps (temporary colonel).

First Lt. John Buchanan Richardson, Jr., Infantry (temporary lieutenant colonel).

To be first lieutenant with rank from June 11, 1944

Second Lt. Alfred Judson Force Moody, Cavalry (temporary major).

Second Lt. Elmer Parker Yates, Corps of Engineers (temporary captain).

Second Lt. Wadsworth Paul Clapp, Corps of Engineers (temporary major).

Second Lt. John Clifford Hodges Lee, Jr., Corps of Engineers (temporary captain).

Second Lt. Edwin Lloyd Powell, Jr., Corps of Engineers (temporary major).

Second Lt. John Roy Oswalt, Jr., Corps of Engineers (temporary major).

Second Lt. John Frederick Harris, Air Corps (temporary major).

Second Lt. Allen Jensen, Corps of Engineers (temporary major).

Second Lt. Raymond Ira Schnittke, Ordnance Department (temporary major).

Second Lt. Vincent Paul Carlson, Corps of Engineers (temporary major).

Second Lt. William Charles Gribble, Jr., Corps of Engineers (temporary captain).

Second Lt. Curtis Wheaton Chapman, Jr., Corps of Engineers (temporary major).

Second Lt. Sears Yates Coker, Corps of Engineers (temporary major).

Second Lt. Howard Warren Clark, Corps of Engineers (temporary major).

Second Lt. Charles Leonard Peirce, Air Corps (temporary major).

Second Lt. Richard Gentry Tindall, Jr., Signal Corps (temporary captain).

Second Lt. Frank Austin Gerig, Jr., Corps of Engineers (temporary captain).

Second Lt. Roy Skiles Kelley, Corps of Engineers (temporary major).

Second Lt. Paul Wyman Ramee, Corps of Engineers (temporary major).

Second Lt. Donald Haynes Heaton, Air Corps (temporary captain).

Second Lt. Jess Paul Unger, Corps of Engineers (temporary major).

Second Lt. Charles Henry Schilling, Corps of Engineers (temporary major).

Second Lt. David Seavey Woods, Signal Corps (temporary major).

Second Lt. John Edward Schremp, Corps of Engineers (temporary major).

Second Lt. John Field Michel, Corps of Engineers (temporary captain).

Second Lt. Richard Delaney, Corps of Engineers (temporary captain).

Second Lt. William Thomas Seawell, Air Corps (temporary major).

Second Lt. Howard Clarke Goodell, Air Corps (temporary captain).

Second Lt. Guy Harold Goddard, Corps of Engineers (temporary major).

Second Lt. Robert Mack Tarbox, Corps of Engineers (temporary major).

Second Lt. Kenneth Wade Kennedy, Corps of Engineers (temporary major).

Second Lt. Lynn Cyrus Lee, Corps of Engineers (temporary captain).

Second Lt. Fred John Ascani, Air Corps (temporary major).

Second Lt. James William Strain, Infantry (temporary major).

Second Lt. Robert Graham Waitt, Corps of Engineers (temporary major).

Second Lt. Herbert Campbell Clendening, Corps of Engineers (temporary major).

Second Lt. James Henry Carroll, Corps of Engineers (temporary captain).

Second Lt. Harry Van Horn Ellis, Jr., Field Artillery (temporary captain).

Second Lt. Harry Charles Besancon, Corps of Engineers (temporary captain).

Second Lt. Stanley Meriwether Ramey, Cavalry (temporary major).

Second Lt. Joseph Jackson Thigpen, Corps of Engineers (temporary captain).

Second Lt. William Miles Linton, Corps of Engineers (temporary major).

×Second Lt. Robert Sealey Kramer, Corps of Engineers (temporary first lieutenant).

Second Lt. Kenneth O'Reilly Dessert, Air Corps (temporary lieutenant colonel).

Second Lt. Harrington Willson Cochran, Jr., Coast Artillery Corps (temporary captain).

×Second Lt. Frederick John Baker, Corps of Engineers (temporary captain).

Second Lt. Joseph Ingram Gurfein, Corps of Engineers (temporary major).

Second Lt. Ben Isbel Mayo, Jr., Air Corps (temporary captain).

Second Lt. Paul Demetrius Duke, Corps of Engineers (temporary captain).

Second Lt. Joseph Stanley Grygiel, Corps of Engineers (temporary captain).

Second Lt. George Philip Seneff, Jr., Field Artillery (temporary major).

Second Lt. John Webb VanHoy, Jr., Corps of Engineers (temporary captain).

Second Lt. Mills Carson Hatfield, Infantry (temporary major).

Second Lt. Thomas Legate Fisher 2d, Coast Artillery Corps (temporary captain).

Second Lt. Gordon Thomas Gould, Jr., Signal Corps (temporary major).

Second Lt. Edward Leon Rowny, Corps of Engineers (temporary major).

Second Lt. Robert Merrill Tuttle, Air Corps (temporary lieutenant colonel).

Second Lt. Ernest Durr, Jr., Corps of Engineers (temporary captain).

Second Lt. John Langford Locke, Air Corps (temporary major).

Second Lt. Herbert Richardson, Jr., Corps of Engineers (temporary captain).

Second Lt. Walter Edward Mather, Corps of Engineers (temporary major).

Second Lt. Robert Walter Samz, Quartermaster Corps (temporary captain).

Second Lt. Cecil Leo Smith, Field Artillery (temporary captain).

×Second Lt. Robert Patterson Pierpont, Corps of Engineers.

Second Lt. Richard Magee Osgood, Signal Corps (temporary captain).

Second Lt. Charles Dorsey Maynard, Coast Artillery Corps (temporary major).

Second Lt. Richard Bradford Polk, Air Corps (temporary first lieutenant).

Second Lt. Clarence John Lokker, Air Corps (temporary major).

Second Lt. Joseph Meryl Silk, Air Corps (temporary major).

Second Lt. John Holmes Camp, Field Artillery (temporary captain).

Second Lt. Burnside Elijah Huffman, Jr., Field Artillery (temporary major).

Second Lt. Denis Blundell Grace, Coast Artillery Corps (temporary captain).

Second Lt. James William Roy, Coast Artillery Corps (temporary major).

Second Lt. Norman Kitchener Coker, Quartermaster Corps (temporary major).

Second Lt. John William Burtchaell, Coast Artillery Corps (temporary captain).

Second Lt. Wayne Edgar Rhynard, Air Corps (temporary major).

Second Lt. Ralph Edward Kuzell, Cavalry (temporary captain).

Second Lt. James William Stigers, Coast Artillery Corps (temporary captain).

Second Lt. John Francis Thomas Murray, Field Artillery (temporary major).

Second Lt. Allan George Woodrow Johnson, Field Artillery (temporary captain).

Second Lt. Richard John Rastetter, Quartermaster Corps (temporary major).

Second Lt. Jack Curtright McClure, Jr., Air Corps (temporary major).

×Second Lt. Stephen Thaddeus Kosiorek, Coast Artillery Corps (temporary captain).

Second Lt. George Lawrence Slocum, Field Artillery (temporary captain).

Second Lt. Roy J. Clinton, Cavalry (temporary captain).

Second Lt. Lee Bradley Ledford, Jr., Field Artillery (temporary major).

Second Lt. John Rose Richards, Coast Artillery Corps (temporary major).

Second Lt. Henry Nathan Blanchard, Jr., Signal Corps (temporary captain).

Second Lt. Straughan Downing Kelsey, Air Corps (temporary major).

Second Lt. John Miles Henschke, Air Corps (temporary major).

Second Lt. John Millikin, Jr., Cavalry (temporary major).

Second Lt. LeMoyne Francis Michels, Coast Artillery Corps (temporary captain).

Second Lt. Robert Vaughan Elsberry, Field Artillery (temporary captain).

Second Lt. George Winfield Stalnaker, Air Corps (temporary major).

Second Lt. John Jay Easton, Coast Artillery Corps (temporary captain).

Second Lt. Joseph Andrew McCulloch, Jr., Cavalry (temporary captain).

Second Lt. Richard Pressly Scott, Cavalry (temporary major).

Second Lt. Hyman Bodzin, Field Artillery (temporary captain).
Second Lt. David Gabriel Gauvreau, Coast Artillery Corps (temporary captain).
Second Lt. Edward Harleston deSaussure, Jr., Field Artillery (temporary captain).
Second Lt. Donald Leroy McMillan, Coast Artillery Corps (temporary major).
Second Lt. Glenn Alfred Lee, Infantry (temporary major).
Second Lt. Ernest Jeunet Whitaker, Field Artillery (temporary major).
Second Lt. Malcolm Corwin Johnson, Coast Artillery Corp (temporary captain).
Second Lt. Walter James Woolwine, Jr., Quartermaster Corps (temporary captain).
Second Lt. Perry Thompson Jones, Field Artillery (temporary captain).
Second Lt. Lloyd Robert Salisbury, Field Artillery (temporary captain).
×Second Lt. Leroy Hugh Watson, Jr., Air Corps (temporary major).
Second Lt. William McVay Petre, Field Artillery (temporary captain).
Second Lt. Frank Pleasants Stainback, Jr., Coast Artillery Corps (temporary captain).
Second Lt. John Gabriel Redmon, Coast Artillery Corps (temporary major).
Second Lt. Edward Joseph Geldermann, Quartermaster Corps (temporary captain).
Second Lt. George Bissland Moore, Field Artillery (temporary captain).
Second Lt. David Ernest Kunkel, Jr., Air Corps (temporary lieutenant colonel).
Second Lt. George Roopen Adjemian, Infantry (temporary captain).
Second Lt. Mortimer Buell Birdseye, Jr., Field Artillery (temporary captain).
Second Lt. Max Woodrow Hall, Signal Corps (temporary captain).
Second Lt. Max Campbell Tyler, Cavalry (temporary major).
Second Lt. Wallace Michael Lauterbach, Signal Corps (temporary major).
Second Lt. Gregg LaRoix McKee, Cavalry (temporary major).
Second Lt. Frederick Clinton Stanford, Field Artillery (temporary major).
Second Lt. Robert Stanley Reilly, Coast Artillery Corps (temporary captain).
Second Lt. Clarence Lewis Elder, Air Corps (temporary major).
Second Lt. Roger Stevens Neumeister, Quartermaster Corps (temporary major).
Second Lt. James Gerard Healy, Coast Artillery Corps (temporary captain).
Second Lt. Robert James Colleran, Air Corps (temporary lieutenant colonel).
Second Lt. Curtis Francis Betts, Air Corps (temporary captain).
×Second Lt. Elkin Leland Franklin, Air Corps (temporary captain).
Second Lt. Floyd Sturdevan Cofer, Jr., Air Corps (temporary major).
×Second Lt. Willis Bruner Sawyer, Air Corps (temporary major).
Second Lt. Paul George Skowronek, Cavalry (temporary captain).
Second Lt. Joseph Hester Ward, Coast Artillery Corps (temporary major).
Second Lt. Wilson Russell Reed, Field Artillery (temporary major).
Second Lt. Duward Lowery Crow, Quartermaster Corps (temporary major).
Second Lt. John Adams Brooks 3d, Air Corps (temporary lieutenant colonel).
Second Lt. Alpheus Wray White, Jr., Air Corps (temporary major).
Second Lt. DuVal West 3d, Signal Corps (temporary captain).
Second Lt. Robert Edward Panke, Field Artillery (temporary major).
Second Lt. Robert Duncan Brown, Jr., Coast Artillery Corps (temporary major).
×Second Lt. Jonathan Edwards Adams, Jr., Infantry (temporary captain).
Second Lt. Clifford Eibert Cole, Air Corps (temporary major).
Second Lt. Charles Arthur Cannon, Jr., Cavalry (temporary major).
Second Lt. Isaac Owen Winfree, Air Corps (temporary captain).
Second Lt. Hugh Franklin Foster, Jr., Signal Corps (temporary captain).
Second Lt. Eric Thomas de Jonckheere, Air Corps (temporary major).
Second Lt. Charles William Fletcher, Field Artillery (temporary captain).
Second Lt. William LeRoy Mitchell, Jr., Air Corps (temporary major).
Second Lt. George William McIntyre, Infantry (temporary major).
Second Lt. Lanham Carmel Connally, Air Corps (temporary captain).
Second Lt. William Frank Starr, Signal Corps (temporary major).
Second Lt. Leon Herman Berger, Air Corps (temporary major).
Second Lt. George Lawrence Theisen, Coast Artillery Corps (temporary captain).
Second Lt. John Benjamin Manley, Jr., Coast Artillery Corps (temporary major).
Second Lt. Charles Knighton Harris, Field Artillery (temporary captain).
Second Lt. George Hamilton Stillson, Jr., Air Corps (temporary major).
Second Lt. James Oscar Green 3d, Field Artillery (temporary captain).
×Second Lt. Edwin Watson Brown, Air Corps (temporary major).
Second Lt. Roger Longstreet Lawson, Quartermaster Corps (temporary captain).
Second Lt. William Eugene Clifford, Field Artillery (temporary captain).
Second Lt. Richard Waggener Couch, Signal Corps (temporary captain).
Second Lt. John Moore Christensen, Jr., Quartermaster Corps (temporary major).
Second Lt. Walter Francis Molesky, Signal Corps (temporary captain).
Second Lt. John Norton, Infantry (temporary major).
Second Lt. Richard Van Pelt Travis, Air Corps (temporary lieutenant colonel).
Second Lt. David Cooper, Coast Artillery Corps (temporary captain).
Second Lt. Raymond Potter Campbell, Jr., Cavalry (temporary major).
Second Lt. Malcolm Graham Troup, Quartermaster Corps (temporary captain).
Second Lt. Harold Wesly Norton, Air Corps (temporary major).
Second Lt. Oscar Charles Tonetti, Field Artillery (temporary major).
Second Lt. Charles Joseph Canella, Infantry (temporary captain).
Second Lt. Paul Chester Day, Signal Corps (temporary major).
Second Lt. Tom Depher Collison, Coast Artillery Corps (temporary captain).
Second Lt. Joseph Lippincott Knowlton, Field Artillery (temporary captain).
Second Lt. Lyman Saunders Faulkner, Infantry (temporary captain).
Second Lt. Arthur Lloyd Meyer, Coast Artillery Corps (temporary captain).
×Second Lt. Lawrence Vivans Greene, Infantry (temporary major).
×Second Lt. Charles Gleeson Willes, Air Corps (temporary major).
Second Lt. Samuel Bertron Magruder, Field Artillery (temporary captain).
Second Lt. Matthew Clarence Harrison, Coast Artillery Corps (temporary captain).
Second Lt. Paul von Santen Liles, Infantry (temporary captain).
×Second Lt. Miroslav Frank Moucha, Coast Artillery Corps (temporary captain).
Second Lt. Albert Howell Snider, Air Corps (temporary major).
×Second Lt. Morton McDonald Jones, Jr., Cavalry (temporary captain).
×Second Lt. Jack Leith Bentley, Air Corps (temporary captain).
Second Lt. Joseph Patrick Ahern, Signal Corps (temporary captain).
Second Lt. Andrew Julius Evans, Jr., Air Corps (temporary major).
Second Lt. Jacob Heffner Towers, Field Artillery (temporary captain).
Second Lt. James Henry King, Field Artillery (temporary captain).
Second Lt. Leo Charles Henzl, Signal Corps (temporary captain).
Second Lt. Horace Maynard Brown, Jr., Field Artillery (temporary captain).
Second Lt. Michael Joseph Lenihan Greene, Infantry (temporary major).
Second Lt. John Charles Linderman, Coast Artillery Corps (temporary major).
Second Lt. Robert William Horn, Air Corps (temporary major).
Second Lt. Walter Leon Moore, Jr., Air Corps (temporary captain.)
Second Lt. Windsor Temple Anderson, Coast Artillery Corps (temporary captain).
Second Lt. Robert Putnam Detwiler, Coast Artillery Corps (temporary captain).
Second Lt. James Fuller McKinley, Jr., Infantry (temporary major).
Second Lt. William Morris Hoge, Jr., Field Artillery (temporary captain).
Second Lt. Michael Frank Allotta, Coast Artillery Corps (temporary captain).
Second Lt. Robert Edward Lanigan, Field Artillery (temporary major).
Second Lt. Willard Russell Gilbert, Air Corps (temporary captain).
Second Lt. Ralph Robinet Hetherington, Field Artillery (temporary major).
Second Lt. Roy Leighton Atteberry, Jr., Field Artillery (temporary captain).
Second Lt. William Hunter Woodward, Field Artillery (temporary captain).
Second Lt. Harley Truman Marsh, Jr., Infantry (temporary major).
Second Lt. Thomas Winston Curley, Field Artillery (temporary captain).
Second Lt. George William Cooper, Infantry (temporary captain).
Second Lt. Richard William Kline, Air Corps (temporary major).
Second Lt. Thomas Rodgers Lawson, Quartermaster Corps (temporary captain).
Second Lt. Auburon Paul Hauser, Field Artillery (temporary captain).
Second Lt. William Graham Gillis, Jr., Infantry (temporary major).
Second Lt. Hill Blalock, Infantry (temporary major).
Second Lt. Robert Evarts Clark, Coast Artillery Corps (temporary captain).
Second Lt. Benjamin McCaffery, Jr., Coast Artillery Corps (temporary captain).
×Second Lt. Henry Boswell, Jr., Quartermaster Corps (temporary captain).
Second Lt. Maurice Guthrie Miller, Infantry (temporary major).
Second Lt. Patrick Henry Tansey, Jr., Infantry (temporary major).
Second Lt. Clyde Arnold Thompson, Air Corps (temporary major).
Second Lt. James Edward McElroy, Coast Artillery Corps (temporary captain).
Second Lt. Harold Alexander Tidmarsh, Cavalry (temporary captain).
Second Lt. Robert John Coakley, Cavalry (temporary captain).
Second Lt. George Henry Pittman, Jr., Air Corps (temporary major).
Second Lt. Robert Huff Edger, Air Corps (temporary captain).
Second Lt. Robert Channing Borman, Quartermaster Corps (temporary captain).
Second Lt. Heister Hower Drum, Cavalry (temporary captain).
×Second Lt. Thomas Rees Cramer, Air Corps (temporary major).
Second Lt. Robert Paul Johnson, Field Artillery (temporary captain).
Second Lt. Francis Cornelius Fitzpatrick, Cavalry (temporary major).
Second Lt. Matthew Gordon Harper, Jr., Quartermaster Corps (temporary captain).
Second Lt. John Leonard Robinson, Coast Artillery Corps (temporary captain).
Second Lt. Arnold Jacob Hoebeke, Infantry (temporary major).
Second Lt. Thomas Abbott Hume, Field Artillery (temporary captain).

×Second Lt. George Bibb Pickett, Jr., Infantry (temporary major).
Second Lt. Benjamin Berry Kercheval, Field Artillery (temporary major).
Second Lt. Merritt Lambert Hewitt, Signal Corps (temporary captain).
Second Lt. Paul Gray, Jr., Field Artillery (temporary captain).
Second Lt. John Calvin Clark, Cavalry (temporary captain).
Second Lt. Gibson Niles, Infantry (temporary captain).
Second Lt. Moody Elmo Layfield, Jr., Quartermaster Corps (temporary captain).
Second Lt. Ralph Allen McCool, Quartermaster Corps (temporary major).
Second Lt. Reynolds Robert Keleher, Cavalry (temporary captain).
Second Lt. James Raine Laney, Jr., Coast Artillery Corps (temporary major).
×Second Lt. William Wallace Brier, 4th, Air Corps (temporary lieutenant colonel).
Second Lt. Dick Stanley Von Schriltz, Infantry (temporary captain).
Second Lt. Clinton Field Ball, Air Corps (temporary lieutenant colonel).
Second Lt. Arnold Ray Thomas, Coast Artillery Corps (temporary major).
Second Lt. Gerard Anthony LaRocca, Coast Artillery Corps (temporary major).
Second Lt. Joseph Scott Peddie, Air Corps (temporary major).
Second Lt. Charles Manly Busbee, Jr., Field Artillery (temporary first lieutenant).
Second Lt. Jesse Duncan Thompson, Air Corps (temporary captain).
Second Lt Wendell Pollitt Knowles, Field Artillery (temporary major).
Second Lt. Felix John Gerace, Quartermaster Corps (temporary major).
Second Lt. Peter Kirkbride Dilts, Infantry (temporary captain).
Second Lt William Thomas Gleason, Infantry (temporary captain).
Second Lt. Herbert Irving Stern, Field Artillery (temporary major).
Second Lt. Harry Howard Ellis, Cavalry (temporary captain).
Second Lt. Charles MacArthur Carman, Jr., Cavalry (temporary captain).
Second Lt. Frank Benton Howze, Coast Artillery Corps (temporary captain).
Second Lt. William Faye Roton, Coast Artillery Corps (temporary captain).
Second Lt. John Coles Barney, Jr., Infantry (temporary major).
×Second Lt. Samuel Wilson Parks, Air Corps (temporary captain).
Second Lt Edwin Boynton Buttery, Field Artillery (temporary captain).
Second Lt. Leon Arthur Briggs, Coast Artillery Corps (temporary captain).
Second Lt. Linton Sinclair Boatwright, Field Artillery (temporary major).
×Second Lt. Joseph Tuck Brown, Field Artillery (temporary captain).
Second Lt. Ben Marshall West, Air Corps (temporary captain).
×Second Lt. Robert Willoughby Garrett, Coast Artillery Corps (temporary captain).
Second Lt. George Lincoln Andrews, Signal Corps (temporary captain).
Second Lt. William Augustus Purdy, Infantry (temporary captain).
Second Lt. William Harold Gurnee, Jr., Quartermaster Corps (temporary major).
×Second Lt. Victor Woodrow Campana, Infantry (temporary captain).
Second Lt. John Carl McIntyre, Signal Corps (temporary captain).
Second Lt. Charles Robert Murrah, Infantry (temporary captain).
Second Lt. William John Dooley Vaughan, Infantry (temporary captain).
Second Lt. Paul Crawford Root, Jr., Infantry (temporary major).
Second Lt. Richard Mar Levy, Jr., Infantry (temporary captain).
Second Lt. Thomas Wilson Sharkey, Infantry (temporary major).
Second Lt. James Isaac Cox, Air Corps (temporary captain).
Second Lt. Edwin Charles Kisiel, Coast Artillery Corps (temporary captain).
Second Lt. Irving Richard Perkin, Air Corps (temporary captain).
Second Lt. Alfred George Hayduk, Air Corps (temporary captain).
Second Lt. Walter Raleigh Mullane, Quartermaster Corps (temporary captain).
×Second Lt. Thomas Ward Maxwell, Field Artillery (temporary captain).
Second Lt. Ralph Earl Freese, Air Corps (temporary first lieutenant).
Second Lt. Paul Edgar Pigue, Coast Artillery Corps (temporary captain).
Second Lt. Maynard George Moyer, Coast Artillery Corps (temporary captain).
Second Lt. Charles Sumner Seamans 3d, Air Corp (temporary major).
Second Lt. James Richardson, Infantry (temporary captain).
Second Lt. Thomas Courtenay O'Connell, Field Artillery (temporary captain).
Second Lt. Henry Durand Irwin, Field Artillery (temporary major).
×Second Lt. Nelson Paul Monson, Infantry (temporary first lieutenant).
Second Lt. Carroll Freemont Danforth, Quartermaster Corps (temporary major).
Second Lt. Thomas James Cleary, Jr., Infantry (temporary captain).
×Second Lt. James Henderson Dienelt, Air Corps (temporary captain).
×Second Lt. Peer de Silva, Quartermaster Corps (temporary major).
Second Lt. Wharton Clayton Cochran, Air Corps (temporary captain).
Second Lt. Harry Niles Rising, Jr., Field Artillery (temporary major).
Second Lt. James Daniel Fowler, Infantry (temporary captain).
Second Lt. William Annesley Kromer, Infantry (temporary captain).
Second Lt. Walter Singles, Jr., Coast Artillery Corps (temporary captain).
Second Lt. Chares Llewellyn Flanders, Jr., Field Artillery (temporary captain).
Second Lt. William Kneedler Cummins, Coast Artillery Corps (temporary captain).
Second Lt. Gwynee Sutherland Curtis, Jr., Air Corps (temporary major).
Second Lt. John Raymond Sands, Jr., Air Corps (temporary captain).
Second Lt. Alexander Frank Muzyk, Field Artillery (temporary captain).
×Second Lt. John Ellis Rossell, Jr., Field Artillery (temporary major).
Second Lt. Daniel Salinas, Quartermaster Corps (temporary captain).
Second Lt. Thomas Edwin Reagan, Infantry (temporary captain).
Second Lt. John Gavin Tyndall, 2d, Field Artillery (temporary captain).
×Second Lt. Hector John Polia, Infantry.
Second Lt. John William Meador, Air Corps (temporary major).
Second Lt. Donald Lyons Driscoll, Infantry (temporary captain).
Second Lt. Paul Richard Kemp, Quartermaster Corps (temporary major).
Second Lt. Ernest Franklin Poff, Infantry (temporary captain).
Second Lt. George Scratchley Brown, Air Corps (temporary lieutenant colonel).
Second Lt. Robert Lloyd Cummings, Infantry (temporary captain).
Second Lt. Benjamin Alvord Spiller, Coast Artillery Corps (temporary captain).
Second Lt. Mercer Presley Longino, Infantry (temporary captain).
×Second Lt. Richards Abner Aldridge, Air Corps (temporary captain).
Second Lt. Riley Smith King, Infantry (temporary captain).
Second Lt. Edward Joseph McGrane, Jr., Coast Artillery Corps (temporary captain).
Second Lt. Harwell Leon Adams, Infantry (temporary captain).
Second Lt. Leroy Pierce Collins, Jr., Infantry (temporary captain).
Second Lt. Hamilton King Avery, Jr., Air Corps (temporary captain).
Second Lt. Angelo Augustine Laudani, Quartermaster Corps (temporary captain).
×Second Lt. Joseph Scranton Tate, Jr., Air Corps (temporary lieutenant colonel).
Second Lt. Robert Toombs Dixon, Infantry (temporary captain).
Second Lt. Albert Samuel Dalby, Infantry (temporary captain).
Second Lt. Truman Eugene Deyo, Quartermaster Corps (temporary major).
Second Lt. James Paul Forsyth, Infantry (temporary captain).
Second Lt. Joseph John Weidner, Air Corps (temporary captain).
Second Lt. John Breed Deane, Quartermaster Corps (temporary major).
Second Lt. Howard Lawrence Felchlin, Infantry (temporary captain).
Second Lt. Stanton Claude Hutson, Infantry (temporary major).
Second Lt. Martin Andrew Shadday, Infantry (temporary captain).
Second Lt. Earl Vincent Brown, Quartermaster Corps (temporary captain).
Second Lt. Leslie Wilmer Bailey, Infantry (temporary captain).
Second Lt. James Rayford Sykes, Infantry (temporary captain).
Second Lt. Thomas Martin Ward, Infantry (temporary major).
Second Lt. John Henry Zott, Jr., Quartermaster Corps (temporary major).
Second Lt. Bradish Johnson Smith, Infantry (temporary major).
×Second Lt. Harry Lee Jarvis, Jr., Air Corps (temporary captain).
Second Lt. William Gardner, Infantry (temporary first lieutenant).
Second Lt. Bert Stanford Rosenbaum, Air Corps (temporary major).
Second Lt. George Luther Hicks 3d, Air Corps (temporary major).
Second Lt. Stephen Kellogg Plume, Jr., Infantry (temporary captain).
Second Lt. Sam Hardy Barrow, Infantry (temporary captain).
Second Lt. Edison Kermit Walters, Air Corps (temporary major).
Second Lt. Burton Curtis Andrews, Jr., Air Corps (temporary major).
Second Lt. Francis Joseph Troy, Infantry (temporary captain).
Second Lt. Edgar Clayton Boggs, Infantry (temporary captain).
Second Lt. Charles Fuller Matheson, Air Corps (temporary captain).
Second Lt. Bernard Schultz, Infantry (temporary first lieutenant).
Second Lt. Ralph Reed Upton, Quartermaster Corps (temporary major).
Second Lt. James Wetherby Graham, Quartermaster Corps (temporary captain).
Second Lt. Edgar Thornton Poole, Jr., Air Corps (temporary captain).
Second Lt. Theodore Bernarr Celmer, Infantry (temporary captain).
Second Lt. Peter Schuyler Tanous, Quartermaster Corps (temporary captain).
×Second Lt. Robert Hendrick Brinson, Jr., Quartermaster Corps (temporary captain).
Second Lt. William John Hershenow, Jr., Air Corps (temporary captain).
Second Lt. Robert Harold Rosen, Quartermaster Corps (temporary captain).
Second Lt. Junius Edward Dillard, Quartermaster Corps (temporary major).
Second Lt. Robert Bernard Keagy, Infantry, (temporary major).
Second Lt. Francis Joseph Myers, Jr., Infantry (temporary first lieutenant).
Second Lt. Roscoe Barnett Woodruff, Jr., Air Corps (temporary captain).
Second Lt. Thomas Goldsborough Corbin, Air Corps (temporary lieutenant colonel).
Second Lt. Harry Canavan Harvey, Air Corps (temporary major).
Second Lt. Alden George Thompson, Air Corps (temporary major).

Second Lt. Clinton Earl Male, Infantry (temporary captain).

Second Lt. William Doyle Pratt, Quartermaster Corps (temporary major).

Second Lt. Earl K. Buchanan, Quartermaster Corps (temporary captain).

Second Lt. John Wilson Callaway, Infantry (temporary captain).

Second Lt. Roderic Dhu O'Connor, Air Corps (temporary major).

Second Lt. Harry White Trimble, Air Corps (temporary captain).

×Second Lt. Edgar Mathews Sliney, Air Corps (temporary first lieutenant).

Second Lt. James Lawrence Kaiser, Quartermaster Corps (temporary major).

Second Lt. George Hollenback Welles, Infantry (temporary captain).

Second Lt. William Thomas McDaniel, Infantry (temporary major).

Second Lt. Frank Holroyd Linnell, Infantry (temporary captain).

Second Lt. Roy George Hendrickson, Infantry (temporary first lieutenant).

Second Lt. Edward Benedict Zarembo, Quartermaster Corps (temporary captain).

Second Lt. John Vincent D'Esposito, Quartermaster Corps (temporary captain).

Second Lt. John Earl Atkinson, Air Corps (temporary captain).

Second Lt. Edwin Forrest Harding, Jr., Air Corps (temporary captain).

Second Lt. Clare Hibbs Armstrong, Jr., Quartermaster Corps (temporary captain).

Second Lt. Bruce Campbell Cator, Air Corps (temporary captain).

Second Lt. Earle Wayne Brown, 2d, Quartermaster Corps (temporary first lieutenant).

To be first lieutenant with rank from June 12, 1944

Second Lt. Theodore Knox White, Quartermaster Corps (temporary captain).

To be first lieutenant with rank from June 30, 1944

×Second Lt. Harry Kendall Bagshaw, Quartermaster Corps (temporary captain).

MEDICAL CORPS

To be lieutenant colonel

Maj. Paul Ashland Brickey, Medical Corps (temporary colonel), with rank from June 14, 1944.

To be major

Capt. Arthur Eugene White, Medical Corps (temporary colonel), with rank from June 17, 1944.

To be captains

First Lt. Theodore Alexander Kiersch, Medical Corps (temporary major), with rank from May 19, 1944.

First Lt. Alex Brown, Medical Corps (temporary captain), with rank from May 19, 1944.

First Lt. Alfred Hiller Bungardt, Medical Corps (temporary major), with rank from June 1, 1944.

First Lt. Henry Stoddert Parker, Medical Corps (temporary major), with rank from June 2, 1944.

First Lt. John Mitchell Willis, Jr., Medical Corps (temporary major), with rank from June 3, 1944

First Lt. Frank Alphonzo Mantz, Jr., Medical Corps (temporary major), with rank from June 3, 1944.

First Lt. Thurman Knight Hill, Medical Corps (temporary captain), with rank from June 16, 1944.

First Lt. John Sugden Paul, Medical Corps (temporary captain), with rank from June 17, 1944.

First Lt. John Sidney Rice, Medical Corps (temporary captain), with rank from June 17, 1944.

First Lt. Arthur Joseph Carbonell, Medical Corps (temporary lieutenant colonel), with rank from June 17, 1944.

First Lt. Paul Celestin Le Golvan, Medical Corps (temporary major), with rank from June 17, 1944.

First Lt. Herbert Edward Block, Medical Corps (temporary captain), with rank from June 17, 1944.

First Lt. Frederick Whiting Timmerman, Medical Corps (temporary major), with rank from June 17, 1944.

First Lt. Charles Mathews Swindler, Medical Corps, with rank from June 17, 1944.

First Lt. Felix Claudius Feamster, Medical Corps (temporary lieutenant colonel), with rank from June 17, 1944.

First Lt. Laurence Mercer Hursh, Medical Corps (temporary captain), with rank from June 17, 1944.

First Lt. Leo Joseph Geppert, Medical Corps (temporary major), with rank from June 17, 1944.

First Lt. Bernard Tetlow Daniels, Medical Corps (temporary major), with rank from June 17, 1944.

First Lt. Louis Caspar Kossuth, Medical Corps (temporary captain), with rank from June 17, 1944.

First Lt. Kenneth Lennox Brown, Medical Corps (temporary major), with rank from June 26, 1944.

VETERINARY CORPS

To be colonels

Lt. Col. Raymond Thomas Seymour, Veterinary Corps, with rank from June 17, 1944.

Lt. Col. Oscar Charles Schwalm, Veterinary Corps (temporary colonel), with rank from June 18, 1944.

Lt. Col. Claude Francis Cox, Veterinary Corps (temporary colonel), with rank from June 28, 1944.

PHARMACY CORPS

To be colonel

Lt. Col. Frank Steiner, Pharmacy Corps, with rank from June 6, 1944.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 5 (legislative day of May 9), 1944:

POSTMASTERS

IDAHO

Letitia I. Glasby, Athol.

NEW YORK

Joseph T. O'Donnell, Elizabethtown.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 5 (legislative day of May 9), 1944:

POSTMASTER

ILLINOIS

Daniel E. Brown to be postmaster at Crossville, Ill.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 5, 1944

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Master, Thou with whom we share life and death, to Thee we lift our hearts in praise and thanksgiving. Wherever there is a listening soul in the valley of lost opportunity or desolation, Thou art there unworn and unwearying, to take over the conquest of the troubled breast.

In this supreme moment of our national life, humble our proud position as mistress of commerce with its rude grasp of the tyranny of things, for only a nation can long remain great that is actuated by great principles. O, let our sacrifice, couched in passionate gratitude and prayer, stand in the reflected luster of our sons in arms whose unabating brilliance shall never die. Thou who art the power and the wisdom, send us along the path of humble duty. The hours are momentous, what service they demand! As our defenders are sounding the battle cry of liberation to put down the mighty from their seats and exalt man of whatever degree, we pray Thee to fill our hearts with humility and supplication that the works of evil men shall come to naught and the song of liberty and brotherhood be heard saying: "We have seen His star." Lest our peace become complacent and conventional, do Thou disturb and strengthen us with the glorious spirit which breaks down pride, perplexity, and sends men and women out to redeem human freedom. In Thy name and for Thy glory. Amen.

The Journal of the proceedings of Saturday, June 3, 1944, was read and approved.

CAPTURE OF ROME

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the fall and the liberation of Rome brings a feeling of great joy and satisfaction to the people of America, and to the people of all of the United Nations, as well as other nations that are now on our side against the Axis. It brings a feeling of joy to millions of persons in the conquered lands, and doubtless to many millions of persons who are residents and citizens of those nations that comprise the Axis Powers.

The liberation of Rome was brought about after a terribly hard and tough campaign, over a country ideal for defense, with the elite of the German Army in opposition. It was a campaign waged on a confined front; a peninsula with mountainous terrain and poor means of communication. The great majority of our personnel and equipment had to be transported by sea; some of it by air. In addition, we had to feed the people and preserve order in the area wrested from the Germans. Our Army, under the direct command of General Clark, that great American, has entered and liberated Rome. Its psychological effect will be tremendous throughout the world from a spiritual and cultural angle. It is the first capital in the hands of the enemy to fall to our cause. That event is a matter of vast significance throughout the world, and will have reverberations everywhere, even among the people of Germany and Japan, particularly among the people in the Balkans and of other conquered countries.

In a sense, this might be termed the "Twentieth century resurrection of the immortal Eternal City of Rome from modern paganism." It was never the intention of our leaders, as we now know those in conducting the war, to attack and destroy the Eternal City unless the

Nazis made it absolutely necessary. The leadership of our military forces in that determination is one that is pleasing to all of us and will also have a vast psychological effect throughout the world.

The spiritual and cultural treasures of Rome, insofar as we know, have been preserved. This is evidence of things to come. Our troops are going forward with a stimulated determination to bring about an early victory.

The people of America, appreciating the psychological and spiritual results, and the vast results that will follow, should not create the impression in their minds that the war is now over. This is the time for those of us on the home front to go forward with grim determination, in cooperation with the sons and daughters of America who are in the service and doing the fighting, to bring about victory and peace as soon as possible.

The liberation of Rome from the control of the vicious Nazi pagan forces is unquestionably the greatest spiritual and cultural event of many generations.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, America and the world were thrilled yesterday to learn that the Fifth Army had captured Rome, thus liberating for the first time in this war a German-enslaved European capital.

We were gratified to know that our American armed forces were the first to enter, and that an armored tank called the Tactless Texan led the onslaught against the retreating Nazis.

This victory will have an immense effect in lowering the prestige and the morale of the Axis and in raising the stock of the Allies. It is a long road yet to Berlin, but the Allies are now well on their way. The Allies are strong and growing stronger, the Axis are weak and growing weaker, and from now on the liberation will be accelerated until these same forces march down the Unter den Linden in Berlin.

Our fighting men on many battlefields all over the world have demonstrated their fitness, their courage, and their determination to win. Let those of us on the home front have that same courage, that same determination to win, and the same fighting spirit of our boys who are fighting for us, and victory will be ours.

HUNGRY HORSE DAM, MONT.

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report back favorably without amendment (Rept. No. 1594) a privileged resolution, House Resolution 561, authorizing that the report from the Chief of Engineers, United States Army, dated August 27, 1941, submitting surveys and studies of the Hungry Horse Dam, Mont., and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the letter of the Secretary of War transmitted to the House of Representatives on March 29, 1943, including an interim report from the Chief of Engineers, United States Army, dated August 27, 1941, together with accompanying papers, submitting surveys and studies of the Hungry Horse Dam, Mont., made under authority of section 7 of the Flood Control Act, approved June 22, 1936, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

YOUGHIOGHENY RIVER, PA. AND MD.

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report back favorably without amendment (Rept. No. 1595) a privileged resolution (H. Res. 562), authorizing that the report from the Chief of Engineers, United States Army, dated January 31, 1942, submitting surveys and studies of the Youghiogheny River, Pa. and Md., and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the letter from the Secretary of War transmitted to the House of Representatives on March 29, 1943, including an interim report from the Chief of Engineers, United States Army, dated January 31, 1942, together with accompanying papers, submitting surveys and studies of Youghiogheny River, Pa. and Md., made under authority of section 7 of the Food Control Act, approved June 22, 1936, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHEAT RIVER AND TRIBUTARIES, W. VA.

Mr. JARMAN. Mr. Speaker, from the Committee on Printing I report back favorably without amendment (Rept. No. 1596) a privileged resolution (H. Res. 560), authorizing that the report from the Chief of Engineers, United States Army, dated October 15, 1941, submitting surveys and studies of the Cheat River and tributaries, W. Va., and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the letter of the Secretary of War transmitted to the House of Representatives on November 26, 1942, including the interim report from the Chief of Engineers, United States Army, dated October 15, 1941, together with accompanying papers, submitting surveys and studies of the Cheat River and tributaries, W. Va., made under authority of section 7 of the Flood Control Act, approved June 22, 1936, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein some intensely interesting matter in connection with the 1940 census.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. ANDREWS of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a resolution offered by the Polish bishop of Buffalo and adopted by the Polish-American Congress at their recent convention.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHORT. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 40 minutes and to revise and extend my remarks and include therein excerpts from certain editorials and correspondence I have received.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OBSERVANCE OF D-DAY

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House fo 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I was pleased, too, when I read in the newspaper that the church bells of Rome were ringing to summon the people to worship while the Axis lines were breaking. In a great many communities of America people have made provision for appropriate action on D-day. I presented to this House a few days ago House Resolution 563, which is now in the Committee on Rules. I call on that committee to take immediate action on the resolution so that the House will be in a position to take proper and appropriate action on D-day, which may be any day, to make this House the leader in a great movement for aid from the Almighty for our armed forces and ourselves in that trying day.

The people of the country are rightfully looking to this House for leadership. This House and its Members would not always be so severely criticized about so many things if we lead instead of so often allowing ourselves to be led. God has always been our fortress and He will prove so again.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MRUK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement by the Niagara Frontier Industrial Traffic League, of Buffalo, N. Y., in opposition to the St. Lawrence seaway and power project.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF SUGAR ACT OF 1937

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PRICE. Mr. Speaker, later today permission will be asked to suspend the rules in order that we may consider H. R. 4833. This bill provides that the provisions of the Sugar Act of 1937 be extended for 2 years.

I hope that the Members of the House will vote against the suspension of the rules. The Sugar Act puts quotas on the production of sugar on some fields of production while on others it makes incentive payments for its production. We want to have an opportunity to amend the bill in order that quotas may be lifted where no application for incentive payments or a support price is asked. It seems strange that we should restrict the production of a product that is rationed.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Mississippi.

Mr. RANKIN. If the gentleman wants to offer amendments, why not let the bill come up by unanimous consent?

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, today, under suspension of the rules, an effort will be made to extend the Sugar Act. The proposed extension is for 2 years.

We have had sugar rationing for many months. We are short on grain. We are short on industrial alcohol. Increased sugar production would help to relieve all of them. Yet, we refuse to permit the expansion of sugar production in our own country, and at the same time we make benefit payments to encourage production in the areas where production is permitted. And finally we attempt to import enough sugar from other countries to relieve our domestic shortage. A more inconsistent set of circumstances could not be assembled.

For years Florida has sought in vain for permission to produce additional sugar. I purposely use the word "permission." In this land of free enterprise it is still an astonishing thing to me that our people cannot produce needed commodities without permission from the Government. Florida is not alone in this. There are new reclamation areas in the West and other territories which seek to produce sugar. But please note that Florida asks to produce additional sugar without receiving benefit payments. It asks that the good-neighbor policy which permits other nations almost free access to American markets be extended to our own States and our own people.

The War Food Administration admits amendments to the act are needed. It was first enacted in peacetime. It has been continued substantially without change through the war to the present, regardless of major changes in our requirements and our national economy. It is now proposed that the act be extended for 2 additional years regardless of the major changes which are almost certain to come in that period.

We should have an opportunity for more deliberate consideration of this legislation. The right to normal economic development of a substantial area of several States, and the questions of principle which are involved here cannot be disposed of in 40 minutes. I hope that the suspension will be voted down, so that American producers may have their day in court.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two distinct subjects.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

POLAND

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, with reluctance a few days ago, I stated that the Polish Government in exile had not properly used some $12,000,000 which had been entrusted by President Roosevelt to it to be used exclusively for the underground movement in devastated Poland.

That money was to be sent to Poland in diplomatic pouch in the form of American currency.

In part or in whole, it was put to other uses in the United States. Assuredly, a great and proud people like the Polish people cannot allow its Government to leave such charges unanswered. I have a great admiration for the Polish people, who have put up a valiant fight against a common foe. All the more reason why its leaders must discharge their responsibility with a courage and a care consistent with the intrepidity and fearlessness of its people.

The Polish Government in exile owes it to its great people and to us, its ally, to give an immediate explanation.

EXTENSION OF REMARKS

Mr. BURCH of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by Dr. Frederick Taylor Wilson to the graduating class of Stratford College, Danville, Va.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORRISON of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a resolution from the Polar Bear Association of Wisconsin, and, further, to extend my remarks in connection with the launching of a ship at the Canulette Shipyards.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a very interesting article that appeared in the Boston Sunday Post on yesterday entitled, "Civilians Help To Smash Axis," by Lester Allen.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a summary of veterans' rights to reemployment under the Selective Service Act, issued by the Selective Service Headquarters.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TIBBOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an editorial from the Apollo News Record, Apollo, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HAGEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two different subjects.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

INTERNATIONAL MONETARY CONFERENCE

Mr. DEWEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DEWEY. Mr. Speaker, the first step to victory having been won, our attention is drawn to the other responsibilities that will be ours when the complete victory is won. There has been summoned an international monetary session to be held at Bretton Woods, N. H., on July 1. This matter is being commented on editorially, and I think it behooves the House to study some of these editorials, because the matter will touch us most closely in our business and our future.

On page A2746 of the Appendix, under an extension of remarks of the gentleman from New Jersey [Mr. KEAN], appear two recent editorials from the New York Times, which I commend to the attention of the Members.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker I ask unanimous consent to extend my own remarks and to include an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. HOFFMAN addressed the House. His remarks appear in the Appendix.]

GEN. JULIUS FRANKLIN HOWELL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include therein a poem written by Hon. Francis Miles Finch, of New York, and that my remarks appear in the permanent RECORD as of June 3, following the address of General Howell.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a recent radio address.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendments to the bill (H. R. 4464) entitled "An act to increase the debt limit of the United States," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GEORGE, Mr. WALSH of Massachusetts, Mr. BARKLEY, Mr. LA FOLLETTE, and Mr. VANDENBERG to be the conferees on the part of the Senate.

The message also announced that the Acting President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of War.
3. Office for Emergency Management.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4559) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1945, and additional appropriations therefor for the fiscal year 1944, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 1, 5, and 16, to the foregoing bill.

The message also announced that the Senate further insists upon its amendments numbered 8 and 9 to said bill disagreed to by the House of Representatives, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. GLASS, Mr. THOMAS of Oklahoma, Mr. GREEN, Mr. WALSH of Massachusetts, Mr. HOLMAN, Mr. BRIDGES, and Mr. BROOKS to be the conferees on the part of the Senate.

The message also announced that the Acting President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agency:

1. Department of Agriculture.
2. Department of the Interior.
3. Department of the Navy.
4. Department of War.
5. National Archives.
6. Federal Power Commission.
7. Federal Works Agency.
8. Office for Emergency Management.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

TO EXPEDITE PAYMENT FOR LAND ACQUIRED DURING WAR PERIOD

The Clerk called the first bill on the Consent Calendar, S. 919, to expedite the payment for land acquired during the war period.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISTRIBUTION OF FERTILIZERS, FEEDS, NURSERY STOCK, OR SEEDS

The Clerk called the next bill, H. R. 3405, making certain regulations with reference to fertilizers, feeds, nursery stock, or seeds that may be distributed by agencies of the United States.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TO AMEND PUBLIC, 537, SEVENTY-SEVENTH CONGRESS

The Clerk called the next bill, H. R. 2908, to amend Public Law 537, Seventy-seventh Congress, approved May 2, 1942.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WAR SHIPPING FIELD SERVICE

The Clerk called the joint resolution (H. J. Res. 182) to create the War Shipping Field Service.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JACKSON HOLE NATIONAL MONUMENT

The Clerk called the next bill, H. R. 2241, to abolish the Jackson Hole National Monument as created by Presidential Proclamation No. 2578, dated March 15, 1943, and to restore the area embraced within and constituting said monument to its status as part of the Teton National Forest.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it so ordered.

There was no objection.

TO CONFER TO CERTAIN PERSONS BENEFITS OF HOSPITALIZATION AND PRIVILEGES OF SOLDIERS' HOMES

The Clerk called the next bill, H. R. 735, to confer to certain persons who served in a civilian capacity under the jurisdiction of the Quartermaster General during the War with Spain, the Philippine Insurrection, or the China Relief Expedition the benefits of hospitalization and the privileges of the soldiers' homes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill confers upon certain individuals who served in a civilian capacity under the Quartermaster General during the War with Spain, the right to enter Government veterans' hospitals for treatment in the event they had been disabled during

their Government services during the Spanish-American War. From my own personal viewpoint I feel that this bill has considerable merit. However, the Veterans' Administration has submitted an adverse report on the bill because of the fact that it establishes an especial benefit to a specified group of persons and we who are serving on objectors committee feel it is an improper and unwise policy for a bill to be passed by unanimous consent which has an adverse report from the department of Government having the responsibility of administering the act. I should like to inquire of the gentleman from Mississippi [Mr. RANKIN], chairman of the Committee on World War Veterans' Legislation, if he has made arrangements to call this bill up under suspension of the rules today?

The SPEAKER. He has not.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. RANKIN. Let me say to the gentleman from New York that this is a very meritorious measure. If these men were serving in the same capacity in the present war they would be hospitalized. They came out of the Spanish-American War with these disabilities incurred in the service 46 years ago. There is a very small number of them and they are now above the age of three score years and ten. I think the bill should go through. The mere fact that the Veterans' Administration did not approve it does not preclude Congress from passing it. Even if we were to take up the time of the House to suspend the rules and pass the bill, the chances are that we would call the roll and there would not be a vote against it, and even the distinguished gentleman from New York would vote for it.

Mr. COLE of New York. Of course, the gentleman from Mississippi knows it is not necessary to have a roll call vote under suspension of the rules. However, in view of the fact that it has had an adverse report from the Department having the responsibility of doing the work, I think it is unfair to press the matter.

Mr. RANKIN. I will say to the gentleman from New York that I am about as familiar with this proposition as General Hines is; and our distinguished colleague from California who introduced it [Mr. WELCH], is also familiar with it. I will say to the gentleman that the Committee on World War Veterans' Legislation considered it several times, and every time we have reported it out because we felt that under the circumstances the measure should pass. It will not set any precedent that will have any effect in the future because if those men were serving in the same capacity today and were injured in the service they would be hospitalized. The precedent is already set. All you are doing is extending these benefits to a few old men who went out during the War with Spain and served in a precarious capacity and came out of it with injuries for which they have not received a dollar's compensation.

Mr. COLE of New York. Of course, there are many arguments in support of the measure, I will allow. I said the bill had considerable merit. Can the gentleman advise us how many persons will be involved?

Mr. ROLPH. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. ROLPH. I would like to say that I have received a communication from San Francisco in connection with this bill. I heartily endorse the bill which my colleague the gentleman from California [Mr. WELCH] introduced. The communication says, "Just a few hundred will be involved in this thing." I would say only a handful will benefit from this legislation. It is a humanitarian measure.

Mr. COLE of New York. Is the source of the gentleman's information authentic enough so that the House can rely on the statement that only a handful of men would be involved?

Mr. ROLPH. I believe so; positively.

Mr. WELCH. Mr. Speaker, if the gentleman will yield, I feel safe in saying that only a handful of old men would be benefited if the bill becomes law.

Mr. COLE of New York. Can either of the gentlemen advise the House what the bill will cost?

Mr. WELCH. The bill provides for no pension. It provides only for hospitalization and medicine. In order to be a beneficiary under the bill, they have to show service disability.

Mr. COLE of New York. I am somewhat surprised that none of the gentlemen on their feet have reminded the House that within a comparatively short time the House granted a pension to certain Panama Canal employees.

Mr. RANKIN. I was going to reserve that, if the gentleman will pardon me, for the final shot.

Mr. COLE of New York. The gentleman from Mississippi [Mr. RANKIN] was reserving that for the final shot?

Mr. RANKIN. Just the other day we went back and voted a pension to men who worked on a railroad in Panama who got three or four and probably five times as much for their work as the soldiers got who were serving alongside of them. These men are not asking for a pension, but are asking for a place to rest during their old age when they are suffering from disabilities which they incurred in the service in the Spanish-American War.

Mr. ROLPH. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. ROLPH. I want to say I voted the pension for the men who worked on the Panama Canal and I sincerely hope the gentleman will give earnest consideration to the men affected by this meritorious measure.

Mr. COLE of New York. Mr. Speaker, I feel that we on this committee have at least fulfilled our responsibility to the House by calling the attention of the House to the fact that the Veterans' Administration is opposed to this bill. If the House desires to have the bill passed by unanimous consent, at least the blame cannot rest on our shoulders for not having called this to the attention of the House.

Mr. Speaker, I therefore withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all persons who served in a civilian capacity under the jurisdiction of the Quartermaster General during the War with Spain, the Philippine Insurrection, or the China Relief Expedition on vessels owned by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war, and who were discharged for disability incurred in such governmental service in line of duty, are hereby granted entitlement to medical and hospital treatment and domiciliary care in Veterans' Administration facilities in the same manner and to the same extent as now or hereafter provided for veterans of any war.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROLPH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROLPH. Mr. Speaker, in thanking you and the Members of the House for passing H. R. 735, I want you to know this help to a small group of loyal citizens is deeply appreciated.

My colleague from San Francisco, Hon. RICHARD J. WELCH, introduced the measure, and I take pleasure in supporting it. Those to benefit surely deserve consideration. They patriotically served the Nation in Spanish-American War days back yonder in 1898 to 1903.

Citizens in San Francisco thoroughly familiar with the problem write as follows:

There are only a few hundred of the old comrades left who would benefit by the provisions of the bill. This is a humanitarian measure that is justly coming to them for the service they rendered in their younger days to the United States Government in the Transport and Quartermaster Department during the above period.

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES OF THE NATIONAL WAR LABOR BOARD FROM CERTAIN PROVISIONS OF THE CRIMINAL CODE

The Clerk called the next bill, H. R. 4349, to exempt certain officers and employees of the National War Labor Board from certain provisions of the Criminal Code.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SHEPPARD. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. CRAVENS. Mr. Speaker, this bill and two others that follow it on the calendar exempt certain temporary employees who in reality are not employees but have been so classified by a ruling of the Attorney General which ruling

prevents them from taking any work against the Government for a period of 2 years after their governmental service ends. All three of these bills are aimed at purely voluntary and occasional workers, but who receive either no compensation for their services or are paid on a per diem basis for the time they actually work. Some of the bills are limited to employees who do not work more than 90 days in any one year. These people are in reality donating their services to the Government in very important matters. The Government, since the ruling of the Attorney General that they come within the prohibitions of the acts which are aimed at preventing regular Government employees from working for the Government and then going out and taking a position against the Government, thus putting them in the position of an employee working against his former employer—this bill exempts these employees who are really donating their services and who cannot do this very necessary work unless they are relieved from the prohibitions of existing law.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield for a question?

Mr. CRAVENS. Certainly.

Mr. SHEPPARD. Does the gentleman know what the compensation of any one of these employees in this category is at the present time?

Mr. CRAVENS. No; except that so far as the panels of the War Labor Board are concerned I believe they get about $5 a day.

Mr. SHEPPARD. They are all of a temporary character?

Mr. CRAVENS. They are all of a temporary character.

Mr. SHEPPARD. Mr. Speaker, I withdraw my objection.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, the present criminal code makes it a crime for any person employed by the Government to prosecute a claim before the Government. This bill would relieve certain employees of the War Labor Board serving as gratuitous or part-time employees from that responsibility. It is a measure of such nature and importance that I feel it should not be passed by unanimous consent under conditions that will not allow of sufficient explanation.

I therefore ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES OF THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT FROM CERTAIN PROVISIONS OF THE CRIMINAL CODE

The Clerk called the next bill, H. R. 4446, to exempt certain officers and employees within the Office of Scientific Research and Development from certain provisions of the Criminal Code.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, this bill is of similar character as the one previously called up, except it relates to the Office of Scientific Research and Development.

I ask unanimous consent that the bill may be passed over without prejudice.

Mr. CRAVENS. Mr. Speaker, will the gentleman withhold his request to permit an explanation?

Mr. COLE of New York. Mr. Speaker, I withhold my request to permit the gentleman from Arkansas to make an explanation.

Mr. CRAVENS. Mr. Speaker, this is really a more important bill than the last one, for the reason that the people affected by it work for the Office of Scientific Research and Development. They work only a few weeks or possibly a few months of each year. They are people sent down from the research departments of various colleges, from du Pont's organzation and similar establishments. They are doing a work which is imperatively necessary in the development of new processes, new weapons, and other things affecting the war effort. Their work has practically stagnated as a result of the decision of the Attorney General that they come within the prohibitory provisions of the Criminal Code.

This bill has been pending for some time. I wonder if the gentleman realizes that by making this objection he is really interfering with some very important functions that should be continued and carried on now by that organization?

Mr. COLE of New York. The gentleman is placing a very serious and heavy responsibility upon me personally for objecting in my capacity as an objector.

Mr. CRAVENS. I did not mean it in a personal way.

Mr. COLE of New York. For interfering with the war effort. The bill was introduced way back on the 23d of March. Consequently, a delay of 2 weeks is not going to interfere with the war effort if a delay of 2 or 3 months did not.

The SPEAKER. The gentleman from New York [Mr. COLE] asked unanimous consent that the bill may be passed over without prejudice.

Is there objection?

There was no objection.

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES OF THE WAR DEPARTMENT FROM CERTAIN PROVISIONS OF THE CRIMINAL CODE AND REVISED STATUTES

The Clerk called the next bill, H. R. 4468, to exempt certain officers and employees of the War Department from certain provisions of the Criminal Code and Revised Statutes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill is similar to the two just considered, except it relates to employees of the War Department.

I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SETTLEMENT OF BOUNDARY LINE BETWEEN STATES OF NEW YORK AND RHODE ISLAND

The Clerk called the joint resolution (H. J. Res. 138) granting the consent of Congress to an agreement between the State of New York and the State of Rhode Island and Providence Plantations concerning the settlement of the boundary line between said States.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection the Clerk read the resolution, as follows:

Whereas commissioners duly appointed on the part of the State of New York, and commissioners duly appointed on the part of the State of Rhode Island and Providence Plantations, for the purpose of settling the boundary line between said States, did execute an agreement in the words following, to wit:

Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Rhode Island respectively, to settle the question of the boundaries between said States, being thereunto authorized by the resolutions and/or acts of said States, respectively passed by them, as hereunto annexed. That is to say that we, Lithgow Osborne, commission of conservation; Arthur W. Brandt, superintendent of public works, also acting as chief engineer of the State department of public works; and Harold C. Ostertag, chairman, joint legislative committee on interstate cooperation, commissioners of the State of New York; and, we, George L. Crooker, chairman, Rhode Island Commission on Interstate Cooperation; Edward H. Rathbun, chairman, State boundary lines adjustment commission; and Daniel J. Ryan, director, department of public works, commissioners of the State of Rhode Island and Providence Plantations, have agreed, and do hereby agree to fix, determine, and establish the boundary between our respective States, subject to the approval and ratification of the legislatures of our respective States and of the Congress of the United States, in the following manner:

We agree that the eastern boundary of New York and the western boundary of Rhode Island shall be and is as follows: Beginning at a point (No. 174) in latitude 41°18'16".249 and longitude 71°54'28".477 as determined by the joint commissioners of Connecticut and Rhode Island by a memorandum of agreement dated March 25, 1887, as such memorandum of agreement is referred to in section 2 of the State law constituting chapter 57 of the Consolidated Laws of the State of New York, thence south 37°22'32".75 east 85,801.89 feet to a point designated as number 175 and thence in the same direction out to sea to the limits of the territorial waters of the two States: *Provided, however*, That nothing in the foregoing agreement contained shall be construed to affect existing titles to property corporeal or incorporeal held under grants heretofore made by either of said States.

Attached to this Memorandum of Agreement and a part thereof is a map entitled "Map of the Boundary Line Between the States of New York and Rhode Island."

In witness whereof, we, the several members who constitute the temporary commission which has been created pursuant to and in accordance with chapter 757 of the laws of 1941 of the State of New York, and we, the several members who constitute the temporary commission which has been created pursuant to and in accordance with chapter 996 of the laws of 1941 of the State of Rhode Island and Providence Plantations have signed this instrument in duplicate, and as provided by and to the extent of the authority

vested in us by the statutes aforementioned on the 27th day of January 1942.

Commissioners for the State of Rhode Island and Providence Plantations:

DANIEL J. RYAN,
Director, Department of Public Works.
EDWARD H. RATHBUN,
Chairman, State Boundary Lines Adjustment Commission.
GEORGE L. CROOKER,
Chairman, Commission on Interstate Cooperation Commissioners for the State of New York.
ARTHUR W. BRANDT,
Superintendent of Public Works and Acting Chief Engineer of the State Department of Public Works.
LITHGOW OSBORNE,
Commissioner of Conservation.
HAROLD C. OSTERTAG,
Chairman, Joint Legislative Committee on Interstate Cooperation.

And

Whereas said agreement has been confirmed by the legislatures of said States of New York and Rhode Island, respectively: Therefore be it

Resolved, etc., That the consent of the Congress of the United States be, and hereby is, given to said agreement, and to each and every part thereof; and the boundaries established by said agreement are hereby approved: *Provided, however*, That nothing herein contained shall be construed to impair or in any manner to affect any right of the United States or jurisdiction of its courts in and over the islands or waters which form the subject of said agreement.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CRIERS AND BAILIFFS IN UNITED STATES COURTS

The Clerk called the next bill, H. R. 4065, further defining the number and duties of criers and bailiffs in United States courts and regulating their compensation.

Mr. STEFAN. Mr. Speaker, reserving the right to object, will the author of the bill explain it? Does it increase the salaries of the bailiffs?

The SPEAKER. Does any member of the Committee on the Judiciary desire to answer the inquiry of the gentleman from Nebraska?

Mr. STEFAN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice in view of the fact we have no explanation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

STUDIES AND INVESTIGATIONS OF SAFETY CONDITIONS IN EMPLOYMENT UNDER UNITED STATES EMPLOYEES' COMPENSATION ACT

The Clerk called the next bill, H. R. 4159, to amend section 3 of the act of September 7, 1916, as amended (39 Stat. 742).

Mr. SHEPPARD. Mr. Speaker, reserving the right to object, may we have an explanation of the bill?

The SPEAKER. Does the gentleman desire to make any other request with reference to the bill?

Mr. SHEPPARD. Mr. Speaker, in view of the absence of an explanation I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FOREIGN SERVICE BUILDINGS AND GROUNDS

The Clerk called the next bill, H. R. 4282, to amend the act entitled "An act for the acquisition of buildings and grounds in foreign countries for use of the Government of the United States of America," approved May 7, 1926, as amended, to permit of the sale of buildings and grounds and the utilization of proceeds of such sale in the Government interest.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, as I read this bill it authorizes the Secretary of State to dispose of any property owned by the United States in foreign lands, and in addition authorizes the Secretary to retain the proceeds of the sale of those lands in a separate fund and use them for the acquisition of other properties that may be needed by the Department of State.

My own personal view is that while it may be necessary and advisable to permit the Secretary to dispose of property, it seems to me that the funds derived from the sale of the property should be covered into the Treasury of the United States; and if additional funds are needed for the acquisition of other properties, then the Department should come to Congress in the usual way for express authority.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Nebraska.

Mr. STEFAN. I am inclined to agree with the gentleman from New York. I believe this bill should be amended. I do feel, however, there is some merit to it in view of the fact there are some instances, for illustration, down at Buenos Aires and Santiago, Chile, where we should acquire certain property right now. While I believe the bill should be amended, I believe the Department should not be given the permission to go out here and sell property, retain the money, and go into the real-estate business without coming back to Congress and the Appropriations Committee and justifying the expenditure for the acquisition of land, yet the State Department does have several cases, one in Buenos Aires and one in Santiago, particularly, in which I think they should be given some leeway to go ahead with the acquisition of other property.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. BLOOM. Touching the question raised by the gentleman from New York, I may say that this is simply a logical and proper extension of existing authority; in other words the Foreign Service Buildings Commission has the right at the present time to exchange property. This Foreign Service Buildings Commission is made up of the Secretary of State, the chairman and ranking minority member of the Foreign Relations Committee of the Senate, the chairman and ranking minority member of the Foreign Affairs Committee of the House, the Secretary of the Treasury, and the Secretary of Commerce. Nothing can be done by this Commission without the signature of all these people. You have the Foreign Affairs Committee, the Foreign Relations Committee, and the three Secretaries.

If you fail to pass this legislation at the present time you are going to cost the Government of the United States a considerable sum of money and place them at a great disadvantage because if we were to sell property in any part of the world, Buenos Aires or any other place, and get paid in dollars, the dollars would cost them more money; yet we would later have to buy in the currency of that country.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. STEFAN. Not in the case of Buenos Aires.

Mr. BLOOM. Let me tell the gentleman that if we were to sell our property in Buenos Aires today and buy other property in the same place we would be making not less than 25 percent. The trouble is with the exchange. You place us at a disadvantage in the exchange. The Buenos Aires property was purchased in 1930 at a cost of $284,000. Its location has now become the heart of the business district and it is unsuitable for embassy property. Since it was purchased there has been a 60-percent change in the exchange value of United States dollars in terms of Argentine pesos. If expressed in terms of United States dollars, the present sale value might represent a loss to our Government, but the property has actually increased 25 percent in value in terms of Argentine pesos. At present the Foreign Service Buildings Commission must find someone with property who is willing to exchange for the property that we have. The property might be owned by several people and it would be difficult to have them exchange it, but if we could sell that property and buy property at other places the Government of the United States would be making a considerable sum of money and would get better locations. The trouble has been that we were compelled to buy property in locations that we did not want in the past.

Mr. COLE of New York. Why is this expression put in the gentleman's bill:

Notwithstanding the provisions of the law the Commission is authorized to apply the proceeds of such sales toward the purchase and construction and preservation of other property.

If you have the authority now why is it necessary to use that language?

Mr. BLOOM. The Government has the right to exchange property today. That is in the act.

Mr. COLE of New York. This bill authorizes the Secretary to use the proceeds for other acquisitions.

Mr. BLOOM. What difference does it make, may I ask the gentleman, from a real-estate point of view, and I have had 50 years' experience in real estate?

Mr. COLE of New York. Exchange of property is certainly vastly different

from selling one property, receiving the funds, then going out and buying another property.

Mr. BLOOM. You compel the Foreign Service Building Commission to take the property only of people who want to exchange. We might find only one person who wants to exchange but we might find a hundred who want to sell.

Mr. COLE of New York. This is such a decided departure from the usual thing and requires so much more explanation than can be given on the Consent Calendar that I will ask to have it passed over.

Mr. BLOOM. At the present time we need this if we want to go into foreign countries to get property for our embassies and for our consular service. We really need this legislation.

Mr. COLE of New York. I am sure the gentleman's committee is ready at any time to hear any request for authority to buy property in a foreign country if that request is made to the committee by the State Department, and I am equally sure that the Appropriations Committee is ready to sit at any time that a request for funds might be made.

Mr. BLOOM. You cannot buy property if you have to come down here and wait 6 months or a year to get an appropriation for it. By that time the property will be sold.

Mr. COLE of New York. The Navy Department does it.

Mr. BLOOM. No; not for anything like this. They do not do that.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. COLE]?

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to include at this point in the RECORD a letter from the State Department on the subject under discussion.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. STEFAN]?

There was no objection.

The letter referred to follows:

DEPARTMENT OF STATE,
Washington, June 3, 1944.

The Honorable KARL STEFAN,
House of Representatives.

DEAR MR. CONGRESSMAN: With reference to your request for information relating to H. R. 4282, which amends the Foreign Service Buildings Act, permitting the Department, with the approval of the Foreign Service Buildings Commission, to make cash sales and to use the proceeds of such sales for the purchase, construction, and preservation of other properties acquired or authorized to be acquired agreeable to the original act under appropriations made by the Congress, in its final analysis the legislation actually involves only a means of implementing the present law, which permits exchange of properties, to overcome practical difficulties of operation.

The Foreign Buildings Act, as you know, established a very large real-estate business, and while the legislative authority now permits the exchange of Government properties, and several favorable transactions have resulted whereby the original investment and holdings have been materially enhanced, because of difficulties experienced in effecting exchanges we are at a disadvantage entirely effectively to protect this property, and particularly to conserve the investment.

Our experience in Buenos Aires may be cited as an example. In 1930 there was purchased in Buenos Aires, at a cost of $284,000, a piece of property which, by reason of the imposition of highly restrictive zoning regulations and the encroachment on the property of a subway, together with its location in the heart of the business district, was made unsuitable for development for the purpose originally intended. We have been interested in other pieces of property in Buenos Aires but because of differences in the relative values of the property involved or because the property desired was held by several owners having no individual or joint interest in the property we had, complications have resulted and our sustained efforts to reconcile differences have been unsuccessful. This property could now be sold and at an appropriate time other property purchased in a less-congested area with the peso sum realized through its sale. Since the original purchase, the exchange value of United States dollars in terms of Argentine pesos has appreciated approximately 60 percent, and the sale value might present, if expressed in terms of United States dollars, a loss to the Government, but the property has actually increased in value approximately 25 percent in terms of pesos.

Another example is offered by the residence property at Santiago, Chile, purchased in 1922 for $150,000. The section of the city in which the property is located has changed from residential to commercial and will eventually become unsuitable for an embassy residence. It could be sold today at a profit and a very considerable enhancement of the Government's holdings made without necessitating an additional appropriation of funds. A similar instance has occurred in the past in Habana, where the property originally procured deteriorated with the construction of one-story small dwellings rented to mechanics, tradesmen, and railroad employees, and with the construction of such commercial projects as a slaughtering house and a brewery.

Undoubtedly, changes in city planning, war damage, or other contingencies will make it most desirable that the Department recommend transactions to preserve our investment in such capital cities as Rome, Prague, Berlin, Paris, and Helsinki, and it is our thought, in which I believe you will concur, that it is sometimes just as necessary to sell when the property begins to diminish in value because of continuing conditions as it is to buy some property when its value is rising due to some continuing condition. It is our belief that disposal of property by cash sale and the return of the proceeds to the general receipts of the Treasury, and the appropriation by the Congress of new money to permit of the purchase of other property more suitable for consular and diplomatic establishments as an alternative proposal, would not afford as practicable a procedure as would enactment of the bill suggested. The time necessary to obtain adequate funds by resort to the appropriation procedure would not permit the making of definite commitments, so often necessary to satisfactorily conclude real-estate transactions. The bill, of course, continues the present system of controlling the expenditure of funds by the Foreign Service Buildings Commission, which is composed at the present time of Congressman SOL BLOOM, as chairman, and Representative CHARLES A. EATON, Senator TOM CONNALLY, and Senator HIRAM JOHNSON, as well as the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. All transactions consummated during the fiscal year would, of course, be annually reported to the Congress with the budget for the succeeding fiscal year.

Thus, it is believed, the necessary controls are preserved and enactment of the measure would round out existing legislation and enable practical difficulties of operation now experienced to be overcome. I hope you may be in a position to support the measure, which we believe will definitely contribute to the program undertaken by our Government, in which you have had a keen interest and a helping hand, all to the purpose of improving the effectiveness of our representation abroad. Buildings so far erected have been a source of pride to all our countrymen who visit them, and in every way are representative of and a credit to our country. The legislative authority now asked permitting of conclusion of negotiations on a cash basis, as well as by property exchanges, would be an important asset in protecting the Government's interests and in the preservation of its property investments the world over.

With appreciation of your interest and kindest personal regards, believe me,

Sincerely yours,

LAURENCE C. FRANK.

APPOINTMENT OF TWO ADDITIONAL ASSISTANT SECRETARIES OF STATE

The Clerk called the next bill, H. R. 4311, to authorize the appointment of two additional Secretaries of State.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. The bill does not comply with the Ramseyer rule by showing the change in existing law, although it is quite apparent from the title of the bill that it is to provide for the appointment of two additional Assistant Secretaries of State.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. COLE]?

Mr. BLOOM. Mr. Speaker, reserving the right to object, we need these Assistant Secretaries in the State Department. That Department cannot function. It has a lot of work to do. I hope the gentleman will not object to a bill of this kind. The State Department is trying to do a good job.

Mr. COLE of New York. The report came from the gentleman's committee on May 5, although it was introduced on March 2.

Mr. BLOOM. We were busy with other things.

Mr. COLE of New York. A bill involving an acute situation would have been out longer ago than this.

The SPEAKER. The Chair may say that the bill does not violate the Ramseyer rule, if that is the only reason for the objection.

Mr. COLE of New York. It is debatable whether it does or not. Apparently existing law provides for the appointment of four Assistant Secretaries of State and this bill provides for the appointment of six.

Mr. BLOOM. Two additional ones.

Mr. COLE of New York. Mr. Speaker, at any rate, I ask unanimous consent that it go over without prejudice.

Mr. BLOOM. Is there any reason the gentleman would like it to go over, besides the Ramseyer rule matter? I would like to explain it. We need this in the State Department. If there is any

other reason, I would like to have the opportunity to explain it.

Mr. COLE of New York. I do not like to repeat myself. If the matter had been very urgent, the chairman of the committee and the Committee on Foreign Affairs could have reported his bill dated March 2 long prior to May 5.

Mr. BLOOM. We did it as fast as we could. We had U. N. R. R. A., lend-lease, and everything else. We are working every day in our committee.

Mr. COLE of New York. It will require a great deal of explanation to justify six Assistant Secretaries of State.

Mr. BLOOM. It is two additional Secretaries of State.

Mr. COLE of New York. The bill states:

That there shall be in the Department of State an Under Secretary of State and not to exceed six Assistant Secretaries of State.

Mr. BLOOM. But there are four now. This is to provide two additional ones.

Mr. COLE of New York. As I started to say, it will require a good deal of explanation to justify six Assistant Secretaries of State when neither the War Department nor the Navy Department, having the tremendous responsibility they have, require more than three assistants.

Mr. BLOOM. This is not six. This is for two. This is for two additional Secretaries of State.

Mr. COLE of New York. I am referring only to the gentleman's own bill.

Mr. BLOOM. The bill calls for only two additional Secretaries of State, not six.

Mr. COLE of New York. It authorizes the appointment of six Assistant Secretaries of State.

Mr. BLOOM. Two additional.

Mr. COLE of New York. It may be true that there are only four now.

Mr. BLOOM. There are four now. The committee report explains this matter thoroughly. Let me call attention to the following letter from the Acting Secretary of State which was included in the President's message on this bill and which is also in the report of the Foreign Affairs Committee.

DEPARTMENT OF STATE,
Washington, February 21, 1944.

The PRESIDENT,
The White House.

The PRESIDENT: I have the honor to submit, with a view to its transmission to the Congress, if you approve, a bill to provide for the appointment of two additional Assistant Secretaries of State in the present emergency and for so long thereafter as may be necessary.

The purpose of this bill is to facilitate the conduct of the foreign relations of the United States and to assure in these times an instrumentality fully adequate to assist in directing the foreign policy of the Government, and to protect and promote the national interests.

Just as maintenance of good relations and mutual understanding between the United States and other nations makes indispensable an effective Foreign Service, legislation to accomplish which has recently been recommended to the favorable consideration of the Congress, it is indispensable that the Department of State be organized effectively to handle the greater complexity of problems, many of a new, delicate, and unprecedented character, which today require solution in the broad domain of foreign relations.

Certain readjustments possible within the framework of existing legislation have already been made to assure an organization equal to the responsibilities given to the Department to discharge. These readjustments are not a complete solution of all the administrative problems of the Department. Studies are constantly being conducted looking to improvement. The adjustments recently undertaken will, however, achieve a substantial broadening and intensification of the work and a higher coordination of political, economic, and other activities, than has heretofore been possible.

Further to implement the machinery of the Department of State, I consider it not only desirable but imperative that authority be given in the present emergency, and for so long thereafter as may be necessary, to provide additional Assistant Secretaries of State, to whom may be delegated broad authority and ample facilities to participate in the formulation of policy and to direct the carrying forward of those activities in world affairs determined to be in furtherance of national interests and the attainment and maintenance of a stable peace.

The proposed legislation has been referred to the Director of the Bureau of the Budget, who has informed the Department that its transmission to the Congress is not inconsistent with the Government's fiscal program.

Respectfully submitted.

E. R. STETTINIUS, Jr.,
Acting Secretary of State.

Mr. COLE of New York. I was not speaking of the two additional ones. I question the advisability of having six.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. COLE] that the bill be passed over without prejudice?

There was no objection.

AMENDMENT TO ACT ENTITLED "AN ACT TO EXPEDITE THE PROVISION OF HOUSING IN CONNECTION WITH NATIONAL DEFENSE"

The Clerk called the next bill, H. R. 4728, to amend the act entitled "An act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas, the chairman of the committee reporting this bill, with reference to it. When we passed all this legislation with respect to so-called Lanham building funds, we thought it was for the purpose of providing housing for persons engaged in national defense activities, and I believe that was so. There is one provision here taking out the wording "for persons engaged in national defense activities." It is a little difficult without looking through the whole bill, even though you are in full accord with the Ramseyer rule, to know exactly what that means, and I would like an explanation as to why that was left out.

Mr. LANHAM. Mr. Speaker, I would like to make an explanation to the gentleman, and when he understands the purpose of this I am sure he will be in accord with the measure. The gentleman is correct in his statement that the purpose of the law to which this bill relates is to take care of in-migrant war workers at the various defense plants in congested areas where housing is not otherwise available.

The National Housing Agency, of course, has been the claimant agency with reference to priorities for that purpose. The act itself specifies that these various housing projects are for these in-migrant war workers and the purposes and the provisions of the act are not modified by the reference in the pending bill to this particular section.

This is what we are undertaking to do now, without any additional expenditure, without any additional personnel: War housing, as the gentleman from New Jersey knows, is tapering off because we have just about reached the peak of what is necessary. This makes materials more available now for private housing than they have been heretofore, especially in these congested areas where by fire or tornado or flood or condemnation of property people who are not directly connected with the war effort have been or may be deprived of their homes and need to repair or rebuild them, and since the National Housing Agency has been made the claimant agency for priorities for them, this measure simply permits, without any governmental expenditure, these private people to begin the construction or repair of houses at their own expense and also encourages the general building industry to get back into the construction that will be necessary after the war.

Mr. KEAN. I thought private housing was done by the F. H. A.

Mr. LANHAM. That is true, but the National Housing Agency has been made the claimant agency for all priorities. I am not referring simply to the private housing that is done through F. H. A. I am referring to anyone who at his own expense would wish to repair his home or, if he had been deprived in these areas of a place of residence, would wish to build at his own expense. There are no governmental funds involved, no additional personnel, and no additional expenditure. As a matter of fact, it makes for economy in establishing in one place the personnel already existing to get priorities for these people who wish privately at their own expense to construct homes for themselves. It enables them to get priorities if available. That is the entire purpose of the bill. It has nothing in the world to do with public housing. It does not involve any governmental expenditures. It is simply a facility for acquiring priorities for private construction, and we can do it in this way without any additional personnel and without any additional expense.

Mr. KEAN. Is it to find something to do for this organization?

Mr. LANHAM. No; because whatever they can do toward helping private builders get priorities expires just as the public angle does within 2 years after the war. In the hearings that is very clearly shown. This is merely to help the private citizen whose home has been destroyed or may need repairs to proceed at his own expense but to make

available an agency through which he may get priorities to the materials.

Mr. CRAWFORD. May I ask the gentleman a question?

Mr. LANHAM. Yes.

Mr. CRAWFORD. I am not familiar with the bill, but I would like to find out if a private individual who wants to rebuild a home or repair an old one that was destroyed due to a storm, cyclone, or otherwise, must now go through this Defense Housing Administration priorities service under this bill in order to get that material?

Mr. LANHAM. Under the National Housing Agency. This has nothing to do with the Defense Homes Corporation.

Mr. CRAWFORD. I am not talking about the Defense Homes Corporation. I am talking about a private citizen whose home was destroyed by any cause whatsoever, by which we now propose to further confuse him by channeling his efforts to obtain material, in forcing him to go through the Defense Housing setup.

Mr. LANHAM. He now has nowhere to go, and he now cannot get the material at all.

Mr. CRAWFORD. Let us examine that for a moment. Does the gentleman mean to tell me that if my house in Saginaw, Mich., burns down tonight and is virtually destroyed, that I have no means through which to provide any new repair parts for that home?

Mr. LANHAM. Does the gentleman know of any way he can get them?

Mr. CRAWFORD. I am just asking the question if this Congress has failed in that respect. I know that priorities are being obtained all along in some manner. I am asking now, do they go through this Defense Housing Administration?

Mr. LANHAM. They have always had to go through some agency, and this is trying——

Mr. CRAWFORD. That is not my question. My question is, How have they traveled heretofore, and what is the necessity for making them take this new course in addition?

Mr. LANHAM. They have always had to go through some governmental agency. They have no other way to get it.

Mr. CRAWFORD. I agree with the gentleman on that.

Mr. LANHAM. This is merely doing something, without creating some other agency, to use the personnel that we have at the present time to help these people get their priorities, and try to build up the private construction industry in this country.

Mr. CRAWFORD. Unless I get a satisfactory explanation of it, I shall object to this. First, through what source do they now obtain those priorities?

Mr. LANHAM. The priorities are obtained from the War Production Board. The War Production Board has now designated the National Housing Agency as the claimant agency for all these priorities, and if they do not get them this way, they will not get them.

Mr. CRAWFORD. They are getting them now. May I ask another question?

Mr. LANHAM. Certainly.

Mr. CRAWFORD. Does this bill in any way, directly or indirectly change the law so that these houses, built for the occupancy of people engaged in the national war effort, if this bill is made law, may be used for the purpose of housing refugees brought into this country?

Mr. LANHAM. There is nothing whatever of that character in this act or in this bill.

Mr. CRAWFORD. This bill has nothing to do with that.

Mr. LANHAM. There is nothing of that character in this bill.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice until we have time to find out more about it.

Mr. LANHAM. Will the gentleman withhold that request for just a moment?

Mr. CRAWFORD. Yes.

Mr. LANHAM. I should like to get the gentleman to read the hearings on the bill and see if a little later we cannot bring this bill up again, in view of the fact that we want to save the private industry of this country, if possible, and relieve these people who are willing to repair or rebuild their homes at their own expense.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ARMY NURSE CORPS

The Clerk called the next bill, H. R. 4445, to authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, some months ago a bill was passed by the House authorizing temporary rank of the members of the Navy Nurse Corps. Now comes this bill, with reference to the same general subject matter of rank, relating to the Army Nurse Corps.

The gentleman from Minnesota, the author of the Navy Nurse Corps bill, is present, and I should like to inquire wherein this bill relating to the Army Nurse Corps differs from the bill already passed relating to the Navy Nurse Corps?

Mr. MAAS. The present bill for the Army Nurse Corps is broader than the one for the Navy. It was only through an oversight in drafting the bill to give military rank to the Navy Nurse Corps that the Army Nurse Corps was excluded.

I have an amendment, which I will send to the desk, which, if not objected to, will bring them into exact parallel. It seems to me ridiculous to have brought the women into the Army and the Navy and given them full military rank during the war, and not give the same equivalent rank to our nurses. All this bill does is to give the nurses in the Army exactly the same status and recognition during the war that the WAC's themselves have. It is a wartime measure.

Mr. COLE of New York. The bill relating to the Navy Nurse Corps was for a temporary period only. What is the situation in regard to this bill for the Army Nurse Corps?

Mr. MAAS. But this is also temporary because it relates to the Army of the United States which, in itself, is temporary. It is only a war measure. These are not commissions of the United States Army, so it is temporary by the very nature of things.

Mr. COLE of New York. My only purpose in raising the question is to make sure, and as sure as can be, that the Navy Nurse Corps and the Army Nurse Corps are treated alike.

Mr. MAAS. If this bill is passed and my amendment which I have sent to the desk is adopted, they will then be on an exact parallel, and they will be parallel with all other women's organizations in the military service.

Mr. ANDREWS of New York. Mr. Speaker, reserving the right to object—and I shall not object—I may say to the gentleman from New York that lines 9, 10, 11, and 12, page 2, refer to the joint resolution of September 22, 1941, as amended by the act of July 7, 1943. That resolution, apparently, places the Nurse Corps within the provisions of the statute which makes the Army of the United States temporary for the duration of the war and 6 months thereafter. Furthermore, it was the understanding of the members of the Military Committee—and I am sure any member of the committee here will agree with me—that at the proper time we were given to understand by a member of the Naval Committee that they wished this act passed in this way, and at this time they would offer the amendment which the gentleman from Minnesota spoke of a while ago, which would put them on exactly the same basis.

Mr. COLE of New York. As long as there has been consultation and cooperation between the two committees, to make sure that their respective agencies are treated alike, then I have no further question.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, I am glad the gentleman from New York takes the position he does, because this bill is very meritorious and gives recognition to a group of fine heroines in this war. I understand a similar bill has passed the Senate. If this bill passes and unanimous consent is obtained, I assume the necessary motion will be made to strike out all after the enacting clause in the bill and substitute the House bill as amended.

Is my understanding correct? If not, I suggest that be done, because, otherwise, so far as the two branches are concerned, you will have separate bills, with the exception of what difference might exist. The Senate can then concur, or the bill can go to conference.

Did the gentlewoman from Ohio have my suggestion in mind?

Mrs. BOLTON. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices) appointed under the provisions of the act of December 22, 1942 (56 Stat. 1072), and female persons having the necessary qualifications for appointments in such department as female dietetic or physical-therapy personnel under the provisions of the act of December 22, 1942 (56 Stat. 1072), may be appointed as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended by the act of July 7, 1943 (Public Law 114, 78th Cong.) in the grades therein prescribed, and assigned, respectively, to the Army Nurse Corps and Medical Department of the Army. All persons so appointed and assigned shall have authority in and about military hospitals as regards medical and sanitary matters and all other work within the scope of their professional duties next after other officers of the Medical Department and, except as above provided, shall exercise command only over those members of the Army of the United States specifically placed under their command. Members of the Army Nurse Corps so appointed and assigned shall not by acceptance of their appointments vacate their appointments in the Army Nurse Corps.

SEC. 2. All persons appointed and assigned as officers in the Army of the United States under the provisions of section 1 of this act and their dependents and beneficiaries shall have all the rights, privileges, and benefits accorded in like cases to other persons appointed under the joint resolution of September 22, 1941 (55 Stat. 728), as amended, except where otherwise expressly provided in this or any subsequent act.

SEC. 3. In addition to members of the Army Nurse Corps, any person appointed and assigned as an officer in the Army of the United States under the provisions of section 1 of this Act shall be eligible to be retired under any law providing for the retirement of members of the Army Nurse Corps, and any such person, including members of the Army Nurse Corps, who, while serving under such appointment and assignment, is so retired for disability shall receive retired pay at the rate of 75 percent of the active duty base and longevity pay received by her while serving in the highest grade in which she served under any such appointment and assignment, and, notwithstanding any other provision of law, shall be placed upon the Army Nurse Corps retired list in such highest grade. Any member of the Army Nurse Corps retired between December 7, 1941, and the date of enactment of this act for disability and any female dietitian or physical-therapy aide so retired between January 12, 1943, and the date of enactment of this act shall receive, effective on the first day of the first month next following the date of enactment of this act, retired pay at the rate of 75 percent of the highest active duty base and longevity pay received by her while serving in the Army Nurse Corps or Medical Department of the Army, as the case may be, during the above-cited applicable period.

SEC. 4. In computing years of service for all purposes of members of the Army Nurse Corps appointed and assigned under the provisions of section 1 of this Act there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as a contract nurse prior to February 2, 1901, and service rendered pursuant to an appointment under this act.

SEC. 5. In computing years of service for all purposes of female dietetic and physical-therapy personnel appointed and assigned under the provisions of section 1 of this act there shall be credited all active full-time service (except as a student or apprentice) in the dietetic or physical-therapy categories rendered subsequent to April 6, 1917, as a civilian employee of the War Department, service rendered pursuant to an appointment as a female dietitian or physical-therapy aide under the provisions of the act of December 22, 1942 (56 Stat. 1072), and service rendered pursuant to an appointment under this act.

SEC. 6. Notwithstanding any other provision of law, no woman appointed and assigned under the provisions of section 1 of this Act who is a member of the Army Nurse Corps or who has previously held an appointment as a female dietitian or physical-therapy aide under the provisions of the act of December 22, 1942 (56 Stat. 1072), shall be entitled to any uniform allowance payable to officers of the Army of the United States. Any such woman who, either as a member of the Army Nurse Corps or a dietitian or physical-therapy aide, has not received a complete issue of uniforms, insignia, accessories, and equipment prescribed by regulations of the Secretary of War for persons in the respective categories may be issued the remainder of such prescribed articles, and any such woman who has heretofore or may hereafter receive such complete issue, or any part thereof, may retain such articles as her personal property.

SEC. 7. For the purpose of effectuating prompt and equitable appointments under section 1 of this act of the personnel mentioned in the title of this act who are on active duty on the date of enactment of this act, the President is authorized to appoint, in commissioned grades corresponding to the relative rank held by such personnel on the effective date of the order of appointment, all or any part of such personnel by means of a blanket order without specifying the names of the personnel so appointed. Any person so appointed by such blanket order shall be deemed for all purposes to have accepted her appointment as an officer in the Army of the United States upon the effective date of such blanket order unless she shall expressly decline such appointment, and shall receive from such date the pay and allowances of the commissioned grade to which she was so appointed. No such person who, upon receiving an appointment in the Army of the United States, shall have subscribed to the oath of office required by section 1757, Revised Statutes, shall be required to renew such oath or to take a new oath upon her appointment as a commissioned officer, if her service in the Army of the United States after the taking of such oath shall have been continuous.

With the following committee amendments:

Page 4, line 6, after the word "period", insert "*Provided*, That nothing contained in this section shall operate to reduce the retired pay presently received by any nurse, female dietitian, or physical-therapy aide."

Page 6, after line 17, insert a new section:

"SEC. 8. Women appointed in the Army Nurse Corps, female dietitians, and physical-therapy aides appointed in the medical department of the Army under the provisions of the act of December 22, 1942 (56 Stat. 1072), and women appointed from civilian life under the provisions of section 1 of this act shall receive for travel performance under competent orders from home to first-duty station the mileage allowed provided for persons appointed as officers under the joint resolution of September 22, 1941 (55 Stat. 728). This section shall be applicable with respect to travel performed on or after December 22, 1942."

The committee amendments were agreed to.

Mr. MAAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAAS: Page 7, after line 3, insert a new section, as follows:

"The provisions of this act shall apply also to the members of the Naval Nurse Corps."

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Alabama.

Mr. SPARKMAN. I wonder if the gentleman will give us this information. Of course, this bill relates not only to the Army Nurse Corps but also to the physiotherapists and dietitians. Are there similar positions in the Navy; and if so, should they be included in this amendment?

Mr. MAAS. There are no similar positions in the Navy. If later the Navy should decide to create such positions or find need for them, they can get the benefits by establishing them in the Navy Nurse Corps.

The amendment was agreed to.

Mr. COLE of New York. Mr. Speaker, I understand that a similar Senate bill, S. 1808, is at the Clerk's desk. I ask unanimous consent that it be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, may I suggest to the gentleman from New York that the title of the bill may require amendment? I am not sure that it does. This bill relates to members of the Army Nurse Corps. Should not the title now be amended to include members of both the Army Nurse Corps and the Navy Nurse Corps?

Mr. COLE of New York. The title should be amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COLE of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of New York: Strike out all after the enacting clause of the bill S. 1808, and insert the provisions of the bill H. R. 4445, as amended.

The amendment was agreed to.

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

A similar House bill, H. R. 4445, was laid on the table.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the title be amended so as to read "A bill relating to the temporary appointment of members of the Army and Navy Nurse Corps."

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, would that be correct? Should it be "the Army and

Navy Nurse Corps" or "the Army Nurse Corps and the Navy Nurse Corps"?

Mr. COLE of New York. I suggest that the gentleman from Massachusetts suggest an amendment to the title.

Mr. McCORMACK. My suggestion would be that the title be amended to read "To authorize temporary appointment as officers in the Army of the United States of members of the Army Nurse Corps and the members of the Navy Nurse Corps." Then there is no question about their being separate.

Mrs. BOLTON. The members of the Navy Nurse Corps would not be appointed in the Army.

Mr. McCORMACK. The bill now covers both, we agree to that, but such an amendment would mean that they are separate organizations appointed in their respective departments, and no confusion is created such as might be caused by amending the title so as to read "Army and Navy Nurse Corps."

Mr. MASON. If the gentleman will yield, if you insert the word "the" so it will read "the Army" and "the Navy," the two will be separate.

Mr. McCORMACK. Yes; that is a very good suggestion.

Mr. BROOKS. If the gentleman will yield, the Army of the United States is a temporary organization. Under that amendment, will you have that temporary status in the Navy that you have in the Army?

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill may be passed over temporarily until the Members interested have an opportunity to discuss further the question of the amendment of the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WEST POINT MILEAGE ALLOWANCE

The Clerk called the next bill, S. 1669, to clarify the law relative to allowances for mileage of graduates of the United States Military Academy and transportation of their dependents on assignment to their first duty station and to the mileage allowance of persons entering the United States Military Academy as cadets.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, this bill authorizes the payment of mileage allowances to graduates of West Point from West Point to their first post of duty. May I inquire if there is someone present who is informed as to whether a graduate of Annapolis is to be given a similar allowance on graduation from Annapolis?

Mr. ANDREWS of New York. The real effect of this bill is to provide travel allowance for a young man who is discharged from the military service away from the Military Academy, and to defray his expenses from that point of discharge to the academy.

Mr. COLE of New York. That is the effect of the committee amendment to the bill, yes; but the bill itself goes further. It affects the relations of graduates of West Point. May I inquire if graduates of the Naval Academy are given a mileage allowance when traveling from the Naval Academy to their first post of duty?

Mr. ANDREWS of New York. It seems to me that that is a matter for some member of the Committee on Naval Affairs to consider.

Mr. COLE of New York. Unfortunately, these bills were not brought to this member of the Committee on Naval Affairs until it was too late to make inquiry at the Navy Department. This member of the Committee on Naval Affairs is hereby displaying his interest in seeing that the two services are kept on an equal basis. I may be pardoned if I express a bit of advice that the Committee on Military Affairs inquire into that particular phase of their bill so that they may be sure that their service is not put on a more advantageous basis than the Navy.

Mr. ANDREWS of New York. May I suggest that we pass this bill over temporarily today until the matter can be inquired into and a suitable amendment offered?

Mr. COLE of New York. I would be very happy if the gentleman would submit that request.

Mr. ANDREWS of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over temporarily today until a satisfactory amendment can be prepared.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OF THE SOLDIERS' AND SAILORS' RELIEF ACT

The Clerk called the next bill, H. R. 4733, to amend section 514 of the Soldiers' and Sailors' Relief Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1179), as added by the Soldiers' and Sailors' Civil Relief Act amendments of 1942 (56 Stat. 769), is hereby amended to read as follows:

"SEC. 514. (1) The income, gross receipts, and personal property, tangible or intangible (including automotive vehicles), of any person in the military service shall not be subject to taxation by any State, Territory, possession, political subdivision thereof, or the District of Columbia, by reason of (a) his temporary residence, (b) receipt of income or gross receipts, or (c) the temporary location of personal property within a State, Territory, possession, political subdivision thereof, or the District of Columbia: *Provided*, That nothing contained in this section shall prevent the State, Territory, possession, political subdivision thereof, or the District of Columbia, wherein a person in the military service resided or was domiciled prior to the time when he first acquired a temporary residence, as defined herein, from imposing a tax upon the income, gross receipts, or personal property of such persons, if it otherwise has jurisdiction to impose such tax: *And provided further*, That nothing contained in this section shall prevent a State, Territory, possession, political subdivision thereof, or the District of Columbia from imposing taxes upon income or gross receipts, other than compensation for military service, derived from sources therein, nor from imposing a tax on personal property situated therein other than at a temporary location, as herein defined.

"(2) After the date of enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942, no State, Territory, possession, political subdivision thereof, or the District of Columbia shall make claim for, collect, or receive from any person in the military service any tax made inapplicable by subsection (1) hereof and which has accrued subsequent to the declaration of the national emergency made by the President on September 8, 1939; but the refund of taxes collected or received prior to such effective date shall not be required by the provisions of this section.

"(3) This section shall not be deemed in any manner to authorize any State, Territory, possession, political subdivision thereof, or the District of Columbia to impose any tax upon personal property located in or on any Federal area.

"(4) (a) When after September 8, 1939, a person in the military service has changed his physical residence in order to comply with military orders he shall be deemed to have acquired a 'temporary residence'; except that for purposes of taxation by a State, Territory, possession, or the District of Columbia he shall be deemed to have acquired a 'temporary residence' only if he shall have moved outside the exterior boundaries of such State, Territory, possession, or the District of Columbia.

"(b) Personal property shall be deemed to have a 'temporary location' when a person in the military service has such property at his 'temporary residence' or when, on changing from one 'temporary residence' to another, he leaves it at a previous 'temporary residence.'

"(c) The term 'Federal area' means any lands or premises owned or acquired by or for the use of the United States or any department, establishment, or agency of the United States."

With the following committee amendment:

On page 1, line 7, strike out all of section 514 down to and including line 2, on page 4, and insert the following:

"'SEC. 514. (1) For the purposes of taxation in respect of any person, or of his personal property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in, or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the personal property, income, or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision, or District, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or district: *Provided*, That nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business,

if it otherwise has jurisdiction. This section shall be effective as of September 8, 1939, except that it shall not require the crediting or refunding of any tax paid prior to October 6, 1942.

"'(2) When used in this section, (a) the term "personal property" shall include tangible and intangible property (including motor vehicles), and (b) the term "taxation" shall include but not be limited to licenses, fees, or excises imposed in respect to motor vehicles or the use thereof: *Provided*, That the license, fee, or excise required by the State, Territory, possession, or District of Columbia of which the person is a resident or in which he is domiciled has been paid.'

"SEC. 3. Nothing contained in this act shall be construed to require the crediting or refunding of any tax in respect of tangible personal property (including licenses, fees, or excise imposed in respect of motor vehicles or the use thereof) paid prior to the date of its enactment."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIMITING PRODUCTION OF OPIUM

The Clerk called the joint resolution (H. J. Res. 241) requesting the President to urge upon the governments of those countries where the cultivation of the poppy plant exists, the necessity of immediately limiting the production of opium to the amount required for strictly medicinal and scientific purposes.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas for nearly 40 years the United States of America has led the fight to destroy the illicit traffic in and nonmedical consumption of opium, as evidenced by its abolishing the opium monopoly system which it inherited in the Philippine Islands; its calling at Shanghai in 1909 the first International Commission to consider the opium problem; its suggesting the calling of the three International Opium Conferences at The Hague in 1912, 1913, 1914; its urging at the International Opium Conference of 1924 and 1925 sponsored by the League of Nations that the only effective way to suppress the demoralizing use of opium and its derivatives (heroin, morphine, and so forth) was to control the source of the evil by limiting the cultivation of the poppy plant to the legitimate medicinal and scientific needs of the world; and its further participation in the Geneva Conference of 1931 to restrict the manufacture and distribution of narcotic drugs; and

Whereas the laws of the Chinese Government strictly prohibit the cultivation of the opium poppy and the use of smoking opium in all territory under its control, and the people of China have valiantly resisted the attempts of the invading Japanese militarists to enslave them by encouraging and even compelling the cultivation and use of opium; and

Whereas final defeat of Japan will terminate the illicit traffic in narcotics which has been carried on by the Japanese military in all territories they have occupied in the Far East; and

Whereas the British and the Netherlands Governments have recently announced their decision to prohibit the use of opium for smoking and not to reestablish their government monopolies for the sale of smoking opium in the territories formerly controlled by them in the Far East when those territories are freed from Japanese occupation, stating however that the success of their action must in the final analysis depend upon the cooperation of the opium-growing countries; and

Whereas because of our military operations in certain other areas in Asia, there are now thousands of young American citizens in countries where opium is cultivated and freely available, and other Americans are on vessels delivering war materials to those countries, which condition constitutes a real threat to the health and welfare of these Americans and affords easy oportunity for the highly profitable smuggling of opium into the United States where its use has been greatly reduced: Therefore be it

Resolved, etc., That the Congress express its conviction that this World War ought to be not an occasion for permitting expansion and spreading of illicit traffic in opium, but rather an opportunity for completely eliminating it; and be it further

Resolved, That the President be, and he hereby is, requested to approach the governments of all opium-producing countries throughout the world, urging upon them in the interest of protecting American citizens and those of our allies and of freeing the world of an age-old evil, that they take immediate steps to limit and control the growth of the opium poppy and the production of opium and its derivatives to the amount actually required for strictly medicinal and scientific purposes.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The Clerk called the next bill, H. R. 3750, to provide for the appointment of an additional circuit judge for the third circuit, and to permit the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania.

There being no objection, the Clerk read the bill, as follows:

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

SEC. 2. The proviso contained in section 2 (a) of the act approved May 24, 1940, entitled "An act to provide for the appointment of additional district and circuit judges" (54 Stat. 219), is amended to read as follows: "*Provided*, That the first vacancy occurring in the office of district judge in each of said districts, except in the eastern district of Pennsylvania, shall not be filled."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF SUGAR ACT

The Clerk called the next bill, H. R. 4833, to extend, for 2 additional years, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar.

Mr. McCORMACK. Mr. Speaker, as this bill is coming up under a suspension of the rules later this afternoon, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

The Clerk called the next bill, H. R. 2650, to add certain lands to the Upper Mississippi River Wildlife and Fish Refuge.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, may I inquire of some Member who may be advised on this matter whether this new territory that is being added to the Upper Mississippi River Wildlife and Fish Refuge is adjacent to the existing refuge?

Mr. MUNDT. I understand that it is a matter of transferring the title so that it can be used by the refuge.

Mr. COLE of New York. The land to be acquired is contiguous to the existing refuge?

Mr. MUNDT. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent that a similar bill, S. 1081, be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to acquire, for and as part of the Upper Mississippi River Wildlife and Fish Refuge, established pursuant to the authority contained in the act of June 7, 1924 (43 Stat. 650), as amended, those tracts of land situated in Wabasha County, Minn., described as lots 6 and 10, section 19, township 110 north, range 9 west, fifth principal meridian, containing approximately one hundred and ten and twenty-four one-hundredths acres, which tracts of land were acquired pursuant to authority contained in the acts of June 29, 1888 (25 Stat. 228), and March 2, 1889 (25 Stat. 992), for Indian use, but are no longer used by Indians.

SEC. 2. In order to carry out the provisions of section 1 hereof, the sum of $1,261.20 from funds heretofore made available to the Fish and Wildlife Service for the purchase of lands for the Upper Mississippi River Wildlife and Fish Refuge is hereby made available for transfer on the books of the Treasury of the United States to the credit of the Medawakanton and Wahpakoota Bands of Sioux Indians, pursuant to the provisions of the act of May 17, 1926 (44 Stat. 560), and said sum, when so transferred, shall operate as a full, complete, and perfect extinguishment of all their right, title, and interest in and to the lands above described, and shall be subject to disbursement under the direction of the Secretary of the Interior for the benefit of the Medawakanton and Wahpakoota Bands of Sioux Indians. Where groups of such Indians are organized as tribes under the act of June 18, 1934 (48 Stat. 984), the Secretary of the Interior may set apart and disburse for their benefit and upon their request a proportionate part of said sum, based on the number of such Indians so organized.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 2650, was laid on the table.

ADJUSTMENTS OF IRRIGATION CHARGES

The Clerk called the next bill, H. R. 2651, to authorize adjustments of irrigation charges in certain land exchanges within Indian irrigation projects.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in effecting exchanges between Indians and non-Indians of irrigable lands within Indian irrigation projects where any such exchanged lands are subject to liens covering unpaid irrigation costs, to transfer liens between the exchanged lands in such manner and in such amounts as he may deem appropriate: *Provided*, That such transfers shall not reduce the total amount of the unpaid irrigation costs against the exchanged lands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTMENTS OF DEBTS OF INDIANS OR INDIAN TRIBES

The Clerk called the next bill, H. R. 2654, to authorize the Secretary of the Interior to adjust debts of individual Indians, associations of Indians, or Indian tribes, and for other purposes.

The SPEAKER pro tempore. Is there objection to the prescnt consideration of the bill?

Mr. CASE. Reserving the right to object, Mr. Speaker, section 2 of this bill authorizes the Secretary of the Interior to accept from individual Indians conveyances of land or interest therein to the United States in trust for the tribe of which they are members, in partial or full settlement of debts resulting from the use of tribal funds or funds appropriated by Congress for the benefit of Indians, whenever he may determine that such debts are otherwise uncollectible, and it has this proviso:

Provided, That if in any case the value of the land or interest therein exceeds the debt, the Indian may be paid the difference from any unobligated tribal funds belonging to the tribe for whose benefit the conveyance is made, or from any public appropriations available to the Indian Service for the purchase of land for Indian tribes.

It seems to me that the bill in that form would permit the Secretary of the Interior to use tribal funds to pay for land without the consent of the tribe. For that reason, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

KANOSH INDIAN RESERVATION

The Clerk called the next bill, H. R. 2655, to reserve certain land on the public domain in Utah for addition to the Kanosh Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the southeast quarter, east half of the northeast quarter, and the northwest quarter of the northeast quarter of section 35, township 22 south, range 5 west; west half of the west half of section 14, and the east half of the east half of section 15, township 23 south, range 5 west, Salt Lake meridian, Utah, containing 600 acres, be, and the same are hereby, withdrawn from the public domain and reserved as an addition to the Kanosh Indian Reservation: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to the approval hereof shall not be affected by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LANDS IN TRUST FOR INDIAN USE

The Clerk called the next bill, H. R. 2666, to declare that the United States holds certain lands in trust for Indian use, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CASE. Mr. Speaker, reserving the right to object, I merely wish to state that at the time of the consideration of this bill, if consideration is granted, I expect to offer an amendment to strike out the words "State of Montana" and insert the words "States of Montana and South Dakota."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection?

The Clerk read the bill, as follows:

Be it enacted, etc., That title to the lands and interests in lands, together with the improvements thereon, which have been acquired by the United States for Indian use under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and of section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), lying and situated within the State of Montana, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive order, is hereby declared to be in the United States of America in trust for the use and benefit of those respective tribes, bands, or groups of Indians for whom they were acquired and such lands shall constitute additions to their respective existing Indian reservations: *Provided*, That nothing in this act shall deprive any Indian of any individual right, ownership, right of possession, or contract right that he may have in any land or improvements thereon.

SEC. 2. For the purpose of consolidation, the Secretary of the Interior is hereby authorized, under such rules and regulations, as he may prescribe, with the consent of the tribe, to sell or exchange any tribal lands and improvements thereon, located in the State of Montana, including the lands referred to in section 1 of this act. Exchanges hereunder shall be made on the basis of equal value. Title to all lands and improvements so acquired by the Government shall be taken in the United States in trust for the group, band, or tribe of Indians to be benefited.

Mr. CASE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE: On page 1, line 10, and on page 2, line 16, strike out the words "State of Montana" and insert the words "States of Montana and South Dakota."

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CASE. I yield.

Mr. McCORMACK. Will the gentleman state for the RECORD what the effect of the amendment would be? Of course, I hate to object, because the amendment might be subject to a point of order, although I would not make it. I am sure the gentleman would not offer an amendment unless there was some satisfactory reason for it. Will the gentleman state that for the RECORD?

Mr. CASE. I might say that the identical situation exists in South Dakota as in Montana with respect to these lands purchased by the Government in the name of the Secretary of Agriculture when the submarginal land program was under way, that these lands purchased adjacent to or within the boundaries of Indian reservations should be transferred to the Secretary of the Interior for the benefit of the Indian tribe. The House has previously passed a bill in which South Dakota was incorporated, but that bill did not come to consideration in the other body. This amendment does not destroy the bill in any particular as to the State of Montana, but merely changes the words "State of Montana" to the words "States of Montana and South Dakota."

Mr. McCORMACK. I realize that, but I wanted to have the gentleman state for the RECORD what the effect of the amendment would be.

Mr. CASE. I appreciate that.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE LEASING OF INDIAN LANDS FOR BUSINESS AND OTHER PURPOSES

The Speaker called the next bill, H. R. 3345, to authorize the leasing of Indian lands for business, and other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CASE. Mr. Speaker, reserving the right to object, on reading this bill I feel that it would give to the Secretary of the Interior the authority to lease individually allotted Indian lands held in trust without regard to the wishes of the Indians. Under present practice or present law if the Secretary of the Interior exercises that discretion he must get from the Indian a power of attorney. Now, it is true there is language in this bill which seems to reserve to the Indian any right he now has to lease it himself. But it does not reserve to the Indian the precautionary rule that before the Secretary acts independently he must obtain from the Indian the power of attorney. I feel that the Indian is entitled to that notice and the request from the Secretary that he be given the power of attorney. Therefore, Mr. Speaker, I ask unanimous consent that the bill be passed over at this time in order that that point may be gone into.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

MINNESOTA CHIPPEWA TRIBE

The Clerk called the next bill, H. R. 872, to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title to the lands and interest in lands, together with the im-

provements thereon, which have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and of section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), lying and situate within the State of Minnesota, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order No. 7868, dated April 15, 1938, is hereby declared to be held in trust by the United States of America for the use and benefit of the Minnesota Chippewa Tribe, and the Secretary of the Interior is hereby authorized to proclaim such lands as an addition to the White Earth Indian Reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOORES CREEK NATIONAL MILITARY PARK

The Clerk called the next bill, H. R. 3384, to authorize the Secretary of the Interior to accept property for the Moores Creek National Military Park, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, I should like to inquire if this proposed addition to Moores Creek National Military Park of 100 acres of land is to be contiguous to the existing park?

Mr. BARDEN. Yes; it is contiguous to the park.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States donations of lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Moores Creek National Military Park, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided*, That the area to be accepted pursuant to this act shall not exceed 100 acres. All such property and interests, upon acquisition by the Federal Government, shall be a part of the Moores Creek National Military Park and shall be subject to all laws and regulations applicable thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PROMOTE THE MINING OF COAL, PHOSPHATE, OIL, ETC., ON THE PUBLIC DOMAIN

The Clerk called the next bill, S. 1335, to amend the fourth and fifth provisos of section 2 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 438; 30 U. S. C., secs. 201, 202).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the fourth and fifth provisos of section 2 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437, 438; 30 U. S. C., secs. 201, 202), are hereby amended to read as follows: *"And provided further*, That no company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of this act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold under permit or lease more than 10,240 acres in the aggregate nor more than one permit or lease for each 200 miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further*, That nothing in this section shall preclude such a railroad of less than 200 miles in length from securing one permit or lease thereunder, but no railroad shall hold a permit or lease for lands in any State in which it does not operate main or branch lines."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 1654, to authorize the acquisition, rehabilitation, and operation of the facilities for the public in the Olympic National Park, in the State of Washington, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill authorizes the acquisition of certain structures now existing in the Olympic National Park. I should like to inquire of the gentleman from Washington, the author of the bill, as to the nature of these buildings and what use is being made of them, if they are being used by the Government for any purposes, or what use the Government proposes to make of them after the Government acquires them?

Mr. NORMAN. These buildings were built by a private recreation company under permit from the Forest Service, and they are not useful for that purpose at the present time. This bill was drawn by the Secretary of the Interior himself, and it is perfectly satisfactory to them. The Army had been using those buildings for plane observation purposes all through the war. The bill seems to be satisfactory to all concerned, and I know of no reason why it should not be passed.

Mr. COLE of New York. I should like to inquire whether the Government proposes to use these buildings for any particular purpose?

Mr. NORMAN. I think they will be used by the Park Service after they are acquired.

Mr. COLE of New York. Can the chairman of the committee enlighten us as to why the Government should buy these structures that exist in the park, although the amount of money involved is very small?

Mr. PETERSON of Florida. I think the greater portion of the use is by the Federal Government at the present time.

Mr. COLE of New York. You mean used by the Army for airplane spotters?

Mr. PETERSON of Florida. Yes.

Mr. COLE of New York. Is that why the Secretary of the Interior wants to buy them?

Mr. PETERSON of Florida. No.

Mr. COLE of New York. Why does he want to buy them?

Mr. PETERSON of Florida. It would keep down forest fires and hazards and would enable them to block them and enable them to have complete control over it, whereas the other way it was virtually a private amusement situation there. It was unanimously reported by the committee. We went into it rather thoroughly and the gentleman appeared before the committee, and it has the approval of the Budget.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to purchase on behalf of the United States, upon such terms as he may deem proper, the buildings, structures, furniture, fixtures, and other equipment of the Olympic Chalet Co., a corporation organized and existing under the laws of the State of Washington, used by the National Park Service and the United States Army jointly, or used by the Olympic Chalet Co. in the furnishing of public accommodations and facilities, within the Olympic National Park in Jefferson County, State of Washington; and to rehabilitate, complete, and operate the facilities herein authorized to be acquired directly or by contract or contracts with an individual, company, firm, or corporation, as determined by the said Secretary: *Provided*, That the purchase price shall not exceed the actual physical value of the property acquired: *And provided further*, That after purchase of such buildings and equipment, no exclusive privileges shall be granted within the said park or on or over the roads and trails therein, except upon ground used for public buildings or camps, but the Secretary of the Interior may, in his discretion, limit the character and number of nonexclusive privileges that he may grant within the said park.

SEC. 2. That for the purposes aforesaid there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act: *Provided*, That not to exceed $35,000 shall be made available for the purchase of the buildings and equipment of the Olympic Chalet Co.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior is hereby authorized, in his discretion, to acquire by purchase at prices deemed by him reasonable, the buildings, structures, furniture, fixtures, and any other real or personal property of the Olympic Recreation Co, and the Olympic Chalet Co. within the Olympic National Park in the State of Washington.

"SEC. 2. That for the purposes of this act there is hereby authorized to be appropriated not to exceed the sum of $35,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOOKS FOR THE ADULT BLIND

The Clerk called the next bill, H. R. 4729, to amend the act entitled "An act to provide books for the adult blind."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill apparently authorizes an enlarged appropriation of funds to be used for the aid of the blind persons in this country in connection with the Library of Congress by amending the existing law. The report coming from the committee does not comply with the Ramseyer rule. In spite of that, the bill being so extremely meritorious, I feel we should overlook that defect.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1944, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide books for the adult blind," approved March 3, 1931, as amended, is amended to read as follows:

"That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $500,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction records, or in any other form, for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided*, That of said annual appropriation of $500,000, not exceeding $100,000 thereof shall be expended for books in raised characters, and not exceeding $400,000 thereof shall be expended for sound-reproduction records and for the maintenance and replacement of the Government-owned reproducers for sound-reproduction records for the blind. In the purchase of such books, the Librarian of Congress, without reference to section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5), shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable."

SEC. 2. This act shall be applicable with respect to the fiscal year ending June 30, 1945, and for each fiscal year thereafter.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 4729, was laid on the table.

ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC

The Clerk called the next bill, H. R. 4825, to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held in Des Moines, Iowa, September 10 to 14, inclusive, 1944.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the national encampment of the Grand Army of the Republic to be held at Des Moines, Iowa, from September 10 to 14, inclusive, 1944.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such encampment, there is authorized to be appropriated the sum of $9,734.30, or so much thereof as may be necsary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $6 per day each for additional living expenses while on duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSCIENTIOUS OBJECTORS

The Clerk called the next bill, H. R. 3199, authorizing the appropriation of amounts received from the services of conscientious objectors for expenditure by the Selective Service System.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. THOMAS of New Jersey. Mr. Speaker, reserving the right to object, I would like to ask the proponent of the bill some questions concerning this bill.

Mr. COLE of New York. As author of the bill I should be glad to undertake to answer any questions the gentleman might care to make, but he will notice the bill I introduced was completely amended by his committee and so I suggest that he inquire of a member of his own committee.

Mr. THOMAS of New Jersey. I will be pleased to ask the questions of the gentleman from Alabama [Mr. SPARKMAN], a member of the committee. As I understand it, it has to do only with conscientious objectors?

Mr. SPARKMAN. That is correct.

Mr. THOMAS of New Jersey. For the relief of dependent families of these conscientious objectors?

Mr. SPARKMAN. For the relief of needy dependents.

Mr. THOMAS of New Jersey. How many conscientious objectors are there in the United States today?

Mr. SPARKMAN. On the first of May of this year there were 6,985.

Mr. THOMAS of New Jersey. How many of these have needy dependents?

Mr. SPARKMAN. Of course, that would be a matter of estimate at any time. It was estimated before our subcommittee that there were 162 cases of dire need at that time.

Mr. THOMAS of New Jersey. How have those cases been taken care of up to now?

Mr. SPARKMAN. Those cases have been taken care of by the church organizations and the groups that have been supporting the conscientious objectors.

Mr. THOMAS of New Jersey. Are most of those cases for one church or are they divided up among different churches?

Mr. SPARKMAN. No; they are scattered among a great number of churches. As a matter of fact I have an article here which I propose to ask permission to insert in the RECORD which shows the various churches and various organizations from which these conscientious objectors come. I also propose to place in the RECORD or to ask permission to place in the RECORD a showing as to what type of projects these conscientious objectors are working on and how they are scattered throughout these various services that they are performing.

Mr. THOMAS of New Jersey. So the cost to any one church would be very small, then? It would not be large?

Mr. SPARKMAN. That might be true as to the support of these 162 cases. The estimate is it would take, I would say, between $120,000 and $150,000 a year to take care of these cases. But let us remember that these various organizations, in addition to taking care of these needy dependent cases, are also taking care of the conscientious objectors themselves and are running the camps without cost to the Government. It is estimated that had the Government been called upon to run the camps which the conscientious objectors themselves are running, the cost would have been $4,000,000.

Mr. THOMAS of New Jersey. Does the gentleman see any good reason why we should give any consideration to conscientious objectors anyway?

Mr. SPARKMAN. This bill does not purport to give consideration to conscientious objectors, but to the wives and children of conscientious objectors who are left in a needy condition, many of whom may not even agree with the views of the conscientious objectors.

I may say to the gentleman that I certainly cannot share the belief of any conscientious objector, but it has been the traditional and historic policy of our country that in time of war the right of conscience is acknowledged. When the gentleman's own committee passed the Selective Training and Service Act of 1940, a provision was written in it to take care of these conscientious objectors.

Mr. THOMAS of New Jersey. Under this bill, the family and dependents of a conscientious objector get the same aid as the needy family of soldiers; is that not correct?

Mr. SPARKMAN. That is not true.

Mr. THOMAS of New Jersey. According to the bill it is.

Mr. SPARKMAN. No; the maximum limitation is the amount the Government would have contributed to the soldier's dependent.

Mr. THOMAS of New Jersey. So it could be the same.

Mr. SPARKMAN. It could be the same as that which the Government donates?

Mr. THOMAS of New Jersey. Mr. Speaker, I object.

Mr. SPARKMAN. Will the gentleman withhold his objection to permit me to finish that statement?

Mr. THOMAS of New Jersey. Mr. Speaker, I withhold my objection to permit the gentleman to finish his statement.

Mr. SPARKMAN. I should like to call the gentleman's attention to the fact that this does not appropriate any money out of the Treasury but that this is money that has been earned by the conscientious objectors themselves.

Mr. THOMAS of New Jersey. Nevertheless conscientious objectors should not be given any consideration. That is the way I feel.

Mr. SPARKMAN. This money has been placed in a special deposit in the Treasury of the United States under an agreement that it is not to be spent for war purposes.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. BROOKS. I may say that I sat on the subcommittee when the bill was drafted. It was rewritten and changed from the way in which it was introduced by the distinguished gentleman from New York. This bill, in my judgment, places the families of conscientious objectors on the same basis as the families of servicemen. It gives the conscientious objectors' families the same allowance the Government contributes to the family of a serviceman. While we want to take care of charity, as charity should be cared for, I doubt if this Congress wants to take care of the families of conscientious objectors on the same basis as families of soldiers.

Mr. SPARKMAN. Mr. Speaker, I regret that objection has been made. I believe that one familiar with the facts would agree to the objective sought by this measure.

This bill is an attempt to correct a situation among conscientious objectors who have been drafted. I realize these men constitute an unpopular minority, but I sincerely hope we will not allow the general disfavor with which this group is regarded to blind us to inequities in our treatment of them.

I do not propose here to debate the issue of the conscientious objector. That was done at the time the Selective Service Act was passed, and Congress, in its wisdom, accorded to sincere, religious objectors a legal alternative to military service by providing for them "work of national importance under civilian direction."

During the 3 years since conscientious objector camps were first set up to do "work of national importance" under the supervision of the Selective Service System, the total camp population has remained small. To date, less than 7,000 men are in Civilian Public Service, the alternative service program, and they have all been judged both sincere and religious by their local draft boards, after investigation by the F. B. I. as provided by law.

For 3 years these men have worked in forestry and soil conservation camps, fighting forest fires and soil erosion, and engaged in similar projects. Increasing numbers of them are volunteering to do dirty jobs in State mental hospitals and other public institutions, some of which have been almost crippled by shortages of orderlies and attendants.

I think you will find that in almost every case these men have done a good, honest, and conscientious job. Yet for 3 years they have been working without any pay whatsoever, without accident compensation, without any of the minor benefits extended to servicemen. Congress has never, in fact, appropriated money for the maintenance of the great majority of these men. Their food and clothing bills are assumed either by themselves or by their sponsoring church groups. It might surprise Congress to know that we give fewer benefits to the conscientious objectors than we do to interned aliens, to Japanese-Americans, and to prisoners of war.

The particular discrepancy at which this bill is directed, however, is the fact that conscientious objectors do not receive any dependency benefits, despite the fact that they have exactly the same percentage of wives and children as men sent to the military services—about 35 percent. This means, in effect, that we are penalizing wives and children because we do not agree with their husbands and fathers. Let us apply the restrictions directly to the men, if we will, but we should not extend the punishment to their families.

Our committee's recommendation, we feel, is a happy solution. We propose to devote to the dependency needs of these men the money which they themselves earn, but which they are not allowed to keep. This proposal was suggested by the National Service Board for Religious Objectors, and has been approved by Selective Service, the War Department, and the Bureau of the Budget.

About 700 conscientious objectors are assigned to farm work, and others have been called from the camps at various times to help in planting and harvesting emergencies. In each case, the farmer pays the individual objector the prevailing wage, but he is not allowed to keep the money beyond his actual expenses in doing the work. The remainder is sent to the United States Treasury for a special account, which, by the end of April, amounted to $370,731.19. This bill provides that the disbursing of this fund be made on a strict basis of need, rather than by the Army system of flat dependency grants, and that each request for aid be carefully investigated and supervised by Selective Service.

The bill takes the form of an amendment to H. R. 3199, introduced last fall by the gentleman from New York, Representative COLE, to apply these same conscientious objector earnings to the Office of Foreign Relief and Rehabilitation Administration, now U. N. R. R. A. This was in response to the request of the men themselves who, if they could not keep the money themselves, were anxious that it be used for relief purposes. It goes without saying, however, that they would prefer their money to be spent for their own needy wives and children.

So far, these requests for financial aid for dependents have been shouldered by the religious groups most concerned—the Mennonites, Church of the Brethren, Society of Friends—Quakers—and the Fellowship of Reconciliation. These groups are already saddled with the maintenance of the majority of conscientious objectors—expenses which run about a million and a half dollars a year—and the additional $136,000 which is needed to tide over only the worst of their dependency cases is a heavy load for such religious bodies. So far these church groups have spent over $4,000,000 to finance this program.

Some of the worst dependency situations are found in the camps financed entirely by the Government, but even here the church groups have assumed responsibility and are aiding needy wives and dependents because the Government has made no provision for them.

Their only recourse is to look to Congress for help—help which this bill would supply. We are simply proposing that the money which these men themselves earn be made available for their own pressing dependency needs.

On May 1, 1944, there were 6,985 conscientious objectors in civilian public service. Since the beginning of this program in 1940 there have been 711 transferred from such service to the armed services. As of May 1, 1944, the following numbers were assigned to the respective agencies:

Agency	Men	Camps
Forest Service	1,357	11
Soil Conservation	1,209	12
Park Service	265	5
Bureau of Reclamation	336	4
Farm Security Administration	270	2
General Land Office	114	1
Total	3,851	35

On special projects are the following:

SPECIAL PROJECTS, MAY 1, 1944

Mental hospitals, 37 units, 1,440 men.
Training schools, 13 units, 242 men.
General hospitals, 2 units, 67 men.
Guinea pig, 17 experiments, 124 men.
Dairy farms, 12 States, 27 counties, 446 men.
Agricultural experiment stations, 8 units, 160 men.
Dairy testers, 160 men.
Florida health service, 3 units, 95 men.
Puerto Rico, 4 units (including Virgin Islands), 53 men.
Coast and Geodetic, 40 men.
Parachute jumpers, 43 men.
Bowie (cooperative administration), 66 men.
Mount Weather, 68 men.
Administrative detailed service, 67 men.
Individual detached service, 8 men.
Government camps, 265 men.
Total, not including Government camps 3,134 men.

The break-down by denominations and religions is interesting.

C. P. S.—BY RELIGION

Following are the nonhistoric peace church denominations of the men in

C. P. S. as of March 1, 1944. Only those denominations having 10 or more men in C. P. S. are included in this list:

Assemblies of God	13
Associated Bible Students	15
Baptists, Northern	125
Baptists, Southern	22
Catholic	97
Christadelphian	76
Christian Scientist	10
Church of Christ	111
Church of God, Independent	17
Church of God—Seventh Day	10
Church of God—Indiana	33
Congregational Christian	157
Disciples of Christ	50
Dunkard Brethren	16
Episcopalian	56
Evangelical	36
Evangelical Mission Covenant	11
Evangelical and Reformed	71
First Century Gospel	20
First Divine Association	11
Jehovah's Witnesses	204
Jewish	33
Lutheran	75
Methodist	605
Nazarene	15
Nonaffiliated	394
Pentecostal	16
Presbyterian, U. S. A.	151
Reformed	11
Russian Molokan	32
Unitarians	30
United Brethren	19
War Resisters League	64

On May 1, 1944, Selective Service figures for members of the historic peace churches were:

Mennonite (including 59 Brethren in Christ)	2,597
Brethren	933
Society of Friends	594

Mr. THOMAS of New Jersey. The gentleman has finished his statement; I object.

Mr. BROOKS. I, too, object, Mr. Speaker.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein certain articles.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MILL STREET IN BRAINERD, MINN.

The Clerk called the next bill, S. 1660, granting the consent of Congress to the Minnesota Department of Highways and the county of Crow Wing in Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at Mill Street at Brainerd, Minn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minnesota Department of Highways and county of Crow Wing in Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Mill Street in the city of Brainerd, Minn., in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSOURI RIVER AT OR NEAR NEBRASKA CITY, NEBR.

The Clerk called the next bill, H. R. 4041, to amend the act relating to the construction and maintenance of a bridge across the Missouri River at or near Nebraska City, Nebr.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the act entitled "An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr," approved April 23, 1928, is hereby amended to read as follows:

"SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided the bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested."

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER IN THE COUNTY OF ALLEGHENY, PA.

The Clerk called the next bill, H. R. 4206, authorizing construction and operation of a free highway bridge across the Monongahela River, in the county of Allegheny, Pa.

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the county of Allegheny, Pa., its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto at any or all of the following points within the county of Allegheny, Pa.:

(a) Across the Monongahela River, at a point suitable to the interests of navigation, from the borough of Dravosburg, Pa., to a terminus at or near the dividing line between the city of McKeesport and the borough of Glassport, Pa., to replace the existing Dravosburg Bridge, from Dravosburg to McKeesport, Pa., all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act.

SEC. 2. Construction of the bridge authorized by this act shall commence within 3 years after its approval by the President of the United States, and shall be completed within 5 years from the time of the said approval.

SEC. 3. The right to alter, amend, or repeal this act is expressly reserved.

Amend the title so as to read: "A bill to authorize the construction and operation of a free highway bridge across the Monongahela River in the county of Allegheny, Pa."

Mr. COLE of New York. Mr. Speaker, reserving the right to object, No. 399 on the Consent Calendar is a bill having an identical title and seems to be identical with this bill. Until we can be advised as to the distinction between the two, I ask unanimous consent that the pending bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BRIDGE ACROSS THE MONONGAHELA RIVER IN THE COUNTY OF ALLEGHENY, PA.

The Clerk called the next bill, H. R. 4207, to authorize the construction and operation of a bridge across the Monongahela River in the county of Allegheny, Pa.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SUSPENSION OF CERTAIN REQUIREMENTS RELATING TO WORK ON TUNNEL SITES

The Clerk called the next bill, H. R. 3579, providing for the suspension of certain requirements relating to work on tunnel sites.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, and I do so only to call to the attention of the gentleman from Arizona that this bill provides for the termination of this authority "upon the cessation of hostilities in the present war." I call the gentleman's attention to the fact that we are engaged in more than one war, thinking that perhaps he would like to have the language changed to the plural, "cessation of hostilities in the present wars."

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. MURDOCK. Mr. Speaker, the attempt was made to have the language here conform to that which is customary in such bills—that is, "at the termination of the war or 6 months thereafter by proclamation of the President or concurrent resolution of Congress." I believe such is the language we have used.

Mr. COLE of New York. Mr. Speaker, can the gentleman advise as to the termination of which war it will operate?

Mr. MURDOCK. Mr. Speaker, in that respect I will offer an amendment to take care of that if the bill is considered.

Mr. KEAN. Mr. Speaker, I call attention also to the fact that No. 341 on the calendar seems to be identical with No. 340, and I ask the gentleman from Arizona which one he wishes to have passed in the event there is no objection? I

take it the one that bears his name as author.

Mr. MURDOCK. I wish to have the House bill passed and, if it is passed, I then will ask unanimous consent to substitute the Senate bill for the House bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That during the period beginning on the date of enactment of this Act and ending 6 months after the cessation of hostilities in the present war as proclaimed by the President, no location on the line of a tunnel run for the development of a vein or lode or for the discovery of mines, of veins or lodes not appearing on the surface, made by parties other than the owners of such tunnel, shall be considered valid because of the failure of such owners to prosecute work thereon with reasonable diligence as required by section 2323 of the Revised Statutes of the United States; and no right to undiscovered veins on the line of any such tunnel shall be considered to have been abandoned because of any failure to prosecute work thereon during such period.

With the following committee amendments:

Strike out the words "proclaimed by the President" in line 5, page 1, and insert "determined by proclamation of the President or concurrent resolution of the Congress."

Strike the period at the end of line 15, page 1, insert a colon, and insert the following thereafter: "*Provided*, That every claimant of any such tunnel site, in order to obtain the benefits of this act, shall file or cause to be filed in the office where the location notice or certificate is recorded, within 6 months from the date of this act, a notice of his desire to hold the tunnel site claim under this act."

The committee amendments were agreed to.

Mr. MURDOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK: Page 1, line 5, change the word "war" to the word "wars."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent to substitute for the House bill, H. R. 3579, the bill of the Senate, S. 1479, and to vacate the proceedings by which the House bill was passed.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, I assume that the Senate bill is identical with the House bill as amended except for the amendment offered by the gentleman from Arizona just now.

Mr. MURDOCK. I understand the Senate bill is the same as the House bill as amended with the exception of my amendment changing the word "war" to "wars."

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That during the period beginning on the date of enactment of this act and ending 6 months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress, no location on the line of a tunnel run for the development of a vein or lode or for the discovery of mines, or veins, or lodes not appearing on the surface, made by parties other than the owners of such tunnel, shall be considered valid because of the failure of such owners to prosecute work thereon with reasonable diligence as required by section 2323 of the Revised Statutes of the United States; and no right to undiscovered veins on the line of any such tunnel shall be considered to have been abandoned because of any failure to prosecute work thereon during such period: *Provided*, That every claimant of any such tunnel site, in order to obtain the benefits of this act, shall file or cause to be filed in the office where the location notice or certificate is recorded, within 6 months from the date of this act, a notice of his desire to hold the tunnel site claim under this act.

Mr. MURDOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK: Page 1, line 5, change the word "war" to the word "wars."

The amendment was agreed to.

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

A motion to reconsider and a similar House bill, H. R. 3579, were laid on the table.

ANDERSON RANCH RESERVOIR SITE, BOISE RECLAMATION PROJECT, IDAHO

The Clerk called the next bill, H. R. 3527, authorizing the Secretary of the Interior to purchase improvements or pay damages for removal of improvements located on public lands of the United States in the Anderson Ranch Reservoir site, Boise reclamation project, Idaho.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to purchase improvements located on public lands of the United States within the boundaries of the Anderson Ranch Reservoir, Boise reclamation project, Idaho, or to make payment for damages for the removal of improvements from the public lands of the United States within the boundaries of said reservoir. Any funds appropriated for the construction of the Anderson Ranch Reservoir, Boise reclamation project, Idaho, shall be available for such purchase or payment of damages. Payments may be made pursuant to this act to persons, firms, or corporations who shall establish to the satisfaction of the Secretary of the Interior that they are entiled equitably to receive the same, and who sign contracts and vouchers for the same upon forms approved by the Secretary of the Interior: *Provided*, That amounts so paid shall not exceed the reasonable value, in the judgment of the Secretary of the Interior, of the improvements purchased or the actual damages (not exceeding in any event the reasonable value of the said improvements, as determined by the Secretary of the Interior) found by the Secretary of the Interior to have been sustained as a result of the removal of said improvements, as the case may be.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MADDEN. Mr. Speaker, that completes the call of the Consent Calendar.

AMENDING SECTION 33 OF THE ACT OF SEPTEMBER 7, 1916, AS AMENDED (39 STAT. 742)

Mr. WALTER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 313, and for the consideration of H. R. 4159 to amend section 33 of the act of September 7, 1916, as amended (39 Stat. 742), a bill that was passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 33 of the act of September 7, 1916, as amended and extended (39 Stat. 742, and the following), is hereby amended by adding thereto the following new paragraph:

"The provisions of section 41 of the act of March 4, 1927 (ch. 509, 44 Stat. 1424), as amended, shall, insofar as not inapplicable, apply in the same manner and to the same extent as though such provisions were incorporated in this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOURS OF DUTY OF POSTAL EMPLOYEES

Mr. BURCH of Virginia. Mr. Speaker, I call up the conference report of the bill (H. R. 2928) to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the full report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BURCH]?

Mr. MASON. Mr. Speaker, reserving the right to object, may I say this report is brought in with the unanimous vote of the Committee on Post Offices and Post Roads and it has the unanimous approval of the House members of the conference committee. There is absolutely no objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BURCH]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2928) to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 3; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of said amendment, insert a

"colon" and the following: "*Provided*, That postmasters of the first, second, and third classes, and post-office inspectors, shall be on duty not less than 48 hours per week, and shall be paid for the additional 8 hours, as additional pay for working such additional time, as follows:

"Those whose salaries are over $5,000 and not over $7,999, 5 percent of their regular peacetime salaries; those whose salaries are over $4,000 and not over $5,000, 10 percent of their regular peacetime salaries; those whose salaries are over $2,000 and not over $4,000, 15 percent of their peacetime salaries; those whose salaries are $2,000 or under, 20 percent of their peacetime salaries: *Provided further*, That no postmaster whose peacetime compensation is $8,000 or over shall receive any additional compensation for such overtime work."

And the Senate agree to the same.

T. G. BURCH,
TOM MURRAY,
GEORGE D. O'BRIEN,
FRED A. HARTLEY, JR.,
N. M. MASON,
Managers on the part of the House.

KENNETH MCKELLAR,
JOSIAH W. BAILEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2928) to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: This amendment strikes out postmasters of the first, second, and third classes. The agreement reached in conference reinstates postmasters of these classes.

Amendment No. 2: This amendment strikes out post-office inspectors. The agreement reached in conference reinstates them.

Amendment No. 3: This amendment strikes out "Cost ascertainment employees (until such time as they shall be transferred to the departmental roll)." The House agreed to this amendment, since the cost ascertainment employees have already been transferred to the departmental rolls.

Amendment No. 4: This amendment provides that "such overtime, however, to be payable only upon so much of the earned basic compensation as does not exceed $2,900 per annum." The conference report strikes out this provision.

Amendment No. 5: This amendment provided that "in computing the overtime compensation the base pay for one day shall be considered to be one three hundred and sixth of the respective per annum salaries and the base pay for one hour shall be considered to be one eighth of the base pay so computed for one day."

The House receded from its disagreement to this amendment and agreed to same with an amendment as follows:

"At the end of said amendment insert a 'colon' and the following: '*Provided*, That postmasters of the first, second, and third classes, and post-office inspectors, shall be on duty not less than forty-eight hours per week, and shall be paid for the additional eight hours, as additional pay for working such additional time, as follows:

" 'Those whose salaries are over $5,000 and not over $7,999, 5 per centum of their regular peacetime salaries; those whose salaries are over $4,000 and not over $5,000, 10 per centum of their regular peacetime salaries; those whose salaries are over $2,000, and not over $4,000, 15 per centum of their peacetime salaries; those whose salaries are $2,000, or under, 20 per centum of their peacetime salaries: *Provided further*, That no postmaster whose peacetime compensation is $8,000, or over, shall receive any additional compensation for such overtime work.' "

The Senate agreed to the above amendment.

T. G. BURCH,
TOM MURRAY,
GEORGE D. O'BRIEN,
FRED A. HARTLEY, JR.,
N. M. MASON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement by Dr. Jacob Hochman, rabbi of the Jersey Homestead Jewish Community.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. POWERS]?

There was no objection.

EXTENSION OF SUGAR ACT

Mr. FLANNAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 4833) to extend, for 2 additional years, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar.

The Clerk read as follows:

Be it enacted, etc. That section 513 of the Sugar Act of 1937, as amended (relating to termination of powers of the Secretary of Agriculture under the Sugar Act), is amended to read as follows:

"SEC. 513. The powers vested in the Secretary under this Act shall terminate on December 31, 1946, except that the Secretary shall have power to make payments under title III under programs applicable to the crop year 1946 and previous crop years."

SEC. 2. Section 3508 of the Internal Revenue Code (relating to termination of taxes with respect to sugar) is amended to read as follows:

"SEC. 3508. Termination of taxes.

"No tax shall be imposed under this chapter on the manufacture, use, or importation of sugar after June 30, 1947."

SEC. 3 Section 503 of the Sugar Act of 1937, as amended (relating to payments to the Commonwealth of the Philippine Islands), is amended by striking out "June 30, 1945" and inserting in lieu thereof "June 30, 1947."

The SPEAKER. Is a second demanded?

Mr. HOPE. Mr. Speaker, I demand a second.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. FLANNAGAN]?

There was no objection.

Mr. FLANNAGAN. Mr. Speaker, this bill (H. R. 4833) was unanimously reported by the House Committee on Agriculture. It has been recommended by Judge Marvin Jones, the War Food Administrator. The only thing it does is to extend the present Sugar Act for a period of 2 years.

Mr. Speaker, I now yield 5 minutes to the gentleman from Florida [Mr. CANNON].

Mr. CANNON of Florida. Mr. Speaker, I regret that the gentleman from Virginia stated that this resolution continuing the 1937 Sugar Act was passed unanimously by the House Committee on Agriculture.

Mr. FLANNAGAN. Will the gentleman yield?

Mr. CANNON of Florida. I yield to the gentleman from Virginia.

Mr. FLANNAGAN. I stated it was unanimously reported by the House Committee on Agriculture.

Mr. CANNON of Florida. Yes.

Mr. FLANNAGAN. I want to correct that statement because the gentleman from Florida was not present at the meeting which reported the bill. The gentleman from Florida, who is an able member of the committee and diligent in looking after the interests of his constituents, was down in Florida at the time looking after his campaign. I am glad he was renominated.

Mr. CANNON of Florida. Mr. Speaker, since the matter has been brought up, may I say that the House Committee on Agriculture, of which I am a member, considered this bill during my absence at home on a rather important mission which involved whether or not I would be allowed to come back here to represent the Fourth Congressional District of Florida. However, be that as it may, I call the attention of the House to the fact that this motion to suspend the rules and pass the bill has been made for the express purpose of passing a continuing resolution covering the 1937 Sugar Act.

Mr. Speaker, at a time like this I feel very keenly that the House would probably be in error to continue in effect an act of this kind, particularly when we are faced with the dire problem throughout the country of producing foodstuffs unrestrictedly. It is true that the quotas under this act have been suspended, but it is also just as true that the administrators of the act may reinstate those quotas at any time, using this period as a historical base on which to establish such a quota. This being true, it would be eminently unfair, in my opinion, at this time when the production of foodstuffs is so important to the prosecution of our war effort to enact a resolution of this kind because of the fact that we are producing less, notwithstanding that quotas have been taken off or liberalized, because of lack of labor and also because the processing machinery for the refinement of this sugar is running at peak capacity; therefore, if we were permitted to enjoy a greater quota it would be restricted just the same because the machinery is not to be had.

It is barely possible that at some future time this may prove most prejudicial to the sugar production of this country because the administration may see fit to reinstate the quota restrictions, using the nonuser basis, you may, for a historical base.

Mr. DONDERO. Will the gentleman yield?

Mr. CANNON of Florida. I yield to the gentleman from Michigan.

Mr. DONDERO. What portion of the sugar we consume is produced in continental United States?

Mr. CANNON of Florida. I am sorry, but I cannot with authority answer that question.

Mr. DONDERO. I understand it is less than 30 percent.

Mr. CANNON of Florida. I think the gentleman is correct. The last figure I knew of was 32 percent.

Mr. DONDERO. Then how can we justify quota provisions in this country when we consume only 30 percent of what we produce, so far as sugar is concerned?

Mr. CANNON of Florida. I am indebted to the Member from Michigan for that contribution.

Mr. Speaker, the House should consider all these facts well before it passes any restrictive measures with respect to the production of foodstuffs during the prosecution of the war.

Mr. ROWE. Will the gentleman yield?

Mr. CANNON of Florida. I yield to the gentleman from Ohio.

Mr. ROWE. What is the difference between an unrestricted quota and the nonpassage of this bill?

Mr. CANNON of Florida. I do not get the import of the gentleman's question.

Mr. ROWE. I thought I heard the gentleman say that the quota was unrestricted at the present time.

Mr. CANNON of Florida. The quotas which this bill originally provided are unrestricted. In other words, the administrators of the act may vitiate or destroy the quotas for the time being, but under the act they may again be placed back at any time to where they were and there will be no legal inhibition against it.

Mr. ROWE. If this act is not passed the actual circumstance would be the same?

Mr. CANNON of Florida. The administrators of the act may reinstate the quotas at any time. If this act is not passed, obviously they could not do that.

Mr. ROWE. If the quotas were raised to an unrestricted status, and this act were not passed, there will be no difference so far as buying sugar from Cuba or any place else is concerned.

Mr. CANNON of Florida. That is true, except they may reinstate the quota at any time if this act is passed.

Mr. ROWE. May I go further and state that the House could also pass a resolution at any future time if it is needed?

Mr. CANNON of Florida. If there were enough votes, yes.

The SPEAKER. The time of the gentleman has expired.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, insofar as I know, all the sugar-beet growers and sugar-beet processors of the country are in favor of the pending bill. I have great concern for our friends in Louisiana and Florida where they have a territory in which they can expand, where under normal conditions they have the labor and where God has created climatic conditions of such nature that they can produce great quantities of sugar so badly needed by our people. As the gentleman from Florida [Mr. CANNON] just pointed out, quotas are suspended for the time being. That means that the Louisiana and Florida sugarcane growers can grow all of the cane sugar which they have the labor and machinery to plant, cultivate, harvest, and process. However, there is a shortage of manpower and there is a shortage of new machinery; so they could not do a great deal at the moment in the way of expansion whether the law is in operation or whether it should expire.

Mr. Speaker, looking forward to the future I can certainly appreciate and comprehend what the gentlemen from Florida and Louisiana have to say about this whole picture. We should bear in mind at this time that our Federal Government has already gone to Cuba and purchased in advance the entire production for 1944 which is expected to be as much as 6,000,000 tons of sugar. Negotiations are under way, I understand, to purchase the 1945 Cuban crop and the 1946 Cuban crop. Federal agencies are carrying on negotiations for the purpose of purchasing the 1944 and perhaps the 1945 and 1946 sugar crop of Puerto Rico. The Haitians have sold their 1944 sugar crop and I understand negotiations are being carried on to buy the Haitian 1945 and 1946 sugar crops, the price to be as great as the price may be which we pay Cuba for its 1945 and 1946 crops if we purchase them. So there is reason for concern in Florida, Louisiana, and the 16 or 18 sugar-beet-growing States in connection with the vast operations which Federal agencies are proposing to carry on for the purchase of offshore sugar.

To me it is a warning to the continental industry, both beet and cane. It is something we should be concerned about. Hawaii and Puerto Rico in particular should be concerned about this entire movement.

Mr. O'HARA. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Minnesota.

Mr. O'HARA. Is it true that the domestic beet-sugar producers are favorable to continuation of this law?

Mr. CRAWFORD. That is correct.

Mr. DONDERO. Will the gentleman yield for a question?

Mr. CRAWFORD. I yield to the gentleman from Michigan.

Mr. DONDERO. The Sugar Control Act was passed in 1937 when we were not at war. That established the quota system. Am I right about that?

Mr. CRAWFORD. That is correct.

Mr. DONDERO. Can the gentleman justify before the House and the country the necessity for a quota on sugar, a product that we do not produce in sufficient quantity to supply our own needs?

Mr. CRAWFORD. No quota restriction is applied at the present time on continental production of either beet or cane sugar. During the war quotas have been removed. There is no restriction. As the gentleman from Florida has pointed out, this bill extends the law which authorizes the Federal agencies to again impose those quotas at any moment they decide to do so.

Mr. DONDERO. Why should they have the right to do that?

Mr. CRAWFORD. That is all I am dealing with now, because it is going to be natural for Cuba and other offshore foreign areas to come in here in the post-war period and say, "Now, here, listen. We came to your rescue during the war and we filled your sugar bins, and in the setting of quotas for the post-war period we want recognition for our ability to come to your rescue in time of war."

So I think we have ample programs on at the present time for our people in the continental United States and in Hawaii and Puerto Rico and the Virgin Islands—and that constitutes your domestic production—to be on guard with respect to the imposition of quotas in the post-war period or in such time as we have manpower and machinery with which to carry on our production.

Mr. DONDERO. One more question. What has caused the rationing of sugar to our own people, the cutting off of the supplies from the Philippine Islands or the demands made by war?

Mr. CRAWFORD. Two or three things enter into that. We lost, in round figures, a million tons of sugar per annum due to the loss of the Philippines.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HOPE. Mr. Speaker, I yield the gentleman 4 additional minutes.

Mr. CRAWFORD. And we have lost about 700,000 tons of production in continental United States beet sugar as the result, primarily, of shortage of manpower and other difficulties in running that type of business these days, on the farm and in the factory.

Due largely to our inability to furnish fertilizer and equipment, Puerto Rican production has dropped off nearly 300,000 tons and will probably fall another 100,000 tons in 1945. Cuba is stepping up production very materially from about 3,000,000 tons, prior to the war, up to this year of about 6,000,000 tons. Cuba comes in and fills that void created by the slumping off of Philippine production; the drop in production of beet sugar in the United States and the dropping off of cane sugar in Puerto Rico. There is a lot of shipping trouble involved in all this. We know we have plenty of offshore sugar in the various areas at the present time, but until this European job is settled we do not dare remove restrictions on the use of sugar, commercial and home use, unless we have shipping facilities or know that the sugar is located in the continental United States. We may have to continue this rationing of sugar until the shipping situation is considerably improved.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Is it not a further fact that due to the inconsistent policies of the O. P. A. with reference to the price on sugar, our domestic production of beet sugar has dropped from 1,200,000 acres to 600,000 acres last year?

Mr. CRAWFORD. That is the last figure I spoke of a while ago, the 700,000 tons drop in annual beet sugar.

Mr. AUGUST H. ANDRESEN. A few years ago when Mr. Tugwell was sent down to Puerto Rico we heard some rumors to the effect that he was going down there to organize a cartel of all the offshore sugar down there in Latin and South America. Does the gentleman know whether or not Mr. Tugwell has succeeded in the formation of that sugar cartel?

Mr. CRAWFORD. When you consider the new concept for the Caribbean Sea empire which is taking form very rapidly, especially as relates to sugar and molasses, through these various agreements, and the Joint Anglo-American Commission, you will find out just how fast progress has been made on that.

Mr. AUGUST H. ANDRESEN. Then Tugwell is making progress in organizing his cartel.

Mr. CRAWFORD. I would say so.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Illinois.

Mr. MASON. I think the gentleman has confused the House with his learned discussion of this subject.

Mr. CRAWFORD. I am sorry if I did.

Mr. MASON. The gentleman has some of us thinking that this bill before us is a bill to ration the consumer of sugar.

Mr. CRAWFORD. In no way whatsoever directly.

Mr. MASON. Whereas it is a bill to establish quotas on the producer, and that should not be done at this time or any other time as long as we only produce one-third of our needs.

Mr. CRAWFORD. The rationing idea was brought into the discussion by one of the other Members and in no way does this bill directly affect rationing. This bill has to do with the future quotas of sugar production in all the areas in the United States and in line with the 1937 Sugar Act.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. HOPE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, to begin with I did not favor this type of sugar legislation but I was forced to accept it for the reason that the Administration under the reciprocal trade policies cut the duty on sugar in two, and in order to continue some production in the United States of sugar beets and cane sugar, we had to accept this policy. Therefore I am urging you today to continue the law so that we can continue giving some support to the domestic producers of beet and cane sugar in this country.

It is important that we do not put ourselves in a position so that we will become entirely dependent upon offshore sugar production for our supplies. If that should occur, we would then be left at the mercy of those who own those sugar resources in other countries who can charge us any price, as long as we do not produce any in this country.

I therefore say to you that we should pass this bill and continue the act for another 2 years so that we can encourage domestic producers to produce a maximum amount of sugar.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Michigan.

Mr. MICHENER. All the beet-sugar producers in the country are for this bill, are they not?

Mr. AUGUST H. ANDRESEN. All the beet-sugar producers are for it, and if the bill is not passed there will be no production of beet sugar, or very little of it, in the next year.

Mr. MASON. May I ask the gentleman why the beet-sugar producers of the Nation are all for this bill? Is it not on account of the subsidy?

Mr. AUGUST H. ANDRESEN. Not on account of the subsidy. Let me say to my colleague from Illinois that the beet-sugar producers of this country have been discouraged from producing sugar largely due to the price structure placed on sugar by the O. P. A.

Mr. FLANNAGAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. HENDRICKS].

Mr. HENDRICKS. Mr. Speaker, I would like to point out something to the House that has not been noticed and that has not been called to your attention yet.

I am opposed to this bill for the reason that I have always been opposed to it, and that is because the State of Florida has never received fair treatment and will not receive fair treatment under the historic basic system. In 1942, when we were passing the agricultural appropriation bill, there was an item of $47,952,910 in the bill to administer the Sugar Act.

This is the most paradoxical bill that I have ever seen. In the first place, it was enacted to cut down the production of sugar and increase the price, and now we are using the same bill, I presume, to increase production and decrease the price. I cannot see it. The last mention that was made about the item in the appropriation bill was made in 1942. If you will look at the agricultural appropriation act for this year you will find there is an item of over $52,000,000 for administration of this act. Here is the last reference that I have seen to that appropriation which was made, as I said, in 1942, and you can see how enthusiastic the Appropriations Committee was about it. The committee made this report:

> The committee has approved the Budget estimate of $47,962,910 for the administration of the Sugar Act of 1937. The hearings disclosed there is in prospect a very pronounced shortage of sugar and that acreage and quota restrictions have been removed. The committee can see no sound reason for the continuance of this program of benefit payments to growers who are free to produce without restrictions for a market in which the demand is certain to be substantially in excess of the supply for some time to come, and would have stricken the item from the bill except for the recent action of Congress extending the act. The committee believes the legislation should be suspended under present conditions. Under these conditions price-fixing legislation recently enacted may be so administered as to assure fair prices for sugar producers.

If you want to get rid of this $52,000,000 a year, and next year probably $62,000,000 and so on, the thing to do is to kill this bill today. We should not have quotas where there is a shortage of sugar, and where the only quota is on the tables of the families of this Nation.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. HENDRICKS. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. The O. P. A. could fix this down here, if they would, so that we would not need this legislation, but the trouble is that the O. P. A. will not permit a price for sugar to the producers so that they can furnish it to the people of this country.

Mr. HENDRICKS. The O. P. A. will not do anything as long as we are providing $52,000,000 to cut down the production of sugar, is what I am saying.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. HENDRICKS. I yield to the gentleman from Colorado.

Mr. HILL. Let me ask the gentleman this question. Is the gentleman in favor of raising the price of sugar to the consumer?

Mr. HENDRICKS. No; I am not.

Mr. HILL. How can you grow beets, then, if you cannot get the cost of production, without a plan whereby the producer and the processor both assist in paying the money that they are to receive for the growing of sugar beets?

Mr. HENDRICKS. I just happen to know that that question comes up so often about the cost of production and they continue to produce in spite of the fact that they say they are not getting cost of production. As far as Florida is concerned, we can produce sugar down there at ten times the amount we are allowed to produce under the quota, and we can do it without any subsidy whatever. I say we will never get a square deal as long as our system is based on a historic basis.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I want to express my appreciation to the committee for giving us the time and opportunity to discuss this matter. At the outset I want to say that we do not object to the payment of benefit payments to the beet growers. We are somewhat familiar with their problems. But we do feel that the act should not be extended 2 years under a suspension of the rules, because the act should be amended.

I am not going into all of the ramifications, but I want to say to you that we can raise sugar as cheaply if not more

cheaply than any area in the world. We pay the highest agricultural wage scale that is paid anywhere in the world. Under that condition it may be that we are not entitled to benefit payments, and by reason of that we would like to be able to amend the bill so as to provide that those growers who are so situated that they can raise sugar without the need of subsidies or benefit payments may be allowed to raise without limitation as to quota. In other words, if there is a producer who can by reason of his soil condition raise more sugar, we should not tie him down with a quota if he does not ask for benefit payments.

I realize there are many areas in which they need benefit payments. I am a great believer in the American market for the American farmer, and I would not do anything to hurt the beet grower or any other new area, but I do feel that where by reason of soil conditions we can cut seven cuttings off of one planting—we can cut stubble for 7 years and produce sugar on it—we should not be tied down as to the amount we can produce.

I foresee this situation. I am not a prophet, but if you will turn back to the record you will find that several years ago we put in the record the flags under which many ships were hauling sugar. We predicted the time would come when they no longer could be hauling sugar from ten offshore areas. We predicted a time when there might be rationing because of the fact we had not developed to the fullest extent the sugar-producing areas of this country. It is true today that there is a limitation by reason of priorities on processing equipment and by reason of lack of labor, but if you pass this bill without giving us an opportunity to amend it, they will take the depleted areas today and make them the basis of historical record.

Mr. ROBINSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Florida. I yield to the gentleman from Utah.

Mr. ROBINSON of Utah. Is there any reason, if this bill should pass, why the gentleman or anyone else could not introduce a bill to accomplish the very purposes he wants to accomplish?

Mr. PETERSON of Florida. We have tried repeatedly, and each time what happens? The sugar bill drags along, and then they say, "We have to have a continuing resolution."

Mr. ROBINSON of Utah. The reason is that you cannot get the votes in the House to do it, but you can introduce a bill today, if you want to, bring it before the proper committee, and have it passed, to accomplish just what you want to accomplish. Therefore, the passing of this bill has absolutely nothing to do with your problem.

Mr. PETERSON of Florida. The War Food Administrator would like to amend it himself. He says in this report:

> The Administration's views on certain desirable changes in the sugar-quota provisions of the act have been repeatedly stated to the committee on former occasions and need not be repeated at this time.

So we should have the right to amend the bill, and to limit it so that there will not be benefit payments of $1,250,000. You might want to increase it to the family-size farm. But enormous benefit payments were made. Our own sugar company got enormous benefit payments. In testifying before the committee the president of that company said that he objected to anything that allowed the raiding of the Treasury, even though by reason of legislation he was a member of the lodge that did the raiding.

Quite a few amendments should be made. I ask that you vote down the motion to suspend the rules today so that amendments can be offered to this bill. This extension is for 2 years. You do not know what will happen in 2 years. I hope you will vote down the motion to suspend the rules.

Mr. FLANNAGAN. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Speaker, as a Representative from a great sugar-producing State I have attended many conferences of the Members of the House and the Senate in an effort to work out some practical plan for the production and the marketing of sugar in this country. As a result of those deliberations we find that the only solution which can be worked out is the quota plan.

I will say to my good Republican friends on this side that there is no tariff policy that can reach the sugar situation and protect the domestic producer. If you took off the quota and raised the tariff sky high you would not protect the situation at all, because you cannot enact tariffs against the offshore possessions of the United States. The minute you take off the quotas they will smother the market for sugar from Louisiana and from the beet-producing States of this country with a great production and importation of sugar.

Just remember that in every sack of sugar there are 10 hours of labor, at 50 cents an hour, $5 for refined sugar. And when you buy the raw sugar from offshore possessions we get only a fraction of the money that we spend for a bag of sugar. But when you give the sugar producers of this country a quota basis and protect the production of sugar beets and Louisiana cane sugar, by doing that you give everyone of those $5 to domestic producers and to people in this country. Do not forget that.

We find another complication in this sugar situation. In endeavoring to work out some practical plan among our own Members we found that these Representatives from the great industrial States up along the Atlantic seaboard where these sugar refineries are scattered, all the way from Massachusetts down through New Jersey and clear down to Georgia, working on importations of offshore sugar, that the Members from these States can control the bulk of the votes and will not go along with any plan that will close down and cut off the supply of raw sugar to those refineries. They insist that those refineries work, that their labor be employed. For that reason we have run against a good many difficulties in trying to work out some quota basis and some protection for the domestic industry.

Mr. Speaker, I am for this bill. It is the solution, the salvation of the sugar industry of this country.

Mr. HOPE. Mr. Speaker, I yield myself the remainder of the time on this side.

Mr. Speaker, my only purpose in speaking at this time is to go into one or two matters which have been brought up in the course of the debate. I think it should be said right in the very beginning that, as far as quotas are concerned, they have been imposed primarily for the benefit of American producers. You can protect American producers in two ways. One would be by means of a tariff and the other by means of quotas. Irrespective of the differences of opinion which may exist among Members of Congress as to which is the best way, the way that we have been doing it has been by quotas.

For the past 2 years quotas have been suspended. They will, of course, continue in suspension as long as we are not producing enough sugar and not importing enough sugar for our own consumption. It is very likely that there will be no quotas during the time for which this bill is extended. The authority should be there, however, to invoke them if needed. The fact is that there is no domestic sugar-producing area at this time which is producing anything like its quota. That is for various reasons, but principally because of the lack of machinery and because there are competitive crops which pay better than sugar does under existing conditions.

We are not only encouraging the producing of sugar in this country by the payments that are made under the Sugar Act but the War Food Administration is offering at this time additional payments in the way of support prices amounting to $3 per ton, so that every possible encouragement is being offered to the domestic industry to produce all of the sugar that can be produced at this time.

I do not know of anyone engaged either in the production, the processing, or the distribution of sugar excepting those in the Florida area who is not in favor of this legislation. All others who are engaged in the industry feel that it is very important that that industry be stabilized by the passage of this legislation, because if the war should end suddenly or conditions should change in producing areas outside of the United States it might be very necessary to invoke the protection of the provisions of the law for our domestic producers.

Mr. FLANNAGAN. Mr. Speaker, I yield to the gentleman from Texas [Mr. KLEBERG] 5 minutes.

Mr. KLEBERG. Mr. Speaker, I think in the short time we have discussed the proposal to extend this legislation that those Members who have not been here during other discussions concerning sugar legislation have come to the conclusion it is probably a pretty hot biscuit. It has been my lot, despite the fact I have no sugar in my district, to have been in the middle of the final wind-up of every single sugar fight. There is nothing quite so disconcerting

or disrupting on the floor of the Congress of the United States as sugar legislation. Sugar is on every table and in every home in this land. This great Nation is at war at the present time and for the first time that I have known anything whatsoever concerning sugar, there are more people—sugar-producing people—within the United States who are agreed upon legislation than at any other time in the history of sugar legislation. Another point which I do not want you to overlook is this: If you compare the price that we pay for sugar today on the American table with the price we paid during the last war, you will find that the price is between one-fourth and one-third of what sugar cost us then. Sugar producers, beet and cane, sugar mills and refineries, as well as those engaged as workers in the sugar processing plants of this country, have come to me with a concerted request that the present stabilized condition of the industry be not disrupted at this time, and they are in one accord with reference to the extension of this particular bill. I have no brief for the system under which the entire thing is working, but I do say that in view of the accord that exists today in the industry, and in view of the uniform supply of sugar—and at times I have not been in agreement, as many of you have not been, with the so-called restrictions on the use of sugar, however, I would rather see restrictions on the use of sugar than have the need for restrictions, and in view of the fact that we do have a supply of sugar and we do have sufficient in the offing for the years to come, it seems to me that this alone would bring us to a conclusion that this act should be continued for 2 years as set out in the resolution now before you.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield for a question?

Mr. KLEBERG. I will be glad to yield.

Mr. CRAWFORD. The gentleman referred to the price of sugar during the last war. Did the gentleman have reference to the price of sugar which prevailed prior to the time of the signing of the armistice or to the price which prevailed subsequent to that date?

Mr. KLEBERG. I referred to both.

Mr. CRAWFORD. Following the armistice with all the markets wide open, the price jumped within a few months from around $9.85 per one hundred on refined sugar at the refineries up to around $27 per one hundred. But that was not during the war, that was after all controls and all of the Hoover food regulations and everything were wiped out and the market was completely clean and open to everybody.

Mr. KLEBERG. I thank the gentleman for his contribution. Of course, he and every other thoughtful person knows that if we are not prepared for an exigency of that sort, which only this bill can take care of, the sugar interests could not come to an agreement on a new piece of legislation during the remainder of this entire session of Congress any more than they could fly. There is only one practical and one sound thing to do and that is, in view of the fact that we have a working set-up we can and should continue it for the period recommended in the bill.

Mr. FLANNAGAN. Mr. Speaker, I want to impress upon the Members the necessity of extending this act at the present time. There is no possibility of working out a Sugar Act by the time this act will expire, nor do I think there is any probability of working out a sugar act during the emergency. The War Food Administrator wrote to the Committee on Agriculture of the House a strong letter urging the extension of this act for a period of 2 years.

Mr. Speaker, I ask unanimous consent to extend my remarks by including at this point the letter of Mr. Jones to the Committee on Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WAR FOOD ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, May 26, 1944.

Hon. JOHN W. FLANNAGAN, Jr.,
Acting Chairman,
Committee on Agriculture,
House of Representatives.

DEAR MR. FLANNAGAN: This is in reply to your request of May 22, 1944, for a report on H. R. 4833, a bill to extend, for 2 additional years, the provisions of the Sugar Act of 1937, as amended, and the taxes with respect to sugar.

The Sugar Act of 1937, as the House Committee on Agriculture pointed out in its report on the legislation on July 2, 1937, intended that the consumer be protected against unreasonable prices; that our foreign markets be protected by retaining the share of foreign countries in the established quotas; that if the domestic sugar industry is to obtain the advantage of a quota system it ought to be a good employer and, to carry this out, legislation should prevent child labor and assure reasonable wages; that the small family-size farm should be encouraged by the payment of higher benefits; and that an excise tax should and ought to be imposed on sugar manufacturing. In December 1941 the Congress, after thorough review of the results obtained from the operation of the act, extended the life of the legislation for another 3 years.

The authority given to this Administration under the act, supplemented by the wartime powers of the Federal Government, permitted rapid action to be taken to prevent runaway sugar prices, to maintain income for most domestic sugar producers at income-parity levels or better, and to allocate curtailed supplies on an equitable basis.

It is therefore believed that this legislation, together with the predecessor legislation (the Jones-Costigan Act), were not only effective instruments in meeting the problems of the industry during the pre-war period 1934–40, but also now provide part of the requisite machinery and authority needed under wartime conditions.

The Administration's views on certain desirable changes in the sugar-quota provisions of the act have een repeatedly stated to the committee on former occasions and need not be repeated at this time. However, since current uncertainties preclude satisfactory consideration of amendments to the act at this time and the quota provisions have been in suspense since April 13, 1942, under Presidential proclamation, enactment of H. R. 4833 without amendment is recommended.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,
MARVIN JONES, *Administrator.*

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and on a division (demanded by Mr. FLANNAGAN) there were—ayes 105, noes 8.

So, (two thirds having voted in favor thereof) the rules were suspended and the bill was passed.

House Resolution 572 was laid on the table.

TEMPORARY APPOINTMENT OF WOMEN TO ARMY NURSE CORPS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to return to the bill (S. 1808) to authorize temporary appointments as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army—exclusive of students and apprentices—and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes, for the purpose of offering an amendment.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, when Senate bill 1808 was before the House, it was suggested there be an amendment to the title of the bill to clarify it. Such an amendment was not ready then, but it is now at the clerk's desk, and I offer it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to S. 1808 offered by Mrs. BOLTON:

Amend the title of S. 1808 so as to read: "An act to authorize temporary appointments as officers in the United States Naval Reserve of members of the Navy Nurse Corps and as officers in the Army of the United States of members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel, and for other purposes."

The amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New York [Mr. KEOGH] may extend his remarks and include therein a memorial address delivered at Grant's Tomb, in New York, on May 30, 1944, by Charles J. Zinn, commander of Lafayette Camp, Sons of Union Veterans of the Civil War.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that tomorrow, after

other special orders, I be permitted to address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CANAL ZONE CODE

Mr. BLAND. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 3646) to amend section 42 of title 7 of the Canal Zone Code.

The Clerk read as follows:

Be it enacted, etc., That subsection "a" of section 42 of title 7 of the Canal Zone Code be, and it is hereby, amended to read as follows:

"a. be appointed by the President, by and with the advice and consent of the Senate, for terms of 8 years each."

The SPEAKER. Is a second demanded?

Mr. CHURCH. Mr. Speaker, I demand a second.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Virginia is recognized for 20 minutes and the gentleman from Illinois [Mr. CHURCH] is recognized for 20 minutes.

Mr. BLAND. Mr. Speaker, the bill H. R. 3646 amends the Canal Zone Code so as to provide that the term of office of the district attorney for the Canal Zone and of the marshal shall be 8 years instead of 4 years as at the present time. This bill was introduced by the gentleman from Tennessee [Mr. KEFAUVER]. It was referred to the Attorney General for a report, who advises that in his opinion these terms should be increased for the reason, first, that the conditions prevailing in the continental United States differ from those in the outlying territories and possessions. In continental United States offices of this type are filled by residents of the local communities who, after the expiration of their terms of office, can resume their former status in their localities. On the other hand, corresponding offices in the territories and insular possessions must of necessity frequently be filled by persons selected from continental United States in view of the lack of sufficient available material in the localities in question. After the expiration of their terms such officials upon returning to their homes frequently find it difficult to reestablish themselves. The result is that many persons who otherwise would be available for such service are at times unable to accept appointments of this kind.

In the Canal Zone there is peculiar reason for greater permanency in the term of the local officials than there is elsewhere. The Canal Zone is very peculiarly and, I may say, almost entirely a military center. The Governor of the Canal Zone is a general in the United States Army. The local district attorney and the marshal must necessarily become familiar with the problems that arise because of the peculiar relationship between the Canal Zone and the military authority of the zone and must be in a position to cooperate appropriately with the military authorities.

From this standpoint long terms of office are highly desirable, as it takes considerable time for a newcomer to familiarize himself with local problems. It was for reasons similar to these that a few years ago the office of district judge in the Canal Zone was extended from a term of 4 years to one of 8. The district attorney and marshal are coworkers with the judge.

The soundness of these views can be realized from a contemplation of the location of the Canal. It is a Government reservation about 50 miles long, extending from ocean to ocean and 10 miles wide. All the ships of the world traverse the Canal. A large number of admiralty cases are handled as well as cases involving railroad, equity, criminal law, and so forth. As the Canal is a crossroads of the world and as diplomats and government officials from other countries, especially South America, pass through the Canal frequently, the United States official family being small, all act more or less in an ambassadorial capacity. This requires high-grade personnel. The old Spanish code of the days when Spain held sovereignty over the Canal Zone is still in effect, as are some of the laws enacted by Colombia, the Republic of Panama, and the French while they occupied the zone. Then, too, there are the laws of the United States. The judge, the district attorney, and the marshal must be familiar with these laws. With a term of but 4 years, the situation is that by the time the incumbents familiarize themselves with these laws their terms have expired. The district attorney and the marshal come within the purview of the Hatch Act and not under the civil service. There are no votes to be obtained so far as I know down in the Canal Zone, or at least comparatively few.

Mr. Holtzoff, in the office of the Attorney General, appeared in advocacy of the bill and presented views similar to these contained in the Attorney General's report.

Since 1935 when jurisdiction of Panama Canal legislation came to the Committee on Merchant Marine and Fisheries I have tried to familiarize myself with conditions in the Canal Zone. My own opinion is that the marshal and the district attorney are great factors in preserving peace and harmony with a volatile people such as the Panamanians, Colombians, and the Spanish occupants of that area. Mr. Holtzoff says that the marshal and district attorney operate closely with the military in maintaining internal security and that there is splendid cooperation between the civilian officials and the military officials in the Canal Zone.

In an article that appeared in the magazine section of yesterday's Sunday Star General Marshall was quoted as saying that the Panama Canal is and will remain a military objective of the first order. To me it is indeed gratifying that there has not been any act of espionage, and it is a credit to the people in control of the Panama Canal that there has been no molestation with the military activities.

Soon after we acquired jurisdiction of the Panama Canal it was my pleasure to visit the zone. I saw at once the importance of a parallel system of locks and we have gone to the point of authorizing and beginning the construction of a parallel system of locks. They have not been completed because of the priorities situation, but with their completion much of the former danger to the Canal will have been avoided. It is undeniable that men who have demonstrated their ability to maintain peace and order in the Canal are entitled to a longer term than 4 years. Four years is the terms of the district attorney and of the marshal in our own counties, which might be sufficient, but in the Canal Zone the situation is different. These men become familiar with and come in contact with the native residents and contribute materially to the peace of that area and I believe are material factors in the preservation of the peace in the zone.

It has been said, and I believe it is true, that the Canal will be used more largely in the future than it has been in the past. I believe that after Germany has been knocked out of the war a greater recourse will be had to the Panama Canal for the shipment of war materials, troops, and so forth to the Pacific and Southwest Pacific. I hope therefore it may be the will of the House to make these terms 8 years.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. KEEFE. May I ask the gentleman what if any proof there was as to the difficulties the Government experienced in procuring personnel to fill these positions of United States marshal and United States district attorney?

Mr. BLAND. There was no particular proof of that but there was the statement of the Attorney General to that effect. That too was the opinion of Attorney General Cummings. I have looked into some of the old records of several years ago and found that was his opinion. Whether there is difficulty in securing them or not, the necessity of obtaining men who are acquainted with the people and familiar with the conditions is of great importance.

Mr. KEEFE. How long have the present incumbents held their offices?

Mr. BLAND. The present district attorney was nominated on September 25, 1940, and his nomination was confirmed by the Senate on that date. He entered on duty October 1, 1940. The marshall was nominated to be marshall of the district of the Canal Zone January 16, 1936; his nomination was confirmed by the Senate on January 22, 1936. His employment with the Panama Canal terminated on February 7, 1936, by reason of transfer to the Department of Justice in practically the same capacity where he entered on duty on February 8, 1936. He was nominated to be United States marshal for the district on March 20, 1940, and his nomination was confirmed by the Senate on that date. This is the

nearest information I am able to give the gentleman.

Mr. KEEFE. I thank the gentleman.

Mr. BLAND. The situation, as I see it, Mr. Speaker, especially, as long as the war lasts, is that we want to maintain conditions and cordial relations as they are at the present time. I do not know whether these men are applicants or not; I do not know their politics; I do not care what they are; what I want is to see service down there.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHURCH] is recognized for 20 minutes.

Mr. CHURCH. Mr. Speaker, this bill would extend the length of the terms of office of the marshal and the United States district attorney for the Canal Zone from the present 4 years to 8 years. I objected to the bill when it was called on the Consent Calendar and the reason I am now resisting its passage under suspension of the rules is that in my opinion the question we will be called upon to answer today should not be passed upon under suspension of the rules. Understand, we cannot even offer amendments to this bill to apply it to any office or individual. You are asked to establish a precedent today in the territories which will extend the term of office of a marshal and of United States district attorney to 8 years instead of 4.

Mr. Speaker, I am not going to take much time. If the membership of the House wants to establish that precedent it is up to them. I made some extended remarks on this subject on May 2. I do however desire to call attention to the hearings before our committee. Mr. Alexander Holtzoff, special assistant to the Attorney General, appeared before the committee and sustained the views expressed by the Attorney General in his formal report. Mr. Holtzoff said that there were two arguments for the legislation. One was the desirability of having a longer tenure of office of the United States marshal and United States attorney in the territories and insular possessions generally. That is his argument number one. If you pass this bill today you will be called upon sooner or later to extend this principle to all the territories and insular possessions, this principle of increasing the term of office to 8 years for United States marshals and for United States district attorneys.

The gentleman from Virginia [Mr. BLAND], chairman of the Committee on the Merchant Marine and Fisheries, stated a while ago that in 1938 this principle was established so that the judge may get a term of 8 years. That is an entirely different situation. Judgeships often run for longer terms. I did not object to that at the time and I would not object today. Incidentally, Mr. Speaker, may I say that this bill was not referred to the Committee on the Judiciary which committee usually considers these matters. The other bill did go to the Committee on the Judiciary, I understand, but this bill was referred to our committee, the Committee on the Merchant Marine and Fisheries, presided over by the distinguished gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Will the gentleman yield?

Mr. CHURCH. I yield to the gentleman from Virginia.

Mr. BLAND. It is my understanding that the gentleman from Tennessee [Mr. KEFAUVER] author of this bill, took it up with the Committee on the Judiciary, although I am not so sure about that. When the judges' bill was before the Committee on the Judiciary I maintained then that the bill should have been referred to our committee.

Mr. CHURCH. I do not believe that this bill should be considered under suspension of the rules, when you cannot even amend the bill to take out one of these officers. There are now and after the war there will be many men who would be willing to go down to the Canal Zone. The woods are full of men who would be willing to take the office of marshal, and certainly when the boys return there are many who would be willing to occupy the office of marshal.

Let me state the other reason given in the hearings by Mr. Alexander Holtzoff. He stated that another reason was similar to the reason for extending the term of the judge of the Canal Zone. Now, permit me to read something that the Attorney General said. In the report, in his letter to the committee chairman, he stated that his principle should be extended to the Territories, which means that the Attorney General will be making these recommendations, the same Attorney General who went out to Chicago and used the Army, not even the United States marshals, whom he would not trust in the Montgomery Ward affair. In the papers he is quoted as not being willing to trust even the United States marshals. He recommends that this principle be extended to all the Territories. I question his recommendation.

Mr. KEFAUVER. Will the gentleman yield?

Mr. CHURCH. I yield to the gentleman from Tennessee.

Mr. KEFAUVER. I think it is fair to say as sponsor of the bill that Mr. Biddle and the Department of Justice had nothing whatsoever to do with the introduction of it. As I told the gentleman many times, the reason I happened to introduce the bill was that Mr. Hushing, national legislative representative of the American Federation of Labor, who was familiar with the situation in the Panama Canal Zone, and some other gentleman whose name I do not recall, came to see me, thinking at the time that the bill would go to the Committee on the Judiciary. I went over the matter with them and thought they had a worthy cause in view of the strategic and delicate situation existing in the Panama Canal Zone. Therefore, I introduced the bill without consulting anybody in the Department of Justice, and it was not sponsored by the Department of Justice. It has no political sponsorship. I want to make that perfectly clear to the gentleman. I do not know the politics of these gentlemen. I do not know the politics of Mr. Hushing or the other gentleman who came to see me. It was on their request that I introduced it, and not at the request of Mr. Biddle or anybody in the Department of Justice.

Mr. CHURCH. The fact still stands, though, that this bill is recommended by Attorney General Biddle.

Mr. KEFAUVER. It is quite the natural thing when a bill affecting a judge, district attorney, or marshal is filed to send it to the Department. The immediate thing done is to send it to the Department for its comment. If they think it is good legislation they recommend it. If they do not, they recommend against it. But that does not mean they sponsor the bill. I think it is correct to have the opinion of departments on legislation.

Mr. BLAND. I may say that is always done by the committee.

Mr. KEFAUVER. Yes.

Mr. CHURCH. This is really a bill for the Committee on the Judiciary. That is where the other bill went.

Mr. KEFAUVER. I may say when I filed the bill I thought it would go to the Committee on the Judiciary, although immediately afterward I talked the matter over with the Parliamentarian, and, of course, he pointed out how the gentleman's committee has jurisdiction over everything having to do with the Panama Canal Zone, so I think it properly went to the gentleman's committee. All legislation affecting the district attorney and the marshal of the Panama Canal Zone has always gone there.

Mr. CHURCH. Mr. Speaker, there is nothing personal about this matter. I am merely calling the attention of the Members of the House to this principle at the present time. You are starting a precedent of extending the time from 4 to 8 years for the term of office of a United States marshal and district attorney in the Canal Zone. The Attorney General stated:

> I am of the opinion that the term of office of district judge, United States attorneys, and marshals in the Territories and insular possessions should generally be increased. Conditions in that respect prevailing in the continental United States differ from those in the outlying Territories and possessions.

The chairman of our committee has pointed out that Panama Canal Zone conditions are different.

Mr. Speaker, the gentleman now holding the office of district attorney down there has written the gentleman from Tennessee [Mr. KEFAUVER] a letter. I have no quarrel with him. Keep in mind that if he or anyone else occupying the position of district attorney or United States marshal has made a good record, I have no doubt but what they will be reappointed. If the gentleman from Tennessee [Mr. KEFAUVER] does not put that letter in the RECORD, I will be glad to do so if he so suggests. I have it here and will give it to him. This is the present United States district attorney in the Canal Zone speaking, feeling that the remarks I made on the floor when this bill came up on the Consent Calendar might be misconstrued. He states, in part:

> I do not have the slightest objection to what Mr. CHURCH said, but I am disturbed by the implications that may be fairly said

to flow from it. Therefore, I would like to present a few facts to you, and indirectly to Mr. CHURCH, in the hope that they they will be taken into consideration if there is any further debate on the question, not as reasons for supporting the legislation, but merely to keep the record straight insofar as it relates to me personally.

In this letter he also points out, just like the gentleman from Tennessee [Mr. KEFAUVER] did when the matter was up before, that this man is a World War No. 1 veteran. I have no doubt that he has a splendid record. But that is not the point here at all. The point is, if he has made a good record, and I have no doubt but that he has, or if the United States marshal has made a good record, both of these men can be reappointed for 4 years instead of our passing legislation here today that establishes the principle of extending the term of office from 4 to 8 years in the Canal Zone, thereby setting a precedent for similar legislation for all the Territories. That is the thing I am calling attention to before the vote.

Mr. BLAND. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Speaker, this bill was carefully considered by the Committee on the Merchant Marine and Fisheries. It does not add one penny to the cost of Government.

The purpose of the bill is to correct that which the committee considered to be an inequality in the terms of office of the United States district judge, the district attorney, and the marshal for the Panama Canal Zone. By act of March 26, 1938, the term of the district judge was increased to 8 years. This legislation simply makes a uniform term of 8 years for each of the three officers. The history of all Federal civil employees, as well as those holding positions under the judicial branch of our Government in the Panama Canal Zone, is that upon retirement or on expiration of their term of office, without exception, return to the States. A 4-year term is entirely too short for a man to break up his home here and move to Panama.

Under the circumstances there is every reason to believe that it would be to the best interests of this branch of the Federal service to extend the time as provided for in the bill.

I sincerely hope the bill will pass.

Mr. BLAND. Mr. Speaker, I yield such time as he may desire to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Speaker, it seems to me that there is a peculiar situation in the Panama Canal Zone which should justify passing this legislation. I have talked with a number of men who are familiar with the situation down there and who have no personal interest in the parties involved, and they make out a good case for extending the time of the marshal and the district attorney in the Canal Zone.

Mr. Speaker, I ask unanimous consent to include, as part of my remarks, a letter to me from Mr. McGrath, the district attorney, whom the gentleman from Illinois [Mr. CHURCH] referred to a few minutes ago.

Mr. CHURCH. Mr. Speaker, reserving the right to object, is that the letter I just handed the gentleman?

Mr. KEFAUVER. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KEFAUVER. The letter is as follows:

Hon. ESTES KEFAUVER,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: A thoughtful friend of mine, whose relatives live in Evanston, Ill., sent me excerpts from the CONGRESSIONAL RECORD, dated May 2, 1944, containing the remarks made by Hon. RALPH E. CHURCH in connection with H. R. 3646, to amend section 42 of title 7 of the Canal Zone Code (affecting length of term of district attorney and marshal).

I have postponed writing this letter for several days because it has not been my pleasure to be personally acquainted with either you of Mr. CHURCH, and I doubted for a time the propriety of communicating with you. Also I am reluctant to do or say anything which could be construed as a criticism of a Member of Congress for the way he casts his vote. In my opinion that is a privilege reserved to the people of the sovereign State he represents.

I do not have the slightest objection to what Mr. CHURCH said, but I am disturbed by the implications that may be fairly said to flow from it. Therefore, I should like to present a few facts to you and indirectly to Mr. CHURCH, in the hope that they will be taken into consideration if there is any further debate on the question, not as reasons for supporting the legislation but merely to keep the record straight insofar as it relates to me personally.

Persons reading the CONGRESSIONAL RECORD might very well conclude that I have been remiss in my duty to my country. Perhaps that is so, but my intentions have always been good. Inquiry will disclose that I volunteered for the Flying Corps in 1917 in Washington, D. C., at the age of 20, but after a week or two, was declared ineligible for a commission as a pilot or observer. I felt then as Mr. CHURCH must have felt in 1917 when he joined up.

I paid my own expenses to Toronto, Canada, to enlist in the Royal Flying Corps (as it was known at that time), but was rejected for inability to do the "swinging chair" test in the proper fashion. I returned to the United States and enlisted in the Army as a buck private and served until February 1919. Unlike Sergeant York, my military accomplishments were not outstanding, but I did my best.

On December 8, 1941, I arrived in Washington, D. C., from the Canal Zone to learn about Pearl Harbor. I returned to the Canal Zone just as fast as the State Department would let me (December 18, 1941). The Zone at that time was "Public Enemy No. 2," according to those whose opinions were entitled to weight. Hawaii was "Public Enemy No. 1," as you know. We diligently set about digging bomb shelters anticipating an attack. It will always be a mystery to me why one was not attempted. Perhaps Japanese intelligence was not as competent as we thought.

According to my information, and I think you will find it is true, the Canal Zone and Hawaii, after Pearl Harbor, were given first priority on war material. There must have been a reason. Personally I don't think it took a great deal of intestinal fortitude to remain in the Canal Zone, but those who were here at that time are entitled to be marked present.

In 1942 there was no provision for registering for the draft on the Canal Zone, so I went to Washington, D. C., of my own volition a short time before I turned 45 (the maximum age at that time) in order to register. I think they have me classified with the idiots, IV–H, or something like that, because I am suffering from after effects of an attack of sleeping sickness (encephalitis lethargica) which occurred shortly after I was honorably discharged from the Army in 1919. Here again I can only claim good intention.

My physical handicap has not interfered with my work as district attorney, and I should be happy if interested parties were to inquire of those who should know, as to the manner in which this office is being conducted. In that connection I am enclosing a photostatic copy of a letter signed by Maj. Gen. Glen E. Edgerton, former Governor of the Panama Canal.

During my service as district attorney which began in the latter part of 1940, I have traveled several thousand miles in the nose of a Flying Fortress on official business. I have covered considerable territory in Army transport planes carrying freight which had few appointments for the comfort of the passenger. I must confess, however, that I enjoyed it.

I returned from islands in the South Pacific May 20, 1944, aboard a United States Army transport. I was on official business. The vessel carried a gun crew of 23 men and was armed with small cannon fore and aft. It was also armed with antiaircraft guns on the boat deck. Someone must have determined that a certain amount of risk attended taking passage on such a ship. My bunk was a deck or two above 150 tons of TNT—a pretty mess indeed if it exploded. To make the transport more attractive as a submarine target was the fact that she carried 750 soldiers and a great quantity of war material as cargo, including four 155 mm. guns.

This letter, like Topsy, "just grew." It is not to be considered as a bid for support of pending legislation; I am only submitting the facts to negative the implication which may have been created that I have knowingly been derelict in my obligations as a citizen.

Very truly yours,
DANIEL E. MCGRATH,
United States District Attorney.

[Enclosure.]

THE PANAMA CANAL,
GOVERNOR'S OFFICE,
Balboa Heights, C. Z., April 15, 1944.

The Honorable DANIEL E. MCGRATH,
United States District Attorney,
Ancon, C. Z.

DEAR MR. MCGRATH: I am very grateful for your note which has just been received.

It would be impossible for me to express adequately my appreciation of your friendship and the cordial cooperation you have extended to me personally and officially during your term of office, but I am impelled to say that when you see an opportunity for me to show my gratitude tangibly you will confer a favor if you will let me know.

With my thanks for your letter I send also my high regards and all good wishes,

Very sincerely yours,
GLEN E. EDGERTON, *Governor.*

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman from Virginia yield for a question?

Mr. BLAND. With pleasure.

Mr. SUMNERS of Texas. As I understand, all this bill does is to extend the period of service from 4 to 8 years, due to the distance between this country and Panama, and the difficulty in getting adjusted to matters in Panama, being too great for a 4-year term to produce maximum efficiency.

Mr. BLAND. Yes.

Mr. SUMNERS of Texas. That is all there is in the bill; is it not?

Mr. BLAND. Not only the distance from this country, but the familiarity with conditions in the Panama Canal Zone and the people that they have to deal with, as well as other matters.

Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in connection with this bill as far as I am concerned, I think it was introduced when I was away. I knew nothing about it until the gentleman from Tennessee [Mr. KEFAUVER] asked me to take it up, as well as the gentleman from California [Mr. WELCH].

Personally I think it is a good bill. I think it is a good principle. I think where men have served well, even if the present incumbents are to be reappointed, and have established themselves as good servants in protecting the Panama Canal in this time of war, that they ought to be retained.

Mr. CHURCH. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is the same bill that was before the House Committeee on the Judiciary in 1937 or 1938 when an 8-year term was asked for for the judge, the marshal, and the United States district attorney. The office of United States district attorney and marshal were taken out either in this House or in the Senate. At that time the bill was considered by the House Committee on the Judiciary.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. CHURCH. I yield to the gentleman from Virginia.

Mr. BLAND. It is my understanding that at that time the request for the insertion of the District Attorney and the Marshal was not considered by the Committee on the Judiciary.

Mr. CHURCH. We are now considering H. R. 3646. Report No. 1351 accompaning this bill now before us, on page 4 at the middle of the page reads as follows: "I appeared before the subcommittee of the House Judiciary Committee and suggested the amendments to the bill which the committee inserted—the bill, however, became law near the end of the Seventy-fifth Congress (Public No. 499) without the amendments I had suggested being included"—that was a statement made—on page 4 of the report—by Mr. Hushing. The precedent was set then for the Judge. At that time it was thought better not to keep in the bill the extension of the term from 4 to 8 years for United States marshal or United States district attorney, if the bill was to pass including only the judge.

I am against the pending measure on principle. There are no personalities involved whatsoever. Those men serving down there will probably be retained for another 4 years on the splendid record they have made, and may be reappointed again, again, and again. But I am against the principle of extending offices to marshals and United States district attorneys from 4 to 8 years. This is setting a precedent which I believe this House would not do if it were to consider this bill under a rule and not under conditions we are in now where debate is limited.

Mr. BLAND. Mr. Speaker, if I have any time, in reply I wish to say that when the conditions manifest the necessity or the desirability of having an 8-year term, that is the time to act, and that time is now.

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and on a division (demanded by Mr. CHURCH) there were—ayes 77, noes 32.

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

EXTENSION OF REMARKS

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent to include in the remarks I shall make in the Committee of the Whole this afternoon a newspaper article, letters to and from the Secretary of the Navy, and quotations from War and Peace, United States Board of Foreign Policy, 1931–1942, issued by the State Department July 1, 1943.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SADOWSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two instances and to include therein excerpts and resolutions.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXTENDING THE TIME LIMIT FOR IMMUNITY

Mr. CLARK. Mr. Speaker, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 283) to extend the time for immunity. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. COLE of New York. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 76]

Abernethy	Gerlach	Morrison, La.
Anderson, N. Mex.	Gibson	Morrison, N. C.
	Gilchrist	Mruk
Baldwin, Md.	Goodwin	Myers
Barry	Granger	Newsome
Beall	Grant, Ind.	O'Connor
Bell	Green	O'Neal
Bender	Halleck	O'Toole
Boren	Hare	Peterson, Ga.
Brumbaugh	Harris, Va.	Pfeifer
Buckley	Hébert	Philbin
Burchill, N. Y.	Heffernan	Phillips
Burdick	Heidinger	Ploeser
Byrne	Hess	Plumley
Camp	Holifield	Priest
Cannon, Fla.	Jennings	Scanlon
Capozzoli	Kennedy	Scott
Carrier	Keogh	Sheridan
Chapman	Kilday	Simpson, Pa.
Compton	King	Smith, W. Va.
Cox	Kirwan	Snyder
Curley	Kleberg	Starnes, Ala.
Curtis	Klein	Stearns, N. H.
Dewey	Lambertson	Stewart
Dickstein	Landis	Stigler
Dies	Larcade	Talbot
Douglas	Lea	Taylor
Ellis	Lemke	Torrens
Elston, Ohio	Lewis	Treadway
Fay	Lynch	Wadsworth
Fernandez	McCord	Wasielewski
Fogarty	McMillan	Wene
Ford	McMurray	Whelchel, Ga.
Fulbridght	Magnuson	White
Fuller	Martin, Iowa	Wilson
Furlong	May	
Gallagher	Merrow	

The SPEAKER. On this roll call 320 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TO INCREASE THE DEBT LIMIT OF THE UNITED STATES CONFERENCE REPORT

Mr. DOUGHTON, from the Committee on Ways and Means, presented a conference report and statement on the bill (H. R. 4464) to increase the debt limit of the United States, for printing under the rule.

STATE, JUSTICE, AND COMMERCE APPROPRIATION BILL—CONFERENCE REPORT

Mr. RABAUT, from the Committee on Appropriations, submitted a conference report and statement on the bill (H. R. 4204) making appropriations for the Department of State, Justice, and Commerce for the fiscal year ending June 30, 1945, for printing under the rule.

EXTENDING THE TIME LIMIT FOR IMMUNITY

The SPEAKER. The gentleman from North Carolina [Mr. CLARK] is recognized for 1 hour, under the rule.

Mr. CLARK. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. FISH] and yield myself 5 minutes.

The SPEAKER. The gentleman from North Carolina is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, I feel I should say to the House that I am not responsible for this roll call; I did not make the point of no quorum.

The resolution under consideration would make in order the joint resolution introduced by the gentleman from Missouri [Mr. SHORT] extending the time within which any who might be at fault in connection with Pearl Harbor might be tried. I shall not discuss the rule, because it is an open rule in the usual form granting 2 hours for debate, nor shall I undertake to discuss the provisions of the first section of the bill, which undertakes to extend the time of immunity. I do know that in the minds of some people there is doubt as to whether it really accomplishes what it seeks, but what I particularly wish to call to the attention of the House is that section 2 of the bill peremptorily instructs the Secretary of War and the Secretary of the Navy. It reads: "The Secretary of War and the Secretary of the Navy are severally directed to institute court-martial proceedings on all charges against any persons" who may be at fault in connection with the Pearl Harbor disaster. This applies, I believe, to civilian as well as military personnel.

I cannot for a moment feel we have reached a point where it has become necessary for the Congress of the United States to issue a peremptory instruction directing the leaders of our war effort as to what they shall do about any particular thing. I know there is a disposition in this body and elsewhere to try to find fault in some way with the manner in which the war is being prosecuted. Speaking for myself, I have complete confidence in the way the war is being handled from the Chief Executive right on down the line, and to my mind when the Congress undertakes or finds it necessary to instruct the Secretary of War and the Secretary of the Navy as to what they shall do and how they shall conduct their official duties, it is virtually tantamount to a vote of lack of confidence in these men at the head of our military machine at this time of crisis. I have no doubt whatever the reasons may be that our military personnel have good reasons for what they are doing.

Mr. CELLER. Mr. Speaker, will the gentleman yield briefly?

Mr. CLARK. Not at the moment. I will after I complete my statement, if the gentleman wishes.

I have not tried to find out why no courts martial have been instituted. I am satisfied in my own mind that whatever the reasons may be they are good ones and that the adoption of this resolution in place of aiding in the war effort will put us in the ridiculous attitude of almost censuring the heads of our War and Navy Departments. I suppose it is inevitable, but nevertheless it is regrettable, that the unity we once had in this Chamber on war measures has so completely disappeared. I do not particularly like to say this, I wish it were otherwise, but from what I have seen and heard and observed I am bound to feel that there are many on the minority side of this Chamber who will be disappointed if they do not find something badly wrong with the prosecution of the war. I am going to go far enough to say in concluding my remarks that too many people in the United States and here in this Chamber apparently are not taking the war seriously enough.

Mr. Speaker, I reserve the balance of my time.

Mr. KNUTSON. Oh, shame! Shame!

Mr. FISH. Mr. Chairman, I yield myself 10 minutes.

The SPEAKER. The gentleman from New York is recognized for 10 minutes.

Mr. FISH. Mr. Speaker, I have the highest regard for the gentleman from North Carolina, who just addressed the House. I do not believe, however, any speech I have heard recently in the House could create more disunity than the remarks of the gentleman from North Carolina. As he well knows, our armed forces are composed of Republicans and Democrats; our sons are fighting all over the world; they are united and determined to beat the enemy, Germany and Japan, as quickly as possible and to get the war over with. To give the impression that there is any Member of the Congress, or anybody in the minority party who is trying to throw monkey wrenches into the war machinery or to impede our war effort is both unfair and untrue.

Mr. Speaker, it seems to be apparent that there are those Members of the House who take the position that the minority has no right even to criticize or talk about the foreign or domestic policies of the administration. Let me tell you what former President Theodore Roosevelt had to say during the last war on this identical issue:

> To announce that there must be no criticism of the President, or that we are to stand by the President right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people.
>
> Nothing but the truth should be spoken about the President or anyone else, but it is even more important to tell the truth—pleasant or unpleasant—about him than about anyone else.

After all, Mr. Speaker, we are the elected Representatives of the American people, and we are speaking here in their behalf. All this resolution seeks to do is to give the facts to the American people whose sons are doing the fighting and the dying; and they are entitled to have all the facts regarding the greatest naval disaster in the history of America. There has already been too much delay and shadow-boxing by the administration in order to avoid telling the whole truth to the American people and in holding all those responsible for the Pearl Harbor catastrophe strictly accountable.

Mr. Speaker, I am going to read an editorial taken from the World-Telegram, a Scripps-Howard paper in New York. If I should use the same words myself I suppose someone would accuse me of making a political speech or injecting politics into our war effort. This paper is one of the largest in the city of New York and the same editorial was probably circulated widely over the country by the Scripps-Howard syndicate. It is entitled, "Kimmel, Short, Roosevelt, Hull":

> Speaking of offenses by high officers, the House Judiciary Committee has approved legislation to move up to June 7, 1945, the deadline on court-martial trials for Admiral H. E. Kimmel and Lt. Gen. W. C. Short, in command at Hawaii at the time of Pearl Harbor.

Mr. Speaker, my complaint is that the administration should have held this court martial long ago. This editorial goes on to say:

> The administration is plainly resolved to postpone the Pearl Harbor trials until after the election. The Japs have long known exactly what they did to us in that most disgraceful disaster ever yet suffered by American arms. To hold the trials now would tell them nothing they don't already know.
>
> But it is widely believed that the trials would force to light evidence connecting high Washington officials with orders to Kimmel and Short to take the No. 1 alert (readiness for sabotage from within), instead of the No. 3—readiness for anything—which might have turned Pearl Harbor into a victory for us and shortened the Pacific war. These orders might have been urged by Mr. Hull, or sent by Mr. Roosevelt.
>
> If such orders were sent, the administration is determined to keep the American people from knowing who sent them until after the election. Politics, and politics alone, is the cause of this procrastination.

Mr. Speaker, those are not my words. They are from an editorial in one of our largest newspapers, and a more or less nonpartisan paper, and reflect, I believe public sentiment throughout the United States.

Mr. Speaker, in view of the fact that the administration has failed, up to now, to court martial either General Short or Admiral Kimmel, all we are seeking, at the present time, is for the Congress to exert its influence 2½ years after Pearl Harbor to be assured of a speedy trial. I am surprised that there has not been more forceful language used in the Congress long before at the request of the American people and the mothers and fathers of the 3,000 American boys who were killed at Pearl Harbor, in a demand to know exactly what the facts are and who was responsible right up to the very top. It is not surprising that this matter should come before the House at this late date in view of the delay and failure of the administration to act.

Mr. McCORMACK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. May I ask the gentleman a question on the statement that he is surprised at this late date the matter coming up. I am sure the gentleman does not want to let the statement remain that way.

Mr. FISH. I am not blaming the Congress at all. In fact, I think this resolution is more or less a gesture, and I refer to the whole of the resolution. The responsibility rests with the Roosevelt administration and I do not believe any action is going to be taken whether this resolution is passed or not while the present administration is in power. I believe, however, there will be a complete and full investigation and a court martial next year when there will be a new administration in Washington. I do not blame the majority leader; I do

not blame the Congress or any Member of Congress. It is not our responsibility.

Mr. McCORMACK. I am sure the gentleman will agree that so far as this resolution and the previous one are concerned, they were brought up in the House as quickly as they possibly could be?

Mr. FISH. Yes. I made that statement to the gentleman last week when the gentleman stated he would bring it up today. I have no complaint with the action of the majority side or the gentleman himself. He certainly cooperated in bringing up the resolution.

Mr. McCORMACK. May I say also that I have never had anyone from any other branch of government speak to me about this resolution or about the last one which was brought from the Speaker's desk and passed by unanimous consent without being referred to any committee. In fairness I want to make the statement that never once, either directly or indirectly, has anyone in the executive branch of the Government spoken to me about this resolution, neither have they given their views thereon in any respect.

Mr. FISH. I am glad the gentleman makes that statement. No one is accusing him of delay or of holding up this resolution. I repeat again, it is a matter really in the hands of the administration. It has done nothing and that is why this is before the Congress. It is highly regrettable it should be here, and I am sorry it is. But the whole Pearl Harbor responsibility has been hushed up for all this time by the administration, and the American people back home are getting impatient, they want the facts, they are entitled to the facts, and as we are the representatives of the people we ought to use our legislative powers to help the people get the facts.

Mr. BARDEN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from North Carolina.

Mr. BARDEN. Do I understand the gentleman advocates at this time the calling of officers from every battle front in this war for trial, and trying those men in the absence of the prisoners who are now in Japanese hands? How would the gentleman conduct a trial at this time without disrupting our military and naval activities?

Mr. FISH. Of course, the only two men who are subject to court martial at this time are General Short and Admiral Kimmel.

Mr. BARDEN. How does the gentleman know that?

Mr. FISH. There may be others, but that does not change the situation. It would be very easy, as has been done by courts for many, many years, to get affidavits from witnesses in any part of the world, Americans, of course, no matter where they may be, in the Air Force, in the Army, or the Navy, and bring those affidavits into court, which is the customary procedure. I do not believe in stopping the war to hold a court martial, but in my opinion you could get plenty of high-ranking officers who are on the retired list and appoint them as trial judges on a court martial and get ample testimony from any officer who may be thousands of miles away in the war zone.

The SPEAKER. The time of the gentleman has expired.

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, in that way you could get all the testimony before the court martial without waiting until the end of the war.

Mr. BARDEN. The gentleman is not now advocating, then, trying those men without their being confronted by their accusers and witnesses, is he?

Mr. FISH. In certain circumstances, of course. If you delay this court martial much longer you may not have any witnesses, because some of them may have been killed and others will have died natural deaths or from old age. If you continue these delaying tactics indefinitely you may not even have witnesses. If there are some witnesses and some testimony that you cannot get except by affidavit, then I am in favor of getting that testimony by affidavit.

Mr. BARDEN. How does the gentleman arrive at the conclusion that there are only two to be tried? There may be 25.

Mr. FISH. There are only two to begin with. There may be more later on, but that is something we do not know in advance.

Mr. HANCOCK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. HANCOCK. The resolution merely requires that court-martial proceedings be instituted within this period. There is no requirement that it be concluded in any definite period of time. Everybody knows that a trial can be continued from time to time to suit the convenience of the parties and the witnesses. That is exactly what would happen if this thing is instituted. No important commanding officer would have to be taken from his duty to act as a witness. It may be continued until such time as he may be available. Every lawyer knows that, including the gentleman from North Carolina.

Mr. SHORT. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Missouri.

Mr. SHORT. Of course, we should not overlook the fact that we have a great surplus of vice admirals and lieutenant generals around Washington that you can find practically every evening in cocktail lounges and at dinners. I do not think it would seriously interfere with the war effort.

Mr. FISH. The gentleman means we could spare them for a court martial without interfering with the war effort, and I certainly agree with him.

Mr. SHORT. We could spare them for a week or two.

Mr. FISH. And more if needed.

Mr. HOFFMAN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman from New York called attention to the fact that under this resolution the proceeding must be instituted. It is a familiar practice to take testimony by deposition where the parties charged may be represented by counsel. As the gentleman from New York suggests, if you are going to have a choice between trying them now or waiting until all the witnesses are dead or a number of them are dead, you never will get at the truth. There is no objection to taking the testimony where they have counsel to cross-examine and to perpetuate that testimony for any further proceedings.

Mr. FISH. It is rather significant that the Navy has already authorized Admiral Hart to take these depositions and to gather the testimony. He has traveled all over the world and no doubt has the facts at his fingertips at the very present moment.

It is also significant that Admiral Kimmel has demanded a free and open trial, and I am sure, knowing General Short as I do, having served on his staff in the 1940 maneuvers, held in northern New York State that he is the type of man who would like to have a free and open trial immediately.

Let me say one thing in conclusion, in addition to what I stated the other day in discussing this subject and it is a prediction as to what will happen—if and when the administration conducts a court martial. I feel confident this trial will never be held. I do not think it will be, in spite of this resolution or anything that Congress does or says, at least until after election, and then there is some uncertainty of its ever being held until a new administration takes over at Washington.

Mr. SHORT. If it is not held, it will not be the fault of Congress if we pass this resolution.

Mr. FISH. I want to make a prediction. If the administration holds a trial and Admiral J. O. Richardson is called as a witness, the public will find out that he protested placing our warships in Pearl Harbor where they could be picked off like a lot of sitting ducks, as they were on the 7th of December 1941. Admiral Richardson was in command of the Pacific Fleet and was removed from office because he resisted the orders from Washington to take his fleet into Pearl Harbor and was succeeded by Admiral Kimmel. I think the American people will be surprised and shocked if Admiral Richardson ever appears before a court martial and testifies to the whole truth which he will be required to do as a witness. What is the administration trying to cover up? Who is the administration attempting to cover up? And why?

That is the kind of information the American people want and are entitled to have first hand. They want to find out who was responsible, no matter who it may be. Let the chips fall where they may. That is all this resolution seeks to do, to get the facts regarding the disaster at Pearl Harbor and to hold the responsible authorities accountable.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, it seems to me that the gentleman from New York does not wish any trial or court martial, because all this resolution calls for is that we extend the time within which the court martial can be held. I have been as much in favor of immediate court martial as any man in the House or the country, but when my attention was called to what it may involve, and what it would mean, and the amount of trouble that may come of it if held at this time, I came to the conclusion that both the Secretary of War, Mr. Stimson, and the late Secretary of the Navy, Mr. Knox, used splendid judgment in not proceeding immediately.

You all know—and it is not necessary for me to inform you—that it is only officers of a higher rank that can sit in court martial, and that it is not only these two high-ranking officers that are mentioned in this resolution.

Is it proposed, or is it contended, that we should have taken all these high officials from their places of important duties the world over to serve on the court martial, for the prosecution and for the defense, and instituted this court martial then, without realizing that it might have created friction within the Army and the Navy and between the Army and the Navy? I am for court martial. This resolution should pass and no one who is in favor of it should be opposed to striking out section 2, because there may be some people amenable under section 2 that should be tried, but who would escape trial, because of the wording in that section, which reads as follows:

> The Secretary of War and the Secretary of the Navy are severally directed to institute court-martial proceedings on all charges against any person.

There may be a number of people against whom charges have not been filed, and they may not be able to be tried, as no charges have been filed against them.

For that reason the Committee on Rules agreed that section 2 should be eliminated so that there may be no question raised whether those outside of these two great men, so-called great, should be included and subjected to court martial. In view of that fact I do not see what there is to it but to extend this resolution and not limit it, not restrict it, but let it be in full force so that anyone and everyone who might be guilty of any charge of neglect of duty can be brought to trial and be proceeded against.

In view of that fact I feel the rule should be adopted and the resolution should be passed with the elimination of section 2 which actually weakens the resolution. I know it was not done intentionally but that was the opinion of the Committee on Rules when the rule was granted upon this resolution.

As to the criticism of the gentleman from North Carolina let me say this: There is no more honorable, loyal, and patriotic Member in the House than the gentleman from North Carolina. It comes with poor grace on the part of the gentleman from New York to make any insinuation against him. He has demonstrated his patriotism and love for this country many times, and I know he can be relied upon in the future as he has been in the past to the fair, just, and impartial in opposing or supporting legislation before the House.

Mr. FISH. Mr. Speaker, I have no more requests for time, but I want to make it very clear to the House—and it is hardly necessary in view of the previous argument—that I have the highest personal regard for the gentleman from North Carolina. I believe he is a fine American citizen.

Mr. CLARK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 283) to extend the time for immunity.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 283, with Mr. BARDEN in the chair.

The Clerk read the title of the joint resolution.

The first reading of the joint resolution was dispensed with.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Chairman, as I see it, there is not much difference of opinion among the Members as to the main purpose of this resolution, the extension of the statute of limitations. Whether or not the statute of limitations has expired is a matter for the courts if that legal question is properly raised later on. All we as Members of the House can do, and what we all want to do, is to see that the statute of limitations is extended so that at the proper time court-martial proceedings can be instituted against those whom the evidence shows such proceedings should be instituted against.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. CELLER. If the gentleman was told that as a matter of law he could not extend the statute of limitations under the circumstances prevailing, would he still be for this bill? Would he not therefore, if he voted for such a bill, be doing something which is a nullity and a farce?

Mr. McCORMACK. If the gentleman feels that way, he follows his own conscience. But I think we are doing the proper thing in extending the existing law. In doing that, that is everything the Congress can do in order to try to see that an adequate law is in existence upon the basis of which court-martial proceedings can be instituted.

My purpose is to try to suggest to the House something in the hope that there will be no acrimonious debate, that whatever debate there is will be upon the merits of the issues involved. I am in favor of an extension; let us have no misunderstanding about that. I think a great majority of the Members on both sides, except those who in their own conscience think there is a legal question involved, are in favor of the extension. Therefore, we have nothing in dispute on that.

Frankly, I think that a 3 months' extension is unwise, no matter on what side of the aisle we sit. I am talking individually now. No one has ever spoken to me about this. I have conferred with my friend from Missouri on several occasions as an individual Member of the House, not as a leader but as an individual Member of the House, and I am speaking now in that capacity, expressing my own views. I think a 3 months' extension is unwise, and I will be frank and tell you why.

Our country is in the middle of a great war. We are all human beings, and so are all Americans, and we are subject to human emotions and reactions. Between now and next November we are going to have a political campaign. There is going to be a lot of emotions in connection with that. Under peacetime conditions it is one thing but under war conditions certainly it is for the best interests of all of us as Americans to try to minimize as much as we can during war any emotional reactions that may tend to confuse or divide our people.

I am perfectly frank in stating that, not as a Democrat but as an American. It is my own personal view. Some Members may differ, and I respect their right to differ, but it is my viewpoint as an American that it would be for the best interests of our country to extend the existing law. That is my personal view. I think when we pass this resolution we are extending the statute of limitations. I understand a waiver was obtained. That enters into it. There are many questions that enter into these proceedings, outside of the last resolution, the present resolution, and the existing law which these resolutions undertake to extend. That is the reason why I think it should go beyond the election. As to whether it should be a year or not, I will not argue. Someone said 6 months. I will not argue with you on that. But I think from a practical angle, looking at it as Americans, realizing the emotions that are going to exist, that whatever extension of the statute of limitations is made should be beyond a period when the people of the country will be undergoing emotional reactions in connection with the Presidential campaign.

Over and above this, in war, I also feel that our military and naval leaders should have proper discretion in determining when the court martials should start.

They have many considerations to pass upon in determining this question, military plans, assignment of officers to duties in connection with the conduct of the war; taking our military and naval leaders from important war duties to be present at a court martial when they were badly needed to lead our men to victory.

I hope no one will misunderstand my state of mind. It is my honest viewpoint that we should try to get away from emotional situations and have as few of them exist between now and next November as we possibly can. The last resolution was for 6 months. This resolution as reported out by the committee is for 1 year, although it was introduced for 3 months.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 additional minutes to the gentleman from Massachusetts.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Minnesota.

Mr. KNUTSON. As I understand, the slogan of the majority party in this campaign will be "Stand by the Commander in Chief."

Mr. McCORMACK. I was hopeful the gentleman from Minnesota would not inject such an observation into my remarks.

Mr. KNUTSON. I think we should bring this whole thing out in the open before election, in order that the American people may determine for themselves whether or not he has the capacity to carry on this war in the way it should be carried on.

Mr. McCORMACK. I am sorry the gentleman broke into my remarks to make that observation. He is a very dear friend of mine.

Mr. KNUTSON. The gentleman's remarks suggested what I said.

Mr. McCORMACK. I do not believe anything I said would suggest it to any other Member, hardly, than my friend from Minnesota.

I am inclined to think that section 2 is a limitation upon whatever time extension we agree upon. I am inclined to think that my friend from Missouri in the use of the language he has in section 2 is going to permit this resolution and the existing law to be used in favor of persons who may be guilty, rather than against them.

The gentleman from Illinois [Mr. SABATH] made a very pertinent observation, and to be frank, I had not noticed this until he did. Let me call it to your attention. Let me read section 2:

> The Secretary of War and the Secretary of the Navy are severally directed to institute—

I will agree on the word "institute" as stated by the gentleman from New York [Mr. HANCOCK]—

> to institute court-martial proceedings on all charges against any person—

That means that charges must be pending before either the 3 months or the 6 months or the year expires. It may be that within that period charges may not be pending against persons whom charges should be preferred against, yet under the language of section 2 we may be precluded from instituting court-martial proceedings against any persons unless charges have existed against such persons before the expiration of the extension period that might be provided in any resolution on which the Congress agrees.

For that reason I suggest that the language in the Senate resolution would be better for our own protection, and I suggest that care be used in the passage of a resolution containing the language of section 2.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I call the attention of the gentleman to the language in section 2, which provides for the institution of court-martial proceedings on all charges against any person. The first section of the resolution provides for the prosecution of any person, military or civil. Does the gentleman think we have any authority to direct the institution of court-martial proceedings against a civilian?

Mr. McCORMACK. I am unable to answer now that question, to be perfectly frank. I am not particularly conversant with the existing law in relation to the court-martial proceedings against civilians. I assume the gentleman will speak on the resolution later and he can address himself to that point.

My main purpose was to call the attention of the House to the fact that there is no opposition that I know of, certainly not on my side, of any organized nature, to an extension, and then to submit my own personal view, that I think the extension should be longer than 3 months, also that I think the language used in section 2 will be helpful to persons against whom charges might be preferred rather than harmful to them, as we intend. I suggest extreme caution in passing any resolution with the language contained in section 2 of the Short resolution.

I hope that whatever debate we have on this matter will be on the issues and that personalities will be eliminated. I know that the present Secretary of War is a great American, but he is not a Democrat, but I do not let that enter my mind. I do not know what the politics of General Marshall are, and I do not know what the politics of Admiral King are, and I do not care. The late Secretary of the Navy Knox, a great American, was a Republican. This is a matter we should consider not from the party angle but from the American angle, from the angle of what action on our part will enable our Government to start court-martial proceedings at the proper time, and of what action is for the best interests of our country at this time.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. HANCOCK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I hope, with the majority leader, that this discussion will not become partisan. Certainly there is nothing partisan about amendment 6 of the Constitution, which guarantees to any man accused of crime the right to a speedy and public trial. Two and a half years have elapsed since Pearl Harbor, which is the blackest page in the history of America. The Roberts Commission has found that certain high-ranking officers of the Army and Navy were guilty of dereliction of duty on that day and prior thereto, which resulted in the loss of 3,000 precious lives, most of our Pacific Fleet, and the control of the Pacific Ocean and the islands thereof. Now, if we do not give the men under suspicion a complete public hearing and an open trial, certain admirals and generals are going to stand condemned in the public mind forever. Their names will go down in history in disgrace unless they are cleared. It may be that Admiral Kimmel was guilty of criminal negligence or gross incompetence or that General Short was guilty, or that both of them were; or that neither of them was; or that someone in a higher place or lower place were the culprits. The men who now stand accused in the court of public opinion are entitled to have their names cleared if they are innocent, for their own sakes and the sake of their families for generations to come. The public is entitled to know who is responsible for the worst catastrophe that America ever suffered. Some Members have raised technical questions of law in connection with this resolution. I think there is some doubt about the legal effect of it if it is passed, but I take the position that that is a question for the courts to decide. It is debatable. By passing this resolution we will at least notify the country and those in authority that it is the will of Congress that the guilty shall not escape by the mere lapse of time or by failure on the part of Congress to act.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HANCOCK. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I appreciate more than I can say the mild manner and the fair-mindedness of the majority leader who has just spoken. His sweet reasonableness was almost convincing to me. Certainly we should not allow personalities to enter into this discussion. I admire his candidness and his utter frankness.

There is very little that I can add to what I have said on previous occasions concerning this resolution. As you all know, last December, I introduced a resolution extending the statute of limitations for the court-martialing, not only of Admiral Kimmel and General Short, the only two who have waived or attempted to waive the statute of limitations, but of any and all military, naval, or even civilian persons who were derelict in the performance of their duty and in any manner connected with the Pearl Harbor disaster.

That resolution provided that those persons found guilty should be court-martialed or face trial within 1 year after the close of the war with Japan and peace with that country had been declared. It passed the House by unanimous consent and the majority leader was very cooperative and helpful in getting the resolution passed at that time. We sent it over to the Senate on December 7 last, the day after we had passed it in the House, and the senior

Senator from Missouri rather violently objected to the fact that it was postponed for a year following hostilities, and said that it was shameful and disgraceful that these culprits or anyone who might be found guilty did not have an immediate court martial. It was his feeling that the resolution was designed to cover up, or to stall, or to protect someone which, of course, we all know is entirely wrong, because my feelings in the matter were identical with those of the Senator from my State and I, too, feel that it is shameful and disgraceful that the worst military catastrophe that has ever happened to this Nation should go uninvestigated and be postponed and that interminable delay has caused many people to even forget the affair.

So I had to speak to both the majority and minority leaders in the Senate and ask my junior Senator from Missouri to go to the senior Senator from Missouri in order that we could get some kind of resolution passed that would prevent the lapse of the statute of limitations and which would make certain that anyone guilty of dereliction in the performance of his duty in connection with this disaster would eventually be brought to trial. The Senate modified the resolution as passed by the House and extended the time for 6 months, from December last until June 7 of this year, which is the day after tomorrow.

Realizing that the War Department and Navy Department had not instituted court-martial proceedings, and knowing that able lawyers differ in their opinions and entertain serious doubts as to whether or not a person can waive the statute of limitations, and with the further knowledge that the waiver was by only the two men mentioned and was not made by any others who might possibly be found guilty, I introduced the present resolution about 3 weeks ago in the House, which provides that the statute of limitations be extended for a period of 3 months and that the War Department and the Navy Department be directed by the Congress of the United States to institute court-martial proceedings within that period of time.

The Congress, the legislative branch, could direct the War Department and the Navy Department or the executive branch to bring about a court martial or to have them do anything else, because although the responsibility of the Secretary of War and the Secretary of the Navy is, of course, to the Commander in Chief, if you will consult the Constitution, article VIII, you will find that the Congress does have power to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces, and also to provide for organizing the Army and disciplining the militia. Therefore, I think, under the Constitution, in the absence of anything else in the Constitution to prevent it, the Congress, which has these broad expansive powers, does have the power to direct the Secretary of War and the Secretary of the Navy, in the event of their failure to carry out a court martial within the time of the statute of limitations.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SHORT. Yes.

Mr. DINGELL. The gentleman recalls that on December 8, 1941, mine was the first voice raised with regard to this catastrophe at Pearl Harbor. At that time I demanded that not only Kimmel and Short, but Generals Martin, Brett, and Arnold likewise be brought into the picture. I felt that they were derelict then, and I still feel that they were derelict; and not merely those two men. Does the gentleman's resolution cover that? Is it broad enough to bring before a court martial Generals Martin, Brett, and Arnold?

Mr. SHORT. Oh, yes; indeed it does. It is broad enough to bring before a court martial or before a court any and all persons, military or civil, who shall be found guilty of dereliction in the performance of their duties.

Mr. DINGELL. May I say to the gentleman that I want to be sure that all those who contributed to our losses at Pearl Harbor are included.

Mr. SHORT. That is right. It includes not only military and naval personnel, but it might possibly include some down in the War and Navy and State Departments. I want it thoroughly understood, and those of you who have known me for any length of time, I think will agree, there is nothing sadistic in my nature. I do not want anyone shot or thrown into jail. I am not out to embarrass anyone. All I want is to see that the whole story and the whole truth is told to the people, because they are paying for this war and their sons and daughters are doing the fighting and dying, and they demand the whole story and the whole truth. That is what they want.

I might say that since introducing this resolution I have received hundreds of letters and only two are opposing the passage of the resolution as I introduced it, and I have many editorials from southern newspapers too, like the Knoxville (Tenn.) Sentinel, and the Richmond (Va.) News Leader, that are saying there is no excuse whatever for further postponing this court martial. I realize, as we all do now, that it would have been highly improper and almost disastrous, immediately following Pearl Harbor if we had held courts martial. It is easy to see that we might have revealed some information at that time that would have aided and abetted or comforted the enemy. But now that 2½ years have elapsed and the Congress already has taken a stand of extending this statute of limitations for 6 months, Members of Congress in their own self-defense have to further extend this.

I am receiving letters condemning us severely for postponing this trial another year. Here are two men who are charged—they must be charged—with a serious crime; they have been removed from their commands, yet they are drawing $6,000 a year retirement pay. If these men are innocent, they should be exonerated and the stigma removed and their wives and their children should not be compelled to live under this cloud of suspicion and blame. I am for giving them what they want—a speedy open, public trial. They are entitled to it. Who wants to cover up what? Honest men have nothing to conceal. I am for giving them their day in court, which they are entitled to and guaranteed under the Constitution of the United States.

If, on the other hand, they be found derelict in the performance of their duty and found guilty, then I say they should not only be dishonorably discharged and return the $6,000 a year they have been drawing but they should receive the punishment that is commensurate with the awful tragedy that happened.

In order to keep the record straight, I want to say that I have the highest admiration as a member of the Committee on Military Affairs for our generals and admirals, but I know they are human beings. The more I see them and talk to them and quiz them, the more I realize it. When you put four stars on a man's shoulder, he does not become a god; he is just a human being. When you dress a man up in gold braid, that does not make him infallible; he is still subject to mistakes. I am not going to be an idolator. I do not believe the American people demand of Members of Congress—their own legally chosen representatives—that they should be so subservient and servile as to blindly follow everything that the admirals and generals say. They should not act as judge and prosecutor in their own cases. They are the ones charged with the crime or with the error and they should be made to face the responsibility and shoulder the burdens of their mistakes. That is all we are pleading for here—an open, fair, public trial. That is what Admiral Kimmel wants. I never met Admiral Kimmel in my life, did not even correspond with him on this, although I know his position. I have never seen General Short. As far as I know, he is no relation of mine, but if he were that would not make a bit of difference.

This is not a matter of two individuals, it is a matter of great national importance; one of the supreme tragedies that has ever occurred to our country. Not only the 3,000 men killed at Pearl Harbor and the hundreds of millions of dollars blown up in equipment, but that disaster prolonged the war in the Pacific. It caused the fall of Bataan, it cost the lives of thousands in fox holes in the Philippines, it accounted for thousands of soldiers and one lieutenant general, General Wainwright, being prisoners in Jap camps; it almost caused the fall of Australia. Do you want to ignore the thing completely? If you do, that is your privilege and your responsibility. You cannot hoodwink this, you cannot sidetrack it, you cannot put it off. Read just a few of the letters I have received, and I am shocked to receive some of them, because some of them vomit venom and spew forth such vitriol that I could not believe it could come from the lips or the hearts of Americans, even in time of war.

You are going to have to answer to your people and I to mine; but I am going to make it clear and certain that this Member of Congress is not going to

enter into any conspiracy—and I do not think there is any, though many people think there is—to cover up or protect anyone. They think we are stalling. I am not going to be charged with being responsible for postponing indefinitely this court-martial. Justice delayed is justice denied. Delay invites delay; and delay piled upon delay long enough, just as in the case of delay or postponement in any criminal trial, makes the public grow cold and callous, and the culprit will go free.

We postponed this thing for 6 months and got nothing done. If we postpone it another 6 months or year, there will still be nothing done. Pearl Harbor is 2½ years back of us. We could not have had a court martial immediately following this disaster, but I for the life of me at this time cannot conceive any reason why the court martial should not be had and the whole story told, to relieve not only the men charged but to wipe out once and forever the suspicion—and it is more than a suspicion—that is entrenched in the minds of many of our people that there is something "rotten in Denmark." Let us pass this, bring the men to trial; regardless of where the chips fall, "hew to the line." Try all parties in the Army, in the Navy, in civilian life, or connected in any way with it. I do not see how anyone can reasonably object to that.

When the first section of this resolution is read I am going to propose to strike out the committee amendment and restore the 3 months' period that was in the resolution when I introduced it and it was referred to the Committee on the Judiciary. The Committee on the Judiciary reported it out with an amendment striking out the "3 months," in line 3, page 2, and inserting "1 year." I want the resolution to pass in its original form, extend the period for 3 months, during which time the Secretary of War and the Secretary of the Navy must institute—not try, but institute—court-martial proceedings. If you institute the proceedings, that in itself will automatically continue the statute of limitations and we will not be called back here every 3 months or 6 months to hash this thing over and over. The American people are tired of it. They do not want to be hoodwinked any longer, they do not want any more delay; they simply want the full story, and the whole story, and nothing but the truth; and that should not hurt anybody except those who are guilty and deserve their just punishment.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. JENKINS. If the gentleman's amendment should prevail what would be the necessity of section 2?

Mr. SHORT. Section 2 directs that the Secretary of War and the Secretary of the Navy must institute court-martial proceedings within that 3 months' period. If we pass it as it was reported out by the committee they would have 1 year within which they could institute the proceedings.

Mr. JENKINS. Does not the gentleman believe that if we do reinsert the amendment they surely will follow instructions and do this immediately? What is the reason for section 2 if the 3-month provision is reinserted?

Mr. SHORT. Section 2 simply recognizes that the Army and the Navy, the Secretary of War, and the Secretary of the Navy have not taken any action in 2½ years' time. It is the first time in the history of this Republic or any nation on the face of God's earth where in a catastrophe comparable in magnitude to Pearl Harbor a court martial has not been had or the statute of limitations has been allowed to lapse and the trial indefinitely postponed.

Mr. JENKINS. That is what I was coming to.

Mr. SHORT. If some buck private who had perhaps marched 20 miles, who had had no sleep for 2 or 3 days, charged with the duty of watching a bridge had fallen asleep for even 5 minutes and some hard-boiled captain had come along and caught him sleeping at the switch, that poor devil would have been brought to trial and court-martialed within 48 hours; and everybody knows it.

Mr. JENKINS. That is what I had in mind.

Mr. SHORT. If you do not believe the men in the service are wrought up about this thing then you have got another "think" coming, brother; you have not talked to any of them.

Mr. JENKINS. Let me proceed a little further; here is what I wanted to bring out: Our distinguished majority leader indicated that we were going too strong in section 2. What I want to bring out and I think what the gentleman has in mind is that if we adopt his amendment they will have to do something immediately.

Mr. SHORT. Certainly; and that is what we want. They have had 2½ years. We do not want it postponed indefinitely.

Mr. JENKINS. That is what I wanted to bring out.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield to me in view of the reference to my statement?

Mr. SHORT. I yield.

Mr. McCORMACK. The gentleman from Ohio says I said section 2 was going too strong. The gentleman evidently misunderstood me. What I said was that in my opinion the language of section 2 is a limitation.

Mr. SHORT. That is right; that is the way I understood the gentleman.

Mr. McCORMACK. A limitation on section 1 for it says that during this period they will institute court martial proceedings on all charges against any person. There may however be persons against whom charges should be preferred and proceedings instituted who could not be reached because the charges at the date of the passage of this resolution had not been formally made.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 additional minutes to the gentleman from Missouri.

Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from New York.

Mr. HANCOCK. I merely want to remind the gentleman that a number of officers of high degree have already been court-martialed and convicted. Is there any good reason why the line should be drawn between general officers and those below the general rank?

Mr. SHORT. I can see no reason for it. We all read in the paper last week where a lieutenant by the name of Swancutt out in California had murdered three or four people. That was in March. He was brought to court martial the other day and sentenced to be hanged. He killed four individuals, but thousands of American boys were slaughtered at Pearl Harbor and hundreds of millions of dollars in equipment went to the bottom of the sea, yet nothing has been done up to this sad hour.

Mr. CELLER. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from New York.

Mr. CELLER. There has been a Roberts report?

Mr. SHORT. Yes.

Mr. CELLER. The gentleman says nothing has been done.

Mr. SHORT. There have been two Roberts reports, one for public consumption and the other that is down in The Archives which you and I have never seen and which personally, as the Representative of 320,000 people, I would like to see. I would like very much to see it.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The Roberts report says that that great disaster was caused by the negligence of those in charge at Pearl Harbor, does it not?

Mr. SHORT. Yes; that is what it says. May I say to you gentlemen that I have received letters from practically every State in the Union about that. Some folks may forget Pearl Harbor, but if you think the fathers and mothers, the uncles and aunts, and even interested citizens who know anything about that—naturally I have received more letters from California than any other State, but I have received them from New York, New Jersey, Texas, Minnesota, I do not care where you go—have forgotten Pearl Harbor, you are mistaken. They have not forgotten Pearl Harbor and they wish to know about it.

I suppose I will have to wait until we get back into the House, but I would like to have unanimous consent to revise and extend my remarks and to include certain excerpts.

The CHAIRMAN. The gentleman will have to secure that permission in the House.

Mr. BRADLEY of Michigan. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Michigan.

Mr. BRADLEY of Michigan. Reference has just been made to the Roberts report. Is it not true that Admiral Kimmel has already in effect repudiated the truthfulness of the Roberts report?

Mr. SHORT. Yes. And he asked to testify there and was denied the privilege of testifying by the Roberts Commission.

I want to ask the Members of the House: Is it not strange that two gen-

erals and two admirals, headed by a civilian, a Justice of the Supreme Court, are sent out there? Instead of having a court martial, we just had a Commission to investigate, and then they come back and they tell us only a part of the story.

Mr. MAAS. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Minnesota.

Mr. MAAS. Does the gentleman know that a number of us on the Naval Affairs Committee asked for the original testimony of the Roberts hearings, and it was denied us? They would not even let us see the testimony to see if the conclusions were in conformity with the facts, and we know they were not.

Mr. SHORT. I know that to be the fact. But, Mr. Chairman, let us not hold the court martial here. We cannot try General Short and Admiral Kimmel in this House. Unless the War Department and the Navy Department follow the Articles of War and the articles governing the Navy that calls for court martial within 2 years time after the commission of the offense, unless they act, then the Congress of the United States should act and we will have a congressional investigation which will be composed of members of the House Naval and Military Affairs Committee. We can do that as the last resort.

Mr. GRAHAM. Will the gentleman yield?

Mr. SHORT. I am happy to yield to the very able lawyer from Pennsylvania.

Mr. GRAHAM. The gentleman, of course, realizes that under amendment 6 of the Constitution in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. The gentleman also realizes that that trial has been denied at the request of these men; therefore, it is the imperative duty of this Congress to see that they secure a speedy and impartial trial as their constitutional right.

Mr. SHORT. The American people are demanding it in no uncertain terms, and unless their wishes are carried out I fear for the scalps of some.

Mr. CELLER. Will the gentleman yield?

Mr. SHORT. I yield to the gentleman from New York.

Mr. CELLER. The article just read refers to civil trials. If he will look at the fifth amendment, he will see something that applies to criminal matters and where a different situation and rules prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, we all have an abiding affection for the gentleman from Missouri who just addressed the House, but that does not preclude our differing with him.

He drew attention to article I, section 8, of the Constitution which provides that the Congress shall make rules for the government and regulation of the land and naval forces, but he failed to draw attention to article I, section 9, which provides that the Congress shall not pass a bill of attainder or any ex post facto law. In other words, the Congresss has the right to legislate articles of war and articles of the Navy for the government and regulation of land and naval forces, but the Congress cannot change the rules in the midst of a game. The Congress cannot pass any ex post facto legislation and this bill is ex post facto.

A bill is ex post facto if it alters the primary rights of the accused after the commission of the acts for which the accused is to be held accountable and for which he is to be tried. The statute of limitations is a primary right of the accused. He may or may not plead it. It is a right, however, which cannot be abridged or denied him.

The acts for which Admiral Kimmel and General Short are to be tried by court martial occurred on December 7, 1941, or prior thereto. We have adopted articles of war which specifically provide a statute of limitations of 2 years. Therefore, after 2 years, to wit, on December 7, 1943, the statute ran against the Government or against the Secretary of War or the Secretary of the Navy and precluded them from trying these two particular officers.

What did we do? Thirteen days after December 7, 1943, to wit on December 20, a bill was made effective extending or attempting to extend that statute of limitations contained in the Articles of War. What we did was not worth a tinker's dam. The limitations statute had already run its course. We could not extend it 13 days after it had run its course.

What we then did was also ex post facto. If that act that we previously passed was a nullity, was nothing, then without stultifying ourselves and making ourselves look foolish before the Nation we cannot superimpose another statute which is of no effect whatsoever on the previous statute which was of no effect whatsoever. Nothing plus nothing equals nothing.

The statute of limitations had expired. Thereafter as it were, the Congress tries to revive it—like trying to revive a dead body. You cannot pour new life into a body, officially and actually dead for 13 days. Our action, then, our action now is as valueless as pouring water through a sieve. We imagine ourselves doing something firm and effective but we merely wield a paper sword.

Mr. HANCOCK. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. HANCOCK. Did the gentleman oppose the first resolution extending the statute of limitations?

Mr. CELLER. Unfortunately I may have been derelict in my duty, but I was not in the Chamber at the time.

Mr. HANCOCK. This resolution is fully as valid as that one, is it not?

Mr. CELLER. I would say just as invalid. Two wrongs do not make a right. If I was wrong and the gentleman was wrong in voting favorably on that prior resolution, that is no reason for us repeating the error or repeating the mistake.

Mr. HANCOCK. Of course, the gentleman filed a minority report in opposition to this resolution. He did not do that 6 months ago, did he?

Mr. CELLER. I can only repeat what I said a moment ago in answer to the gentleman's inquiry.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Has the gentleman any decision or pronouncement which would show that an accused has a vested right in a statute of limitations, a right which is invaded when it is extended before it lapses?

Mr. CELLER. The answer is "yes." It makes no difference whether the attempt to prolong the life of the statute of limitations occurs after or before or at the time it lapses. It cannot—that is, the statute cannot—be changed after the commission of the crime or after the misconduct charged. In this case the statute had lapsed. It could not be prolonged or set running anew. You cannot, before the accused is tried, tinker in any way with the statute of limitations. Certainly you cannot extend it unilaterally—give it new life—once it expired.

But beyond all this, the argument is somewhat idle because the armed forces have the right to try these two distinguishing gentlemen due to the fact that they of their own accord signed a waiver, waiving the original statute of limitations. General Short signed this waiver on September 20, 1943, and it reads as follows:

> I, Walter C. Short, major general, United States Army, retired, hereby agree on my honor as an officer and a gentleman that I will not plead, nor permit any attorney or other person on my behalf to plead, the statute of limitations in bar of my trial by general court martial in open court for any alleged offenses with which I may be charged relating to the period on or before December 7, 1941, should my trial be held during the present war or within 6 months thereafter.
>
> I take this action voluntarily, believing it to be in the public interest.
>
> WALTER C. SHORT,
> *Major General, United States Army, Retired.*

Admiral Kimmel did likewise and signed a similar waiver. That should be sufficient. Thus the Government can try these men at any time between now and 6 months after the war's end. We should leave it that way. We should leave the time of trial to the armed commands in their discretion, during such time limitation contained in these personal waivers.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Michigan.

Mr. DINGELL. What about others who may be involved? Has the expiration of the statute of limitations nullified any possible action against them?

Mr. CELLER. I must truthfully state I am of the opinion that the statute may have run, and it may be that they cannot be tried. But these men, Kimmel and Short, because of the signing of the waiver, waiving the statute of limitations, may be court-martialed at any time up to 6 months after the end of the war.

Mr. DINGELL. More specifically, assuming that neglect of duty contributed to the catastrophe, could they now be brought to trial?

Mr. CELLER. I have serious doubts about that, except as to Admiral Kimmel and General Short.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Minnesota.

Mr. O'HARA. The statute of limitations, both as to the charges against General Short and Admiral Kimmel, was limited to the time of the arraignment. Does the gentleman know why the charges were not filed and these men arraigned, regardless of what the time of the trial was set.

Mr. CELLER. I do not think that the perilous times involved during the war should make a suitable setting for any trial of this character. We should not at this critical juncture in our affairs deal in any Pearl Harbor fiasco. There is danger. There is danger of impairment of national security.

A while ago I said that there was a Commission authorized by the President to delve into the circumstances attendant upon the dastard Pearl Harbor attack. Justice Owen J. Roberts and his colleagues made a report which was painstaking. It was fair and unbiased. It was erudite. I have it right here before me. I have read it most carefully. It involved 127 witnesses, 1,887 pages of testimony, and a review of 3,000 pages of documents. For the time being, until the war is ended, that Commission's report should satisfy the Nation and the Members of this body. It is not complete, yet it is comprehensive. It is a dignified common-sense report.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. CELLER. The report recognizes that the exigencies of the war preclude any embarrassing inquiry until the war's end. It went as far as it could and should go. It said, for example, on page 1, as follows:

> The evidence touches subjects which in the national interest should remain secret.

Any public court martial now, I say would indeed be a sort of grist to Goebbel's mill and would give aid and comfort to Emperor Hirohito.

We are going through an unusual test. It is without precedent. We are fighting a global war on scores of fronts, and in addition we are going through a Presidential campaign. No other country in the world permits itself to be so cut and divided by such a double-edged sword. The country's experience during Lincoln's second campaign and election period is Lilliputian in comparison with what would happen if you would permit this trial to occur during this war. A Short-Kimmel court martial would intensify the passions and furies rampant in the political arena. England has a political truce agreed upon by all parties. We are for political warfare unabated. Some abettors of the pending bill would add prussic acid, I would say, to the daily political fare. Some would seek political advantage through this measure. They would use the court martial as a petard by which to climb to power. They would use the court martial as a bludgeon to strafe Roosevelt and the Secretaries of War and of the Navy.

Certain publications and bitterly partisan commentators, like Arthur Krock, of the New York Times, and George E. Sokolsky, of the New York Sun, are already pulling all stops of their organ of hate. Their evil effusions concerning this attempted court martial would undermine the confidence in the over-all commands of our armed forces. With them and others it seems that anything goes.

We cannot and should not dispute the judgment of the high commands of the Army and the Navy. Admiral King said it would be dangerous to take the men from the battle fronts. We also have the word of the Secretary of War and the late Secretary of the Navy, Mr. Knox. It is the word of Admiral King that says, "Let us not take these men away from their important duties and bring them here or anywhere else as witnesses in this court martial."

Mr. RAMEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. RAMEY. The gentleman from New York stated that we were in a global war and mentioned the campaign. His floor leader said that that should not be done. The gentleman said we were divided by a double-edged sword. Would not the greatest double-edged sword be the betrayal of the veteran and the father and mother of the veteran, if all the facts would not be known before they have a chance to decide in November? Would not that almost be treason to not let the facts come up? This talk of a double-edged sword is just subtle concealing.

Mr. CELLER. I would not say there was any subtle concealing. Nobody wants to conceal, but this is no time to bring out issues of this character. I know and you know that there are many who would make political capital of all of the facts and factors that would be elucidated by virtue of this court martial. The conduct of the war would be impeded. Be it remembered also, there would eventuate a battle royal as between the Army and Navy as to which branch were responsible. Each would seek to exculpate itself. It might develop into a sorry affair. Let us have it over with as soon as possible, but not until the war's end—when it is safe.

Mr. RAMEY. That is not the answer. It is the betrayal of every mother and father of the veteran that is concealed; that is the point.

Mr. CELLER. I do not agree with the gentleman. I say that with all due respect.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I desire, in this brief time, to call the attention of the House to one matter with respect to the sixth amendment of the Constitution, which was under discussion just a little while ago, and in which one of my distinguished friends, stated that the sixth amendment applied only to civil matters. It is my purpose to clarify that question during my remarks.

For the benefit of the Members I want to read just the opening sentence of the sixth amendment so you may determine for yourselves whether that amendment refers to criminal cases, or to civil cases. This is amendment No. 6. I am reading from the House Rules and Manual, page 79. This is the opening sentence:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.

That is the opening language of the sixth amendment.

With respect to this matter, which is now pending, under this resolution the subject came before the Judiciary Committee. We gave it very careful consideration. Each member of that committee gave this resolution very careful consideration. This is a highly important matter. After this resolution had been duly considered it was reported out of the committee favorable for passing.

There are two questions which have been raised with respect to this resolution. The first one is with respect to section 2, which is contained on page 2 of this resolution. Section 1 relates both to the military and to the civil.

The provisions in section 2, as it is now before us for consideration, are that the court martial shall be instituted "on all charges against any person, to whose court martial the extension of time provided for in section 1 hereof relates."

Of course, a court martial cannot be introduced against a civilian. Courts martial relate to those who are in the military and who have military connections. Naturally, section 2 would not apply to those who were entirely in the civilian class. Their cases would necessarily be instituted and tried in the civil or criminal courts.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. CELLER. The gentleman read from article VI, but he did not read the entire article. "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed."

That assumes a jury trial. When it comes to the Articles of War and a trial is had thereunder, there are no juries, so that amendment 6 could not be applicable to any trial under the Articles of War called court martial.

Article V reads:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia.

There is quite a distinction.

Mr. SPRINGER. The point to which I was referring was not the fact, as the gentleman has stated, that the sixth amendment related to civil matters

entirely. It relates entirely to criminal matters. I merely desire to make that point entirely clear to the Members of the House.

Mr. Chairman, I yield myself 2 additional minutes.

Mr. GRAHAM. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM. Under the Articles of War, under "Procedure," the trial judge advocate is to prosecute, implying a criminal prosecution and not a civil prosecution.

Mr. SPRINGER. I think the gentleman is entirely correct. There is no doubt about it. The Articles of War distinctly refer to a criminal prosecution.

Mr. GRAHAM. I am reading the law.

Mr. SPRINGER. All this resolution requires with respect to the time is that the proceedings be filed. There is no provision requiring that a trial be had at any fixed future period. When the proceedings are filed and the defendants are arraigned, then that stops the running of the statute of limitations, because the charge has been instituted.

Mr. JENKINS of Ohio. Mr. Chairman. will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. JENKINS. Is it not a fact that section 2 immeasurably strengthens this whole proposition, especially as it applies to those who would have been exempted by reason of the statute of limitations?

Mr. SPRINGER. I think my friend is entirely correct and I am in full accord with the statement he has just made.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. In committee, did the gentleman vote for the amendment extending it 1 year?

Mr. SPRINGER. I voted for the amendment extending this resolution for 1 year.

Mr. Chairman, many of those who have spoken upon this bill appear to be making a mountain out of a mole hill. We are not endeavoring to try any case here. If any of those against whom charges will doubtless be preferred are innocent of the charge, they will have their day in court and they will be able to establish their innocence. If any of those against whom charges will doubtless be preferred are guilty, then that fact will be established upon the trial of their case. In the passage of this pending resolution, and it should pass without a dissenting vote, we are merely extending the statute of limitations in such cases in order that the proper charges may be preferred against those accused persons, that they may be duly and properly arraigned, and that they may be duly and legally tried in the future. We will all admit that when the charges are preferred and the accused persons have been arraigned, that suspends the operation of the statute of limitations.

Pearl Harbor will remain quite fresh in the minds of the people for years to come. I do not know whether anyone is guilty of reprehensible conduct either prior to or at the time we were so viciously attacked, but I do know that our boys were killed, our officers were mutilated and destroyed in large numbers, and our ships were sunk; we suffered our greatest catastrophe in war at Pearl Harbor. If any of those in charge were guilty of dereliction of their duty, in either the Army or Navy, they should be tried and punishment commensurate with their offense meted out to them; and if any civilian, or civilians, were likewise guilty of any negligence or dereliction of duty in their conduct either prior to or at the time of the attack upon us at Pearl Harbor, they should be charged and tried in the civil courts. Yes; Pearl Harbor will be long remembered. The fathers and the mothers of those who died there will never forget; and likewise the fathers and mothers of our country, who have sons engaged in this war, will not forget Pearl Harbor. The people will not forget it.

Mr. Chairman, let the facts be brought to light on this tragic affair, and let those who are responsible for the great loss we suffered face the inevitable penalties of the law.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SPRINGER] has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, I have always had the feeling that when we meet here to legislate we ought to legislate about something that has substance and that means something. The resolution we have before us today does not mean anything and cannot mean anything. It is a nullity.

In the first place, I want to say that I feel, as I am sure every Member of the House does, that anybody who is guilty of any malfeasance or nonfeasance or any wrong in connection with the Pearl Harbor affair ought to be brought to trial as soon as military security permits, and if anybody is found guilty they ought to be given the punishment they deserve. I do not want any officer whitewashed. I do not want any charges dropped or hushed up as the people are entitled to have them fully considered on their merits. But we are in this situation. There is nothing Congress can now do about the situation. Under the law, the statute of limitations ran on any of these matters 2 years from the date of Pearl Harbor, December 7, 1943. If there is any principle of law that is absolutely clear it is that if you are going to extend the statute of limitations you have to do it before it expires. What we are trying to do here is to extend something that has already expired on December 7, 1943.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from California.

Mr. GEARHART. It is quite immaterial whether the statute has run or whether it can be extended, for the simple reason that it is a defendant's affirmative plea, and if the defendant does not raise the question he can be tried at any time. The two famous defendants in this case are demanding trial.

Mr. KEFAUVER. If the defendants are not going to raise the question, and they have agreed not to raise it, then why this legislation? If they do raise it, this legislation does not help the situation any whatsoever, as the gentleman very well knows.

I want to legislate constitutionally. Let us think about what we are doing. Section 7 of article I of the Constitution states:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it—

The situation here is that the statute ran in 2 years from the date the offenses were committed. That would be—assuming the offenses were committed on December 7, 1941—December 7, 1943. A resolution, Public 208, was passed on that day in the Senate but it was not signed by the President until December 20 because the President was out of the country. So we have nothing to extend. Public Law 208 of the Seventy-eighth Congress was of no force and effect when it was signed by the President.

Further, if any dereliction took place, it would not have been on December 7, 1941. The wrongs that were done or the malfeasance or the nonfeasance, if any would certainly have been many, many days before then. So actually, if the President had signed the bill on December 7, 1943, extending the time for the running of the statute for 6 months, it would not have saved any offenses because the wrong or the malfeasance that was committed, if any was committed, would have been committed prior to December 7, 1941. The statute of limitations runs from the time of the doing of the act or from the time of the failure to do an act when one is required to perform it.

We do not want to put ourselves in the position of legislating about something that has no meaning. It does not do Congress any credit to be passing acts that are absolute nullities.

The Secretaries of the Army and Navy fortunately took signed agreements from Admiral Kimmel and General Short, with which you are all familiar, and I will include later in the RECORD the former one of the agreements, in which they pledged themselves as officers and gentlemen not to assert and not to allow their attorneys to assert any statute of limitations until 6 months after the war So, regardless of wha we do here, and what we do here does not make any difference, they are not going to assert the statute of limitations when they come to be tried.

The waiver signed by Admiral Kimmel as published in the papers is as follows:

> I, Husband E. Kimmell, rear admiral, United States Navy, retired, hereby agree on my honor as an officer and a gentleman, that I will not plead nor admit any attorney or other person on my behalf to plead the statute of limitations in bar of my trial by general court martial in open court for any alleged offenses with which I may be charged relating to the period on or before December 7, 1941, should my trial be held during the present war or within 6 months thereafter.

I take this action voluntarily, believing it to be in the public interest.

I understand General Short signed a similar agreement.

On the other point, which is involved in section 2, and I think this is very important, I believe we are setting a very bad precedent when we say to the Commander in Chief and to the Secretary of the Navy and the Secretary of War when they are to do or when they are not to do some act in the conduct of the war.

Those gentlemen and the officers we must rely upon know more about the military situation than we do. As soon as it can be done without interfering with the military security of this country, they will begin court-martial proceedings. They are as anxious to get the matter cleared up as we are. But until they say it can be done without doing damage to our war effort I think we ought to hold our peace.

We do not know whether within 1 year they will be able to call back 11 admirals to conduct a court-martial, whether they will be able to call back 11 or 12 generals of rank superior to General Short, and they must be of superior rank. I think we had better leave decisions like that to the people who are supposed to have and do have superior knowledge of the subject.

I had great respect, as all of us did, for Secretary of the Navy Frank Knox. I think we should consider what Mr. Knox had to say about this matter. Mr. Knox on April 14, 1944—and this must have been one of the last things he wrote—had this to say in a press release:

I would certainly feel derelict in my duty if I took from the fleet and the fighting forces for court-martial proceedings the officers whom Admiral King has placed in those positions.

If General Marshall, Secretary Stimson, Secretary Knox, Secretary Forrestal, and Admiral King do not think it is in the interest of our war effort to try these men now, I do not believe we ought to direct that they be tried, because we might interfere with the successful prosecution of the war in this particular and we would be starting a precedent that might later have a very, very injurious effect upon the success of our fighting forces. Who knows but that if we direct them to do this within 3 months or within 1 year or at any particular time, later on, if we are disappointed with the way the war is going, we might pass a resolution to demand that they open a second front the following week? Those of you who have studied the difficulties President Abraham Lincoln had in the prosecution of the war because of interference by Congress certainly do not want that policy repeated.

Mr. FELLOWS. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Maine.

Mr. FELLOWS. Does the gentleman understand that this resolution directs a trial?

Mr. KEFAUVER. It directs that court-martial proceedings be instituted, and when they are instituted the persons involved have a right to demand immediate trial.

Mr. FELLOWS. They have waived that right, have they not?

Mr. KEFAUVER. They have waived it as far as asserting the statute of limitations is concerned, but when you institute court-martial proceedings, under the rules of law and of court martial they have the right to come in and ask for an immediate trial, a prompt trial.

Mr. FELLOWS. In the gentleman's opinion, could not that be delayed by the court-martial authorities?

Mr. KEFAUVER. If they are not going to be tried after the proceedings are instituted, why institute the proceedings earlier? I do not see anything to be gained.

Mr. FELLOWS. Do these waivers contain a limitation of time?

Mr. KEFAUVER. The waivers expire 6 months after the cessation of hostilities.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from Iowa.

Mr. GWYNNE. As I understand, in the ordinary criminal case the defendant is not required to plead the statute of limitations. The prosecutor must prove that the crime occurred during the statutory period. Does that rule apply in a court martial the same as it does in an ordinary criminal case?

Mr. KEFAUVER. I do not know, but if the gentleman will read the waivers, he will find that they are worded in such a way that if these men should back out on their agreement and assert the statute of limitations, they could be court martialed for conduct unbecoming an officer and a gentleman for breaking their word. One would be just as bad as the other. There is, I am certain, absolutely no likelihood of them asserting the statute of limitations in view of the agreements they have signed.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KEFAUVER. I yield to the gentleman from New York.

Mr. CELLER. Would it not be true in answer to the inquiry of the gentleman that if we pass this resolution we will be guilty of passing an ex post facto act, and that would be true regardless of whether it would have any effect on the statute's running or not running?

Mr. KEFAUVER. There is some argument as to whether you can extend the limitation before it has run, but assuming you can, you certainly cannot extend anything that has already expired. That is fundamental.

Mr. CELLER. If we change the rules in the midst of the game, that is ex post facto in a certain sense, and there are ex post facto proscriptions stated in the Constitution.

Mr. KEFAUVER. What we are trying to do here is pass a nunc pro tunc law.

Mr. CELLER. But I want to say that the ex post facto prohibition of the Constitution applies not only to civil and criminal cases but applies also in a case of a court martial.

Mr. KEFAUVER. Of course. These officials are going to be tried just as soon as military security will permit. I think we ought to let the men in the Army and Navy decide when military security will permit. We ought not to try to make that decision here in the House of Representatives. We have had no hearings on this resolution; we have not given the heads of the Army and Navy an opportunity to explain the damage this direction might do. History shows that when a legislative body starts running a war disaster is sure to follow.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Montana [Mr. MANSFIELD] such time as he may desire.

Mr. MANSFIELD of Montana. Mr. Chairman, the extension of time for 6 months beyond the 2-year statutory period during which Admiral Husband Kimmel and Maj. Gen. Walter Short were to have been tried is almost ended. At this time I want to raise my voice again and state that the disgraceful happenings of December 7, 1941, should be brought out into the open at the earliest possible moment. It is not my purpose to pillory Kimmel and Short who may or may not be guilty of that fiasco but it is my desire that a court martial be held as soon as possible so that the whole shameful story can be told to the American people. I fear that if Congress does not act—and soon—that it will be too late. The passage of time and the circumstances and casualties of war are bound to have a disastrous effect in bringing out the whole truth because memories are short and people die. Furthermore, it is only simple justice to accede to the request of Admiral Kimmel who has said:

I want a trial by court martial at the earliest practicable date. I have wanted it since Pearl Harbor and I have said so in letters to the Secretary of the Navy. I want a free, open, and public trial. * * * For 2½ years I have waited for the Navy Department to bring me to trial. The report of the Roberts Commission does not tell the whole story of Pearl Harbor.

The above statement by Kimmel shows his eagerness to have this matter brought out into the open. Perhaps General Short feels the same way. Why not give them the chance to be heard and to be declared guilty or innocent of the events of that fateful December 7? If guilty, they should be punished; if innocent, their names should be cleared. If any others are implicated—no matter who or where they may be—they likewise should be given their day in court.

In my opinion, the cause goes much deeper than Kimmel and Short, but until a trial is held that can only be conjecture. I am interested in finding out who was responsible for the neglect at Pearl Harbor and my desire is further strengthened when I think of our dead on that fateful day and the damage done to the ships of our Pacific Fleet—sitting like duckpins awaiting their destruction.

On February 26, 1944, the Washington Post carried a story to the effect that

Navy Secretary Frank Knox in "an attempt to be absolutely square" with Kimmel detailed Admiral Thomas C. Hart to hear and record testimony of members of the naval service concerning the greatest defeat in American naval history. The article follows:

NAVY ORDERS TESTIMONY IN KIMMEL CASE

(By James F. King)

In a move described as "an attempt to be absolutely square" with Rear Admiral Husband E. Kimmel, commander of the Pacific Fleet when the Japanese attacked Pearl Harbor, Secretary of the Navy Knox announced yesterday he had detailed Admiral Thomas C. Hart to hear and record testimony of members of the naval service concerning that greatest defeat in American naval history.

Hart, now a member of the Navy's General Board, will go to the stations of the officers who are to be questioned so that their testimony may be given with minimum interference with their present duties, Knox said.

The Secretary said the reason for this action "is that certain naval officers who have personal knowledge of the facts relevant to the Pearl Harbor disaster are now on dangerous assignments, which might render them unavailable for testifying in any proceeding that might be held in the future. * * *

Kimmel and Maj. Gen. Walter C. Short, commander of Army forces in Hawaii at the time of the attack, were relieved of their posts and are now awaiting court martial, charged with "dereliction of duty." Their court martial have been delayed because officials said information of value to the enemy might be revealed if they were tried now. In December legislation was enacted extending until June 7, 1944, the period during which charges must be brought against the two officers.

Presumably, after that date Kimmel and Short can invoke a 2-year statute of limitations against any charges brought. Knox said yesterday, however, that Kimmel had agreed to waive his rights to an early trial and that under the proceedings before Admiral Hart all of Kimmel's rights would be protected.

"Our interest in this," Knox said, "is to see that the whole truth is available when the people concerned are brought up for trial. We thought it wise to have testimony taken by a high officer in whom everyone has confidence, including Admiral Kimmel. That's all there is to it—an attempt to be absolutely square with Admiral Kimmel."

The Navy would not say whether Kimmel would have the opportunity to hear and cross-examine witnesses appearing before Hart. It was presumed, however, that Kimmel himself would appear before Hart and thus make sure that the record would include his side of the story.

Kimmel is now farming and Short is employed by a large manufacturing firm.

On May 10, 1944, I wrote identical letters to Acting Secretary of the Navy Forrestal and War Secretary Stimson, asking what their Departments were planning to do about the situation. Both Forrestal and Stimson, in reply, stated that no trials would be held during the course of the war. If the proposed trial would give publicity to highly confidential matters, I would be agreeable to extending the limitation, but it appears to me that highly confidential matters 2½ years ago would not be of much value today.

Mr. Chairman, I am including at this point in the RECORD a copy of my letter to Secretary Forrestal—an identical one was sent to Secretary Stimson—and their replies:

MAY 10, 1944.

Hon. JAMES V. FORRESTAL,
Acting Secretary of the Navy,
Washington, D. C.

MY DEAR MR. SECRETARY: I am writing to you at this time to find out what the policy of your department will be in the matter of the trial of Admiral Husband Kimmel. As you know, I am extremely interested in this matter and as the resolution passed by Congress extending the statute of limitations for 6 months beyond the 2-year limit up to June 7 is now in operation but will go out of existence shortly unless something is done, I wish to find out what your Department is planning to do in this very important matter.

It is my understanding that investigators have been sent to the various theaters of operation since the resolution was passed for the purpose of acquiring information on which to base a court martial. I would appreciate receiving the opinion of your Department on this matter at your earliest convenience.

Thanking you and with best personal wishes, I am

Sincerely,

MIKE MANSFIELD.

NAVY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 16, 1944.

Hon. MIKE MANSFIELD,
House of Representatives,
Washington, D. C.

DEAR MR. MANSFIELD: Replying to your courteous letter of May 10, 1944, inquiring as to the policy of the Navy Department in respect to the trial of Admiral Husband Kimmel, I am enclosing herewith a copy of the statement of the late Secretary Knox, issued on April 14, 1944, a short time prior to his death.

Since it is entirely impractical to consider a court martial of Admiral Kimmel during the war the Department will, of course, adhere to the position taken by Mr. Knox.

I believe that you will agree that it would be impossible to take from the fleet and the fighting front for a court-martial proceeding the officers whom Admiral King has placed in those positions.

Sincerely yours,

JAMES FORRESTAL, *Acting.*

WAR DEPARTMENT,
Washington, D. C., May 18, 1944.

Hon. MIKE MANSFIELD,
House of Representatives,
Washington, D. C.

DEAR MR. MANSFIELD: I have your letter of May 10, 1944, requesting to be advised as to the War Department policy with reference to the trial of Lt. Gen. Walter C. Short for alleged offenses growing out of the Japanese attack on Pearl Harbor. You point out that the statute of limitations, as extended by Congress, will expire June 7, 1944.

The War Department does not take the view that General Short must be tried before June 7 next. Some time ago General Short executed a waiver of the statute of limitations which operates to extend it until the end of the war and 6 months thereafter, and thus permits his trial irrespective of the date set by the act of Congress referred to by you (act of Dec. 20, 1943, Public Law 208, 78th Cong.). I understand a similar waiver was executed by Admiral Kimmel. Under these circumstances, I do not feel that the trial of this case in time of war is necessary. Such a trial would of necessity be very lengthy, would give publicity to highly confidential matters, and would require the attendance of many important Army and Navy officers, who at present are engaged in active operations against the enemy all over the world. For these reasons, I feel that it would not only be against the public interest but it would also be highly detrimental to the successful conduct of the war to bring this case to trial during the period of active operations.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

On the basis of factual evidence it does not appear that the attack on Pearl Harbor was made without advance warning. According to Peace and War—United States Foreign Policy 1931–1941 issued by the State Department on July 1, 1943, there appear the following excerpts:

On page 569, Document 182 (Ambassador Grew to Secretary of State, September 12, 1940): "Whatever the intentions of the present Japanese Government may be there cannot be any doubt that the military and other elements in Japan see in the present world situation a 'golden oportunity' to carry their dreams of expansion into effect."

On page 618, Document 196, Grew to Secretary of State, January 27, 1941): "A member of the Embassy was told by my ——— colleague that from many quarters, including a Japanese one, he had heard that a surprise mass attack on Pearl Harbor was planned by the Japanese military forces, in case of 'trouble' between Japan and the United States; that the attack would involve the use of all the Japanese military facilities. My colleague said that he was prompted to pass this on because it had come to him from many sources, although the plan seemed fantastic."

On page 775, Document 245 (Grew to Secretary of State, November 3, 1941): "* * * My purpose is only to ensure against the United States becoming involved in war with Japan because of any possible misconception of Japan's capacity to rush headlong into a suicidal struggle with the United States. While national sanity dictates against such action, Japanese sanity cannot be measured by American standards of logic. We have no need to be overconcerned respecting the bellicose tone and substance at present of the Japanese press (which in the past several years has attacked the United States intensely in recurrent waves), but underestimating Japan's obvious preparations to implement a program in the event the alternative peace program fails, would be short-sighted. Similarly it would be short-sighted for American policy to be based upon the belief that Japanese preparations are no more than saber rattling, merely intended to give moral support to the high-pressure diplomacy of Japan. Japan may resort with dangerous and dramatic suddenness to measures which might make inevitable war with the United States."

On pages 788–789, Document 250 (Grew to Secretary of State, November 17, 1941): "Referring to Embassy's previous telegram No. 1736 of November 3, 3 p. m., final sentence, and emphasizing the need to guard against sudden Japanese naval or military actions in such areas as are not now involved in the Chinese theater of operations. I take into account the probability of the Japanese exploiting every possible tactical advantage, such as surprise and initiative. Accordingly you are advised of not placing the major responsibility in giving prior warning upon the Embassy staff, the naval and military attachés included, since in Japan there is extremely effective control over both primary and secondary military information. We would not expect to obtain any information in advance either from personal Japanese contacts or through the press; the observation of military movements is not possible by the few Americans remaining in the country, concentrated mostly in three cities

(Tokyo, Yokohama, Kobe); and with American and other foreign shipping absent from adjacent waters the Japanese are assured of the ability to send without foreign observation their troop transports in various directions. Japanese troop concentrations were reported recently by American consuls in Manchuria and Formosa, while troop dispositions since last July's general mobilization have, according to all other indications available, been made with a view to enabling the carrying out of new operations on the shortest possible notice either in the Pacific southwest, or in Siberia, or in both.

"We are fully aware that our present most important duty perhaps is to detect any premonitory signs of naval or military operations likely in areas mentioned above and every precaution is being taken to guard against surprise. The Embassy's field of naval or military observation is restricted almost literally to what could be seen with the naked eye, and this is negligible. Therefore, you are advised, from an abundance of caution, to discount as much as possible the likelihood of our ability to give substantial warning."

The above is ample evidence that we had been forewarned. What happened? Why did we fail in our defense of our strongest outpost? How can we know the truth unless we have a more complete answer than the Roberts report? Did only the State Department have prior warnings as to Japan's intentions?

Mr. Chairman, the truth of the matter is that the Army and Navy had foreseen what came to pass many years before Pearl Harbor. The Navy, on Hawaiian maneuvers in 1932, tested the defenses of Oahu exactly as the Japanese were to do almost 10 years later, and the results for the attacking squadron were exactly the same, theoretically, as 10 years later. The Army likewise had prepared for a Japanese invasion as early as 1935.

Mr. Chairman, I want to call to the attention of Congress the fact that the War Department did have, prior to the war, the Hawaiian defense project which, while not perfect, was probably as good as could be devised with the appropriations available. The Japanese attack on Pearl Harbor was no surprise to anyone who was familiar with the defense plan for Oahu. The plan was based on the assumption that the Japanese would do exactly what they did. They could not have followed the pattern more correctly in every detail if they had had our war plan in their possession. The Army, therefore, correctly anticipated the Japanese plan of attack and still was not ready. The plan never at any time envisaged the fleet as being inside Pearl Harbor at a time of tension in the Pacific. It is hard to conceive of any man, and still less two men, with the training, age, and experience of a major general in the Army and an admiral in the Navy, with full knowledge of the situation and with the defense plans in their possession, being so utterly negligent. With this knowledge, it is at least reasonable to suppose that these men acted as they did through direct orders, or at least pressure, from higher authority. The American people are entitled to know what happened at Pearl Harbor and why it happened. The necessity for military secrecy, it would appear, has long since passed.

I feel deeply that under our form of government the truth about Pearl Harbor should be known to the representatives of the people. In any event the affair should not be buried in silence too long because then the truth might never come out. Is it still contrary to the interests of national security for courts martial to go into the causes of the results which are now known to the world? It requires no technical knowledge of war strategy to say that the entire Pacific war was rendered incalculably more difficult by this initial defeat and one wonders at the extent of losses in men, ships, and matériel that would have been saved to us if it had not been for this no doubt avoidable blunder.

Yet we have gone our way asking no questions and calling no one to account. I am not urging an investigation with the superficial object of punishing those people responsible for it. This will do no good now except possibly as a warning. But it does seem to me that a principle is involved in this matter. If our boys are to die in battle for their country, it would seem that they and the folks at home, should be given cause to trust their leaders. The Pearl Harbor incident—until cleared up—makes for distrust, and until it is settled definitely that feeling will remain.

Mr. ROBSION of Kentucky. Mr. Chairman, House Joint Resolution 283, proposes to amend the resolution passed by Congress on December 7, 1943, and signed by the President on December 20, 1943, by extending the time limit for immunity for the period of 1 year, to institute court-martial proceedings against all those whose negligence and dereliction of duty caused the disaster at Pearl Harbor on December 7, 1941. Under the present law and regulations the limitation is 2 years. The resolution of December 7, 1943, extended this limitation for an additional 6 months. The resolution before us gives a further extension of 1 year. It is likely necessary that if any court-martial proceedings are had against the officers and men for the disaster at Pearl Harbor, we must extend the period of time as the present law will expire on June 7, 1944, and neither the President, the War Department, nor Navy Department has shown any disposition to institute these proceedings. In my opinion, this extension should be limited to 3 months instead of 1 year, with the direction set out in section 2 of this resolution for the Secretary of War and the Secretary of the Navy to institute court-martial proceedings against any and all persons responsible for that disaster and to take this action as soon as possible and within 3 months from the date of the approval of this resolution.

Beginning in the early twenties, the Congress has from time to time appropriated large sums of money to construct a great naval and army base at Pearl Harbor and Hickam Field. This Nation has spent more than a billion to make it the most powerful fortress in the Western Hemisphere and surpassed perhaps by only one other great fortress, Gibraltar, which guards the Mediterranean and is the mightiest fortress of the British Empire. Our foreign policy in the Pacific has been based on Pearl Harbor. It was our great western stronghold of defense. It protected our country in the Pacific. Our Pacific Fleet was based on Pearl Harbor and we had an army and a great airfield near Pearl Harbor. Our country felt secure in the Pacific with this great fortress, our fleet, Army and Air Force. Pearl Harbor is most favorably situated for defense. The most modern listening devices were installed. It was provided with plenty of scouting planes. It had a great submarine net that could be stretched across the entrance of Pearl Harbor. It had everything that money and science could provide. We had there 9 of our 17 battleships, also cruisers, and other auxiliary craft.

Early on the morning of December 7, 1941, Japanese planes and bombers, as well as submarines that had traveled thousands of miles, attacked Pearl Harbor. They either destroyed or disabled all of our battleships and many lighter naval vessels. They destroyed a major part of our planes—bombers at Hickam Field near Pearl Harbor. They killed about 900 trained and experienced officers and nearly 3,000 seaman and petty officers. It was the greatest defeat and most humiliating disaster that this Nation has ever suffered.

On account of this disaster we lost naval and air control in the Pacific. The Philippine Islands were captured and so were Wake, Midway, and Guam and this cost the lives of thousands of other American soldiers and sailors and enabled the Japs to take control of these islands, the East Indies, and other groups of islands in the Pacific. No one can estimate the billions that must be spent and the lives that must be lost to regain what we lost at Pearl Harbor. Soon after this attack the President appointed a Commission to investigate the cause and fix the blame for this humiliating defeat and the loss of life and equipment. After a thorough investigation on the ground, Justice Roberts and his Commission reported that it was due to the negligence of those in charge at Pearl Harbor. Two and one-half years have gone by and no court-martial proceedings have been instituted and no one has been punished for this great loss to our country. No charges have been preferred against any one. These Japs could not have traveled thousands of miles and inflicted this stinging blow on our Navy, Air Force, and Army, without the worst sort of carelessness, and negligence on the part of those in control. The Congress, the press, the radio, and the American people have been demanding for 2½ years that those responsible for the deaths of our officers and men, the loss of our ships, our planes, and the loss of our possessions and control in the Pacific be brought to trial, but these demands and appeals have fallen on deaf ears in the White House and in the War and Navy Departments. The only way those guilty can be reached is through court-martial proceedings. The President, the Navy and War Depart-

ments could have at any time and can now institute these court-martial proceedings. They failed and refused to act, and let the 2-year limitation almost run out when Congress on December 7, 1943, approved an extension of 6 months to give them more time to act. That extension is now about to expire and the administration is trying to extend the time for another year instead of 3 months as provided in this bill. Admiral Kimmel and General Short, who were in charge at Pearl Harbor, say they desire a speedy trial and they claim they have been demanding a trial, but no action is taken by the administration.

What are some of the facts that in my opinion is the reason that the administration has not taken any action? Why was this great fleet of ships in Pearl Harbor at the time? To have these ships anchored in the harbor violated the rule of every naval authority of every country of the world. Only a small percentage of battleships, cruisers, and destroyers are anchored in a harbor at any one time. The rule is for them to be out on the open sea, with steam up and ready for action. Why were they in Pearl Harbor? Some persons in Honolulu desired these ships to be brought into the harbor and kept inside of the harbor. Admiral Richardson, who was in charge, refused to do this. He knew that it violated one of the fundamental rules of safety followed by every navy of the world. Because he refused to do this, his command was taken from him, and he was brought to Washington and put behind a desk, and President Roosevelt then passed over 46 other naval officers, and appointed his personal friend, Admiral Kimmel. These 46 other naval officers were senior in experience and grade to Admiral Kimmel. Admiral Kimmel took charge at Pearl Harbor and he ordered this mighty fleet of ours inside of Pearl Harbor, and there our great fleet was on the morning of December 7, 1941, like a lot of ducks on a pond, except they were not steamed up and ready for action. It certainly was a shining mark for the Japs with their bombers. Our bombers and other aircraft were lined up on Hickam Field under General Short, like a covey of birds but not ready for action. These afforded another shining mark for the Japs. There were our ships, our planes and bombers sitting idly by with the submarine net down while the Japs, with their planes and submarines, traveled thousands of miles to destroy our fleet, our planes and murder our officers and men. No such disaster has ever happened to our country or any other country, and now after 2½ years not one of those responsible has been brought to justice. If the President had followed the warnings of Admiral Richardson and continued him in control instead of appointing Admiral Kimmel there would not have been any Pearl Harbor disaster. There would have been no attack. The Japs, of course, knew the careless and negligent manner that was being carried on at Pearl Harbor and Hickam Field.

That is not all, at Honolulu, near Pearl Harbor, our Secret Service men discovered that there were one Jap consul and 250 Jap vice consuls, enjoying diplomatic immunity, going about freely where 40 percent of the population was Japanese nationals. This consul and these vice consuls, of course, had their eyes and ears open. Our F. B. I. agents unearthed a big spy ring at Honolulu. It involved hundreds of Japanese spies. They called on General Short to aid them in arresting this army of Japanese spies but he refused to do it, and then these F. B. I. agents appealed to Washington for aid, but their request was denied. I wonder what the administration will say if court-martial proceeding are had why this request was denied. A blind man can see that the administration does not desire a court martial and general investigation of the disaster at Pearl Harbor. Are they afraid of the facts?

After weeks of delay, authority was given to certain secret agents of the Government to tap the wires between Honolulu and Tokyo. On Friday night December 5, 1941, these Government agents listened in and heard one of these Jap vice consuls hold a 17-minute conversation with a high Jap official in Tokyo. Our Government officials spent that Friday night translating and attempting to decode this conversation. On Saturday morning, December 6, 1941, a copy of this translated, decoded conversation was given to the Chief Intelligence Officer of the Army with instructions for him to deliver it to General Short. He reports that he went to General Short's house about noon on Saturday on December 6, 1941, and General Short was having a party of some sort, and General Short cursed this Intelligence Officer and almost bodily threw him out of the house for bringing that paper to him. Another copy was given to the Chief Intelligence Officer for the Navy at Pearl Harbor to give to Admiral Kimmel. That naval officer, admits, we are informed, that he put it in his pocket, and intended to give it to Admiral Kimmel on Sunday afternoon, December 7, 1941, but the attack came on Sunday morning, December 7. There were many other warnings and some of them were given to the authorities here in Washington, and some of the daily newspapers of Honolulu carried large black headlines that Pearl Harbor would likely be attacked on that week end, but nothing was done to protect our fleet, our bombers and planes, or to prevent the butchery of nearly 4,000 officers and men.

Admiral Kimmel and General Short have executed writings waiving the statute of limitations and they claim they are anxious to have an early and speedy trial. Who is holding up these court-martial proceedings? In our opinion, the President and those in charge of the War and Navy Departments are responsible. Do they want the American people to know the facts? The American people are entitled to know the facts. Two of these boys residing in my congressional district lost their lives there. Their parents and friends want to know the facts. Admiral Kimmel and General Short were relieved of their commands, but were permitted to retire on $6,000 a year each. If Admiral Kimmel and General Short were following the directions and commands of their Commander in Chief, the President, and the War and Navy Departments and are not guilty, they ought to have an opportunity to present the facts and clear their names. If they are guilty they should be punished and deprived of the $6,000 annually. We do know beyond a question of a doubt some person or persons are guilty of almost criminal negligence, if not a greater offense, in permitting this terrible disaster and humiliation to our country.

Court-martial proceedings are provided for in the Army and Navy regulations to punish the guilty and exonerate the innocent and to protect our Army, our Navy, and our country. For nearly 2 years the administration opposed court-martial proceedings on the ground that it would disclose to the enemy what had happened at Pearl Harbor. The Japs on December 7, 1941, knew what they had accomplished. Now it is urged that if we should institute court-martial proceedings it might interfere with the conduct of the war. We have many able admirals and generals retired from active duty who could serve on this court and we might add that hundreds of court-martial proceedings are had daily in our armed forces throughout the world. Young boys are being court-martialed, tried, and convicted and given many years in the penitentiary for neglect of duty and if private soldiers and sailors had been involved in this terrible disaster they no doubt would have been tried and some of them shot soon after it occurred. I don't like this delay and the American people don't like it. Let us find out who and how this greatest of all defeats and greatest of all humiliations came to our country. I shall vote for the 3-month limitation provided in the original bill and for the provision for requiring the Secretary of War and Secretary of the Navy to institute these court-martial proceedings as soon as possible and not later than 3 months from the passage of this act.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Chairman, by my remarks I in no way mean to pass judgment upon the offense or lack of offense on the part of General Short or Admiral Kimmel; it would be intemperate and improper of me to say either that I think they are or are not guilty. That is not the question; the serious question involved in this matter has been the failure to arraign these men prior to the lapse of the 2 years' statute of limitations. In this connection let me call your attention to the limitation of prosecution as affecting the Army, and I think a similar condition exists as to the Navy, namely, section 1510 of title 10 of the United States Code annotated. It provides the following:

> Except for desertion committed in time of war or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court martial for any crime or offense committed more than 2 years before the arraignment of such person.

I feel there was nothing under the circumstances that need have prevented the arraignment of the officers of the Army

and the Navy in command at Pearl Harbor. The matter of the trial could be placed at such time as the war emergency or conditions might warrant. So I am not particularly moved by the claim now that due to the fact these witnesses are scattered a trial cannot be had at this time. I do believe it is our responsibility, gravely as I question the efficacy of this act to extend the statute of limitations beyond the 2 years, that it is the only thing, the only possible thing we can do at this time.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I am happy to yield to my friend from Indiana.

Mr. SPRINGER. It is a fact, is it not, that under existing law if the court-martial proceedings have been instituted and the persons arraigned, the trial could be had at any subsequent period without regard to time?

Mr. O'HARA. There is not a particle of question about the correctness of the gentleman's statement, as I understand the law governing this case.

I have talked to enlisted men; I have letters in my office, one of them from a distinguished district judge in my own district bitterly protesting the delay which has taken place in the bringing of these charges against Admiral Kimmel and General Short. Personally, every time I think of Pearl Harbor it leaves me sick at heart; every time I think of Bataan and the Philippines and what happened there I am sick at heart. I think it has been a most unfortunate thing. Whether these men are guilty or not guilty is not the question. The important question, the thing that is unjustifiable to me, is that these men have not been arraigned. To my mind, and I say it humbly, there has not been an argument advanced that justified delay in arraigning these men. I think we owed it to the men and women in the service of this country that this admiral and this general should have been arraigned and the time of trial placed at such time as was convenient.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HANCOCK. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. Mr. Chairman, last year we enacted into law Public, No. 208, approved December 20, 1943, a joint resolution to suspend for 6 months any law or regulation which would prevent the court martial or prosecution of any person involved in the Pearl Harbor catastrophe of December 7, 1941. That suspension expires by operation of law on day after tomorrow, Wednesday, June 7, and the pending resolution provides for an additional period of suspension.

Opponents of the pending resolution argue that the measure is of very dubious validity. They point out that the Articles of War and the Articles of the Navy provide for a 2-year period of limitations in connection with the prosecution of offenses committed by the military and naval personnel, and, accordingly, the statute of limitations had already run on December 7, 1943, 13 days before the law suspending the limitation was enacted. They thus claim that the resolution of December 20, 1943, and this supplemental resolution are ineffective.

While I have not had opportunity to inquire into legal technicalities, whether the joint resolution is of dubious validity is purely academic. Rear Admiral Husband E. Kimmel and Lt. Gen. Walter C. Short have both signed agreements extending the time of the running of the statute of limitations until 6 months after the war. It is a well-established principle of law that an individual may waive a statute of limitations. Certainly the enactment of this legislation is not prejudicial to the personal rights of the individuals concerned. It is designed to protect the rights and interests of the millions of American people who suffered heavy losses at Pearl Harbor because of negligence or dereliction of duty on the part of persons in authority.

The important part of the pending resolution is section 2, which directs the Secretary of War and the Secretary of the Navy to institute court-martial proceedings. Because of this section the administration has been making every effort to prevent the passage of the resolution. It is quite clear that the administration does not wish to air publicly the real failures that resulted in the Pearl Harbor disaster with our armed forces being taken by surprise.

Mr. Chairman, why is it necessary, after two and a half years, to continue to insist upon keeping the truth about Pearl Harbor a secret? Can it be that the court martial of Admiral Kimmel and General Short will reveal that our military and naval commands were not negligent but rather the negligence was on the part of the civil heads of the Government? • The American people have become very suspicious that "political considerations" and not "military," as the administration would have us believe, is the real reason for the determined delay in the court martial. The administration fears an adverse public reaction to what the court martial would reveal on the manner in which the "affairs of state" were handled prior to the war and, with an election approaching, the administration is determined to keep the true facts about Pearl Harbor hidden. Can that be the real reason for the refusal to try Admiral Kimmel and General Short in spite of appeals for early trial?

Two and a half years have elapsed since Pearl Harbor. The damage done by the Japanese surprise attack has long since been repaired. We are stronger today than we were before the attack. The whole military and naval picture, in both the Atlantic and Pacific, has meanwhile completely changed. We are no longer on the defensive but definitely on the offensive.

In the months immediately following Pearl Harbor it was vitally important that the enemy not learn the extent and nature of the damage. A court martial then would doubtless have given the enemy valuable information and the interests of the Nation necessitated a delay. But that time has long since passed. Indeed, several weeks ago Admiral King publicly released a comprehensive report on our various naval operations and engagements in the war, stating that circumstances have sufficiently changed in the meantime that the information can be made public. There is today no reason whatsoever why the truth about Pearl Harbor cannot be made public except the undisclosed reason that the administration does not want the people to know, at least until after the election, who was really responsible.

Following the Pearl Harbor disaster the public demand for information as to the party or parties responsible for our armed forces being taken by complete surprise was so great that on December 18, 1941, the President appointed the Roberts Commission, which, on January 23, 1942, filed its formal report. I have read and reread that report, as well as the diplomatic documents embodied in the recent publication of the Department of State entitled "Peace and War, United States Foreign Policy, 1931–41," in a conscientious effort to determine the exact circumstances at the time of the Japanese attack and why our forces, if they were really apprised of the situation, were taken by complete surprise. Of course, I do not have all the facts. Nor do I believe the Roberts Commission was given all the facts. It is quite evident that Admiral Kimmel is eminently correct in his recent statement embodied in a letter to Senator FERGUSON, of Michigan, where he says: "The report of the Roberts Commission does not tell the whole story of Pearl Harbor."

At very best the inquiry of the Roberts Commission was cursory. It was certainly not exhaustive, not even painstaking within the limits of the time and material available to the Commission. After a hasty, somewhat hit-and-miss investigation, the Commission "finds" the commanders—General Short and Admiral Kimmel—guilty of "dereliction of duty." Perhaps they were. I shall leave that to the court martial. But, Mr. Chairman, I am reluctantly convinced that in compliance with the administration's urgings to allay the public clamor, the Roberts Commission was more interested in getting out some kind of a report, fixing responsibility of someone, than it was in learning the real facts.

I can give you an illustration of how cursory the Commission's examination of the Pearl Harbor incident was. In the report, under finding of fact XIII, the Commission discusses the aircraft warning system operated by the Army. It points out that the system closed at 7 a. m., Sunday, December 7, and goes on to state the following:

> A noncommissioned officer who had been receiving training requested that he be allowed to remain at one of the stations, and was granted leave so to do. At about 7:02 a. m. he discovered what he thought was a large flight of planes slightly east of north of Oahu, at a distance of about 130 miles. He reported this fact at 7:20 a. m. to a lieutenant of the Army who was at the central information center, having been detailed there to familiarize himself with the operation of the system. This inexperienced lieutenant, having information that certain United States planes might be in the vicinity at the time, assumed that the planes in question were friendly planes, and took no action with respect to them.

The fact is that the detector unit was not being operated by a noncommissioned officer. It was being operated by two privates: George E. Elliott, Jr., of Chicago, and Joseph L. Lockard, of Pennsylvania. Because Private Elliott desired to have more instruction in the operation of the unit, he and Private Lockard had prearranged to remain on the air after the conclusion of a "problem." While Private Lockard expressed a desire to shut down, Private Elliott persuaded him to continue with his instruction concerning the operation of what is known as the "scope." While Private Elliott was rotating the antenna and watching the "scope," with Private Lockard watching over his shoulder, they observed a pulse which showed a large flight of planes at a range of 137 miles. Private Lockard took over the controls and Private Elliott went to the plotting table. After plotting the target range at 132 miles and time 7:02 a. m., Private Elliott suggested that the data be sent to the information center. Private Lockard simply laughed at the suggestion but finally yielded to Private Elliott's persistent urgings by stating: "Well, go ahead and send it in, if you like."

Private Elliott then telephoned the Information Center at around 7:06 a. m. and talked with Pvt. Joseph McDonald who was the aircraft warning switchboard operator advising him of a large flight of planes at 132 miles distant. Private McDonald stated that he didn't know what it was all about and Private Elliott suggested that he contact someone who would know and call back. Several minutes later Private McDonald called and had an officer to speak to Private Lockard which officer advised Private Lockard to forget the whole matter as the planes were friendly.

Private Lockard then suggested to Private Elliott that they shut down the unit, but Private Elliott persuaded him to continue in order to complete the course they had started plotting. The last plot was taken at 7:39 a. m. at a distance of 15 and 25 miles from Oahu.

The pertinent point here is that while Private Lockard was called before the Roberts Commission, it never contacted Private Elliott. Perhaps this may be viewed as a minor matter, but it becomes major if it is kept in mind that we are dealing with a historic event and it is also of major importance in the lives of the individuals.

The incident has an important human side. Private Lockard was made a national hero, promptly promoted to sergeant, and sent to officers' candidate school without examination. No one knows, except those who have access to the Commission's records, what Private Lockard told the Commission. This much is clear: He made himself out to be a "great hero," was lauded and applauded, but the real "hero," to whom the glory belongs, is Private Elliott. He was the one who insisted that they operate the unit. He was the one who first detected the flight. He was the one who insisted that the information be sent to headquarters. And it is quite possible that if he, instead of Private Lockard had talked with the officer at headquarters, the officer would have been persuaded of an unusual development, our planes would have been in the air and our defenses ready at Pearl Harbor.

I suppose there are many such incidents of this character in warfare, where the wrong man is honored or someone rewarded for the work of another. Certainly, where an investigation is made the true facts should come to light, and I present them here simply to show that the Roberts Commission did not by far make anything more than a superficial examination of the facts of the Pearl Harbor catastrophe.

It may, incidentally, be of some interest to know that Private Elliott was ultimately, after many months, made a sergeant and Private Lockard was made a lieutenant. At some future date I may have occasion to develop in detail how this mistake of the Roberts Commission affected the military careers and perhaps the entire lives of these two boys. I frankly would not want to be in Lockard's position of assuming a glory not rightfully mine.

If the Roberts Commission failed to present accurately the facts with respect to the operation of the aircraft warning unit that gave a warning that went unheeded, I cannot but wonder how many other errors of commission and omission it may have made. This is abundantly clear: The Commission was more anxious to file a report in answer to the public demands for information than to get the actual facts and whole story relative to the Pearl Harbor catastrophe. The Commission holds two officers responsible: General Short and Admiral Kimmel. They were in command.

But the question arises in my mind as to how well informed they were with respect to the diplomatic events in our relations with Japan. As we so well know, Congress and the American people were kept in complete ignorance of the diplomatic moves made prior to the war. In fact, we were always assured that by pursuing a recommended step we would avoid war, and it is undeniable that Congress adopted several measures proposed by the administration on that premise. Having the opportunity now to read the diplomatic papers, the exchange of notes, conferences, and conversations, those in charge of the conduct of our foreign affairs saw we were becoming enmeshed in the throes of war.

The Roberts report does not give the details of the messages sent the commanders, but from such information as is given in the report it appears that the messages from Washington to the commanders emphasized the necessity of protective action against possible sabotage and all espionage. I doubt if they were any more informed than we that our relations with Japan had reached the crisis point. We now know from the recently published diplomatic papers that on August 17, 1941, the President handed the Japanese Ambassador a document which has the statement that the Government of the United States "finds it necessary to say to the Government of Japan that if the Japanese Government takes any further steps in pursuance of a policy or program of military domination by force or threat of force of neighboring countries, the Government of the United States will be compelled to take immediately any and all steps which it may deem necessary toward safeguarding the legitimate rights and interests of the United States and American nations and toward insuring the safety and security of the United States." The language is in the nature of an ultimatum, issued after conversations with British officials, and it is hardly possible that any responsible military or naval commander, if he had knowledge of this diplomatic development, would do anything else than put his forces in readiness for sudden attack.

If our commanders were not fully advised of the course of diplomatic events, it follows that they cannot be held fully responsible for being taken by surprise but rather the responsibility for the Pearl Harbor disaster rests basically on the heads of the Government at Washington who failed to give adequate warnings to the officers in the Pacific. I am convinced, Mr. Chairman, that the whole story about Pearl Harbor has not been told, and it is in the public interest, as well as only fair and just to the dismissed officers, to have an open court martial at the earliest practical date. Military security does not now necessitate secrecy concerning Pearl Harbor. That time has passed. The pending resolution has great merit, and I hope it will have overwhelming support.

Mr. BREHM. Can the gentleman tell us why the ultimatum was ever delivered to Japan and the information not conveyed to our armed forces?

Mr. CHURCH. Let me say to the distinguished gentleman from Ohio that is one of the principal reasons for the necessity for an early and complete investigation.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, from the time when our forefathers fought the Indians and were in turn sometimes scalped, sometimes killed and sometimes tortured by them, our people have always had an admiration for and confidence in our fighting men. There has never been a time when the American people did not believe that their sons, brothers, husbands, and fathers were the best fighting men, possessed of the greatest courage of any soldier or sailor in the world, of any man, who ever took part in battle. That is true today.

Today our people are convinced that the men we send to war are not excelled by any fighting man anywhere in courage, resourcefulness, fighting ability, or determination to win.

Those directing the course of the war, those commanding our fighting men, should so conduct themselves as to merit a like faith and confidence. They will not merit, they will not be accorded, that confidence, if deception or evasion keeps from them the facts of this war, and it matters not at all how unpleasant or disagreeable or what suffering the knowledge may bring to them; they will carry through.

Our people did not want this war, there is no question about that. Throughout the country there is today no enthusiasm for this war but today, as always, having once put our hand to the plow, our people are not disposed to and will not turn back until the war has been won. Nevertheless, because there is lack of confidence in some members of this administration, our people are not in all things enthusiastically supporting the war effort. They are supporting it determinedly, they are doing it consistently and they will continue to do so because it is now their job and because their loved ones are in the battle. But they are not buying bonds with the spirit and willingness they should. There are some other things they are not doing with the singlemindedness they should show. Some of the workers in the factories are not bending every effort toward production. Some industrialists and some merchants still have the distracting idea of a profit before their eyes and in their minds.

A war which is popular and a war in which the people have their hearts as well as their fighting men, would not require an advertising campaign to sell bonds; yet we hear day after day that shortly there will be a bill before the House requiring an appropriation of millions of dollars to purchase space in publications in order to induce the people to buy bonds to get the money which we know the administration or the Government must have if the fighting forces are to be properly supported.

What is wrong? Why is it that people do not buy bonds enthusiastically? It is because there is a lack of confidence in the administration. There has been altogether too much playing at war. There have been too many purely political issues raised from time to time, each distracting and leading to confusion and disunity.

There has been a lack of confidence because of various policies followed by the politicians inside the administration. One of the things which has created suspicion, justly, or unjustly, no matter how—it is there—in the minds of the people has been the fact that they have never been able to learn what happened to our fighting men at Pearl Harbor.

They are satisfied that the men who fight, the privates in the ranks, those who do the actual fighting, were not at fault. You never will be able to make our people believe, no one will ever be able to make our people believe, that the Pearl Harbor catastrophe was caused by a lack of courage or because of a lack of willingness to make the supreme sacrifice on the part of those who were called upon to meet the shock of that assault, nor will our people believe the loss was due to lack of equipment or of ammunition or arms.

Our people believe that that calamity was caused by some neglect on the part of someone higher up and they want to know whether it was those two men who were relieved of command, someone subordinate to them or whether the disaster is chargeable to the Commander in Chief, to the State Department, or someone in between.

In no war we have ever fought have our people for one instant ever faltered. Never have they been dismayed by any disaster. Never have individuals at the battle front or here at home turned back because of losses sustained in battle.

If men can fight and suffer and die, if men can face being blown to pieces, burned to death, drowned, starved, or dying of wounds on the battle front because of lack of medicinal supplies or surgical attention, surely our people here at home can make the minor sacrifices, endure the lesser suffering, which comes with the loss in battle of their loved ones.

All our people have ever asked of any administration during any war is that they be told the truth as to the losses which have been sustained, of the task remaining to be performed, of the faults, of the lack of ability, of the mistakes of those in command, so that the errors, whatever they may be, may be corrected, the losses repaired, the danger overcome.

There is no longer any excuse for postponing the giving to our people by a public trial of the facts connected with the Pearl Harbor disaster. Continued delay will but result in the loss through death or the passage of time of some of the evidence which might reveal the truth. Delay but covers up the mistakes, it may be of someone who may still be in high command, whose continued mistakes may result in the death of other men.

Our people have the right, as this war goes on, to know the truth. If the fault lies with someone still in authority, the desire of that individual or of those individuals to continue in command is no reason why they should not be exposed, further mistakes prevented by their removal from positions of trust and of authority.

Something has been said to the effect that it is unfair, unjust, to the two individuals most frequently mentioned to longer deny to them a public trial, where their side of the story may be heard. All that is quite true. But, as members of the armed forces, I am sure they would not complain if that sacrifice was required of them. That, and their reputations, and the humiliation which might come to the members of their families or their descendants could be numbered as other and additional casualties of the war.

To me it is evident that the two men whose names have been linked to this disaster have been quite willing to bear with the disgrace they have suffered, because of the delay. But there is the greater question of restoring the confidence of our people in the high command. That can be done only when the truth has been told, when the facts are laid before the people and those responsible are removed from positions where further loss might result from future mistakes.

In justice to the American people, let us have a speedy public trial.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS of Texas. We want to conclude general debate. I understand in order to do that a request has to be made that the bill be read for amendment?

The CHAIRMAN. That is correct.

Mr. MARTIN of Massachusetts. The first paragraph?

Mr. SUMNERS of Texas. Yes.

Mr. MARTIN of Massachusetts. There will be no effort made to adopt amendments?

Mr. SUMNERS of Texas. No. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Resolved, etc., That (1) effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations, affecting the possible prosecution of any person or persons, military or civil, connected with Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, that operate to prevent the court martial or prosecution of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, are hereby extended for a further period of 3 months, in addition to the extension provided for in Public Law 208, Seventy-eighth Congress.

(2) The Secretary of War and the Secretary of the Navy are severally directed to institute court-martial proceedings on all charges against any person, to whose court martial the extension of time provided for in section (1) hereof relates, as soon as possible, and in no event later than the period of extension provided for in section (1) hereof.

Mr. SUMNERS of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BARDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the resolution (H. J. Res. 283) to extend the time limit for immunity, had come to no resolution thereon.

MINORITY REPORT

Mr. KILBURN. Mr. Speaker, I ask unanimous consent that I may be permitted to file a minority report from the Civil Service Committee and that it be printed along with the majority report, permission for which was asked earlier in the day.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. KILBURN]?

There was no objection.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. SHORT] may be permitted to extend the remarks

he made in the Committee of the Whole today and to include therein editorials and articles from newspapers.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. MARTIN]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. KEFAUVER] may have permission to revise and extend the remarks he made in the Committee of the Whole this afternoon, also a separate request that the same gentleman may be permitted to extend his own remarks in the RECORD and to include therein a table.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on tomorrow at 11 o'clock a. m.

The SPEAKER. Is there objection to to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

EXTENSION OF REMARKS

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement I released to the press this afternoon concerning certain publications and radio comments.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. KLEBERG]?

There was no objection.

CONSTRUCTION OF BRIDGE ACROSS MONONGAHELA RIVER, PA.

Mr. WEISS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4206) to authorize the construction and operation of a bridge across the Monongahela River in the county of Allegheny, Pa., which was on the Consent Calendar today and passed over without prejudice.

The Clerk read the title of the bill.

The SPEAKER. The Chair understands that the gentleman from Pennsylvania has consulted with the gentlemen who are objectors, or those who objected to the bill and that they have withdrawn their objections; is that correct?

Mr. WEISS. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WEISS]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the county of Allegheny, Pa., its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto at any or all of the following points within the county of Allegheny, Pa.:

With the following committee amendment:

Page 1, line 7, after the word "a", insert "free highway."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to authorize the construction and operation of a free highway bridge across the Monongahela River in the county of Allegheny, Pa."

CONSTRUCTION OF BRIDGE ACROSS THE MONONGAHELA RIVER, PA.

Mr. WEISS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4207 to authorize the construction and operation of a bridge across the Monongahela River in the county of Allegheny, Pa., which was on the Consent Calendar today and passed over without prejudice.

The Clerk read the title of the bill.

The SPEAKER. The Chair understands the same arrangement has been made with reference to this bill by the gentleman from Pennsylvania?

Mr. WEISS. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the county of Allegheny, Pa., its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto at any or all of the following points within the county of Allegheny, Pa.:

(a) Across the Monongahela River, at a point suitable to the interests of navigation, from the borough of Rankin, Pa., to the borough of Whitaker, Pa., to replace the existing Rankin Bridge, all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. Construction of the bridge authorized by this act shall commence within 3 years after its approval by the President of the United States, and shall be completed within 5 years from the time of the said approval.

SEC. 3. In the event that the United States War Department, Corps of Engineers, has previously held hearings and approved plans and permit issued thereon by the Secretary of War for the aforesaid bridge, under the terms of an act of Congress authorizing construction of the said bridge, Public Act No. 210 of the Seventy-sixth Congress, the Secretary of War is authorized by this section to issue a permit for the construction of the said bridge according to the plans previously approved by the United States Department of War, Corps of Engineers.

SEC. 4. The right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendment:

Page 1, line 7, after the word "a", insert "free highway."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to authorize the construction and operation of a free highway bridge across the Monongahela River in the county of Allegheny, Pa."

RESOLUTION FOR THE CONSIDERATION OF H. R. 4941

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SABATH] may have until midnight tonight to file a privileged resolution for the consideration of H. R. 4941.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

EXTENSION OF REMARKS

Mr. CARSON of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article entitled "A Plea for the Faith of Our Fathers."

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. CARSON]?

There was no objection.

Mr. O'KONSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution and a table.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. O'KONSKI]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LARCADE, for 2 days, on account of official business.

To Mr. LEWIS (at the request of Mr. McGREGOR), for 10 days, on account of illness.

To Mr. STARNES of Alabama (at the request of Mr. SPARKMAN), for today and the next 2 days, on account of illness in family.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1941. An act to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2085. An act to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indiana; and

H. R. 3054. An act to amend the Expediting Act.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p. m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 6, 1944, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, June 6, 1944, to begin public hearings on bills extending the Civilian Pilot Training Act.

SELECT COMMITTEE TO INVESTIGATE MONTGOMERY WARD & CO. SEIZURE

The Select Committee to Investigate the seizure of Montgomery Ward & Co. will hold a public hearing Tuesday, June 6, 1944, at 10 o'clock a. m. in the Ways and Means Committee hearing room, New House Office Building. Mr. Sewell Avery, chairman of the board of directors of Montgomery Ward & Co., will be a witness.

COMMITTEE ON PATENTS

The House Committee on Patents will meet at 10:30 a. m., Wednesday, June 7, 1944, in Committee Room, 416 House Office Building, to consider H. R. 3762.

COMMITTEE ON INVALID PENSIONS

The Committee on Invalid Pensions will hold hearings on Thursday, June 8, 1944, at 10 o'clock a. m., in the committee room, 247 House Office Building, on H. R. 919 and H. R. 1014, to provide pensions for peacetime veterans at the rate of 90 percent of the compensation payable to war veterans for similar service-connected disabilities, introduced by Chairman LESINSKI, and H. R. 1005, entitled "A bill to increase and equalize the pensions of those persons disabled as the result of service in the Army, Navy, Marine Corps, and Coast Guard," introduced by Representative HENDRICKS, of Florida.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will continue its consideration of H. R. 4486, relative to the post-war disposition of merchant vessels, on Tuesday, June 13, 1944, at 10 a. m.

Persons desiring to be heard should notify the clerk of the committee in writing as soon as possible.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1611. A letter from the Acting Secretary of the Interior, transmitting pursuant to section 16 of the Organic Act of the Virgin Islands of the United States, approved June 22, 1936; one copy each of various legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Insular Affairs.

1612. A letter from the Administrator, Federal Security Agency, transmitting Consolidated Form No. 3257, Report of Federal Civilian Employment, for the Federal Security Agency for the month of April 1944; to the Committee on the Civil Service.

1613. A letter from the Attorney General, transmitting a report stating all of the facts and pertinent provisions of law in the cases of 157 individuals whose deportation has been suspended for more than 6 months under the authority vested in him, together with a statement of the reason for such suspension; to the Committee on Immigration and Naturalization.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBINSON of Utah: Committee on Roads. H. R. 4915. A bill to amend and supplement the Federal-Aid Road Act, approved July 11, 1916, as amended and supplemented, to authorize appropriations for the post-war construction of highways and bridges, to eliminate hazards at railroad grade crossings, to provide for the immediate preparation of plans and acquisition of rights-of-way, and for other purposes; without amendment (Rept. No. 1597). Referred to the Committee of the Whole House on the state of the Union.

Mr. JARMAN: Committee on Printing. House Resolution 561. Resolution authorizing that the report from the Chief of Engineers, United States Army, dated August 27, 1941, submitting surveys and studies of the Hungry Horse Dam, Mont., and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document; without amendment (Rept. No. 1594). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Resolution 562. Resolution authorizing that the report from the Chief of Engineers, United States Army, dated January 31, 1941, submitting surveys and studies of Youghiogheny River, Pa. and Md., and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document; without amendment (Rept. No. 1595). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Resolution 560. Resolution authorizing that the report from the Chief of Engineers, United States Army, dated October 15, 1941, submitting surveys and studies of the Cheat River and tributaries, West Virginia, and subsequent correspondence in relation thereto, be printed, with illustrations, as a House document; without amendment (Rept. No. 1596). Referred to the House Calendar.

Mr. RAMSPECK: Committee on the Civil Service. Interim report pursuant to House Resolution 16. Resolution authorizing the Committee on the Civil Service to investigate various activities in the departments and agencies of the Government (Rept. No. 1600). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 582. Resolution providing for the consideration of H. R. 4941 to extend the period of operation of the Emergency Price Control Act of 1942 and the Stabilization Act of October 2, 1942, and for other purposes; without amendment (Rept. No. 1601). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURCH of Virginia:

H. R. 4949. A bill to amend the Second War Powers Act of 1942; to the Committee on the Post Office and Post Roads.

By Mr. SUMNERS of Texas:

H. R. 4950. A bill extending the provisions of Public Law No. 47, Seventy-seventh Congress, as amended, to reemployment committeemen of the Selective Service System; to the Committee on the Judiciary.

By Mr. VINSON of Georgia:

H. R. 4951. A bill to amend section 1442, Revised Statutes, relating to furlough of officers by the Secretary of the Navy; to the Committee on Naval Affairs.

By Mr. PETERSON of Florida:

H. R. 4952. A bill to allow credit in connection with certain homestead entries for military or naval service, and certain other services, rendered during the present war; to the Committee on the Public Lands.

By Mr. RANDOLPH:

H. J. Res. 289. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1945, and for other purposes; to the Committee on the District of Columbia.

H. J. Res. 290. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1945; to the Committee on the District of Columbia.

H. J. Res. 291. Joint resolution to provide for the quartering, in certain public buildings in the District of Columbia, of troops in the inaugural ceremonies; to the Committee on Public Buildings and Grounds.

By Mr. REED of New York:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the manuscript containing an analysis of questions and answers on the Individual Income Tax Act of 1944 as a House document and providing for the printing of additional copies thereof for the use of the House document room; to the Committee on Printing.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Louisiana, memorializing the President and the Congress of the United States to include Lake Pontchartrain within the flood-control program of the United States; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CLASON:

H. R. 4953. A bill for the relief of Angelina Bourbeau; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 4954. A bill for the relief of Pedro Garcia Casanova or Melquiades Rojas; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE:

H. R. 4955. A bill for the relief of Sigurdur Jonsson and Thorolina Thordardottir; to the Committee on Claims.

By Mr. PAGÁN:

H. R. 4956. A bill for the relief of the minor children of the late Demetrio Caquias; to the Committee on Claims.

By Mr. SLAUGHTER:

H. R. 4957. A bill for the relief of Florence J. Sypert, administratrix of the estate of Leona Connor Childers; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5790. By Mr. ANDREWS of New York: Resolution adopted by the Forest District Civic Association of Buffalo, N. Y., protesting against the enactment of legislation for the development of the St. Lawrence seaway project; to the Committee on Interstate and Foreign Commerce.

5791. By Mr. HALE: Petition of barbers and beauticians of Rumford, Maine, protesting against the placing of barber shops and beauty shops under the Price Control Act, as both are personal-service trades; to the Committee on Banking and Currency.

5792. By Mrs. SMITH of Maine: Petition of barbers and beauticians, of Augusta, Maine, protesting the proposal to place barber and beauty service under price-control law; to the Committee on Banking and Currency.

5793. Also, resolution adopted by the members of Loggia Cristoforo Colombo, No. 880, of the Order of the Sons of Italy in America, expressing gratefulness for the introduction of Resolution 50, proposing that the people of Italy be welcomed into the family of liberated nations; to the Committee on Foreign Affairs.

5794. By Mr. THOMAS of New Jersey: Petition of City Council of Garfield, N. J., in support of Senator HAWKES' bill, S. 1737; to the Committee on Ways and Means.

5795. Also, petition of the borough of Allendale, N. J., and the township of Saddle River, N. J., urging support of Senator HAWKES' bill, S. 1737; to the Committee on Ways and Means.

5796. By the SPEAKER: Petition of the Chamber of Commerce of the State of New York, petitioning consideration of their resolution with reference to amending the rent-control provisions of the Emergency Price Control Act; to the Committee on Banking and Currency.

5797. Also, petition of the Illinois State and Cook County boards of the Ancient Order of Hibernians and ladies' auxiliary, petitioning consideration of their resolution with reference to the strained relations between the United States Government and the Government of Eire; to the Committee on Foreign Affairs.

SENATE

TUESDAY, JUNE 6, 1944

(Legislative day of Tuesday, May 9, 1944)

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

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

Almighty God, in whose hands are the souls of men, we would make this long-awaited day of battle, which will live in the memory of the ages, a day of prayer for ourselves and for our embattled sons: O Thou who hearest prayer and to whose ear have come the sobs and sighs of coerced multitudes, "How long, O Lord, how long?" through the dedicated arms and the offered lives of our valiant warriors, vouchsafe to answer that petition today and in the days to come. Make bare Thy mighty arm of deliverance and save Thy people.

Grant that on this D-day of liberation weapons of freedom, forged in fires of faith, may pierce the shields of pagan steel and that the cruel invaders' walls, reared in treachery and tyranny and oppression, may crumble and fall at the blast of Allied might. Through us, unworthy though we are to be the servants of Thy mercy and Thy justice, may there be loosed the fateful lightning of Thy terrible, swift sword.

Upon our dear boys in this fearful baptism of fire, of whom we think today with special tenderness, lifting them up on the wings of our intercession as knights of Thy righteous will, and upon the hosts of oppressed now at last to emerge from dark dungeons of thraldom, pour Thy enabling grace as together they strike the blow on that fair and storied land where the grapes of wrath are stored.

We pray today, this day of days, for our enemies whose calloused hearts and warped minds and poisoned conceptions have brought woe and sorrow to the world. Forgive them; they know not what they do. Bring them, too, at last, with purged spirits, into the united family of nations.

And on this day, to be remembered from generation to generation, may all the preparation of these toiling years which comes to a fiery focus in this supreme hour of human destiny bring to fulfillment the ancient prophecy to tyrants of old, "Your covenant with death shall be annulled. Your agreement with hell shall not stand. Your refuge of lies shall be swept away. When the overflowing scourge shall pass through you shall be trodden down by it. The mouth of the Lord hath spoken it." Amen.

The CHAPLAIN. It has been suggested that we stand in a moment of silence and then that we repeat together the Twenty-third Psalm.

After a moment of silence, the Twenty-third Psalm was recited by the Chaplain and the Members of the Senate, as follows:

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: He leadeth me beside the still waters.

He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 5, 1944, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

CALL OF THE ROLL

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

The ACTING PRESIDENT pro tempore (Mr. JACKSON). The clerk will call the roll.

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

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

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

The Senator from North Carolina [Mr. BAILEY] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Montana [Mr. MURRAY], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business.

The Senator from California [Mr. DOWNEY] and the Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] are absent on official business.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Vermont [Mr. AUSTIN], the Senator from North Dakota [Mr. LANGER], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Massachusetts [Mr. WEEKS].

The ACTING PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

THE ALLIED INVASION OF THE CONTINENT OF EUROPE

Mr. BARKLEY. Mr. President, I am sure that the Senate, the country, and the world, are thrilled today over the news of the invasion of the continent of Europe by the Allied forces. There are available no great details as to the hour by hour progress of our troops, but at practically 2 o'clock this morning, our time, or shortly after daylight in Europe, Allied troops made a landing on the shores of Europe. Movement is now in progress, by water and air, in support of the landing troops. There is no detailed information now in possession of the War Department as to what has happened in the last 2 or 3 hours. They expect news momentarily as to the extent and progress of the invasion.

Our men and women, our forces, have been poised for this stroke, and have been made ready, as we hope and believe, to the last man, the last tank, the last airplane, the last round of ammunition, for this event, the most important, in all likelihood, in the war, and it may turn