

mittee on the Merchant Marine and Fisheries will hold a public hearing Monday, September 11, 1944, at 10:30 o'clock a. m.

At that time the subcommittee will consider the right of the merchant marine to engage in overseas aviation to protect their passenger services over trade routes pioneered and developed by them.

Persons desiring copies of the printed hearings when available will please notify the clerk by letter.

EXECUTIVE COMMUNICATIONS, ETC.

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

1796. 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 of legislation passed by the Legislative Assembly of the Virgin Islands; to the Committee on Insular Affairs.

1797. 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.

1798. A letter from the Secretary of War, transmitting a draft of a proposed bill to amend the Mustering-Out Payment Act of 1944, to provide a method for accomplishing certain mustering-out payments on behalf of mentally disabled veterans, and for other purposes; to the Committee on Military Affairs.

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. JARMAN: Committee on Printing. House Resolution 633. Resolution authorizing the printing of additional copies of the fifth intermediate report (H. Rept. No. 1366) of the House Select Committee to Investigate Executive Agencies, submitting an analysis of a bill to amend the Emergency Price Control Act of 1942; without amendment (Rept. No. 1856). Referred to the House Calendar.

Mr. JARMAN: Committee on Printing. House Resolution 634. Resolution authorizing the printing of additional copies of the sixth intermediate report (H. Rept. No. 1797) of the House Select Committee to Investigate Executive Agencies, submitting an analysis of a bill to improve the administration of justice by prescribing fair administrative procedure; without amendment (Rept. No. 1857). Referred to the House Calendar.

Mr. COCHRAN: Committee on Accounts. House Resolution 636. Resolution providing additional funds for expenses of conducting studies and investigations authorized by House Resolution 30; without amendment (Rept. No. 1858). Referred to the House Calendar.

Mr. ROBINSON of Utah: Committee on the Territories. H. R. 5246. A bill to provide for filling a vacancy in the office of Delegate in Congress from Alaska; without amendment (Rept. No. 1859). 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. JOHNSON of Oklahoma: H. R. 5327. A bill to provide for the making of loans to veterans, and for other purposes; to the Committee on Agriculture.

By Mr. ELLSWORTH: H. R. 5328. A bill to provide for the transfer by the Secretary of War of the Roseburg Rifle Range, Douglas County, Oreg., to the Defense Plant Corporation, and for other purposes; to the Committee on Military Affairs.

By Mr. KEFAUVER: H. R. 5329. A bill to amend the Judicial Code; to the Committee on the Judiciary.

By Mr. MAGNUSON: H. R. 5330. A bill relating to the retirement of certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. PETERSON of Florida: H. R. 5331. A bill to authorize the transfer of certain lands within the Colonial National Historical Park, Yorktown, Va., to the Secretary of the Navy; to the Committee on the Public Lands.

By Mr. FULBRIGHT: H. Con. Res. 97. Concurrent resolution favoring world freedom of information and of communications; to the Committee on Foreign Affairs.

By Mr. RANKIN: H. Con. Res. 98. Concurrent resolution authorizing that the pamphlet containing information as to the rights and benefits that are available to veterans of the armed forces and their dependents be published as a document and providing for the printing of additional copies thereof; to the Committee on Printing.

By Mr. DICKSTEIN: H. Res. 637. Resolution creating a select committee of the House of Representatives to study the question of the feasibility of conferring upon the Price Administrator the power to fix rentals for the occupancy of business premises in defense rental areas; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COSTELLO: H. R. 5332. A bill for the relief of Mrs. Florence Mersman; to the Committee on Claims.

H. R. 5333. A bill for the relief of Susan S. Wiseman; 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:

6091. By Mr. COCHRAN: Petition signed by Henry Levison and 120 others of the National Defense Commission, American Legion, Department of Missouri, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6092. Also, petition of M. C. Steffen and 30 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6093. Also, petition of the Barry Wehmler Machinery Co. signed by 30 St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6094. Also, petition of the American Legion, Post 299, signed by 30 St. Louis citizens protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6095. Also, petition of Herman E. Herberer and 30 other St. Louis citizens protesting

against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6096. Also, petition of Josephine McMahon and 30 other St. Louis citizens protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6097. Also, petition of LeRoy Shipley and 30 other St. Louis citizens protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

6098. By the SPEAKER: Petition of the president, Civic Reform League of Puerto Rico, petitioning consideration of its resolution with reference to legislation providing for amendments to the Organic Act of Puerto Rico; to the Committee on Insular Affairs.

SENATE

FRIDAY, SEPTEMBER 8, 1944

(Legislative day of Friday, September 1, 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:

O God, whose spirit searcheth all things and whose love seeketh us even through pain and loss, incline our hearts to draw near to Thee in sincerity and truth. We do not ask that Thou shouldst give heed to the poverty and pettiness of petitions that may spring out of the perversions of our warped desires. But we beseech Thee to hear and answer the deep cry of our inner need. The contradictions of our strange natures and the perplexities of these dark times drive us to Thee; for our very prayers are fashioned in the agony of times that try our faith, our patience, and our very souls. Give us to see that the one shining thing we can offer to a warring world is just a soul sensitive to goodness and beauty, rich in expanding human relationships; holding sacred the sacrament of friendship; capable of devotions, of quiet heroisms and in high hours of flaming sacrifices: a self at any cost to be kept true to sacred birthrights, to be perfected through suffering and disciplined in the ripening experiences of life. So may our illumined powers yield their devotion to Thy kingdom and Thy light be shed through us upon the dark places of the earth, that the habitations of violence may be destroyed and that to human misery and wrong there may come oil of joy for sadness and beauty for ashes.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, September 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.

MESSAGE FROM THE HOUSE

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

H. R. 4114. An act to amend section 3 (b) of Public, 49, Seventy-eighth Congress, first session (War Overtime Pay Act of 1943); and

H. R. 4918. An act to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5181) to provide a method for compensating certain individuals for damages sustained as the result of the explosions at Port Chicago, Calif., and it was signed by the Acting President pro tempore.

ERNIE PYLE

Mr. HATCH. Mr. President, a man small in stature, frail in physical strength, but strong in will went forth to the battle fronts of World War No. 2. Not in the uniform of a soldier—he was too old far that—but armed with his typewriter he braved the dangers of battle—a real fighting man. Those dangers he faced that he might give us through the daily press a true picture of warfare as he saw and experienced it. His was no casual inspection trip. He actually lived with our fighting men. On their transports, in their camps, at their mess, and sharing their dangers, he became the friend and companion of privates and generals upon equal terms with all.

It is no wonder the name of Ernie Pyle is spoken with genuine affection by our men everywhere. It is unnecessary to refer to the great stories he daily cabled the Scripps-Howard papers for which he writes. America has already evidenced her choice of him as her favorite war correspondent, even as the men overseas acclaim him friend.

Today, Ernie is tired. In a few poignant paragraphs he writes:

This is the last of these columns from Europe. By the time you read this the old man will be on his way back to America. After that will come a long, long rest. And after the rest—well, you never can tell.

Undoubtedly this seems to you to be a funny time for a fellow to be quitting the war. It is a funny time. But I'm not leaving because of a whim, or even especially because I'm homesick. I'm leaving for one reason only—because I have just got to stop. "I've had it," as they say in the Army. I have had all I can take for a while.

I've been 29 months overseas since this war started; have written around 700,000 words about it; have totaled nearly a year in the front lines.

I do hate terribly to leave right now, but I have given out. I've been immersed in it too long. My spirit is wobbly and my mind is confused. The hurt has finally become too great.

All of a sudden it seemed to me that if I heard one more shot or saw one more dead man I would go off my nut. And if I had to write one more column I'd collapse. So I'm on my way.

It may be that a few months of peace will restore some vim to my spirit, and I can go

war horsing off to the Pacific. We'll see what a little New Mexico sunshine does along that line.

So Ernie is coming home to rest in the sunshine and health-giving atmosphere of New Mexico. It is well that he has so decided. The months spent on the firing line require the change he now contemplates. Personally I regret his leaving the war just on the eve of victory, that victory which he has truly helped to win. But as one of his admirers and as a New Mexican, I am glad he is returning to our State where the sunshine and wonderful climate will fully heal war's cruel hurt.

In the city of Albuquerque, in the shadows of the Sandias, Ernie Pyle will find rest and ease far from the horrors of war. But if I know him, the placid calm and peaceful atmosphere will not be long for him.

When the Battle of Europe is over and the Pacific war increases in might and fury, I predict "the old man" will again grab his faithful typewriter, and, with scent of battle in his nostrils, will go "war horsing" to some far distant island to write again and give us those vivid daily paragraphs which describe as only he can describe the conditions under which our sons fight and die, that the sons of all men may be free.

Without regard to what the future may hold, I take this opportunity to express my own appreciation of his truly great work, a task which he has performed bravely and magnificently. New Mexico will be glad to welcome Ernie Pyle home again.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 1853. A bill for the relief of Dr. Frank K. Boland, Sr.; with an amendment (Rept. No. 1081).

By Mr. HATCH, from the Committee on Public Lands and Surveys:

S. 1062. A bill to authorize certain employees of the General Land Office to administer or take oaths, affirmations, affidavits, or depositions in the performance of their official duties; without amendment (Rept. No. 1082);

H. R. 3384. A bill to authorize the Secretary of the Interior to accept property for the Moores Creek National Military Park, and for other purposes; without amendment (Rept. No. 1083); and

H. R. 5025. A bill to allow credit in connection with certain homestead entries for military or naval service rendered during World War No. 2; without amendment (Rept. No. 1084).

By Mr. HATCH (for Mr. O'MAHONEY), from the Committee on Public Lands and Surveys:

S. 2111. A bill to provide for the extension of certain oil and gas leases; without amendment (Rept. No. 1085).

By Mr. HATCH (for Mr. WILLIS), from the Committee on Public Lands and Surveys:

S. 1807. A bill authorizing and directing the Secretary of the Interior to convey certain land to the city of Duluth, Minn.; with amendments (Rept. No. 1086).

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. THOMAS of Utah:

S. 2134. A bill to amend the Mustering-Out Payment Act of 1944, to provide a method for accomplishing certain mustering-out payments on behalf of mentally disabled veterans, and for other purposes; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

S. 2135. A bill for the relief of Mrs. Susanna Gimm; to the Committee on Pensions.

By Mr. BROOKS:

S. 2136. A bill for the relief of the city of Beardstown, Ill.; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

S. 2137. A bill to provide for naming the lake formed by waters of the Red River impounded by Denison Dam; to the Committee on the Library.

S. 2138. A bill to make retroactive as of June 1942 the increase in the purchase prices paid by the Procurement Division of the Treasury Department on and after January 14, 1943, for class A used nonportable typewriters to be used by the armed forces, and to provide for payment of such increase in prices to all persons, firms, and corporations who sold such typewriters to the Procurement Division of the Treasury Department prior to January 14, 1943; to the Committee on Expenditures in the Executive Departments.

By Mr. MOORE:

S. 2139. A bill to repeal the act of June 26, 1936 (49 Stat. L. 1967); to the Committee on Indian Affairs.

(Mr. LANGER introduced Senate bill 2140, which was referred to the Committee on Commerce, and appears under a separate heading.)

By Mr. ANDREWS:

S. 2141. A bill to provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Florida, pending the establishment of the park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BYRD:

S. J. Res. 150. Joint resolution making an appropriation to pay the necessary expenses of the inaugural ceremonies of the President of the United States, January 20, 1945; to the Committee on Appropriations.

By Mr. HAYDEN:

S. J. Res. 151. Joint resolution authorizing the erection on public grounds in Springerville, Ariz., of a memorial to Gustav Becker; to the Committee on Public Buildings and Grounds.

ELECTRIC POWER GENERATED AT FORT PECK DAM, MONT.

Mr. LANGER. Mr. President, various bills are pending for the distribution of the water in the Missouri River Basin. Personally, I like the Murray M. V. A. bill the best of those that are pending. However, it may be years before that project involving hundreds of millions of dollars is completed.

It is my belief that the farmers in North Dakota, Montana, South Dakota, and other Missouri River Basin States, should not be deprived of the enormous amount of electrical power that is now going to waste at Fort Peck. Only seven farmers out of every hundred in North Dakota have rural electrification. Contrast that to Japan, often described as a barbaric country, where 95 farmers out of every hundred have rural electrification.

I believe that every farmer who wants cheap electricity and power for his farm should get it at cost, and I hope to see the day soon when every farmer in North Dakota and Montana and South Dakota and other Missouri River Basin States will have that electricity and power from

Fort Peck. The dam is built; the power is there; the farmers and their wives should long ago have had electricity and power made available to them under the provisions of such a bill as that proposing to create the Missouri Valley Power Administration.

Every farmer will have electricity and power made available to him shortly after the war is over, and the materials needed for the building of transmission lines are available.

That, Mr. President, is what is provided in the bill I am about to introduce. I urge that the bill be referred to the Committee on Agriculture and Forestry, and I request that the chairman appoint a subcommittee promptly so that if this war should end within the next 4 or 5 weeks, as we all fervently hope and pray it may, the manpower coming back may be immediately used in the building of these lines.

Certainly all of us who have seen the hard, slaving drudgery of farm life, especially as it affects the women folk, know what a welcome boon it will be to the women and how much, too, it will mean to everyone living on these farms.

I hope that the Administrator will see to it that power and light are supplied as soon as possible to every farmer in North Dakota, South Dakota, Montana, and neighboring States in the Missouri Valley Basin.

Mr. President, I ask consent to introduce with request that it be referred to the Committee on Agriculture and Forestry, the bill which I have mentioned during the course of my remarks.

The ACTING PRESIDENT pro tempore (Mr. McKellar). Without objection, the bill introduced by the Senator from North Dakota will be received; the Chair thinks a more appropriate reference would be to the Committee on Commerce, and the bill will be so referred.

The bill (S. 2140) to provide for disposition of electric power generated at Fort Peck Dam, Mont., was read twice by its title and referred to the Committee on Commerce.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Civil Service:

H. R. 4114. An Act to amend section 3 (b) of Public, 49, Seventy-eighth Congress, first session (War Overtime Pay Act of 1943); and

H. R. 4918. An Act to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

FEDERAL-AID FOR POST-WAR HIGHWAY CONSTRUCTION—AMENDMENTS

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (S. 2105) 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, which was ordered to lie on the table and to be printed.

Mr. TYDINGS also (by request) submitted an amendment intended to be proposed by him to Senate bill 2105, supra, which was ordered to lie on the table and to be printed.

RIVER AND HARBOR FLOOD-CONTROL WORKS—AMENDMENT

Mr. AIKEN. Mr. President, I ask consent to submit an amendment which I intend to propose to House bill 4485 authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, and ask to have it printed.

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

Mr. AIKEN. Mr. President, the amendment would eliminate from the bill authorization for the construction of a dam near the mouth of the West River in Vermont. I wish it to be understood that in submitting the amendment I am not expressing opposition to the flood-control bill as a whole or to the general program of flood control. In the case of the dam proposed for the West River, however, in my opinion the amount of benefit derived would be far exceeded by the damage caused by the destruction of one of New England's finest and potentially richest valleys. It is most unfortunate that there is insistence upon this particular dam when by constructing three or four smaller dams the same amount of protection could be afforded the people living in the Connecticut Valley, and also protection for the people living in the West River Valley itself.

I wish to say further that when the flood-control bill is taken up for action I shall oppose the committee amendment on page 10, which reads as follows:

Provided, further, That none of the dams herein authorized for the Connecticut River Basin shall be utilized for the generation of hydroelectric power.

Undoubtedly there may be constructed some dams from which the development of electric power will not be warranted, but at other dams power may be developed for the benefit of the communities where they are located. I feel that we should not include in any flood-control program a rigid restriction against the development of power.

INFANTILE PARALYSIS AND ENCEPHALITIS—AMENDMENT

Mr. LANGER. Mr. President, I ask consent to submit an amendment in the nature of a substitute, which I intend to propose to Senate Joint Resolution 147, which I introduced last week, to provide for the general welfare by investigations into the causes and cures of infantile paralysis and encephalitis.

I may state briefly that of the \$10,000,000 proposed to be appropriated by the joint resolution the amendment would provide that \$1,000,000 shall be used for the establishment in the District of Columbia of an infantile paralysis clinic to be operated by Sister Elizabeth Kenny under the supervision of the Surgeon General of the Public Health Service.

My whole idea is, Mr. President, that all the forces that are now combating infantile paralysis shall be united in one

strong unified fight against infantile paralysis and encephalitis.

The ACTING PRESIDENT pro tempore. Without objection, the amendment submitted by the Senator from North Dakota will be received, referred to the Committee on Education and Labor, and printed.

TWENTY-THIRD ANNUAL REPORT OF BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 233)

The ACTING PRESIDENT pro tempore. In his capacity as a Senator, the present occupant of the chair, on behalf of the Senator from California (Mr. Downey), asks unanimous consent that the report of the Board of Actuaries of the Civil Service Commission transmitted to the Senate on August 15, 1944, be printed as a Senate document. The Chair understands it has been the custom to print such reports when received. Is there objection?

There being no objection, the report was ordered to be printed as a Senate document.

REMOVAL OF BAN OF SECRECY FROM DOUBLE TAXATION CONVENTION WITH CANADA

Mr. CONNALLY. Mr. President, I ask unanimous consent, as in executive session, that the ban of secrecy be removed from Executive G, Seventy-eighth Congress, second session, a convention between the United States of America and Canada for the avoidance of double taxation and the prevention of fiscal evasion in the case of estate taxes and succession duties, signed in Ottawa on June 8, 1944.

The ACTING PRESIDENT pro tempore. Without objection, and, as in executive session, it is so ordered.

The convention was made public, as follows:

The Government of the United States of America and the Government of Canada, being desirous of avoiding double taxation and of preventing fiscal evasion in the case of estate taxes and succession duties, have decided to conclude a Convention and for that purpose have appointed as their Plenipotentiaries:

Ray Atherton, Ambassador Extraordinary and Plenipotentiary of the United States of America at Ottawa, for the United States of America; and

W. L. Mackenzie King, Secretary of State for External Affairs, and Colin W. G. Gibson, Minister of National Revenue, for Canada. Who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

ARTICLE I

1. The taxes referred to in this Convention are:

(a) for the United States of America; the Federal estate taxes;

(b) for Canada; the taxes imposed under the Dominion Succession Duty Act.

2. In the event of appreciable changes in the fiscal laws of either contracting State, the competent authorities of the contracting States will consult together.

ARTICLE II

1. Real property situated in Canada shall be exempt from the application of the taxes imposed by the United States of America.

2. Real property situated in the United States of America shall be exempt from the application of the taxes imposed by Canada.

3. The question whether rights relating to or secured by real property are to be considered as real property for the purposes of this Convention shall be determined in accordance with the laws of the contracting State imposing the tax.

ARTICLE III

1. Shares in a corporation organized in or under the laws of the United States of America, of any of the states or territories of the United States of America, or of the District of Columbia, shall be deemed to be property situated within the United States of America.

2. Shares in a corporation organized in or under the laws of Canada, or of any of the provinces or territories of Canada, shall be deemed to be property situated within Canada.

3. This Article shall not be construed as limiting the liability of the estate of any person not domiciled in Canada or of any citizen of the United States of America, under the estate tax laws of the United States of America.

ARTICLE IV

1. The situs of property shall be determined in accordance with the laws of the contracting State imposing the tax, except as otherwise provided in this Convention.

2. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

3. Domicile shall be determined in accordance with the laws of the contracting State imposing the tax.

ARTICLE V

1. In the case of a decedent who at the time of his death was a citizen of, or domiciled in, the United States of America, the United States of America may include in the gross estate any property (other than real property) situated in Canada as though this Convention had not come into effect.

2. In the case of a decedent (other than a citizen of the United States of America) who at the time of his death was domiciled in Canada, the United States of America shall, in imposing the taxes to which this Convention relates:

(a) take into account only property situated in the United States of America; and

(b) allow as an exemption an amount which bears the same ratio to the personal exemption allowed in the case of a decedent who was at the time of his death a citizen of, or domiciled in, the United States of America as the value of the property of such decedent situated in the United States of America bears to the value of the property included in the entire gross estate of the decedent.

3. In the case of a decedent who at the time of his death was domiciled in Canada, Canada may include in the gross estate any property (other than real property) situated in the United States of America as though this Convention had not come into effect.

4. In the case of a decedent who at the time of his death was domiciled in the United States of America, Canada shall, in imposing the taxes to which this Convention relates:

(a) take into account only property situated in Canada; and

(b) allow as an exemption an amount which bears the same ratio to the personal exemption allowed in the case of a decedent who was at the time of his death domiciled in Canada as the value of the property of such decedent situated in Canada bears to the entire value of the property, wherever situated.

ARTICLE VI

1. In the case of a decedent who at the time of his death was a citizen of or domiciled in the United States of America, the United States of America shall impose the estate taxes to which this Convention relates upon the following conditions:

(a) In respect of property situated in Canada which, for the purpose of estate taxes, is included in the gross estate, less such property as is specifically deducted therefrom (either because of transfer for public, charitable, educational, religious or similar uses or because the property has been previously taxed under provisions of law relating to property previously taxed), there shall be allowed against the estate taxes a credit for Canadian succession taxes in respect of the property situated in Canada, the situs of such property being determined in accordance with the laws of Canada, subject to the provisions of this Convention.

(b) The portion of the Canadian succession taxes to be allowed as a credit against United States estate taxes shall be an amount which bears the same ratio to the total Canadian succession taxes as the value of the property situated in Canada and with respect to which estate taxes are imposed by the United States of America bears to the total value of the property with respect to which succession taxes are imposed by Canada.

(c) The credit in any such case shall not exceed an amount which bears the same ratio to such estate taxes, computed without the credit provided for herein, as the value of the property situated in Canada and not excluded or deducted from the gross estate as provided in (a) bears to the value of the entire gross estate.

(d) The values referred to in (c) are the values determined by the United States of America for the purpose of estate taxes.

(e) The credit provided for herein shall apply after the application of section 813 (b) of the Internal Revenue Code, as amended by the Revenue Act of 1942.

2. In the case of a decedent who at the time of his death was domiciled in Canada, Canada shall impose the succession taxes to which this Convention relates upon the following conditions:

(a) In respect of property situated in the United States of America which, for the purpose of succession taxes, is included in the gross estate, less such property as is specifically deducted therefrom (because of transfer for charitable, educational, religious or similar uses), there shall be allowed against the succession taxes a credit for United States estate taxes in respect of the property situated in the United States of America, the situs of such property being determined in accordance with the laws of the United States of America, subject to the provisions of this Convention.

(b) The portion of the United States estate taxes to be allowed as a credit against Canadian succession taxes shall be an amount which bears the same ratio to the total United States estate taxes as the value of the property situated in the United States of America and with respect to which succession taxes are imposed by Canada bears to the total value of the property with respect to which estate taxes are imposed by the United States of America.

(c) The credit in any such case shall not exceed an amount which bears the same ratio to such succession taxes, computed without the credit provided for herein, as the value of the property situated in the United States of America and not excluded or deducted from the gross estate as provided in (a) bears to the entire value of the property, wherever situated.

(d) The values referred to in (c) are the values determined by Canada for the purpose of succession taxes.

3. (a) The credit referred to in this Article may be allowed by the United States of America if claim therefor is filed within the periods provided in section 813 (b) of the Internal Revenue Code, as amended.

(b) The credit referred to in this Article may be allowed by Canada if claim therefor is filed within the period provided by subsection 4 of section 35 of the Dominion Suc-

cession Duty Act relating to refund of overpayment.

(c) A refund based on the credit may be made if a claim therefor is filed within the respective periods above provided.

(d) Any refund based on the provisions of this Article or any other provisions of this Convention shall be made without interest.

ARTICLE VII

1. With a view to the prevention of fiscal evasion each of the contracting States undertakes to furnish to the other contracting State as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

2. The information to be furnished under this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE VIII

1. The Commissioner shall notify the Minister as soon as practicable when the Commissioner ascertains that in the case of:

(a) a decedent, any part of whose estate is subject to the Federal estate tax laws, there is property of such decedent situated in Canada;

(b) a decedent domiciled in Canada, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America.

2. The Minister shall notify the Commissioner as soon as practicable when the Minister ascertains that in the case of:

(a) a decedent, any part of whose estate is subject to the Dominion Succession Duty Act, there is property of such decedent situated in the United States of America;

(b) a decedent domiciled in the United States of America, any part of whose estate is subjected to the Federal estate tax laws, there is property of such decedent situated in Canada.

ARTICLE IX

1. If the Minister deems it necessary to obtain the cooperation of the Commissioner in determination of the succession tax liability of any person, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

2. If the Commissioner deems it necessary to obtain the cooperation of the Minister in the determination of the estate tax liability of any person, the Minister may, upon request, furnish the Commissioner such information bearing upon the matter as the Minister is entitled to obtain under the revenue laws of Canada.

ARTICLE X

The competent authorities of the contracting States may:

(a) prescribe regulations to carry into effect this Convention within the respective States and rules with respect to the exchange of information;

(b) if doubt arises, settle questions of interpretation or application of this Convention by mutual agreement;

(c) communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XI

If any fiduciary or beneficiary can show that double taxation has resulted or may result in respect of the taxes to which this Convention relates, such fiduciary or beneficiary shall be entitled to lodge a claim or protest with the State of citizenship or domicile of such fiduciary or beneficiary, or, if a corporation or other entity, with the State in which created or organized. If the claim or

protest should be deemed worth) of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the alleged double taxation exists or may occur and if so whether it may be avoided in accordance with the terms of this Convention.

ARTICLE XII

The provisions of this Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

ARTICLE XIII

1. As used in this Convention:

(a) The term "Minister" means the Minister of National Revenue of Canada or his duly authorized representative.

(b) The term "Commissioner" means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative.

(c) The term "competent authority" or "competent authorities" means the Commissioner and the Minister and their duly authorized representatives.

2. When used in a geographical sense:

(a) The term "United States of America" includes only the states, the Territory of Alaska, the Territory of Hawaii, and the District of Columbia.

(b) The term "Canada" means the provinces, the territories and Sable Island.

ARTICLE XIV

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Convention shall be deemed to have come into effect on the fourteenth day of June, 1941. It shall continue in effect for a period of five years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five year period or at any time thereafter provided that at least six months prior notice of termination has been given.

Done in duplicate, at Ottawa, this eighth day of June, 1944.

RAY ATHERTON.
W. L. MACKENZIE KING.
COLIN GIBSON.

OVERSEAS INTER-AMERICAN HIGHWAY
FROM KEY WEST, FLA.

Mr. ANDREWS. Mr. President, ceremonies were held recently at Key West celebrating the completion of the overseas highway from the mainland of Florida to the island of Key West. A large part of the causeway portion of the Florida East Coast Railway extending to Key West was destroyed or so badly damaged as a railway by the big hurricane of 1935, that permission was granted to abandon it. Soon thereafter, there was established under Florida statutes, the overseas highway district, which issued bonds with which, together with aid provided from the State of Florida and the Federal Government, it purchased, for less than \$1,000,000 that portion of the Florida East Coast Railroad extending from the mainland to Key West. The original construction had cost over \$60,000,000. Some of the finest engineering was required to construct this overseas highway on top of steel bridges and reinforced concrete piers. This highway, although not completed until this year, aided greatly in our war effort during the submarine menace, which hovered around the Florida Peninsula during the first 2 years of the present war.

For some time a plan has been underway to utilize this overseas highway to connect up with the national highways of Cuba; thence, by ferries, east to Haiti and the Dominican Republic and Puerto Rico; also to the west from Habana to the western end of Cuba; thence across the Yucatan channel to Mexico to connect with the Pan-American Highway being completed from Laredo on the Rio Grande through Mexico and the Central American republics to Panama. Most of this highway will soon be completed.

Naturally the people of the United States are very much interested in having a more economical and convenient connection with our pan-American neighbors. It has been my privilege to talk with some of the officials of the countries through which this proposed highway would pass and their enthusiastic cooperation can, I am sure, be depended upon.

Some have thought it advisable that Congress should appoint a special joint committee of the Senate and House to make investigations as to the cost, practicability, and feasibility of such overseas highway, and I am submitting a concurrent resolution to that effect, which I ask to be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the concurrent resolution will be received and appropriately referred.

(The concurrent resolution appears at the conclusion of Mr. ANDREWS' remarks.)

Mr. ANDREWS. Mr. President, one of the most encouraging features now is that apparently it will not be a very expensive project for the United States and the countries to be traversed by this highway, in that much of it has already been constructed or is now under construction. Perhaps the most feasible and the most encouraging phase of this highway system will be the safe, efficient, and economic way by which connection can be established from Miami, Key West, and other embarkation points to Cuba; thence to Haiti and from Haiti and the Dominican Republic to Puerto Rico; also west from Cuba to Yucatan and Mexico where it would connect with the great Pan-American Highway, which during the recent submarine menace was spoken of as the American Burma Road.

It should be very practical as a post-war project, as there will be a great surplus of large craft convertible for ferry boats and ample labor practically to assure the completion and operation of the whole system within a relatively short period of time. The Public Roads Administration has looked into this route in recent years, and kindly furnished a sketch of the proposed route which I have for inspection.

Mr. President, I submit for the examination of Members of the Senate a map prepared by the National Geographic Society on which is traced the proposed route. It shows how the highway would connect up at various points.

The land-water automobile traffic could be routed also over trunk highways of the southeast and the trunk-line highways of Florida, converging at embarkation ports for Habana to connect with the highway-sea route to Yucatan and the Pan-American Highway,

to return, if desired, by the city of Mexico and save over 1,500 miles on a trip from the east to the city of Mexico, thus completing the Gulf Sunshine Circle in much shorter time and less expense for automobile tourist travel.

A very timely and able article by Miss Virginia Pruitt appeared in the Washington Post recently, pointing out the history and efforts for a more practical and economic communication between the American republics, and calling for attention to the fact that a line of communication connecting the New World republics by land is one of the oldest pan-American ideas, and that it was suggested at the first Pan-American Conference in 1889 that a connecting system of railways should be built to stimulate trade and friendship in the hemisphere; also that the fifth conference at Santiago de Chile in 1923 proposed cooperative action on a pan-American highway, and that early in 1930 work on several sections got under way, and by 1936 the 760-mile stretch between Laredo, Tex., and Mexico City was completed.

The importance of land communications among the American republics has in fact been stressed at every conference since 1923. In the middle 1930's the United States began to lend the Central American countries modest sums to help along with the work. In late 1941, when the terrible submarine menace made a land connection vital, the Congress appropriated \$20,000,000 to rush the Mexico-Central America link with the Panama Canal Zone. Central American countries, in addition to their own funds, borrowed \$10,000,000 to aid in the work. There are about 300 miles of highway to be constructed between Panama and the nearest completed highway in Colombia where motorists can travel to nearly all the South American republics over highways at least one-half of which could be traveled in all kinds of weather. Eighty percent had dry-weather surfaces and that work was slowly going forward on one of the two gaps in the route in southern Ecuador.

Southward from Mexico to the Panama Canal it is said that about three-fifths of the highway is ready for all-weather use. There are unfinished stretches in Mexico, Costa Rica, Nicaragua, Honduras, and Panama.

As a defense measure, the United States, after Pearl Harbor made arrangements for our Army to build a pioneer road along the route of the highway to span gaps in Central America. It was at first intended to complete it this year, but overseas offensives have slowed down shipment of road machinery and at present the pan-American "Burma Road" is apparently scheduled to be finished in 1944.

It is said that the building of the 300-mile link between the Panama Canal and the South American highway has been postponed until after the war. It may cost much money and time, but the belief is that its ultimate realization will advance the mutual trade and friendly relations between our American Republics far beyond that which can now be visualized. When this great continental system is completed, it will give the New World, first of all, a line of land com-

munication in case we are caught short again by a war. Its completion will permit a tourist and commercial exchange that will tie all the countries closer together as nothing else will or can. It will help these countries hold among themselves the new trade that the present war has started. In addition, it will start internal development in the heretofore untouched natural resources of each country.

This great inter-American development will effectively increase economic activity within countries where the highway runs and likewise increase commercial interchange among neighbors. Nothing could be more desirable for the prosperity and strength of the Western Hemisphere.

It is our hope that the joint committee of Congress will be created and that their report will justify our hope and predictions of great benefit to each republic traversed and to the whole of the Western Hemisphere.

The concurrent resolution (S. Con. Res. 49) submitted by Mr. ANDREWS was referred to the Committee on Foreign Relations, as follows:

Whereas there has recently been completed from the mainland of Florida to the island of Key West, what is known as the Overseas Highway; and

Whereas it is the sense of the Congress that we can greatly strengthen cordial relations with our neighbor republics by fostering the early extension of the Overseas Highway, recently completed to Key West, to connect by ocean ferries at Habana with the East-West Cuban Highway; thence east to connect with Haiti, Dominican Republic, and Puerto Rico; also west from Habana to the most westerly point of the island of Cuba; thence by ferry to Yucatan Peninsula in Mexico; thence to connect with the Pan-American Highway now being completed from Laredo on the Rio Grande through Mexico and the Central-American countries to Panama; and

Whereas it is contemplated that there will be a surplus of ocean craft suitable for conversion to ferryboats, also ample labor and construction machinery, after the close of the war, which otherwise may for some time have to remain idle; and

Whereas the construction and operation of such an inter-American highway would materially aid in solving the contemplated post-war labor situation and also would assist in bringing continental United States in closer touch with the many essential raw materials in Central and South America which may be had in exchange for manufactured articles for use in essential industries and agriculture: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Overseas Inter-American Highway Committee of Congress (hereinafter referred to as the "joint committee") to be composed of three Members of the Senate, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman from among its members.

SEC. 2. It shall be the duty of the joint committee to investigate, hold hearings where necessary in collaboration with proper officials of other American countries traversed by said highway, and report to Congress their recom-

mendations as to the most practical route, its feasibility, and approximate costs to each nation traversed for any additional construction and costs of operation of said highway; that such investigations shall include an overseas ferry from Key West to Habana, Cuba, to (a) connect with the East-West Cuban Highway to the most westerly point of the island of Cuba, thence by overseas ferries to Yucatan, Mexico, to connect with the Pan-American Highway now being completed through Mexico and Central America by way of Panama into South America; (b) connect with and include the Cuban National Highway from Habana, Cuba, to connect by ferry and highways with Haiti, Dominican Republic, and Puerto Rico.

SEC. 3. The joint committee, or any duly authorized subcommittee thereof is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, 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.

SEC. 4. (a) The joint committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The joint committee is authorized to request the use of the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government.

(b) The expenses of the joint committee, which shall not exceed \$, shall be paid out of the contingent funds of the Senate and House of Representatives, one-half to be disbursed by the Secretary of the Senate and one-half to be disbursed by the Clerk of the House of Representatives.

WAR DEPARTMENT DEMOBILIZATION PLAN

Mr. THOMAS of Utah. Mr. President, the War Department has issued a statement on its interim demobilization plan covering the period between the defeat of Germany and the defeat of Japan. Because of the intense interest that the more than 10,000,000 families of our men and girls in the armed services have in the plan, I ask that the statement of the department be included in the RECORD. The Committee on Military Affairs has been in contact with the War Department during the development of the plan; and I wish particularly to commend the cooperative spirit of the Secretary of War and of the General Staff in basing the plan, so far as military necessity permits, on the sentiment of both the Congress and the public for as rapid a demobilization of our men and girls as circumstances may permit.

This is a very human plan and the basis of determining eligibility for discharge was determined through a poll of the men themselves to ascertain what they thought was just. Selection for discharge is on an individual basis which gives a just opportunity to the man in the Pacific theater of operations even though his unit is continuing in the fight.

Particularly noteworthy are the provisions for informing all the men of the principles and provisions of the plan for discharge, so that each man may under-

stand why he is or is not eligible for discharge, and so that he may be able to determine his own eligibility through the impartial application of the principles of the plan; included is a provision for counselors for the men to help them in reorienting themselves for their return to civil life.

I regret to see by the morning press that an attempt is being made to create a political issue of what is strictly a military matter intimately connected with the conduct of the war, although we were assured that the war was to be kept out of the political campaign. I can assure the Senate, as of my own knowledge, that the announced plan of demobilization is one based solely on the best judgment of the special board set up over a year ago in the General Staff to study this subject and having as its objective the demobilization of the largest number of men permitted by the military situation. It was at the request of the War Department that a section was included in the Senate version of the reversion bill providing that the War and Navy Departments should not be required to retain in service any men for other than military reasons.

There being no objection, the statement issued by the War Department was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT DEMOBILIZATION PLAN AFTER DEFEAT OF GERMANY

The Army has adopted a plan for the readjustment of military personnel after the defeat of Germany and prior to the defeat of Japan calling for a partial and orderly demobilization from its present peak strength.

When the war against Germany has ended, the military might of the United States will be shifted from the European area to the Pacific area. Military requirements in the European and American areas will be drastically curtailed, while tremendous increases will be essential in the Pacific.

To defeat Japan as quickly as possible, and permanently, the United States will have to assemble, readjust, and streamline its military forces in order to apply the maximum power. Our military requirements to achieve this end, involving men, weapons, equipment, and shipping, have been set forth by the Combined Chiefs of Staff. These requirements are the determining factors of the readjustment and demobilization plan adopted by the War Department.

Military necessity decrees that sufficient men suited to the type of warfare being waged in the Pacific must remain in service as long as they are essential. Certain units of the Army also, of necessity, will have to be retained in the various theaters where action has ceased in order to fulfill such occupation duties as are necessary. Other elements, no longer needed in the theater in which they are assigned, will be transferred to other areas, reorganized and redesignated to meet current military requirements in the theater, or they will be inactivated.

Within each element of the Army thousands of individuals may become surplus to the needs of the theater or major command in which they are serving. But more thousands will be required for further military service.

First priority in this readjustment program will be the transfer of elements from theaters no longer active to the Pacific war zone, or from the United States to the Pacific war zone. All available transportation will be utilized for this tremendous undertaking.

The readjustment and demobilization plan developed by the War Department after months of study takes into account all of these variable factors. Briefly, the plan for the return of nonessential soldiers to civilian life will start with the assembly in the United States of men declared surplus to the needs of each overseas theater and to the major commands in the United States. From among these men some will be designated essential, and a substantial number will be designated as nonessential to the new military needs of the Army and will be returned to civilian life according to certain priorities.

As an example, the commanding general of the European theater of operations will be informed by the War Department of the types and numbers of his units which will be needed in the Pacific, and the types and numbers of his units which will remain as occupation troops, and the types and numbers of his units which are surplus.

The simplest plan of demobilization would have been to return these surplus units to this country and discharge their personnel intact.

Such a method, however, would operate with great unfairness to many individuals who have had long and arduous service but are not assigned to one of the units declared surplus. If only units in Europe were considered, this basis of expediency would work unfairly to units long in the Pacific or at outpost bases in the American theater. It would operate unfairly to men who have seen extended combat service both in Europe and the Pacific and have been returned to this country for reassignment. It would release men only recently assigned as replacements to units long in combat and would discriminate against veterans of many campaigns and units not selected for return.

Consequently, it was determined that the fairest method to effect partial demobilization would be through the selection of men as individuals, rather than by units, with the selection governed by thoroughly impartial standards.

For the standards, the War Department went to the soldiers themselves. Experts were sent into the field to obtain a cross-section of the sentiments of enlisted men. Thousands of soldiers, both in this country and overseas, were interviewed to learn their views on the kind of selective process they believed should determine the men to be returned first to civilian life. Opinions expressed by the soldiers themselves became the accepted principles of the plan.

As finally worked out, the plan accepted by the War Department as best meeting the tests of justice and impartiality will allow men who have been overseas and men with dependent children to have priority of separation. Ninety percent of the soldiers interviewed said that that is the way it should be.

As part of the plan adopted, an adjusted-service rating card will be issued to all enlisted personnel after the defeat of Germany. On this card will be scored the following four factors that will determine priority of separation:

1. Service credit, based upon the total number of months of Army services since September 16, 1940.
2. Overseas credit, based upon the number of months served overseas.
3. Combat credit, based upon the first and each additional award to the individual of the Medal of Honor, Distinguished Service Cross, Legion of Merit, Silver Star, Distinguished Flying Cross, Soldier's Medal, Bronze Star Medal, Air Medal, Purple Heart, and bronze service stars (battle participation stars).
4. Parenthood credit, which gives credit for each dependent child under 18 years up to a limit of three children.

The value of the point credits will be announced after the cessation of hostilities in Europe. In the meantime, the point values

will be kept under continuous study. The total score will be used to select surplus men from the theaters overseas and in the United States. The score also will be used when a certain portion of all these surplus men will be declared nonessential and returned to civilian life.

In all cases, however, the demands of military necessity and the needs of the war against Japan must first be met. Regardless of a man's priority standing, certain types of personnel can never become surplus as long as the war against Japan continues.

As an example of how the plan will work, assume that there are four infantry divisions in the European theater. One is declared surplus. Men in all four divisions are rated according to the priority credit scores. The top fourth is selected and those not essential for retention in service by reason of military necessity are designated as surplus. Men in the surplus division who are marked for retention by reason of military necessity are then shifted into the active divisions. All of the men designated as surplus are shifted into the surplus divisions, which now will serve as a vehicle for eventually returning them to the United States.

No man in a unit that remains in service can become surplus until a qualified replacement is available. If military necessity should entail the immediate transfer of a unit to the Pacific, there may conceivably be no time to apply the plan to men of that unit before the emergency transfer is made. Consideration will be given these men when they arrive in the new theater.

The active units needed against Japan will be shipped to the Pacific. Those units required for occupation duty in Europe will be sent to their stations, and surplus units will be returned to the United States as quickly as possible.

In the United States, the men of these surplus units will revert to a surplus pool in the Army Ground Forces, Army Service Forces, and Army Air Forces. These surplus pools will include surplus men from all overseas theaters and surplus men from the continental United States.

From these surplus pools the reduction of various types of Army personnel will be made. The number to be returned to civilian life as no longer essential to over-all Army needs will be chosen from among those with the highest priority credit scores.

It is emphasized that the rate of return of surplus men from overseas will depend upon the number of ships available. Thousands of ships will be required to supply the Pacific theater. The Pacific theater will have No. 1 priority. All else must wait. To it will be transported millions of fighting men, millions of tons of landing barges, tanks, planes, guns, ammunition, and food, over longer supply lines than those to Europe.

This means that most of the ships and planes that were used to supply the European theater will be needed to supply the Pacific theater. The majority of ships proceeding to Europe will continue on to the Pacific laden with troops and supplies for that distant campaign. Very few will turn around and come back to the United States. The Army, therefore, will not be able to return all surplus men to the United States immediately. It may take many months.

While the process of selecting and returning men from the European theater is taking place, the plan for readjustment and partial demobilization also will be applied in active theaters, like the southwest Pacific. Individuals in those theaters will be declared surplus to the extent that replacements can be provided. Naturally, since the Pacific will be the only active theater, there will be no surplus units of any type. Military requirements there will demand an increase rather than a decrease in fighting units. Nevertheless, troops in the Pacific area will

benefit by the reduction of the Army, not as units, but as individuals.

Commanders in the Pacific area will be told the number and types of men who can be replaced. They then will select these men, using the same standards as apply in inactive theaters and in the United States. These men then will be returned to the United States as rapidly as replacements of the same type become available and as the military situation permits.

As an example: Normally there will be a great flow of men needed to build up and maintain an offensive against Japan, but say that several thousand men over and above the required number can be shipped to the Pacific each month. Then a corresponding number of men in the Pacific with the highest priority credit scores can be declared surplus and returned to the United States, where their scores and military necessity will determine whether they are among the personnel no longer essential to the Army.

Simultaneously with the selection and return of men in the overseas theaters, the same selective formula will be applied among troops stationed in the continental United States. Troops in the United States, however, will serve as the main reservoir of replacements for the overseas theaters, for, in general, their priority scores will be lower than the scores of men who have served overseas and have seen combat duty.

Any man who may have been declared nonessential under this plan who wishes to remain in the Army, provided he has a satisfactory record, will not be forced out of the Army if he can be usefully employed.

In the case of officers, military necessity will determine which ones are nonessential. These will be released as they can be spared.

Priority of release for members of the Women's Army Corps will be determined in the same way as for the rest of the Army, but treating the Corps as a separate group. However, in the case of all female personnel of the Army, those whose husbands have already been released will be discharged upon application.

The plan as now adopted will provide some reduction in the Army Ground Forces and initially considerably less in the Service Forces and in the Air Forces.

Following Germany's defeat, the Air Forces will have to move combat groups and supporting ground units from all over the world to the Pacific areas. The nature of the Pacific area dictates that Service Forces personnel will be needed in great numbers to carry the war to Japan. Long supply lines, scattered bases, jungles, primitive country, all contribute to the importance and necessity for Service Forces personnel. Therefore, the reduction in its strength will be slow at first.

As replacements become available from the Ground Forces and from new inductees, the Air Forces and the Service Forces will discharge a fair share of men proportionate with the Ground Forces.

Surplus individuals declared nonessential to the needs of the Army will be discharged from the service through separation centers. Five Army separation centers are already in operation, and additional ones will be set up when the need develops. A total of 18 in all parts of the country are contemplated. Their wide distribution will enable us to discharge soldiers close to their homes.

The readjustment and demobilization plan applies only to readjustment and demobilization in the period between the defeat of Germany and prior to the defeat of Japan. It sets forth the principles and responsibilities involved during that period. Theater commanders and commanders of all other major commands of the Army will put the plan into operation in as simple a manner as possible, based on these principles and responsibilities.

The War Department has determined that the successful operation of the plan requires that the troops themselves, as well as the public, be kept fully informed.

The size of the Military Establishment that will be needed after the defeat of Germany has been calculated with the same exactness as the size of the Army needed up to now. No soldier will be kept in the military service who is not needed to fulfill these requirements. No soldier will be released who is needed.

It must be borne in mind always that the war will not be won, nor the peace enjoyed, until Japan has been completely crushed.

UNDESIRABLE WAR MEMORIALS—LETTER FROM NATIONAL COUNCIL OF AMERICAN WAR DADS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from Rennie L. Arnold, national president of the American War Dads, a patriotic organization with headquarters at Kansas City, Mo., warning the public against the types of war memorials which cannot be utilized for community purposes.

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

NATIONAL COUNCIL, AMERICAN WAR DADS,
Kansas City, Mo., August 31, 1944.

MR. ARTHUR CAPPER,
Publisher, the Topeka Capital,
Topeka, Kans.

DEAR MR. CAPPER: This organization believes it is very essential to forewarn the public against the types of war memorials which cannot be utilized for community purposes.

Not only do we have word of such proposed projects from many communities in this country but we know that the opinions of World War No. 2 veterans themselves are decidedly in favor of memorials which will serve the public in a practical way.

An Illinois editor, commenting on this American War Dad movement, said recently in his editorial columns:

"We feel that the group in our city which is behind the plan to erect a seven-lobed billboard to contain the names of all who have had any service to play in this war means honestly to do right by our boys. Their hearts are true, but they are victims of a mania for erecting huge lists of names, sold to them by a high-pressure hireling of a firm obviously determined to capitalize on the sentiment of the hour. Many smaller cities are breaking out with the 'board rash.' The Post is adding its weight to a counter-movement here which hopes to save our city and public square from catching the thing."

We are persuaded that if a community or its citizens plan to spend public money on a memorial, it should be something useful, such as public swimming pools, stadiums, day nurseries, public meeting places—anything that would benefit and improve the community and be an expression of democracy at work.

If you agree, we hope you will find occasion to give voice to a movement which we War Dads feel should have public consideration even at this early date.

Sincerely,

RENNIE L. ARNOLD,
National President.

OBJECTIONS OF FARM ORGANIZATIONS TO PENDING HIGHWAY LEGISLATION

Mr. CAPPER. Mr. President, in connection with highway legislation which I understand it has been planned to take up in the Senate in the near future, I ask unanimous consent to have printed in the RECORD a letter from Edward A. O'Neal, president of the American Farm

Bureau Federation, pointing out several objections to Senate bill 2105 in its present form.

I also ask unanimous consent to have printed a letter from Albert S. Goss, master of the National Grange, setting forth even stronger objections to the road bill, House bill 4915.

I invite special attention to the objection of the Farm Bureau to the allocation of \$200,000,000 for urban highways, while appropriation of \$250,000,000 is made for projects on the Federal highway system, which the Bureau says also would include urban highway construction.

I believe that Congress should study the matter very carefully before changing the formula for apportionment of Federal highway aid to the States, as proposed in House bill 4915. It seems to me that both these measures contemplate the granting of a disproportionate share of Federal funds to the more densely populated areas.

I ask unanimous consent that both letters be printed at this point in the RECORD, as a part of my remarks.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., September 2, 1944.

To All Members of the Senate.

We are strongly opposed to the enactment of S. 2105 unless it is amended to correct several serious weaknesses and particularly to remove its discrimination against rural areas.

We are strongly opposed to abandonment of the historic 50-50 basis for matching of Federal and State funds for highway construction, which has been in effect for a quarter of a century. This bill proposes a new matching requirement under which the States would be required to contribute only 40 percent and the Federal Government 60 percent of the cost of any project. Such a change is more inappropriate now than at any previous time, because of the unprecedented, colossal increase in the Federal public debt, which now exceeds \$200,000,000,000 and is still soaring rapidly, while State and local governments are in better financial condition than for many years. Furthermore, to abandon the equal sharing of expense between the Federal Government and the States and place a heavier share on the Federal Government would tend to invite increased Federal control over our highways.

The bill provides a special fund of \$200,000,000 for projects on highways in urban areas to be apportioned to the States on the basis of the total population in cities of 5,000 or more. Another fund of \$250,000,000 is provided for projects on the Federal highway system. Presumably, urban areas would also obtain money for highway construction out of this fund for the Federal-aid highways running through cities. The urban areas in the States with large cities would receive a large share of these funds, totaling \$450,000,000.

We are strongly opposed to this arrangement, which gives a disproportionate share of funds to heavy populated areas. If a special fund of \$200,000,000 is to be provided solely for Federal-aid highways through cities, then, in fairness, the \$250,000,000 for projects on the Federal-aid highway system should be limited to Federal-aid projects outside of urban areas. Otherwise, urban areas would be obtaining funds from both sources.

However, we believe it is unwise to provide a special fund solely for Federal-aid highways through urban areas, as this prevents the States from exercising their own judg-

ment in apportioning these Federal-aid funds within their States to urban and rural areas. Since these apportionments to the States must be matched by the States out of State funds and since all of these funds are to be expended on Federal-aid projects, we recommend that the \$200,000,000 for urban areas be eliminated and such additional funds as may be necessary be added to the two hundred and fifty million for Federal-aid projects and that these funds be made available for expenditure on Federal-aid highways through urban areas as well as outside urban areas, as provided by existing law. All these funds should be apportioned to the States on the basis of the regular Federal-aid formula—one-third on the basis of total population, one-third on the basis of area, and one-third on the basis of rural post-road mileage.

We strongly favor the allocation of \$200,000,000 for projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus roads, but we recommend these funds be apportioned to the States on the basis of the following formula: One-third on the basis of rural population; one-third on the basis of total area; and one-third on the basis of total mileage of the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus roads. We believe that this formula is a more equitable and realistic formula for the apportionment of these funds for this type of roads than the formula proposed in this bill. We further urge the insertion of an amendment providing that specifications for the construction of secondary and feeder roads shall be determined solely by the respective States.

The foregoing recommendations were approved by the board of directors of the American Farm Bureau Federation at its meeting in Chicago, on August 31, 1944. I hope these recommendations will receive your earnest consideration and that they will meet with your approval.

Sincerely yours,

EDW. A. O'NEAL,
President.

THE NATIONAL GRANGE,
Washington, D. C., August 17, 1944.

HON. J. W. ROBINSON,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN ROBINSON: We are quite concerned over the situation in connection with the pending road bill, H. R. 4915. We are in thorough accord with the purpose of having plans and finances ready to meet any possible emergency arising from the transition from a wartime to a peacetime economy. If this is to be done, it will be necessary to have any program which may be passed by the Congress approved by the various State legislatures. Forty-five of these legislatures meet next January, and many of them will not meet in regular session for another 2 years. It seems most urgent that any legislation the Congress enacts should be passed quickly to avoid the danger of holding up plans which should be gotten under way.

However, we are also concerned about some of the provisions of the bill as reported out by your committee. We fear some of the provisions indicate a tendency to make the bill an unemployment-relief bill rather than a highway bill; that some of the formulae for allocation of funds will not meet the needs either for employment or building a highway system as equitably as we would like, and that some emergency needs may have led to an expedient course which will serve as a handicap in developing a well-balanced highway system in the future. We, therefore, want to urge the approval of some committee amendments which are designed to meet this situation, provide a more equitable allocation of funds, and protect the prime purpose of building a Federal highway system.

For many years the formula of apportioning road funds on the basis of one-third area, one-third population, and one-third post-road mileage has worked out most satisfactorily in rural areas, and we feel it should not be discarded unless it can be improved. We realize the justice in providing funds for carrying this system through cities or even skirting the city itself, and favor authorization of funds for this purpose. However, when we applied the allocation formula in the bill to the field, we found some indefensible results. Some States with large urban population and small areas would receive less than seemed equitable, while in sparsely settled States, more funds for development in urban areas would be received than they could possibly use economically. We worked on a wide variety of factors in an effort to find some combination which would do reasonable equity to the rural and urban sections alike, but were finally forced to the conclusion that there were certain economic factors which were common to practically all rural sections, and certain other factors which were common to practically all urban centers, but there was not much in common between these two groups. We concluded that the only way to approach equity was to determine the amount of money to be spent on rural highways and the amount to be spent on high way development in the urban areas, then provide for an equitable allocation of each of these sums according to the factors which would give the most equitable practical results in each case.

We propose that the funds authorized for the Federal-aid highway system in rural areas and for the feeder roads be apportioned to the States as provided in section 21 of the Federal Highway Act (one-third area, one-third population, and one-third post-road mileage).

We propose that the funds authorized for Federal-aid highway projects in urban areas be apportioned among the states in the ratio which the population in municipalities of 10,000 population or more in each State bears to the national total population in municipalities for 10,000 or more.

We believe the purpose of the bill to construct a Federal highway system should be preserved. If later money is needed for relief, let it be appropriated as such, and let it be allocated according to the need. We fear the wording of the bill may not be quite clear and may give rise to misunderstanding, and be considered as authorizing the expenditure of funds on city streets quite apart from the highway system. We believe this is not the intent, but misunderstanding could be avoided if the authorization for urban expenditures were clearly defined as "on Federal-aid highway projects in urban areas."

The highway system which has served us so successfully these many years permits a portion of the general Federal-aid highway funds to be used in urban areas. The pending bill would provide additional funds which could not be used except in urban areas, but does not prevent using a portion of the general Federal-aid highway funds being used there also, just as is now the case. This is probably as it should be, but the wording which specifically provides for the use of these funds "either inside or outside of urban areas" without any limitations would seem to invite needless rivalries and political pulling and hauling between cities and country areas. We believe the provisions of the present law are ample in this respect, and believe the inclusion of these additional words will merely lead to confusion.

We feel that the bill can be greatly improved by making the changes we suggest, and urge that it either be recalled for further consideration, or that committee amendments be prepared designed to correct the conditions to which we have invited your attention.

Sincerely yours,

A. S. Goss,
Master, The National Grange.

KIWANIS CLUB CITATION TO SENATOR HAWKES

[Mr. REVERCOMB asked and obtained leave to have printed in the RECORD the 1943 citation of the Kiwanis Club of New York, citizenship committee, to Senator HAWKES, the presentation of the citation by Hon. James W. Gerard, the address on the occasion by Senator HAWKES, and remarks by Senator REVERCOMB, which appear in the Appendix.]

ADDRESS BY POSTMASTER GENERAL WALKER BEFORE SAN FRANCISCO JUNIOR CHAMBER OF COMMERCE

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD a radio address by Hon. Frank C. Walker, Postmaster General of the United States, delivered on September 8, 1944, before the Junior Chamber of Commerce at San Francisco, Calif., which appears in the Appendix.]

EXPENDITURES AND RECEIPTS OF DOMESTIC AND FOREIGN AIR MAIL SERVICE—REPORTS OF POST OFFICE DEPARTMENT

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD two reports addressed to him as chairman of the Committee on Post Offices and Post Roads by the Post Office Department, one on expenditures and receipts of the Domestic Air Mail Service, and the other on expenditures and receipts of the Foreign Air Mail Service, which appear in the Appendix.]

FEDERAL ASSISTANCE TO STATES FOR PUBLIC EDUCATION—ADDRESS BY DR. HOWARD A. DAWSON

[Mr. HILL asked and obtained leave to have printed in the RECORD an address entitled "Federal Assistance to the States for Public Education," delivered by Dr. Howard A. Dawson before the Representative Assembly of the National Education Association at Pittsburgh, Pa., on July 6, 1944, which appears in the Appendix.]

EDUCATION FOR WORLD AFFAIRS—ADDRESS BY WILLIAM M. HEPBURN

[Mr. HILL asked and obtained leave to have printed in the RECORD an address entitled "Education for World Affairs—The Basis for an Understanding Peace," delivered by Dr. William M. Hepburn, dean of the law school of the University of Alabama, at the summer school graduation on August 25, 1944, which appears in the Appendix.]

STATES' RIGHTS—ARTICLE BY LOWELL MELLETT

[Mr. HILL asked and obtained leave to have printed in the RECORD an article entitled "States' Rights Makes Good Talk, But Doesn't Create Any Jobs, Says Writer," written by Lowell Mellett and published in the Washington Star of September 7, 1944, which appears in the Appendix.]

FARM PROGRAM—LETTER FROM G. C. OLIVER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter pertaining to the farm program addressed to him by G. C. Oliver, chairman of the Cumberland County, Ky., A. A. A. board, which appears in the Appendix.]

FEDERAL ROAD PROGRAM—EDITORIAL FROM ST. LOUIS GLOBE-DEMOCRAT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial entitled "Federal Road Program" published in the St. Louis Globe-Democrat of September 5, 1944, which appears in the Appendix.]

TRIBUTE TO GEORGE W. NORRIS

[Mr. HILL asked and obtained leave to have printed in the RECORD a number of editorials and newspaper articles, and a

statement by Sidney Hillman, paying tribute to the memory of former Senator Norris of Nebraska, which appear in the Appendix.]

THE GOVERNMENT'S SUIT AGAINST THE RAILROADS

[Mr. SHIPSTEAD asked and obtained leave to have printed in the RECORD a letter written by Wendell Berge, Assistant Attorney General, under date of August 25, 1944, to the editor of the New York Times, relating to the Government's suit against the railroads, and an editorial entitled "Look Homeward, Mr. W!", published in the Minneapolis Morning Tribune of October 22, 1943, which appear in the Appendix.]

THE GOVERNMENT'S SUIT AGAINST THE RAILROADS

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD two editorials from the New York Times, one of August 25, 1944, and the other of August 30, 1944, and an article from the Wyoming State Tribune of August 29, 1944, relating to the Government's suit against the railroads, which appear in the Appendix.]

BASES FOR PEACE—ARTICLE FROM COSMOPOLITAN MAGAZINE

[Mr. BROOKS asked and obtained leave to have printed in the RECORD an article entitled "Bases for Peace" published in the September 1944 issue of Cosmopolitan magazine, which appears in the Appendix.]

EXPANSION OF SERVICE INDUSTRIES—ARTICLE BY C. HARTLEY GRATAN

[Mr. WALSH of New Jersey asked and obtained leave to have printed in the RECORD an article entitled "Factories Can't Employ Everybody—Why the Service Industries Must Expand," written by C. Hartley Grattan, and published in Harper's magazine of September 1944, which appears in the Appendix.]

THOUGHTS ON V-DAY—EDITORIAL FROM NEWARK EVENING NEWS

[Mr. WALSH of New Jersey asked and obtained leave to have printed in the RECORD an editorial entitled "Thoughts on V-day," published in the Newark (N. J.) Evening News of September 5, 1944, which appears in the Appendix.]

SANCTUARY FOR THE JEWS IN PALESTINE

[Mr. LANGER asked and obtained leave to have printed in the RECORD an editorial from the Boston Evening Globe of August 10, 1944, entitled "They Suffered Most"; an editorial from the New York Daily Mirror of August 1, 1944, entitled "Well Mr. Churchill"; an editorial from the Courier News of Plainfield, N. J., of August 1, 1944, entitled "Palestine as A Refugee"; an editorial from the New York Post of August 24, 1944, entitled "Men of Faith"; an editorial from the New York Post of August 15, 1944, entitled "Share the Job"; and an editorial from the New York Post of August 10, 1944, entitled "Twenty-four Days Have Passed"; all relating to providing sanctuary for the Jews, which appear in the Appendix.]

CONTROL AND ERADICATION OF CERTAIN ANIMAL AND PLANT PESTS AND DISEASES

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate recede from its amendments numbered 1, 2, and 3 to the bill (H. R. 4278), the title of which will be stated.

The CHIEF CLERK. A 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.

PROMOTION OF CERTAIN AMERICAN PRISONERS OF WAR

Mr. BROOKS obtained the floor.

Mr. CHAVEZ. Mr. President, is it the desire of the Senator from Illinois to address the Senate at this time?

Mr. BROOKS. I expect to speak for a few minutes.

Mr. CHAVEZ. Will the Senator be kind enough to yield to me for a moment?

Mr. BROOKS. I am delighted.

Mr. CHAVEZ. Mr. President, before proceeding to ask unanimous consent for the consideration of a bill on the calendar, I wish to compliment the Senator from Florida [Mr. ANDREWS] on the statement which he made to the Senate a few moments ago. I am personally acquainted with the matters of which he speaks. In my opinion no more important program could be carried out in the post-war period than the project he has discussed.

Mr. President, I ask unanimous consent for the present consideration of Senate bill 1374, Calendar 1057, which is a bill unanimously reported by the Committee on Military Affairs.

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

The LEGISLATIVE CLERK. A bill (S. 1374) to provide for promotion of certain American prisoners of war.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, reserving the right to object, will the Senator from New Mexico give us some intimation of what the bill involves?

Mr. CHAVEZ. I shall be glad to do so. This bill originated as a result of the plight of American prisoners of war in the Philippine Islands, in Wake, and in Guam. As the Senate knows, practically every State in the Union had prisoners of war in the Philippine Islands after the fall of Bataan and Corregidor. The bill was introduced about 10 months ago. Only recently the Senate Committee on Military Affairs unanimously reported the bill. The Senator from Illinois [Mr. BROOKS], who has been kind enough to yield to me, has constituents from Maywood, Peoria, and elsewhere, who are prisoners of war. Practically every State in the Union is interested.

Mr. WHITE. Mr. President, in view of the explanation made, and in view of what I understand to be the attitude of the minority members of the committee, I have no objection.

Mr. CONNALLY. Mr. President, reserving the right to object, as I understand, the bill applies only to officers and enlisted men who were imprisoned by the Japanese.

Mr. CHAVEZ. That is correct.

Mr. CONNALLY. Why should it not apply to those imprisoned by the Germans? They are in just as bad a situation.

Mr. CHAVEZ. The reason is that at the time the bill was introduced, the only prisoners involved were those who were taken at Guam, at Wake, and in the Philippine Islands. It is the thought of the sponsors of the bill that inasmuch as those particular prisoners were taken under circumstances which are not applicable to prisoners taken elsewhere, they should be taken care of. Personally I have no objection to taking care of prisoners who were taken elsewhere; but I believe it would be well to take care of these particular prisoners at this time. I have no objection to taking care of the prisoners to whom the Senator refers.

Mr. CONNALLY. Would the Senator object to my offering an amendment to that effect?

Mr. CHAVEZ. The only thing I have in mind in that respect is—

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

Mr. CHAVEZ. I yield.

Mr. HATCH. Let me say to the Senator from Texas that I quite appreciate the suggestion which he has made. It should be said that there is no intention to discriminate against prisoners anywhere. However, as my colleague has explained, this bill was introduced at a time when it seemed peculiarly fitting with respect to prisoners in the Philippines, who went through that tragic experience called the march of death, and who have been held for a long time as prisoners of war under most terrible conditions. My colleague introduced the bill as a mark of our country's appreciation of what those men suffered under those circumstances. I hope the amendment will not be pressed at this particular time, because I am quite sure it would complicate the passage of the bill. I believe that the bill should be passed as it was originally introduced.

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

Mr. CHAVEZ. I yield.

Mr. CONNALLY. As the Senator and his colleague have said, at the time the bill was introduced a certain situation existed. However, we are asked to pass the bill now, under present conditions. We cannot pass it nunc pro tunc, under conditions which heretofore existed. If we are to promote a prisoner in the Philippines—and I am not opposed to it—I cannot see why an officer who was captured in north Africa and imprisoned by the Germans, and who is still imprisoned, should be denied promotion. I understand that the War Department has a regulation which provides that no officer who is imprisoned anywhere shall be promoted. Most of the former associates and colleagues of such officers, who have been in active service, have been promoted two or three grades, while their companions in rank are still in the German prison camps and cannot be promoted. What reason is there for promoting prisoners in the custody of the Japanese and not those in German custody?

Mr. CHAVEZ. I cannot see any reason, except that, so far as the prisoners of the Japanese are concerned, they had to fight under the most trying circumstances, without supplies, without food, and without adequate arms and ammunition. Their situation is somewhat different from that of prisoners who were taken in isolated cases in the campaign in Africa. I assure the Senator that I am acting in the best of faith in this instance. I do not object to taking care of the class of prisoners which the Senator from Texas has in mind.

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

Mr. CHAVEZ. I yield.

Mr. VANDENBERG. I notice, from the letter from the Navy Department, which is a part of the committee report, that there is a suggestion of further discrimination. I invite the attention of the Senator from Texas to the language at the bottom of page 3 of the report. The Navy Department objects because the bill "is limited to those who were serving in only three locations—the Philippine Islands, Guam, and Wake—and only to those who were serving in those locations on one specific date, December 8, 1941." In other words, apparently it does not include even all those who should be eligible in the particular theater to which the Senator from New Mexico refers.

Mr. CHAVEZ. That is correct. The report speaks for itself. There is no question that both the War Department and the Navy Department made adverse reports on the bill. However, I believe that the significant part of the report of the War Department, which convinced the Committee on Military Affairs, is contained in the letter from the Secretary of War, which is found on page 2 of the report. In explaining the objections of the War Department to the bill the Secretary of War said:

In the case of captured personnel—

He is speaking of all the personnel captured in the Philippine Islands—

there is no way to distinguish between those men who, by virtue of having fought to the last, might be deserving of a reward in the form of promotion and those who surrendered in circumstances under which they might reasonably have been expected to continue to resist.

In my opinion that was the compelling point which prevailed upon the Committee on Military Affairs to report the bill. Even before the bill was reported by the committee, the War Department recommended the promotion of General Wainwright. I am sure it was deserved. This body acted upon it and approved it.

The surrender came after the commander of the troops saw that there was nothing else to do. The American prisoners taken in the Philippine Islands were captured under entirely different circumstances from those obtaining with respect to prisoners captured in other theaters. I am not opposed to the promotion of prisoners captured in other fields of battle; but I ask Senators to consider what the boys in the Philippines, Guam, and Wake went through, and the defense which they made.

Guam, which has only recently been retaken by American forces, was defended by 300 marines. Were they not fighting under different circumstances from those surrounding men who became lost from their divisions in Tunisia, Africa, Italy, and France, and who surrendered because they were surrounded by a platoon of German soldiers? What about the boys at Guam and Wake? They had no supplies. They were doing their duty under most trying circumstances. So I feel that their case is a little different.

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

Mr. CHAVEZ. I yield.

Mr. GILLETTE. Reserving the right to object, I should like to ask the Senator a question. I am disturbed at the possible interpretation of the provision of the bill which calls for similar promotions each year thereafter, without any limitation. Is it the intention that these men are to be promoted every year from now on?

Mr. CHAVEZ. So long as they are prisoners of war.

Mr. GILLETTE. But there is no such limitation in the language of the bill. The bill simply provides that—

Similar promotions shall be made December 8, 1943, and December 8 in each year thereafter in the case of each person below the grades above specified on such dates, respectively.

There is no limitation providing that they must continue to be prisoners of war if the promotions are to be continued. The bill merely provides for similar promotions each year.

Mr. CHAVEZ. The intention of the framers of the bill—and I am sure the bill will be so interpreted, especially in view of the reports from the War Department and the Navy Department—is that such promotions shall continue only so long as the men are prisoners of war.

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

Mr. CHAVEZ. I yield.

Mr. HATCH. The prisoners in the Philippines were taken under the most terrifying circumstances which have confronted any soldier in this war. They have been held prisoners of war under different circumstances than those which obtain with respect to prisoners of war in other theaters and areas. The men who were taken in the Philippines were not even permitted to receive medical supplies. They have not been permitted to receive Red Cross help. No food has been permitted to go to those men in the prison camps. That is not the fault of our Government. That is the way the enemy has treated the men who were taken in the first stages of this war. Senators all know something of what that treatment has been.

This measure, which my colleague has introduced, is the only expression this Government can make for the prisoners in question have been bound and tied in every other way—to these men in the Philippines and to their fathers and mothers, who are meeting here in Washington this very day, that their Government does recognize the services, the trials, the dangers, the hardships, and the terrors through which they have gone.

It is a small matter, to my mind, to give these men a slight promotion. I know of nothing else that we can do for them. It is merely in recognition of our appreciation of their sacrifices and of the gallant, brave stand they made on Bataan.

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

Mr. CHAVEZ. Certainly; I yield.

Mr. VANDENBERG. I agree with everything both Senators have said regarding the eligibility of these particular servicemen for particular and special consideration. The point I was raising related solely to the fact that the Navy Department says in its report that we are discriminating as between the very men to whom both Senators from New Mexico have referred. The bill does not include those who were taken prisoner in the Philippine Islands and whose service may have commenced after December 8, 1941. It includes only those known to be prisoners of war and excludes those who may be listed as missing but who actually are prisoners.

My inquiry goes simply to the point whether the able Senator has reached the objective he seeks to reach.

Mr. CHAVEZ. Mr. President, I am and have been so much interested from a moral, a governmental, and a human standpoint that I have considered the bill carefully, as I did at the time when it was drawn. I am satisfied that anyone within the scope of the bill, who was there at that particular time, will be taken care of. Of course, we cannot tell what interpretations may be made by various departments.

Mr. VANDENBERG. I did not hear the Senator's answer to the point raised by the Senator from Iowa [Mr. GILLETTE]. Surely it is not intended that this annual promotion shall proceed without end, regardless of whether promotions are received by the other men in the service.

Mr. CHAVEZ. No; it was not my intention to have the bill drawn in such a way that they would continue to receive promotions every year, regardless of whether they are prisoners.

Mr. GILLETTE and Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator yield, and if so, to whom?

Mr. HATCH. Mr. President, will the Senator yield to me? If he does, I will defer to the Senator from Iowa, because he is ready to make that point clear, I am sure.

Mr. GILLETTE. Mr. President, I shall object to further consideration of the bill unless the Senator will agree to clarify that language.

Mr. CHAVEZ. I will gladly agree, because that is the intention.

Mr. GILLETTE. I understand that there is before the Senator certain language which, if adopted, will clarify the situation.

Mr. CHAVEZ. The suggested amendment of the Senator from Iowa is on page 2.

The ACTING PRESIDENT pro tempore. Before the consideration of amendments, the question is on present

consideration of the bill. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 1374) to provide for promotion of certain American prisoners of war.

Mr. CHAVEZ. Mr. President, I offer the following amendment: On page 2, in line 3, after the word "respectively", insert a comma and the words "as long as such imprisonment continues."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

Mr. CONNALLY. Mr. President, I desire to say that I favor the measure, but I think some provision should be made for officers who are in German prison camps. While I shall not embarrass the Senator by undertaking to draw such an amendment so hurriedly at this time, I should like to offer a similar measure later on, to cover officers and men who are incarcerated in German prisons. In most cases those men have undergone actual combat. Many of them have been wounded. Many of them flew over Germany in very hazardous adventures, and had to make forced landings, and were captured. So if any are to be covered, I think all officers and men who received similar treatment and are in a similar situation should be covered.

The ACTING PRESIDENT pro tempore. Does the Senator from Texas offer an amendment?

Mr. CONNALLY. I do not, because I have not had time to prepare one properly at this moment.

Mr. CHAVEZ. I assure the Senator that I agree with everything he has said; and I, for one, will go along with him.

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

Mr. CHAVEZ. I yield.

Mr. MAYBANK. I merely wish to commend the Senator from New Mexico, because a large number of R. O. T. C. officers and other reserve officers, as well as many others from my State, are in the category of which the Senator has spoken. I certainly hope the bill will pass.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill, S. 1374, was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That effective December 8, 1942, each officer of the Army, Navy (including the Coast Guard), or Marine Corps below the grade of colonel or corresponding grade in the other services, and each warrant officer and enlisted man below the grade of master sergeant or corresponding grade in the other services, who was serving in the Philippine Islands or on Wake or Guam on December 8, 1941, and who is now a prisoner of war, shall be advanced one grade from the grade he held on that date; and similar promotions shall be made December 8, 1943, and December 8 in each year thereafter in the case of each person below the grades above specified on such dates, respectively, as long as such imprisonment continues: *Provided,* That nothing in this act shall be construed to reduce the grade or pay of any person promoted between December 8, 1941, and the date of his capture.

Sec. 2. Each of the persons specified in section 1 who, by reason of the character of his service, such as aviation personnel, persons serving on submarine duty, and the like, received special pay, shall continue to receive such pay during the time he is a prisoner of war notwithstanding the fact that by reason of his status he is unable to engage in the service qualifying him for such additional pay.

Mr. CHAVEZ. Mr. President, I thank the Senator from Illinois for his patience.

LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, will the Senator from Illinois yield to me for a moment?

Mr. BROOKS. I yield.

Mr. BARKLEY. I wish to make a brief statement for the information of Senators with regard to the legislative situation, so that they may govern themselves accordingly.

Two important measures are now in conference. On both of them progress is being made, but it is not likely that they will be ready for action on the part of the Senate before Tuesday or perhaps Wednesday of next week, depending on the further progress made in conference.

In the meantime, there are measures on the calendar which various Members desire to have considered, and during the consideration of which it will be necessary not only to have a quorum of the Senate present, but, in my judgment, to have as full an attendance as possible. Therefore, I hope that all Senators who are here will remain here. We have taken steps to recall other Senators who are necessarily, unavoidably away, so that during next week we may have, not simply a bare quorum, but as full an attendance as possible, so that we may dispose of the business which will be brought forward as expeditiously as possible.

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

Mr. BARKLEY. The Senator from Illinois has the floor, but I am sure he will yield.

Mr. BROOKS. I yield.

Mr. WHITE. Will the Senator from Kentucky indicate to us what are the particular pieces of legislation to which he has referred?

Mr. BARKLEY. At the moment I am not able to do so. I contemplate that a recess will be taken until Tuesday. In the meantime, conferences will be in progress with Members interested in the measures and with the Senator from Maine, so that we may be able to have some definite information on Tuesday.

Mr. REED and Mr. VANDENBERG addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator yield; and if so, to whom?

Mr. BROOKS. I yield first to the Senator from Kansas.

Mr. REED. I may say to the Senator from Maine that, as one of those who are taking an active part in connection with highway legislation, for the Committee on Post Offices and Post Roads, the committee has reported a highway bill which is now on the calendar. I hope that bill will be taken up.

Mr. BARKLEY. I may say that it is contemplated that action will be undertaken to be had on it at a very early date.

Mr. REED. I merely made that statement for the information of the Senator from Maine.

Mr. VANDENBERG. Mr. President, will the Senator from Illinois yield to me?

Mr. BROOKS. I yield.

Mr. VANDENBERG. It occurs to me that it is hardly fair to ask Senators to return, to act on legislation which will require House action in order to complete it, because all the information which comes to me very definitely indicates that there will very probably not be a House quorum present for some time.

Mr. BARKLEY. Of course, Mr. President, the Senate has to be responsible for its own actions; and even legislation which cannot pass the House immediately will be at least half way over the hurdle if it gets through the Senate.

At any rate, it is necessary that we have as large an attendance as possible during next week, because of matters which are pending and which will be brought up regardless of what the House may do. It may be that some of the bills are House bills. If some of them are not House bills, and if we are ready to consider them, they should be considered before we make our exodus, if one we are to make, between now and the great event to which we all look forward.

AMERICAN POST-WAR RUBBER PRODUCTION

Mr. BROOKS. Mr. President, the lessons of war are many times tragic and always costly. No one ever realizes this as much as the men who face the cruel test of combat, and pay with their flesh, their blood, and some with their lives.

Our casualty list is already more than 300,000, and no one can predict how many more of the flower of American youth will be offered upon the altar of war before the despicable despots of the world are finally subdued.

Several days ago I spoke of the tragic lesson of the potential possibilities of air power—how our leadership had failed to realize its terror, and how now, with the combined brain and brawn of a free nation, we have developed one-third of the air power of the entire world but have thus far failed to protect our future rights in air bases throughout the world.

Today I wish to speak of another all-important lesson that was brought so forcibly to our attention—a lesson which could and would have been fatal except for American ingenuity, inventive genius, and productive capacity of our free people.

When we were so suddenly blasted and blown into this war by the sinking and destruction of our Pacific Fleet and air power at Pearl Harbor, we were not only cut off from our gallant Army in the Philippines, but we were cut off from the vitally important raw rubber supply with the subsequent fall of British and Dutch possessions in the distant Pacific.

Although the problem of substitute rubber was absolute and apparent, its solution was bungled and delayed for

months. In fact, it was not until the Senate took action that it was given the attention that it deserved in our tragic situation.

On July 22, 1942, the Senate, taking the situation in hand, passed a bill to create a new agency to produce synthetic rubber from grain alcohol, leaving the War Production Board to continue to wrestle with the conflicting views of diverse interests which had various plans to make synthetic rubber from petroleum.

The bill was passed over the protests of administration leaders, but it brought action. On August 6, 1942, the President appointed a Special Inquiry Committee, headed by Mr. B. M. Baruch, to make a survey and report its findings. The danger was so real that in 4 days the report was finished and sent to Congress containing the following language:

We find the existing situation to be so dangerous that unless corrective measures are taken immediately this country will face both a military and civilian collapse.

Finally a program was instituted for making synthetic rubber which has helped save humanity in war, and if we are wise, it will make us safe and self-sufficient in regard to our rubber requirements for all time to come.

The Nation, as well as all of our allies in this war, owes a debt of gratitude to both William M. Jeffers and his successor, Col. Bradley Dewey, for their great contribution while directing our national effort in producing synthetic rubber. Their work is done. The agency is to be dissolved and its future direction turned back to the War Production Board under its New Deal post-war planner, Mr. J. A. Krug.

Just as the development of this gigantic life-saving rubber program was of vital importance to every man, woman, and child in America, its future is equally important to all of us.

In the first place, 95 percent of all the synthetic rubber plants in this country were built with public funds amounting to more than \$700,000,000. This will be a part of our \$300,000,000,000 debt, a part of which will hang heavily upon the shoulders of every living American during his entire lifetime. The plants are public property, and they should be preserved and improved for the permanent benefit of the American people.

The final report of Director Bradley Dewey, a distinguished colonel in the Chemical Warfare Service in World War No. 1, is a remarkable document. It comes from a man rich in experience and activity in defending his country through two wars. In speaking of the future of these plants he stated:

It is hoped that enough will be operated so as to protect this Nation against the danger of ever again being cut off from supplies of rubber. The economy of this country is geared to rubber—civilian transportation rolls on rubber, armies smash to victory on rubber, airplanes must have it, and surprisingly, ships and Navy equipment consume a large tonnage. Without the synthetic rubber now being produced in adequate supply the war effort and victory would not be possible.

I wish particularly to emphasize the following statement made by Col. Bradley Dewey:

I believe the post-war world demand will be so large that there will be need for all the crude rubber present plantations can turn out and also the production of the low-cost producers of the synthetic-rubber program—from 400,000 to 600,000 tons. There should be no duties or subsidies or international agreements. This country is today independent for its supplies of rubber of other nations, of the effect of wars between other nations, or the destruction of plantations by plant blights. It must so remain.

Mr. President, those are the words of a genuine American. I regret that the future destiny of this gigantic rubber program cannot be left in such competent and understanding hands.

It was my pleasure to vote in the Senate in 1942, for the bill which resulted in the appointment of the Baruch committee. It has been my honor to serve on the Senate Committee on Appropriations during the time vast public sums were appropriated for the all-important rubber program. I speak today to reinforce the parting words of Colonel Dewey in his timely and patriotic admonition that this Nation is now and should be forever independent in its vital supply of rubber.

In two wars we have had unfortunate experiences concerning rubber as well as being forced to pay unreasonably high prices for rubber in peacetime because we were always at the mercy of foreign rubber control.

During the last war, although we were allies in arms, our people not only paid high prices for Dutch and British rubber but we were put to considerable inconvenience because of the complete control by Great Britain of the principal world source of rubber. After the First World War we in America consumed 75 percent of all the rubber produced in the world. When raw rubber prices declined in 1920, under the brilliant leadership of their then colonial secretary, Hon. Winston Churchill, the British rubber growers sought to have effected a restriction act to curtail and control the production of rubber and thus increase the cost to us. An act known as the Stevenson Restriction Act was approved November 1, 1922. The price of rubber went up, and it is estimated by competent authorities that the people of the United States paid approximately \$1,250,000,000 more for their rubber in the 6 years which followed because of this restriction act which formally ended on November 1, 1928.

Mr. President, I do not mention this remarkable bit of interesting history to speak disparagingly of Winston Churchill. I admire him greatly. I only want someone to represent and defend the interests of our people as ably as he has always represented and defended the interests of his people.

Every man, woman, and child in America has a vivid memory of the danger that confronted us in this war because of our continued reliance upon a distant foreign supply of rubber. Their

present daily inconveniences are constant reminders of this folly.

Today we no longer need to rely upon any foreign supply of this important product that means so much in our individual and national daily life. If we have any regard or respect for the sacrifices of our gallant sons and daughters who have fought, bled, and died for our security and our strength, we will never again lose this independence.

This new American industry born out of the tragedies of war has already cost the American people three-fourths of a billion dollars. It will accomplish its wartime purpose. It has saved America and her allies from a rubber starvation which was threatened by the Japanese capture of plantations which produced 90 percent of the world's prewar supply.

We are approaching the end of the war, and a few have questioned the peacetime future of this new industry. There is much talk about future peace being controlled by cartels, trade agreements, international regulation of production and consumption. Agreements have already been signed by the United States for the control of wheat, coffee, and oil, and there are suggestions that it should be extended to other commodities and manufactured goods including rubber. Suggestions have been made that we scrap our synthetic rubber plants and return the rubber commerce to its pre-war status. This pressure must be resisted.

There are among us global do-gooders who would surrender America's synthetic rubber industry. They are the advocates of an international W. P. A. to be financed by Uncle Sam. Their theory was epitomized by Vice President HENRY WALLACE, a recent White House guest, when he advocated a quart of milk a day for all the underprivileged races in the world.

The crackpot theory is that America should wreck its synthetic rubber industry for the benefit of European empires whose plantations in the Southwest Pacific are being cleared of Japanese at the dreadful cost of American lives today. They argue that America must return to the importation of rubber so that the South Pacific native jungle workers can get American dollars to buy American exports.

This is a false argument. The jungle rubber workers never prospered. Many of these plantations were developed and worked with indentured labor imported from India and China and paid as little as 14 cents a day.

These international manipulators would destroy America's newest home industry to revive the pre-war British-Dutch cartel which controlled rubber prices for years with the connivance of the Empire governments. This connivance reached its height, and America was the main victim of these artificial prices when we consumed 75 percent of the world's output of raw rubber.

This new synthetic rubber industry can be one of the most important post-war business in this country. We have the unquestioned authoritative opinion of Col. Bradley Dewey that the syn-

thetic product can compete in price and quality with the natural product in the future.

An even larger contribution to America's post-war economy will develop indirectly from this new industry. With domestic prices stabilized and protected from foreign manipulation, there will be an expansion in the manufacture of rubber goods. The value of these goods in pre-war years approximated a billion dollars a year. Estimates of the reasonably anticipated expansion range from 50 to 100 percent over the pre-war level.

With this new synthetic industry in operation, the American people will enjoy new, cheaper, and even better rubber goods. This applies to tires, upholstering, flooring, tableware, shoe soles, insulation, and a myriad of familiar articles. Some of these articles are made of rubber now, and some will be made of rubber for the first time because the manufacturer will be assured of a stable cost for his raw material and because the raw material, synthetic, will be better than natural rubber for many uses.

These advantages, so dearly paid for, must never be surrendered or sacrificed at the importunity of alien interests. From a military standpoint alone, they must be preserved, for America must never again base her defense upon rubber plantations 8,000 miles overseas.

There have been suggestions that we should halt or curtail production of synthetic rubber after the war but keep the plants in stand-by condition as part of our Military Establishment for emergency wartime operations. We have the testimony of Col. Bradley Dewey that deterioration in idleness would be excessive. The public's ownership of \$700,000,000 worth of idle manufacturing facilities would be a further drain upon a staggering Public Treasury, whereas in operation they would constitute a benefit to our entire American economy.

In idleness, these costly plants would not protect the American public from prices formerly fixed abroad for our rubber imports. The production of rubber goods could not be expected to expand, and the supplies of raw material for synthetic rubber would lose this essential market.

The principal raw materials for synthetic rubber are petroleum, natural gas, and alcohol. Alcohol, now being consumed for synthetic rubber at a rate of a million gallons a day, is a farm product. American farmers have performed heroic service to their country in this global war, and any new use for farm products to protect them against their post-war problems should be guarded jealously by all Americans. The synthetic manufacture of rubber from petroleum and natural gas is a part of a new diversified chemical industry based upon these American raw materials.

For the future military and economic strength of America; to protect the \$700,000,000 investment of American taxpayers; to give American consumers cheaper and better rubber goods; to promote jobs in America for Americans, let us for once stand on our rights and tell the world

that we are going to continue to make our own rubber.

Mr. President, American sons and daughters are serving, suffering, sacrificing, and dying farther from home than any other people in the world. They are willing to die, if necessary, to keep America secure and strong; but they look to us, their Representatives in Congress, to preserve their security and strength at home. They will not fail us and, Mr. President, we must not fail them.

Mr. BARKLEY. Mr. President, in connection with the address made by the Senator from Illinois [Mr. Brooks] regarding the synthetic rubber situation, I wish to say simply that I, myself, do not know of any responsible officer of the United States who favors the scrapping of the synthetic rubber industry. There may be such a person, but I do not know who he is, and I have seen no statement from any responsible officers of the United States indicating such a position.

Furthermore, I think it ought to be stated that the mere fact that Vice President WALLACE on one occasion in a speech expressed the hope that some time the world economic situation might be so developed as to guarantee to every child in the world a bottle of milk a day, would have nothing to do with the synthetic rubber situation unless it might have some vague connection with rubber nipples put on the bottles so that the children might consume the milk which he hopes they may all have.

Furthermore, I think the Senator from Illinois ought to recall, as we all do, that in both bills now pending in Congress dealing with the disposal of surplus Government property there is a provision that the synthetic rubber plants shall not be disposed of except after a declaration of policy on the part of the Congress. So we have it in our control to determine what shall be done with the synthetic rubber industry which we have built up during the course of the war.

I certainly do not favor by any stretch of the imagination scrapping the synthetic rubber industry, and I repeat that I do not know of any responsible agency or person within the Government of the United States who does believe in such a plan.

Mr. HILL. Mr. President, I wish to say that the provisions contained in the bills dealing with the disposal of surplus Government property—to wit, that the synthetic rubber plants shall not be disposed of and shall not be scrapped in any way—are entirely in line with and in conformity with the recommendation of Mr. Bernard Baruch, who, as will be recalled, made the study for the administration and submitted the report concerning the disposition of surplus property and reconversion.

Mr. BROOKS. Mr. President, I am very happy to have this authoritative assurance that that is going to be our continued attitude. The difficulty, as I have found it, has been that many things are done and agreements are signed before we know about them, and I wanted to enter my protest against such a procedure. From the remarks of the distin-

guished majority leader I am sure that we will have his wholehearted support, so far as he is concerned, in assuring the country that these plants will not be scrapped and that so far as the rubber industry is concerned we will be secure and independent.

THE WASHINGTON, D. C., SEDITION TRIAL

Mr. LANGER. Mr. President, I rise to discuss the so-called sedition trial which is now taking place here in the city of Washington.

In time of war every precaution should be taken to protect the armed forces, their dependents, the citizens of the United States, and the country itself, and I applaud the efforts of officials when they do this, but also in time of war extraordinary precautions should be taken that innocent people should not be deprived of their constitutional rights.

Certainly, in this war the Attorney General, Mr. Biddle, has not gone witch hunting, and just as certainly his record, when compared to that of A. Mitchell Palmer, the Attorney General in World War No. 1, is most commendable. It is that very fact, Mr. President, which makes the action of the Attorney General in the so-called sedition cases all the more inexplicable. I realize that a Senator who takes up the cudgels in behalf of these people on trial is instantly met with the report of the subcommittee of the Committee on the Judiciary, that the courts are handling this matter and that the legislative branch of the Government should not interfere with the judicial branch.

Indeed the report of the subcommittee states nothing should be done until after the courts are through with this matter, but, Mr. President, with that conclusion I disagree. Certainly, it would be the duty of the Congress, as the legislative branch representing the people, to protest if the President, as the Executive head, was infringing upon the rights of the people—in fact, Congress has often done so; and likewise I believe it is the duty of the Congress, as the representative of the people, to bring to the attention of the country any flagrant cases in which the rights of the people in the courts are jeopardized.

So, Mr. President, whether I am right or whether I am wrong, as long as I believe I am right I shall never shirk what I conceive to be my duty in fighting to preserve the rights of any man or woman, regardless of race, color, or creed, whether rich or poor.

Mr. President, I have always been one of those in public life who believe that the rank and file of the people can be trusted. I do not believe in secrecy and star-chamber proceedings on the part of those elected to serve the people of this country. I do not believe, for example, that the O. P. A. should have the right to sue a farmer or an implement dealer and have the Office of Price Administration as the prosecutor, the judge, and the jury. I believe, on the contrary, that every man should have his day in court, and have it openly, and honestly; and if the defendant is without means, the court should give him proper paid representation. Mr. President, the people

of my State believe that. They abhor railroadng anyone to the penitentiary. They abhor even the appearance of it.

They want the rights of the defendant as well protected as the rights of the State which is prosecuting him. I say this from my experience as county attorney and one who for two terms held the office of attorney general. I say it as one who has been in court frequently, not only as an attorney, but as a litigant and as a defendant in civil and criminal cases.

The prosecution in its opening statement in the present trial claimed that these defendants were part of a world-wide conspiracy, that their intent was to overthrow democracy throughout the world, and that they had underground armies. We were given to understand, with much fanfare, including press, screen, and radio publicity, that civilization was hanging by a hair until these defendants were brought from the four corners of the Nation and put on trial here in Washington.

Who are these 30 allegedly world-shaking defendants, most of whom have been indicted 3 times—1942, 1943, and 1944—on similar conspiracy charges and brought to trial only April 17 of this year? The public has been led to believe that they are powerful, and that some of them are very wealthy. What is the truth, the cold, stark naked truth, as to who these 30 defendants are?

One of them is Elmer J. Garner, a little old gentleman of 83, almost stone deaf, with 3 great grandchildren. After he lost the mailing permit for his little weekly paper, he lived with his aged wife through small donations, keeping a goat and a few chickens and raising vegetables on his small home plot. Held in the District jail for several weeks for lack of bond fees, and finally impoverished by 3 indictments and forced trips and stays in Washington, he died alone in a Washington rooming house early in this trial with 40 cents in his pocket. His body was shipped naked in a wooden box to his ailing, impoverished widow, his 2 suits and typewriter being held, so that clothing had to be purchased for his funeral. That is one of the dangerous men about whom we have been hearing so much.

Another frail, aged defendant, James True, who has been too ill since 1940 to write or work at anything, was severed from the trial when he became too ill to get to court.

Another defendant, David Baxter, a sign painter who wrote a little, was indicted at least twice with most of the other defendants and was kept in the District jail for lack of funds. After many weeks of the present trial, his case was severed because he was unable to hear anything that went on at the trial, since he was 80-percent deaf. Small contributions eked out by unpaid court-appointed attorneys and other defendants barely kept him and his wife and their two small children alive in a Washington slum until he could get back to his little California sign-painting shop.

Another defendant, Prescott Freese Dennett, had served his country honorably and is still a private in the United

States Army. He has not been disciplined nor discharged by the Army, but was taken from the Walter Reed Hospital, where he was undergoing treatment, when the trial started, and was deprived of Army support and forbidden to wear his Army uniform to court.

Another, Ernest F. Elmhurst, had been a waiter in New York hotels and wrote a book. He has been working nights in Washington hotels while on trial, and has been followed up and caused to lose these jobs because of being a defendant.

Another, Garland L. Alderman, a young man whose wife and child are being supported by relatives, was chairman of a Michigan America First Committee chapter. He has been working nights here while on trial, since April 17.

Another, William Robert Lyman, Jr., has a brother in service who was recently cited for bravery. He has worked at one odd job or another and peddled literature. He was working as a seaman in the United States merchant marine, transporting supplies to England in 1942. While in England he read about his first indictment and immediately returned to America and went to the Department of Justice and gave himself up. He was kept in the District jail for 5 weeks for lack of bond money. He now ekes out a bare living while on trial here.

Another, E. J. Parker Sage, has been a Detroit factory worker. He lost his night job in Washington when it became known that he was a defendant in this trial.

Another, Charles B. Hudson, formerly issued a small home-mimeographed bulletin. His wife kept roomers, and for several years he was unable to get his teeth fixed because of lack of money. One of the defendants who has been dragged here, one of those who, it is said, are so powerful that they are going to overthrow democracy in this country, one of those who have underground armies in the United States, for several years was unable to have his teeth fixed because he did not have money enough to pay the dentist. His wife kept roomers. He lost his old car, and when this trial started, they had to break up their home and put their furniture in storage. They live in one room here in a rooming house, sleeping on one three-quarter size bed.

One frail, aged defendant, Robert E. Edmondson, has been unable to work at anything since 1940. His money is gone. He and his wife depend upon small donations. Mr. President, they depend upon charity.

Another, Peter Stahrenberg, formerly a small printer, shares a cheap room here with another defendant and works nights at odd jobs for a living.

Another, Lawrence Dennis, is a man of moderate means and a former member of the United States Consular Service. He is defending himself as his own attorney and rooms here with his wife and two small daughters.

Another, George Deatherage, is an industrial efficiency engineer with a son fighting in the service.

Another defendant, Howard V. Broenstrup, whose specialty is eccentric oc-

cultism, has been under treatment at a veterans' hospital for undernourishment.

One woman defendant, Lois de Lafayette Washburn, was working at housework when indicted and arrested. Two or three of the defendants had large imaginations and little paper organizations composed of themselves and very few, if any, others. Several of the defendants have sons in active service.

Another defendant, Col. Eugene Nelson Sanctuary, is an aged gentleman who served in World War No. 1, and received high military praise. He has written many hymns and has conducted Bible classes. As a result of the three indictments and the shock of his being kidnapped during his wife's absence from their apartment, and held in jail for weeks until he could make bond, his wife has had two strokes, and they are impoverished, spending their last few dollars saved for their old age.

One of the defendants, Robert Noble, recently severed from the trial—although he was convicted in California and is now serving time—so if he committed any crime, he is now being punished, has a son in active service in the Navy of this country.

Eight of the defendants are in custody as political prisoners or, as some claim, at least, for being German born. One of them in March of this year lost a son fighting under the American flag in Italy, and has another son now serving in north Africa.

Another defendant is a Christian minister, Mr. Gerald B. Winrod, and he also has a son in the armed services.

The son of the other woman defendant, Mr. President, who is Mrs. Elizabeth Dilling, graduated on March 4 from officer candidate school, but a few hours before graduation his commission was withheld, allegedly, although I do not state it as a fact, because his mother is a defendant in this trial. Her writings have been recommended by the Army and Navy Register, the American Legion's National Americanization Commission, the National Sojourners, and other similar organizations.

One defendant has made 11 trips from Chicago to Washington in connection with arraignments, hearings, and trial on these indictments.

Mr. President, out of all 29 of the defendants, only two have paid attorneys. Two of the defendants managed to raise bare living expenses for their attorneys, aided by contributions. Two defendants are acting as their own lawyers. The other defendants being paupers are represented by unpaid, court-appointed lawyers.

Would it not seem that these unpaid, court-appointed attorneys have sacrificed enough through loss of practice and income in the interest of justice, by having already served for 5 months for nothing in these trials? Is it not also time to let the defendants go back to their homes and work, after being held under indictment for over 2 years, undergoing the constant hardship of raising bond, fees, and expenses to go to and stay in Washington?

How many underground armies, fleets, or battleships, Mr. President, do you or does any other fair-minded American citizen think these defendants are capable of maintaining? Take for example the old gentleman who died, partially from starvation, with 40 cents in his pockets.

Therefore, Mr. President, when I have received from North Dakota letters relative to the sedition cases which are now pending in Washington, I have been impressed by the fact that the people of my State and, I believe, of the entire country do not believe that the defendants in the sedition cases are receiving a square deal.

I wish to read a typical letter which I received from Mrs. H. L. Shelley, of Watford City, N. Dak. She is a fine, splendid, patriotic lady, one whose life has been without blemish, a lady of splendid character, a lady of outstanding reputation, an honest, God-fearing advocate of what she believes to be right. She sent me the following typical letter:

WATFORD CITY, N. DAK., July 27, 1944.

DEAR MR. LANGER: Am enclosing a letter which is self-explanatory. I do not need to tell you of the ruthless persecution of innocent subjects which is going on in Washington. Please read the enclosed letter carefully. It may throw a new light on the situation.

Knowing how you yourself have suffered from similar persecutions and believing you still have your old fighting spirit left, I am appealing to you to do all that you can to stop these unjust suits. We are coming in on both ends of the expense (though that is the minor part—against seeing the innocent used so unjustly). We pay our taxes to help prosecute them, and donate money to the helpless ones who are unable to finance their own defense, which runs into big money when they are dragged up time after time. Personally I'm getting tired of it and I think it is high time there was a lasting muzzle put on some of these birds.

When you were in trouble we did all we could to help you, and only a few months ago one of our leading commentators "took your name in vain." You may be sure he got told off—and on a post card, too, so all could see you still had one friend. Now I'm depending on you to help these unfortunates.

Yours for a better America,

Mrs. H. L. SHELLEY.

In connection with that letter, in which Mrs. Shelley mentioned the expense, I need only call to the attention of the Members of this body the fact that various newspapers have said that the cost to our taxpayers of prosecuting those defendants, whose condition I have described, will be between one-half a million dollars and three-quarters of a million dollars.

Mr. President, until a few days ago I did not know any of these defendants. Then I chanced to meet some of them who came to see me in my office. One of them, a Mr. Noble, wrote me from prison, and I helped secure a lawyer for him, and the lawyer succeeded in having his case dismissed.

Until day before yesterday I had never met Mr. Viereck or Mr. Jones or Mrs. Dilling or any of the other defendants whose names we see in the newspapers so much. Incidentally, let me say that Mr. Jones, who is from California, is now

an old man, but for 10 years was editor of Life magazine.

As I just said, I had not seen any of the other defendants, except for the three or four I have mentioned. But as a member of the Committee on the Judiciary, day before yesterday I conceived it to be my duty actually to attend a session of the court where these men and women are being tried.

Mr. President, I frankly confess that I went into that courtroom prejudiced in favor of the defendants. I was prejudiced by reason of an editorial which appeared in the Washington Post. Mr. Eugene Meyer, the editor and publisher of the Washington Post, is a very prominent citizen of Washington. His wife, Mrs. Agnes Meyer, is one of the outstanding women of America, and in many instances she has rendered splendid service to the people of this country. As I have said, I was prejudiced by reason of the fact that the Washington Post, which Mr. Meyer owns, and which assisted in originating the so-called sedition cases, on July 16, published an editorial which reads as follows:

MASS TRIAL

The severance of 3 cases from Washington's mass sedition trial is the best news that has come out of this dreary affair in Judge Eicher's court. It clearly suggests belated recognition of the mistake that was made in bringing 30 individuals of widely varying temperaments and backgrounds to trial at the same time and place for a series of alleged offenses classified as sedition.

One defendant recently died. Another is too ill to attend court sessions regularly. A third found it difficult to follow the proceedings because of limited hearing. A fourth proved to be so obstreperous as seriously to interfere with the progress of the trial. In other words, the exigencies of human life are such as to defeat most any attempt to dispose of complicated criminal charges en masse with both fairness and dispatch. It is a pity that the Department of Justice did not foresee this objection to mass trials before embarking on such an adventure.

The fact that 4 cases have been eliminated from the trial is overshadowed, therefore, by the larger fact that 26 cases remain before the court. We hope that better progress can now be made, but no end of even the presentation of evidence by the prosecution is in sight after 13 weeks. How can the jurymen be expected to remember testimony given many weeks before their verdict will be rendered? How can they, in these circumstances, distinguish the varying degrees of guilt, if any, among the 26 remaining defendants? We fear that whatever may be the outcome of this trial it will stand as a black mark against American justice for many years to come.

On July 28, 1944, the Washington Post carried another editorial on the same subject. I again invite attention of the Senate to the fact that the Washington Post helped gather the evidence which is being used at the trial. The Washington Post helped originate the sedition cases. I now read what it said in an editorial on July 28, 1944, entitled "Courtroom Farce":

For weeks Washington has been aware of the farcical nature of the sedition trial that is droning on from one weary session to another in Justice Eicher's court. Everyone who reads the newspapers knows that the trial has been characterized by obstruction, unruly conduct on the part of some of the

defendants, unreasonable delays, prolongation of the testimony and cross-examination, and laxity of control or direction. If there were any lingering doubts as to the farcical nature of the trial, they must have been removed by James E. Chinn's factual account of the proceedings on the "third day of the fifteenth week" in the Post yesterday.

Justice Eicher has undoubtedly tried to make the best of a bad situation. He has attempted to prevent the trial from being turned into a comedy of errors; he has tried to keep it moving toward a conclusion. But the very nature of the case has thwarted his efforts. Mass trials may possibly be successful where the issues are simple and the testimony is brief—or where the Russian technique of condemning the defendants first and putting on a trial for show is used. But where the issues are complicated and defendants who have not been browbeaten stand on their democratic rights, a trial involving more than two dozen individuals is almost certain to be a fizzle.

We think the time has come to recognize the unlikelihood of securing any fair approximation to justice from this unhappy experiment. The end of the Government's testimony is nowhere in sight. Prosecutors have 4,000 exhibits to offer in evidence and only about one-eighth of them are in the record at present.

I digress for a moment in order to say that Mr. Meyer has far, far understated the number of exhibits, because when I was in the courtroom day before yesterday the prosecutor offered Government's exhibit 4,121, and I understand the trial yet has many weeks to go.

I continue reading the editorial:

Prosecutors have 4,000 exhibits to offer in evidence and only about one-eighth of them are in the record at present. That will make 3,200 altogether. Then each of the 26 defendants will have to present his case. At its present rate of progress, therefore, the trial may run on for several years after the war is over.

Mr. President, I do not say that. That is said in the editorial of the Washington Post, the newspaper which sent Mr. Stokes, one of its employees, to dig up the evidence; the newspaper which helped originate the trial.

The editorial continues:

Meanwhile it is gravely undermining confidence in American justice.

Apparently it would be impossible now to end this sorry spectacle and try the individual defendants separately. But the court could probably sever additional cases and insist that the testimony be stripped down to essentials. After all, this is a trial of men and women accused of sedition, not a contest in befuddlement. In our opinion the trial can continue its present course only at the cost of serious impairment of our judicial system and the reputations of those responsible for this travesty.

Here we see America at its best. We see Eugene Meyer, editor and publisher of the Washington Post, after he has decided that the defendants whom he himself helped to have arrested are not getting a square deal, frankly saying so in his newspaper.

Mr. President, I invite the attention of the Senate to an article in America's oldest weekly publication, the Pathfinder. The article is an indication of what the American people think of the pending sedition trial. I understand that the Pathfinder has a circulation of nearly a million. The article to which I refer appeared in the issue of July 24,

1944. I wonder, Mr. President, what the nearly a million persons who are subscribers to the Pathfinder thought when they read the editorial entitled "Three Months in a Brawlroom," which, as I have said, was published in the Pathfinder of July 24, 1944. The article is as follows:

Last week, while Washington's million war workers panted through the third week of a heat wave, three other people were legally kicked out of an air-conditioned court chamber to sweat with them. Their discharge, for trial at some unnamed date in the future, lowered to 26 the motley company of German aliens, professional rabble-rousers, and weirdly prejudiced citizens who have argued and jeered through 14 weeks in the cool, green chamber of Criminal Division No. 1 in the United States District Court Building.

They have been in the same room since April 17 and, from all indications, will still be there at snowfall. One of the original company of 30 is, gratefully, dead. The others, strange cats in the garret of United States jurisprudence, continue to cuss the court, the Federal authorities; one another, and, occasionally, themselves.

This is the unhappy spectacle of the so-called sedition trial, the largest trial for a crime of this nature in American history. Most of the 29 defendants, grouped together in a large enclosure at the center of the courtroom, object strenuously to being tried with their codefendants. The crime charged against them is conspiracy to cause insubordination in the armed forces, largely by printed material. They did not all join in one publication. They did not separately do identical or even similar acts. Several of them have carried on campaigns of anti-Semitism for the past 10 or 12 years. Others are ex-leaders of the bund and similar tub-thumping, pro-Nazi organizations of the 1930's.

Ten of the original 30 are in jail already for seditious offenses. Some are infamous, some have no past criminal record; some are mentally unbalanced.

I ask any Senator upon this floor how he would like to have his brother or his sister or his son or daughter tried with 28 other defendants, some of them mentally unbalanced.

Several defendants have voted for separate trials on the ground that a chosen few of their codefendants are insane. One defendant failed to appear when the trial was set, and explained it by charging that the New Deal interfered with his mail notice of the date.

About half of the defendants are represented by attorneys appointed by the court, who receive no compensation. More than 3,000 pages of record had been amassed by court reports before any evidence was offered in the trial.

I wish to repeat that statement. This is what the Pathfinder says:

More than 3,000 pages of record had been amassed by court reports before any evidence was offered in the trial. For a defendant to obtain a copy of this record would cost \$1,200.

So, Mr. President, I may digress for a moment to say, we find that honest men and women, some of them with sons fighting for this Government, are brought into court and before one word of testimony is offered, if they want to get a copy of what has transpired up to that time, they must pay \$1,200. I ask you, Mr. President, if that be justice, if it is in accordance with the rights guaranteed to the defendants by the Constitution of the United States.

The article in this usually reliable weekly newspaper, the oldest weekly in America, the Pathfinder, goes on to say:

Such a copy of the record is a substantial aid to the defense. The prosecuting attorney has a copy.

In other words, Mr. President, to digress once more, the taxpayers pay \$1,200 to give the prosecution a copy, but if one of the defendants wants a copy of what has transpired he must pay \$1,200.

The court ruled it had no power to supply defendants with free copies of the record.

The courtroom atmosphere, from the beginning, has been pandemonium. Rulings of the court have been met with cries of "unreasonable" and "unjust." In open court there has been booing, cheering, loud laughter, moans, and catcalls. To be heard, attorneys must shout. At times the voices of court and attorneys have been drowned in the uproar. The judge has been attacked as too biased to preside.

Four defense attorneys have been fined for contempt of court and other actions.

That is the picture. It offends good taste. It is a questionable experiment in United States trial procedure. For an opinion on the questions of jurisprudence and common rights involved in the trial, Pathfinder went to the famed legal authority Arthur Garfield Hays, director of the American Civil Liberties Union and erstwhile champion of the defendants in the Scopes, Sacco-Vanzetti, and Reichstag "fire" trials. Mr. Hays' statement, prepared exclusively for Pathfinder, follows in full.

Here it is:

In connection with the seditious conspiracy cases in Washington, the position of the American Civil Liberties Union, of which I am general counsel, has been set forth in a statement heretofore sent you.

In substance, that position is that the union reserves participation in the case until the issues are clear, which would come about in the event of conviction and appeal, this chiefly because it is understood that the Government claims that it has evidence involving the receipt by some of the defendants (prior to the entry of this country into the war) of funds from the German Government.

The union is interested in the case because it involves questions of free speech. We hope that the Government will be held to the test of the "clear and present danger" rule as laid down by Mr. Justice Holmes in the last war and in this, we refer to "clear and present danger" at the time of the acts or words of which complaint is made. The union regrets the Government's resort to the 1940 peacetime Seditious Act. It is our view that there should be no such law applicable in time of peace. Also, we object to trials of a number of people on conspiracy charges; we recognize that such methods savor of tyranny and are of great danger to defendants who may be innocent.

Mr. President, to digress from the article, I wish to quote no less an authority than William Howard Taft, former President of the United States and later Chief Justice. I have in my hand the recommendation made by the Chief Justice and the conference of senior circuit judges of the United States, which was adopted on June 9, 1925. Chief Justice Taft transmitted to the circuit judges and the district judges of the United States certain resolutions adopted by the conference for their guidance.

Among other things, here is what was said by the Chief Justice, a man who

had been President of this country, a man who never, so far as I know, has been accused of being a radical or being disloyal to this great America of ours, and his statement was sent to every law-enforcement officer in the Department of Justice and to the Attorney General himself. The Chief Justice said:

Further, the rules of evidence in conspiracy cases make them most difficult to try without prejudice to an innocent defendant.

Mr. President, at the same time the Attorney General of this country under Calvin Coolidge was John Sargent, and in the reports of the Attorney General on pages 5 to 8 we find him referring to conspiracies, and he quotes Chief Justice Taft:

Further, the rules of evidence in conspiracy cases make them most difficult to try without prejudice to an innocent defendant.

Mr. President, the words of the former President and late Chief Justice of the United States should serve as a beacon light. The idea of bringing together for one trial in Washington 30 people who never saw each other, who never wrote to each other, some of whom did not know that the others existed, with some of them allegedly insane, and the majority of them unable to hire a lawyer. And remember, they were brought to Washington from California and Chicago and other States a long way from Washington, placed in one room and all tried at the same time, with the 29 sitting idly by while the testimony against one of them may go on for weeks and weeks and weeks, the testimony of a man or woman other defendants never saw before in their lives. That is what is taking place in Washington today. The article in the Pathfinder, the oldest weekly in America, continues:

While the above expresses the point of view of the A. C. L. U., I personally am unreservedly opposed to this prosecution in Washington. In the first place, and as of course, I object to the Smith Act which makes so-called seditious utterances a crime even in time of peace. No one can tell until the happening of subsequent events whether what he is saying will turn out to be seditious or not. It is clear to me that if we had not gone to war with Germany and Japan, these people would never have been prosecuted.

Secondly, I abhor the thought of people, most of them poor, being dragged from various parts of the country to face a serious trial far from home, on a charge of conspiracy to commit a crime with others, most of them complete strangers. In that trial they will be faced with responsibility not only for what they have done or said, but for what the others have done or said—of which they may have no knowledge. For that is what happens in conspiracy trials. Very often this is the very purpose of bringing this sort of an indictment.

I shall repeat that language, Mr. President, because of its tremendous importance:

In that trial they will be faced with responsibility not only for what they have done or said, but for what the others may have done or said—of which they may have no knowledge. For that is what happens in conspiracy trials.

Is that not what Chief Justice Taft said?

Very often this is the very purpose of bringing this sort of an indictment. If any of these people have violated the law, they should be charged with the substantive crime at the place where it was committed.

I am sure that the great jurist, Chief Justice Taft, had that in mind when he said what I have just quoted, at the time he called in the judges from all the circuits.

Mr. President, if a man robs a bank he is tried at the place where the robbery occurred, or at least in the State. If a man commits a murder in the State of Tennessee, he is tried in your State of Tennessee, Mr. President. He is tried before a jury of his peers. He is tried before a jury that knows the conditions existing in the State of Tennessee. But here, Mr. President, we find men and women brought 3,000 miles, some of them, to the city of Washington, where some of them have never been before in all their lives, brought here to the city of Washington where there is a large jury panel made up in many cases of men and women a majority of whom or relatives of whom are in the pay of the United States Government. Such individuals are placed upon a jury. I do not know whether any such are on the present jury or not, but, Mr. President, I condemn the system which permits fine, loyal Americans to be brought from California or Tennessee or North Dakota or any other State to be tried in the city of Washington, hundreds, if not thousands, of miles away from their homes.

The article in the Pathfinder continues:

Thirdly, the evidence will revolve largely about what these various people said during the period from the passage of the Smith Act until December 7, 1941. It is alleged in the indictment that as part of the conspiracy, various of the defendants said certain things; thus each defendant from the point of view of the jury will be connected not only with what he said, but, likewise, with what 29 other people said, * * * a sort of prosecution for speech once removed, or for someone else's speech, and this in spite of the first amendment that Congress shall pass no law abridging the freedom of speech.

Fourthly, I am particularly opposed to a situation where in time of war men are tried because of statements in time of peace. Those utterances may have meant quite different things in the setting of peacetime. Whatever may be the court's charge, it is impossible for any jury at the present time to fit these words into the background in which they were said.

Fifthly, the proceedings on the trial emphasize how difficult, if not impossible, it is to hold a fair trial in wartime in such a case.

I may digress once more, Mr. President, to say that of all the cities of the United States, none has a more dangerous wartime atmosphere for these defendants than the city of Washington, which is the wartime Capital, not only of this country but of the entire world.

The article in the Pathfinder continues:

If, as is claimed, some of the defendants are unsound mentally, their antics may well prejudice the jury against the others. Boos and catcalls during the opening statement of the prosecution, the giving of the Nazi salute by one of the defendants, the unseemly behavior of the lawyers for some of the defendants—all these things are prejudicial to

all of the defendants. It is all very well for a judge to charge a jury that no defendant is responsible for what another has done except in the course of the conspiracy, but everyone knows that when a thought once gets into the mind of a human being—even when he is, or particularly when he is on a jury—nothing on earth can get it out again. And it must be remembered that the views of all these people are properly distasteful to any American jury at the present time. Clarence Darrow used to say that a jury is apt to convict if it does not like the defendant.

From the viewpoint of public policy, it seems to me that no good purpose is served by a trial of this kind. The charge is that the acts of the defendants (chiefly words of the defendants) were likely to and were intended to incite disaffection in the armed forces. If we were actually afraid of those words spoken or written in 1941, we would hardly provide a public forum which would result in those words being read by millions of people. I am convinced that we are not much afraid of the effect of what the defendants said. We are moved by a desire to "get" people we don't like.

Finally, one cannot doubt that prosecutions of this kind have an unfavorable effect upon the free expression of opinion and upon untrammelled debate. The prosecution of a few people is comparatively unimportant. But the result is that thousands, perhaps millions of people, fear to express any critical point of view because of the intimidating effects of prosecutions of this kind.

The Government is 100 percent for the war, so are our educational institutions, and with few exceptions, so are the radio, the pulpit, and the newspapers. The Government should have sufficient confidence in the loyalty of our people not to fear dissent from the fractional proportion of crackpots who may at one time have had or even today may have, obnoxious views. The war itself "shut up" most of them, until the Government through this prosecution again opened their mouths.

After having said the above, I wish to express my appreciation of the commendable restraint shown by the Government in having brought so few cases seriously challenging freedom of speech, or of the press. This is particularly emphasized by comparison with the last war. In addition, I would like to add that the one thing that gives me faith that the Government has some substantial evidence against the defendants, or at least against some of them, is the fact that the prosecuting attorney is John Rogge. Yet, as I have stated, even if the Government has evidence along the lines suggested, a prosecution for seditious conspiracy, in my opinion, should never have been brought. If any of these men were paid by the German Government and failed to register, they should have been prosecuted for that crime. If any have incited to riot or to violence, or to a breach of the peace, or to any other violation of law, they should have been prosecuted for that crime. The answer might be that that wouldn't have made a "state" trial nor provided so good a show. The public always has an appetite for a Roman circus.

Yours truly,

ARTHUR GARFIELD HAYS.

Mr. President, the Washington Post, and the Pathfinder, have described this situation. The people of America can trust both of these newspapers because they are both located in Washington and are intimately acquainted with the facts and are strong enough and unafraid enough to tell the truth about these trials regardless of contemptible slurs, or disgusting sneers, or challenges against their patriotic integrity.

The attitude of these newspapers, and the letters which I have received from North Dakota and other places, including the letter which I received from Mrs. Shelley, are an inspiration.

Last week the distinguished senior Senator from California [Mr. JOHNSON] when he eulogized the late Senator George Norris, stated that he had "dreamed a dream" which eventually became a realization with the actual building of the T. V. A. I am one of those who have always "dreamed a dream" that America should have the best judicial system of any country in this world, a judicial system under which any defendant, no matter how rich or how poor, no matter what his color, creed, or religion, whether in wartime, or peacetime, should be given a fair trial.

Mr. President, I agree with Eugene Meyer. I agree with the article in Pathfinder, that these defendants are not getting a fair trial. If any Senator thinks that any one of these defendants is getting a fair trial, I suggest that if his brother, sister, father, or mother were on trial under similar circumstances, he would be loud in his protest.

It is right to say that a person who has done wrong should be prosecuted, and it may be said that some of these defendants may have made ill-advised statements or writings of opinion; but I respectfully submit that if these were of a serious enough nature there is a proper way to try these men and women, and that is the good old-fashioned American way of bringing the person or persons to trial on the particular facts in his or her case and letting the jury pass upon those facts without being befuddled with the facts in 29 other cases tried at the same time.

I have been impressed with the fact that some of the outstanding lawyers in Washington are almost unanimous in their opinion of what they term a legal farce, or a perversion of justice. I believe, Mr. President, that the Attorney General of this country should dismiss these cases promptly. I believe he should personally walk into the court room and say to the Court:

Your Honor, originally complaint was made of the violation of the Federal Statutes of these defendants in a matter that concerned the safety of this republic. The evidence assembled in support of these complaints was presented to the Grand Jury, which returned indictments. Further developments have demonstrated that some of these defendants, if guilty of reprehensible conduct toward their country, are either actually demented or approximately insane—at least to the point of belonging distinctly to the lunatic fringe. Unfortunately such eccentric groups are formed in every government including those governments that have the democratic principles as their basis. For such reasons, in my opinion, their actions do not arise to the importance justifying continuance of prosecution.

Democratic institutions have as their very foundation certain fundamental rights accorded to a free people. Among the most fundamental of these rights is that of open and free discussion. It is very difficult to draw any line of limitation to the exercise of this right. Of course there will be abuses of those who lack any fair appreciation of the value of the privileges of a free de-

mocracy and will for purposes of gain of any type including cheap publicity, abuse these rights regardless of the harm they do to their neighbors. This is one of the penalties we pay for the exercise of free speech on the part of all.

Some of this group, within the lunatic fringe, may well consider themselves to be martyrs even when they are performing acts which in and of themselves would strike at the very heart of democracy itself. But even when this Nation is at war, these fundamental rights must be maintained; like Caesar's wife they must be above suspicion. It probably is more important to maintain these basic rights, however, abused, than to give those who do abuse the rights their just deserts and in a manner impair the privileges so generously provided and intended to be exercised in a temperate and normal manner.

While there is some credible evidence of the fact that some of these defendants at least did much more than express their opinions and evade the issues, they did it in alleged in truth and fact carry on in a manner to give aid and comfort to the avowed enemies of democracies and the way of life in our country which we all cherish. The evidence shows, however, that these efforts were impotent and characteristic of a general conduct of these defendants, relatively ineffective.

Mr. President, I believe that in the interest of good government, in the interest of seeing that the right kind of attitude is maintained by the American people toward the courts, the Attorney General should do as I have suggested, and I hope he will.

In conclusion, let me say that perhaps the most striking of all the defendants is the lady from Chicago about whom we have read so much. I had never met her until day before yesterday. After I met Mrs. Dilling in the courtroom I inquired from some in whose judgment I have confidence, whether or not she was a dangerous character, as had been contended by some of the newspapers of the country. I was amazed—nay, Mr. President, I was more than amazed—when I discovered the background of this lady. While I was in the courtroom I secured a copy of the opening speech to the jury in behalf of Elizabeth Dilling, as delivered by her attorney, her husband, Albert W. Dilling, on the 22d day of last May. It interested and fascinated me to such an extent that I wish to read a portion of it to the distinguished Members of this body. This is what the lawyer for this lady stated in his opening address to the jury:

May it please the court, and ladies and gentlemen of the jury—

There are two ladies on the jury— the evidence introduced in this cause on behalf of Defendant Elizabeth Dilling will prove conclusively, not only that she has never written nor uttered a single word, nor ever performed a single act or had a single motive, charged by the prosecution in the indictment herein, but that, on the contrary, her every thought, word, and deed since she first commenced to take an active interest in public affairs, on our return from Russia in the fall of 1931, has been in support and defense of our present form of government, the American Constitution, and the American flag, in support of strong national defense, and against all enemies of these, including communism and all other "isms" except Americanism; that her lone crusade has laid

particular stress upon communism because of what she saw in Russia of its atheistic tyranny and because of the great strides its ideology and followers have made in this country in churches, educational institutions, unions, and political life and power, particularly during the present administration. Its actual menace to our Christian institutions and to Christianity as a whole, which is Mrs. Dilling's main concern, will be shown with factual detail.

As "intention" is the essence of the falsely alleged crime charged against Mrs. Dilling, I would like to relate something of her background in order that you ladies and gentlemen may better understand the intentions and motives impelling Mrs. Dilling to engage in this lone crusade for almost 13 years, to the exclusion of everything else except her home responsibilities, expending her time, energy, peace of mind, and funds, and being subjected to a continual barrage of vilification and abuse, including criminal libel, as will be developed by testimony during this trial.

HER BACKGROUND

Mrs. Dilling was born in Chicago, Ill. Her mother's maiden name was Elizabeth Harding. She was born in Cleveland, Ohio, and her mother and father were Cleveland pioneers who had traveled from Philadelphia by ox team over log corduroy roads in a trek consuming 8 months. Mrs. Dilling's maternal grandmother was English-born Jane Musquet, whose mother was English and whose father was French, her uncle having been a Catholic priest in Paris. She came to the United States with her parents at the age of 9; they were shipwrecked off the American coast and her father died from exposure. Jane Musquet married Thomas Harding, also English-born, who came from a family in which there was a long line of Church of England bishops.

Mrs. Dilling's father, a celebrated physician and surgeon, was Dr. Lafayette Kirkpatrick. The name Lafayette was given him because one of his maternal ancestors had met and admired General Lafayette at the time of the American War for Independence. His great-grandfather was born in Virginia. Before that the Kirkpatricks had come from the north of Ireland, where they had fled from Scotland to escape political persecution. The Kirkpatrick estate still exists at Rathfreeland, County Down, Ireland.

After Dr. Kirkpatrick's death, when Mrs. Dilling was 6 weeks old, and her brother, Lafayette Harding Kirkpatrick, 7 years old, Mrs. Dilling's mother brought them up alone. Mrs. Dilling has often told audiences about her mother, with her sister and English-born mother, making an 8 months' tour of Europe at the time Mrs. Dilling's mother was about 20 years old and about all of them having cried with joy when they caught sight of the Statue of Liberty on their return; how the arrogant attitude of the British toward even English-born American citizens had nettled them and made them realize that their allegiance to America, like that of George Washington, also of English ancestry, was 100 percent, without hyphenation. Mrs. Dilling has often told how in childhood, she used to think that it was silly of her mother to cry about getting home; that if she ever got to travel abroad she would only cry because the trip was over, but this was before she actually did travel all over the world and in so doing learn why and how dearly she loved this country. Each trip has made her the more grateful for having been born an American and made her understand why people all over the world want to come here to live.

EDUCATION

Mrs. Dilling was educated at the Chicago Normal School, attended the Academy of Our Lady in Chicago, where she took up the study of the harp, graduated from the Starrett School for Girls and took special courses

at the University of Chicago during 4 years, studied with Walfried Singer, Chicago Symphony Orchestra harpist, and with the world's greatest harpist, Alberto Salvi, who prepared her to play concertos for symphony orchestra; she also had special French study from childhood.

TRAVELED WIDELY HERE AND ABROAD

From her mother she inherited the desire to see the world and before we were married (May 8, 1918) she had traveled with her mother and brother all over the United States and into Canada and Mexico and had literally "seen America first."

We shall show how Mrs. Dilling's opposition before Pearl Harbor to United States involvement in World War No. 2 started in 1923, many years prior to the rise of Hitler. During World War No. 1 she knitted scarves for soldiers to "help make the world safe for democracy." In 1923, I had occasion to go to London and took Mrs. Dilling and our son, Kirkpatrick, then 3 years old, along. On that trip, Mrs. Dilling was amazed to find not one person in England and France to whom she talked (and Mrs. Dilling speaks, reads and writes French fluently) who would admit that the United States deserved any credit for or had anything to do with winning World War No. 1. They merely berated us for not coming in sooner. They called the United States "Uncle Sbylock" for making any mention of war or post-war debts. In a huge panorama in Paris, depicting the nations that had participated in the World War on the allied side, Mrs. Dilling was perturbed to note that the American flag and any United States representation were conspicuous by their absence. She questioned the guide but he could make no explanation as to why they were absent.

UPHOLDS UNITED STATES OF AMERICA AND UNITED STATES NAVY

Our little boy wore a cap with the words "U. S. Navy" on the ribbon and this elicited more than one insult from perfect strangers, British travelers we encountered. When for the second time the remark was made, "That is quite a joke, that Navy of yours, isn't it?", Mrs. Dilling finally replied in exasperation, "I don't know that it is such a joke. It has been able to lick Great Britain twice and I think it could do it again!" The same attitude was evident in 1928 when we were touring north Africa. For instance at Biskra at the edge of the Sahara desert, in a long conversation Mrs. Dilling had with a well-informed British woman who also maintained that the Americans had done nothing in the World War, were crude, were Shylocks, mongrels, etc., when Mrs. Dilling spoke of the high prices and difficulty in securing help during the war, this woman characteristically replied, "I can't see what possible difference the war could have made to you Americans!" British newspapers continuously up to and including the summer of 1939 when our entire family toured England and other countries, reflected the same critical anti-American attitudes.

We shall show that all of such first-hand experience on many family trips abroad engendered in Mrs. Dilling a conviction that our participation and sacrifices in World War No. 1 were not only unappreciated but had bred positive jealousy, envy, and enmity toward us on the part of those Allies whom we had aided. Repeatedly she declared that we would be suckers to ever again become embroiled in the quarrels and wars of Europe, and that George Washington's advice to avoid entangling foreign alliances had been right in that respect as in others.

MORE FAMILY BACKGROUND

The evidence will show that Mrs. Dilling and I met in the summer of 1917 and were married on May 8, 1918, at La Porte, Ind., in a civil ceremony, which was followed on August 12, 1918, by an Episcopal service at the

Episcopal Cathedral in Chicago; that we started from scratch, I having had nothing to offer but a good education, bright prospects, good health, and some sizable debts; that we borrowed money and bought a home in Wilmette, Ill., on time, and that Mrs. Dilling remodeled it and kept roomers to help pay for it; she played the harp at church services and I sang as bass soloist; that I soon secured a much better position and we started to prosper; that a little later Mrs. Dilling received substantial legacies from the estates of her mother and a couple of aunts of means, and we were then able to indulge in our flair for travel, as has already been discussed. The evidence will also show that I was born in Salt Lake City, Utah, and that I was raised as a Lutheran. My parents were both born in Norway and so were their ancestors, as far back as I have been able to ascertain. That I was confirmed in Norwegian in a Lutheran church, and that, after our marriage, I joined the Episcopal church, of which Mrs. Dilling was a communicant, and was subsequently confirmed again in that church. That we have two children—Kirkpatrick, his mother's maiden name, now 24 years old, and Elizabeth Jane, now 18 years old. That both children attended kindergarten and grammar school in Kenilworth, Ill. (a suburb of Chicago), where we lived. That our son attended New Trier High School in Winnetka, Ill., near our home, and later attended Cornell University for 1 year and Northwestern University for 3 years, where he received a degree of bachelor of science in law. Elizabeth Jane attended a private high school for girls, Roycemore, in Evanston, Ill., and until this trial started spent the current school year at Northwestern University, Evanston. Both children have been confirmed in the Episcopal church.

SON VOLUNTEERED

That Kirkpatrick was a member of the R. O. T. C. at Cornell University and is imbued with the same love of country that has all along inspired his mother. That he volunteered in September 1941 at his local draft board for induction and was given a IV-F rejection because of bad eyesight. That thereafter, from the time of Pearl Harbor until November 1942, he stormed every Army and Navy office in Chicago in unsuccessful attempts to enlist. That in January 1942 though he was then employed in a defense plant in an important capacity, he, nevertheless, turned down industrial deferment, in writing, to be inducted into the Army on January 10, 1943. He was passed as officer material by two officer candidate school boards (Hammer Field, Calif., and Hamilton Field, Calif.). That he entered the Army Air Forces Officer Candidate School at Miami Beach, Fla., on November 15, 1943, and successfully completed a 4-month course. That he was to have graduated and been commissioned on March 4, 1944, but that 18 hours before graduation his commission was held up on orders from Washington and he was graduated without commission.

The evidence will show that Mrs. Dilling has always been in favor of a strong national defense; that she encouraged her son to enter the R. O. T. C. and while he was attending New Trier High School she fought unsuccessfully to have an R. O. T. C. unit installed there so that her son might join it; that she opposed Communist attempts to prevent extension of the R. O. T. C. to additional Chicago high schools and remove it from those in which it was already established, appearing with documents supporting her position at the special hearing to consider the matter called by the Chicago Board of Education; that she aided in the defeat of that strong, organized Communist effort to sabotage the R. O. T. C.

WORLD TRAVEL

Prosecutor Rogge referred to Mrs. Dilling traveling in Germany as though this were a crime. The evidence will show that Mrs.

Dilling is known as a world traveler and that a very small part of her travels have been in Germany. On our 1923 trip abroad we traveled extensively in France, Italy, Genoa, Naples, Florence, Italian Lake District, and Rome, and while in Rome had an audience with the Pope; in Switzerland, Holland, Belgium, and England, having crossed on the English ship, the *Berengaria*, and returning on the British ship *Regina* via the Thousand Islands, Montreal, Quebec, and so forth.

Our daughter, Elizabeth Jane, having been born in the interim, on our next European trip in 1928 she, being then 3 years old, also went along. We crossed to England on the British White Star liner, the *Olympic*, spent some time sightseeing around London, traveled down through France and into Italy where we embarked from Naples for Algiers in north Africa. We spent 10 days traveling across Algiers and Tunisia by private auto provided by the Transatlantique or French Line Co. which also owned the French hotels at which we stopped. We sailed from Tunis for Naples on a small French ship and embarked at Naples for Palestine on the British liner *Samaria*, stopping en route at Athens, Greece. Landing at Haifa we proceeded to Jerusalem where we spent about a week sightseeing and attended the Christmas midnight service at the Church of the Nativity at Bethlehem, staying at a monastery with other pilgrims. On Christmas Day the four of us rode around the walls of old Jerusalem on donkeys. We then went to Egypt visiting Cairo, the pyramids, Luxor on the Nile where King Tut's and other tombs were visited. We embarked from Alexandria for Sicily, traveling up through Italy and France and spending considerable time in Paris before returning to the United States on the French liner *Ile de France*. Numerous trips to Cuba, Florida, and so forth, were made by the family.

In 1931, all four of us took a West Indies cruise on the Holland America liner *Volendam*, visiting Cuba and various cities on it, Martinique, Puerto Rico, Virgin Islands, Dutch Curacao, British Bermuda, Barbadoes, Trinidad, Panama, Caracas, Venezuela, etc. The following summer, 1931, all four of us took a North Cape cruise on the German Hamburg Amerika liner *Reliance* which included Iceland, Spitzbergen, the North Cape, and tours into the fjords of Norway all the way down its coast. We visited Leningrad and Moscow, Russia, Helsingfors, Finland, Stockholm, Sweden, Hamburg and Berlin, Germany, at which time there was street fighting going on in Berlin between Nazis and Communists. We then spent considerable time in Paris before sailing for home.

In 1932 all four of us sailed from San Francisco on the American Dollar Line ship *Hoover*, visiting Hawaii, Japan, Hong Kong, and Shanghai, China, the Philippines, Celebes, Bali, Java, Singapore, and back to the United States again via three Dutch liners, a Japanese and an American ship, visiting China and Japan again en route to British Columbia and the United States.

In February 1934, while Mrs. Dilling's "Red Network" was on the press, she and I sailed from New Orleans on a United Fruit line boat for Vera Cruz, Mexico, and spent a week or more sightseeing around Mexico City.

The summer of 1934, with the objective of seeing the world famous Passion Play on the life of Christ, at Oberammergau, which was having a special presentation, we sailed, all four of us, on the German liner *Bremen*, landing in England. We left there later to spend considerable time in Paris then through Italy into Germany where we excursioned down the Rhine, saw the Passion Play, then visited Austria, Holland, Switzerland, returned to France and sailed for home on the German ship *Europa*.

In 1937, when I could not leave because of urgent business, Mrs. Dilling took the two children on a West Indies, north Africa,

Mediterranean cruise on the French ship *Champlain*, stopping at some of the Balearic and Canary islands, Algiers, Dakar, Casablanca, Morocco, in north Africa; they traveled up through France from Marseilles to Lourdes, and Carcassone, to Paris where Mrs. Dilling sent our son home to get back to school, while she and our daughter spent some time visiting in England and went over to Germany from there and back on a hurried trip, spending 2 days in Germany out of curiosity to find out whether or not they were starving as the press was then reporting, before sailing for home on the French liner *Normandie*, from England.

In the summer of 1938, when the Civil War was raging in Spain and Communist battalions were being sent from the United States and other countries to aid the Red coalition of Communists, Socialists, and Anarchists which formed the backbone of the Loyalist regime, Mrs. Dilling went alone to see first-hand what was happening there. She sailed on an Italian liner for Lisbon, Portugal, carrying press credentials.

Mr. President, I shall not continue further reading from the opening address of Mrs. Dillings' attorney. If anyone is interested, he can secure a copy of it for himself. The opening address does show, however, that the lady in question has traveled far more widely than has the average man or woman in the United States; it shows that she has a background which she has used in giving her talks; and, certainly, if she has done anything that is criminal, as 1 of the 29 defendants, certainly I believe she ought to be tried in her own State of Illinois by a jury of her peers.

Yet when she was arrested, when she fought extradition, when her attorney in Chicago, Mr. Stewart, made a plea to have her retained in Chicago so that she could be tried by the United States Government there, she was ordered by the court to be tried in the city of Washington. I submit that her case is typical of the cases of the other 29 defendants. In view of what has been said in the Pathfinder and of what has been said by Eugene Meyer in the Washington Post in 2 editorials upon two different occasions, I submit the Attorney General would be doing a service to his country in the administration of square justice by going into the courtroom and asking the court to dismiss these sedition cases. I pray that he may do so soon.

EMPLOYMENT IN THE POST-WAR ERA

Mr. WILEY. Mr. President, a great leader spoke yesterday, the leader of a great party, whose voice was heard throughout the Nation. I desire to voice my complete delight at the courage of Governor Dewey, who was not afraid to tell the American people that the place for our boys when this war is won and over is home. I subscribe to Governor Dewey's proposal that there shall be retained in Europe whatever soldiers may be needed for the job of keeping the peace there. I subscribe to the general thesis, to which the leaders of both parties apparently agree, that every effort of which man is capable must be put forth in order to create the machinery necessary to keep the world safe from another holocaust. But we know, Mr. President, that only a fraction of our vast armies will be required to remain in Europe. We are in favor of providing our share of the armed forces that may be needed,

but we are against keeping them there any longer than is necessary. We protest strenuously against using the post-war situation in Europe as an excuse for making jobs—very poor jobs at that—in the Army all over Europe for the men who have won this war. To do that would be a crime against our boys. They have been taken from their homes, their jobs, their careers to do the fighting and the dying, and they have won the victory. At home those who have remained behind have enjoyed peace and plenty, high wages for war work. As soon as the war ends peacetime jobs will begin to reappear, and, as I stated on the floor of the Senate some time ago when we were discussing the George reconversion bill, the function of America is to create work, to provide jobs, and that will be done unless the bureaucrats, those in power, gum up the works. That will be the time when employees in peacetime industries will have jobs to offer if we have the vision and the courage to go forward in peace as we have in war, labor, and management, farmer and city folk united as one team, carrying the ball as a team and not as individuals.

Let our soldiers come home and get a crack at those jobs. Let them come back with their world vision. They, too, have traveled; they, too, have experienced a life of suffering and many of them will have died. Those who shall return will come back not as defeatists but as conquerors; they will come back with the ideals and aspirations which have made America great. We do not want any gigantic W. P. A. when the men come back. We do not want it dressed up in soldiers' uniforms but still a W. P. A., because that is the cheapest kind of a W. P. A. No; we do not want the soldiers to remain in a uniformed W. P. A. Why should they not have their chance to have good, lasting jobs, indeed to their own jobs in many cases, the jobs they had to abandon to go to war?

I cannot believe that the present administration is planning to march the country back to W. P. A.; and yet there are things that would seem so to indicate. The Administration proposes to leave many of them in Europe, far from their homes, far from their opportunities, far from their families, for, as General Hershey says, that is the cheapest kind of a W. P. A.

Mr. President, at every meeting we hear the song, God Bless America, and we join in it. God will only bless America through the channel of men and as men organize their efforts. We will have great hidden resources, the great industrial mechanism we have created, the tremendous resources of wealth, the hidden reserve in every man's pocket, the hidden demand from the North, the South, the East, and the West, the hidden demand from every class, to start the wheels of industry going and create an economic condition which will make absolutely unnecessary any kind of W. P. A., in uniform or out of it.

CONTROL AND ERADICATION OF CERTAIN ANIMAL AND PLANT PESTS AND DISEASES

Mr. RUSSELL. Mr. President, I hope the Senate may now dispose of the pending business.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate recede from certain amendments to the bill (H. R. 4278).

Mr. BUSHFIELD. Mr. President, I have a few remarks to make on the motion of the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The motion is debatable.

Mr. BUSHFIELD. Mr. President, House bill 4278 came to the Senate last spring. The Senate added an amendment known as section 303, authorizing, for the first time as I understand, the Farm Security Administration to make loans to Farm Security clients for medical purposes. I am not at all pleased, and I have not been for a long time, with the Farm Security policy of handling that type of loans; in fact, it became so rank in my State of South Dakota that while I was Governor I secured the passage of a law making it a criminal offense for the medical set-ups under the Farm Security to operate in the State.

I realize that this is a very important bill. It has been pending for a number of months and those interested in the major features of it are extremely anxious that it be disposed of. On the floor of the Senate last spring I offered an amendment prohibiting the Farm Security Administration from interfering with the choice by the borrowers of the kind of doctor or individual they wanted to treat them and their families. The amendment was adopted unanimously by the Senate. I think it was a just, equitable, and proper amendment, and should prevail. Unfortunately, the Farm Security Administration has not seen fit, in the face of that pending legislation, to pay any attention to the merits of what I proposed and what the Senate adopted, but has gone right ahead with its medical dictation to clients so that in many cases, in fact in most cases, there is no freedom of choice on the part of the borrowers. But, as I have said, I do not wish to hold up the pending legislation. I am hopeful that the junior Senator from Georgia and I and other Senators who are interested in the subject can have action taken on the matter at a later time.

I wish to pay very high tribute to the junior Senator from Georgia, because I have enjoyed working with him. He is extremely able in his handling of legislation before the Senate. I hope that before the next agricultural appropriation bill comes before us we can persuade the Farm Security Administration to adopt the type of policy for which I am contending. The Senator from Georgia assures me that he is in favor of the idea contained in my amendment. So, Mr. President, I shall not continue my objection to the motion now, but will agree to its adoption.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate recede from its amendments numbered 1, 2, and 3 to House bill 4278.

Mr. RUSSELL. Mr. President, I wish to express my appreciation to the distinguished Senator from South Dakota

for his kindly reference to me. I appreciate the depth of his feeling about this matter, and therefore I am all the more grateful to him for not endangering this tremendously important bill by insisting on continuing his attitude of opposition. I certainly would be the last one to wish to see any borrower from the Farm Security Administration coerced or intimidated or even channelized in the selection of his doctor in connection with any loans which may be made to medical cooperatives. This provision will, of course, not affect the present year's operation, but I shall hope to be able to cooperate with the Senator and with the officials of the Farm Security Administration and all others interested to see that there is no coercion or intimidation of the borrowers, and that they shall have freedom of choice to select the doctor they wish to serve them.

I thank the Senator from South Dakota for his statement and his attitude.

Mr. AIKEN. Mr. President, as a member of the conference committee which considered this bill, I wish to say that I was in full sympathy with the objectives of the Senator from South Dakota. Our trouble seemed to lie in commanding proper wording to use so that we could do justice to all parties without doing any serious harm. We were not able to find wording which would accomplish that result. But I wish to say, as the Senator from South Dakota has said, that I hope before any more important legislation affecting the Farm Security Administration is passed, that when the next agricultural appropriation bill comes before the Senate we will be able to work out the proper wording so that the objective which he seeks may be attained.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate recede from its amendments Nos. 1, 2, and 3 to House bill 4278.

The motion was agreed to.

C. I. O. POLITICAL ACTION COMMITTEE—
LETTER FROM SENATOR MOORE TO ATTORNEY GENERAL BIDDLE

Mr. MOORE. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter dated September 5, 1944, which I addressed to Attorney General Biddle, concerning a booklet issued by the Political Action Committee of the C. I. O. entitled "Jobs for All After the War."

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

SEPTEMBER 5, 1944.

HON. FRANCIS BIDDLE,
Attorney General of the United States,
Washington, D. C.

DEAR MR. ATTORNEY GENERAL: On September 1, 1944, there came to my desk a booklet, *Jobs For All After the War*, published and paid for by the Political Action Committee of the C. I. O. The booklet is frankly a campaign document supporting the reelection of Mr. Roosevelt for a fourth term as President of the United States.

On page 3, a war worker is quoted as saying: "When the war is over I may be out of a job, just as I was a dozen years ago, in the days of the great engineer." The political implications of this statement are too clear to be mistaken.

On page 4 of the booklet, the following quotation appears: "President Roosevelt has said freedom from want is eternally linked with freedom from fear." On page 8 of the booklet, it is stated: "If we once start sinking we will sink still further to the conditions of 1933. And then even lower."

On page 17, there appears the following statement: "What we must not lack is a plan to keep our industries going full blast, and a President and a Congress who will assume the responsibility for all the people's needs."

An excerpt from page 18: "Some big businessmen already have a plan. Theirs is a plan to return to normalcy." It will be noted in the book that this word "normalcy" is quoted and, of course, has specific reference to a campaign slogan attributed to the Republican Party during the administration of Mr. Harding.

On page 19, the Congress is advised that it should: "Adopt the new Bill of Rights as our national objective." On page 20, it is explained: "President Roosevelt, in his message to Congress in January 1944, blazed a trail to freedom and security in America after the war, by enumerating eight rights, which have since become known as The New Bill of Rights." There follow the eight points enumerated by Mr. Roosevelt.

On page 21, it is declared—

"If we, the people, dedicate ourselves to the new Bill of Rights, and if we dedicate ourselves to the task of translating those ideal rights into accomplished facts, we shall have full employment after the war and, what is more, we shall have the sound promise of a lasting and glorious peace." * * *

"If we have the right kind of President and the right kind of Congress—as well as the right kind of State governments—we can attain our objectives."

Commencing at the bottom of page 21 and continuing on page 22, we find this final plea in behalf of Mr. Roosevelt as a candidate for President:

"We shall attain our objectives, if the people understand the issues clearly, realize the gains made in the last 12 years under the leadership of Franklin Delano Roosevelt and vote him into office, and if we support the President with a Congress which will work not against the President but with him—for the good of all the people."

The Federal Corrupt Practices Act, as amended by the Smith-Connally law, makes it unlawful for any labor organization to make a contribution in connection with any election at which Presidential and Vice Presidential electors, or a Senator or Representative are to be voted for; or for any candidate, political committee, or other person to accept or receive any such contribution.

The question, therefore, presented is whether contributions made by member unions of the C. I. O. to the Political Action Committee and used to publish and distribute the booklet, from which the above quotations are taken, have been made and received in connection with an election, at which Presidential and Vice Presidential electors and Members of Congress will be voted for.

To my mind the question must be answered in the affirmative, and I would be pleased to know what your position is with respect to the matter.

Yours very truly,

E. H. MOORE.

THE GOVERNMENT'S SUIT AGAINST THE RAILROADS

Mr. MOORE. Mr. President, the anti-trust suit, recently commenced by Attorney General Biddle against the railroads, is a fraud on its face. It charges the railroads with conspiracy to fix and maintain unreasonable and discriminatory rates. The public should understand that power to regulate rates with

respect to railroads is by law vested in the Interstate Commerce Commission. The Interstate Commerce Commission has had jurisdiction of this important function for more than 50 years. The rates which have been fixed are as a matter of law the legal rates, and it would be a violation of the law for any carrier to fail to comply. If the rates are improper and discriminatory, existing laws afford an adequate, and the exclusive, remedy before the Interstate Commerce Commission. The suit is a plain attempt of the Attorney General to invade the administrative functions delegated to the Commission by Congress.

Mr. Biddle did not, however, choose to respect these provisions of the law; instead, he chose to bring a political lawsuit in the hope of creating hate and prejudice against private enterprise in an effort to corral votes for a continuation of the New Deal. Last month, Mr. Biddle made a campaign tour of the west coast, seeking support for this latest onslaught on private business. I note that in a speech before the Bar Association at Spokane, on August 9, he told the people of that section that they were hampered by discriminatory freight rates and charged that the railroads were under the domination of a czar who told them what they may or may not do.

In view of the commencement of this suit by Mr. Biddle's office, it was highly prejudicial and improper for him to make a public speech of this character. The explanation is, of course, that it was a bid for New Deal votes. It is obvious that a year or more will intervene before a suit can be tried, and the defendants will have no opportunity to refute the charges until after the election.

The Assistant Attorney General in charge of this suit says that it in no way involves joint through rates. This, of course, implies that it involves only local rates covering short hauls. And, even if the Northwest were suffering under discriminatory sectional rates, the suit is not directed at relieving that situation. The Supreme Court has held that shippers may not sue for damages under the antitrust laws in instances where the Interstate Commerce Commission has held the rates or practices complained of to be lawful. Under what authority then may the Attorney General question their lawfulness?

The campaign of preparing the public for the suit against the railroads seems to have been well organized. At about the same time Mr. Biddle was lambasting the railroads on the west coast, Assistant Attorney General Berge was delivering a similar speech at Kansas City. Mr. Berge argues that freight rates in general are unfair, and that the railroads have delayed the introduction of new equipment and retarded the development of other carriers. As a matter of fact, the Nation is indebted for the outstanding services rendered by the railroads during the recent war years. No industry has done a more magnificent job under more crushing handicaps than the railroads. They have depleted their equipment almost to the exhaustion point, while at the same time paying a rate of tax that does not permit the ac-

cumulation of a surplus to replace their worn-out equipment.

The charges against the railroads, right or wrong, are a matter for the Interstate Commerce Commission and not for the Attorney General's office.

The transportation arteries of the country are the sinews that bind our economy into a coordinated activity. The New Deal economists recognize this important fact, and the attack on this important segment of our industry at the very first whisper of victory presages what is in store for all private enterprise.

It is my opinion that this is the first step of the New Deal to consummate public ownership of the railroads. Ocean transportation has already been reduced in practical effect to Government ownership. Aviation, inland waterways, and motor carriers are on the list. Already the oil and gasoline pipe lines of the country are being operated under the dictatorship of the Attorney General, by the terms of a so-called permanent consent decree.

The files of the Attorney General's office are filled with consent decrees in connection with practically every industry in the country, under which the Attorney General is in effect an economic czar.

The suit against the railroads brings the New Deal's number of antitrust suits now pending in the Department of Justice to 114, and indicates that the New Deal is moving into the final stages of its program of national socialism.

EXCLUSION FROM THE UNITED STATES OF EVADERS OF MILITARY SERVICE

Mr. RUSSELL. Mr. President, there are on the calendar two House bills, H. R. 4257, Calendar No. 1089, and H. R. 4271, Calendar No. 1090, which were recently unanimously favorably reported by the Senate Committee on Immigration. For certain reasons it is important that these bills be enacted into law at the earliest possible date. Both bills were passed by the House unanimously. They were approved by the Senate Committee on Immigration unanimously, with generous representation on the part of both the majority and the minority. I have discussed the bills with the able majority leader, and our able and distinguished minority leader, and I hope that they may be taken up and disposed of at this time. The Department of Justice is exceedingly anxious that these bills be enacted into law. While both bills are not of very general application, they are of tremendous importance to certain classes of our citizens.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bills?

Mr. WHITE. Mr. President, reserving the right to object, I will say that the Senator from Georgia was good enough to speak to me about two bills on the calendar in which he was interested, but probably, through my own confusion, I entirely misunderstood what the bills were. I thought they were calendar Nos. 1094 and 1095. I have taken occasion to look hurriedly at the reports on those two bills, and I have talked with such of the minority members of the

Committee on Immigration as I could get in touch with on the floor during the day.

I have not spoken to any member of the committee about the two bills to which the Senator now refers, and I have had no opportunity to look at the reports on them. If the Senator from Ohio [Mr. BURTON], who is a member of the minority representation on the committee, is familiar with the bills and signifies his approval of them, I certainly shall not object; but unless some member of the minority representation on the committee is familiar with the bills, I should not want them to pass. I am sorry for my error.

Mr. RUSSELL. Mr. President, it is the error of the Senator from Maine. I did not give him the numbers; but I undertook to point out on the calendar the two bills to which I made reference. Perhaps I should have left with the Senator from Maine a copy of the calendar.

Mr. WHITE. I marked the two which I thought were involved; namely, Calendar Nos. 1094 and 1095.

Mr. RUSSELL. There is nothing pressing about those two bills.

Mr. WHITE. The Senator from Ohio is familiar with the two bills to which the Senator from Georgia refers; and if it is agreeable to him, I shall not object.

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

Mr. RUSSELL. I yield.

Mr. BURTON. I was present at the meeting of the Committee on Immigration when all four of these bills were recently considered. I am familiar with the two bills to which the Senator from Georgia refers, and I am prepared to recommend them, as it was the unanimous view of our committee that they should be passed. I am sure that if the Senator from Georgia will make a brief statement in connection with each of the bills, there will be no objection to their passage at this time.

Mr. RUSSELL. I thank the Senator. I may state further that according to my recollection the Senator from Michigan [Mr. FERGUSON], and the Senator from Minnesota [Mr. BALL] were also present at the committee meeting. Perhaps some other members of the minority whom I do not now recall were present.

The first bill, House bill 4257, Calendar 1089, relates to the class of persons, whether citizens of the United States or aliens, who departed from the United States in order to avoid service in the armed forces of the United States under the Selective Service Act. Information before the committee indicated that on one day several hundred persons departed from the United States through the city of El Paso, Tex., alone, in order to avoid service in either the Army or the Navy of the United States, and to avoid selection under the selective-service law. This bill provides that any person who is a national of the United States, or an American citizen, and who in time of national stress departed from the United States to another country to avoid serving his country, shall be deprived of his nationality.

It further provides that any alien who is subject to military service under the terms of the Selective Service Act, and

who left this country to avoid military service, shall thereafter be forever barred from admission to the United States.

Mr. President, I do not see how anyone could object to such a bill. An alien who remains in the country and refuses to serve in the armed forces in time of war is prosecuted under our laws, and if found guilty he is compelled to serve a term in the penitentiary. Under the terms of the Selective Service Act an American citizen who refuses to serve when he is called upon to do so is likewise subject to a prison term. Certainly those who, having enjoyed the advantages of living in the United States, were unwilling to serve their country or subject themselves to the Selective Service Act, should be penalized in some measure. This bill would deprive such persons as are citizens of the United States of their citizenship, and, in the case of aliens, would forever bar them from admission into the United States. Any American citizen who is convicted of violating the Selective Service Act loses his citizenship. This bill would merely impose a similar penalty on those who are not subject to the jurisdiction of our courts, the penalty being the same as would result in the case of those who are subject to the jurisdiction of our courts.

The ACTING PRESIDENT pro tempore. The clerk will state the first bill by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 4257) to expatriate or exclude certain persons for evading military and naval service.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Immigration with an amendment on section 1, on page 1, at the beginning of line 9, to strike out "(i)" and insert "(j)."

The amendment was agreed to.

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

The bill was read the third time and passed.

PRESERVATION OF NATIONALITY OF CITIZENS RESIDING ABROAD

The ACTING PRESIDENT pro tempore. The clerk will state the second bill by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 4271) to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Immigration with an amendment on page 1, line 7, after the words "expiration of" to strike out "six" and insert "five."

Mr. RUSSELL. Mr. President, let me make a brief explanation of this bill.

The bill relates to naturalized American citizens who were residing abroad at the time of the outbreak of the war, and who have been unable to return to the United States, thereby endangering their nationality. Under the provisions of our nationality laws, any person who is a naturalized citizen, and who returns to the land of his origin and remains there for as long as three years, thereby loses his citizenship.

There are a great many American citizens who, by virtue of conditions created by the war, have been unable to return to the United States. If those citizens do not return by a certain date in October—I do not recall the exact date, but I believe it is the 6th of October—they will lose their American citizenship through no fault of their own. The bill would merely extend to October, 1945, the time within which certain naturalized citizens who have been denied the privilege of returning to the United States may have the opportunity to return and save their American citizenship, and would prevent them from being divested of their citizenship.

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

Mr. RUSSELL. I yield.

Mr. BURTON. I think the date to which the Senator has reference is October 14. As the bill passed the House, I believe there was an extension of 2 years, and our committee has recommended that there be an extension of only 1 year.

Mr. RUSSELL. The Senator is correct. The House extended the time for 2 years, but the Senate committee felt that if it were extended for 1 year, at the end of that time we could determine what the conditions were, and if necessary we could extend the time for another year. I thank the Senator from Ohio for calling that fact to my attention.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

The bill was read the third time and passed.

FEES FOR DOMESTIC INSURED AND COLLECT-ON-DELIVERY MAIL, AND SPECIAL-DELIVERY SERVICE

Mr. CONNALLY. Mr. President, I ask unanimous consent for the present consideration of House bill 4780. The bill was reported from the Committee on Post Offices and Post Roads by the Senator from Tennessee [Mr. McKellar]. It relates to the fixing of fees for domestic insured and collect-on-delivery mail, and special-delivery service.

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

The LEGISLATIVE CLERK. A bill (H. R. 4780) to fix the fees for domestic insured and collect-on-delivery mail, special-delivery service, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, I understand that the bill relates only to the

matter of fees to be collected, and is not general legislation in other respects.

Mr. CONNALLY. That is my understanding.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. RUSSELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing two postmaster nominations), which were referred to the appropriate committees.

(For nominations this day received and nominations withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. HATCH, from the Committee on Public Lands and Surveys:

Mrs. Belle D. Byrne, of North Dakota, to be register of the land office at Bismarck, N. Dak. (reappointment); and

Mrs. Jessie C. Weeks, of Wyoming, to be register of the land office at Buffalo, Wyo., vice Theodore A. Waner.

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. CONNALLY, from the Committee on Foreign Relations:

A. Dana Hodgdon, of Maryland, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general; and

Harry C. Hawkins, of Virginia, to be a Foreign Service officer of class 2, a secretary in the Diplomatic Service, and a consul general.

By Mr. McKellar, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

FEDERAL POWER COMMISSION— NOMINATION PASSED OVER

The legislative clerk read the nomination of Leland Olds, of New York, to be a member of the Federal Power Commission, which nomination had been previously passed over.

Mr. RUSSELL. Mr. President, I understand that there is an agreement that this nomination shall not be considered until next week. I therefore ask that it be passed over.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. RUSSELL. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc; and, without objection, the President will be immediately notified.

THE ARMY

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

Mr. RUSSELL. I ask unanimous consent that the Army nominations be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the Army nominations are confirmed en bloc; and, without objection, the President will be immediately notified.

THE NAVY

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

Mr. RUSSELL. I ask unanimous consent that the Navy nominations be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the Navy nominations are confirmed en bloc; and, without objection, the President will be immediately notified.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. RUSSELL. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Marine Corps are confirmed en bloc; and, without objection, the President will be immediately notified.

That completes the calendar.

THE DIPLOMATIC SERVICE

Mr. CONNALLY. Mr. President, earlier in the day there were reported from the Committee on Foreign Relations two nominations in the Diplomatic Service. In one of the cases especially it is very urgent that early confirmation take place, because the appointee must proceed at once to a foreign post. I ask unanimous consent for the present consideration of the nominations.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

The legislative clerk read the nomination of A. Dana Hodgdon, of Maryland, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection, the nomination is confirmed; and, without objection, the President will be immediately notified.

The legislative clerk read the nomination of Harry C. Hawkins, of Virginia, to be a Foreign Service officer of class 2, a secretary in the Diplomatic Service, and a consul general of the United States of America.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection,

the nomination is confirmed; and, without objection, the President will be immediately notified.

RECESS TO TUESDAY

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

The motion was agreed to; and (at 3 o'clock and 35 minutes p. m.) the Senate took a recess until Tuesday, September 12, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 8 (legislative day of September 1), 1944:

DIPLOMATIC AND FOREIGN SERVICE

H. Coit MacLean, of Virginia, now a Foreign Service officer of class 2 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

Edward P. Lawton, of Georgia, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

THE JUDICIARY

UNITED STATES ATTORNEY

Howard F. Houk, of New Mexico, to be United States attorney for the district of New Mexico, vice Everett M. Grantham, resigned.

ASSAYER OF THE MINT

Paul S. Nice, of Denver, Colo., to be assayer in the mint of the United States at Denver, Colo., to fill an existing vacancy.

UNITED STATES MARITIME COMMISSION

Edward Macaulay, of California, to be a member of the United States Maritime Commission for the term of 6 years from September 26, 1944. (Reappointment.)

UNITED STATES PATENT OFFICE

Mark Taylor, of Virginia, to be Examiner-in-Chief, Board of Appeals, United States Patent Office.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named officers for promotion in the Regular Corps of the United States Public Health Service:

Passed Assistant Dental Surgeon Fred D. Lewis, Jr., to be temporary dental surgeon effective September 1, 1944.

Assistant Surgeon Leon A. Heppel to be temporary passed assistant surgeon effective August 1, 1944.

Assistant Surgeon Robert J. Huebner to be temporary passed assistant surgeon effective August 1, 1944.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 8 (legislative day of September 1), 1944:

FOREIGN SERVICE

A. Dana Hodgdon to be a consul general of the United States of America.

Harry C. Hawkins to be a Foreign Service officer of class 2, a secretary in the Diplomatic Service, and a consul general of the United States of America.

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

To be major general

Raymond Stallings McLain

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

To Finance Department

First Lt. Robert John Trout

To Ordnance Department

MaJ. Irving Arthur Duffy
Capt. Almon White Manlove
Capt. Walter Marquis Tisdale

To Air Corps

Second Lt. Allen Everett Frawley
Second Lt. Norman Jay Keefer, Jr.

IN THE NAVY

FOR TEMPORARY SERVICE

Paul Hendren to be rear admiral, to rank from January 11, 1943.

Dixwell Ketcham to be commodore, to continue while serving as commander, Fleet Air Wing 1.

Julius F. Hellweg to be commodore on the retired list, to continue while serving as Superintendent, United States Naval Observatory.

Milton S. Davis to be commodore on the retired list, to continue while serving as port director, Naval Transportation Service, San Francisco, Calif.

Charles F. Russell to be commodore on the retired list, to continue while serving as commander, United States Naval Training Center, Bainbridge, Md.

Harry A. McClure to be commodore, to continue while serving as commander, naval training center, Norfolk, Va.

Schulyer F. Heim to be commodore, to continue while serving as commander, naval operating base, Terminal Island (San Pedro), Calif.

Harry A. Badt to be commodore, to continue while serving as commander, naval training center, Sampson, N. Y.

Cary W. Magruder to be commodore, to continue while serving as commander, naval training center, Newport, R. I.

Robert R. M. Emmet to be commodore, to continue while serving as commander, naval training center, Great Lakes, Ill.

Vance D. Chapline to be commodore, to continue while serving as Director, Fleet Maintenance Division, Office of Chief of Naval Operations.

Frank H. Kelley to be commodore, to continue while serving as commander, naval training center, Farragut, Idaho.

Robert S. Haggart to be commodore, to continue while serving as commander, naval training center, San Diego, Calif.

Edmund W. Burrough to be commodore, to continue while serving on the staff of the commander in chief, United States Fleet.

Robert W. Cary to be commodore, to continue while serving as commander, naval training and distribution center, San Francisco, Calif.

John K. Richards, Jr., to be commodore, for temporary service, to continue while serving as commander, officer training center, New York.

Richard A. Warner to be medical director with the rank of commodore, to continue while serving as medical officer in command, naval dispensaries, Navy Department, Washington, D. C.

APPOINTMENTS FOR TEMPORARY SERVICE IN THE MARINE CORPS

Lemuel C. Shepherd, Jr., to be major general from February 1, 1944.

Graves B. Erskine to be major general from February 3, 1944.

Robert Blake to be brigadier general from October 2, 1942.

William A. Worton to be brigadier general from October 2, 1942.

POSTMASTERS

ALABAMA

James W. Sargent, Bangor.
William R. Buster, Berlin.
Genie H. Lister, Chavies.
Alva Dauphin, Coffee Springs.
Bertha Morgan, Eva.
Ila B. Burkhalter, Flat Rock.
Vollie E. Kirkland, Grant.
Ruth H. Hill, Hazel Green.
James Leon Gamble, Headland.
Veda B. Harris, Hollywood.
Amos R. Morgan, Honoraville.
Fannie V. Mason, Hope Hill.
Oliver G. Stone, Long Island.

Arthur G. Rushton, Rutledge.
Alexander G. Taylor, Silas.
Albert M. Phillips, Silverhill.
Pearl D. Stanton, Stockton.
Nellie C. Davidson, Toxey.

CONNECTICUT

Lucille S. McLeod, Brookfield Center.
Olin A. Gerich, Buckland.
Gaetano Simoncelli, Talcottville.

GEORGIA

Emma Gene B. Easterlin, Andersonville.
Charlie R. Hatcher, Attapulugus.
Robert E. Branch, Jr., Bishop.
William B. King, Bluffton.
Martin A. Byrne, Blythe.
Denmark K. Talbert, Brinson.
Wade H. Goode, Bronwood.
Daniel B. Phillips, Chauncey.
Alonzo E. Whiddon, Chula.
Mattie B. Laughridge, Clarkdale.
Erma R. Culpepper, Clarkston.
Beatrice McDonald, Cohutta.
Gertrude H. Harper, Coleman.
Rachel B. Parks, Dawsonville.
Agnes S. McGehee, Dearing.
George B. Wood, Devereux.
Llewellyn G. Brown, Dewyrose.
George P. Copeland, Diffee.
Claude E. Dillard, Dillard.
Emily C. Jones, Dixie.
James A. Clark, Ellenwood.
Charlie P. Smith, Enigma.
Colie E. McKown, Forest Park.
John G. Jackson, Harrison.
Arley D. Finley, Hazlehurst.
Banner Thomas, Hoboken.
Guy A. Patten, Hull.
Taylor A. Drake, Iron City.
DeWitt T. Wilcox, Jacksonville.
Nancy Kemp Ellis, Kennesaw.
Emma P. Hall, Kensington.
Louie B. Way, Keysville.
James T. Jordan, Lilburn.
Sarah M. Driggers, Stilson.
Gertrude Blair, Tiger.

HAWAII

Minoru Tanaka, Hana.

IDAHO

Zella G. Steele, Bancroft.

ILLINOIS

William Harley King, Ewing.
Elizabeth M. Stone, Junction.
Homer W. Cleland, Murphysboro.

INDIANA

Mildred C. McNutt Sander, Economy.
John Odell Best, Floyds Knobs.
Willow B. Pelkey, Grovertown.
Edward L. Sacksteder, Leavenworth.
Raymond C. Bray, Monrovia.
Essie A. Hackleman, New Ross.
Dale E. Ulmer, Poneto.
Mark D. Kaufman, Ray.
Joseph Almonrode, Saratoga.
Golden High, Spencerville.
Rebecca C. Maegerlein, Williams.

MARYLAND

Nan R. Eaton, Flint Stone.
Daniel M. Miller, Knoxville.
Howard J. Pardoe, Lusby.
Harold Slingsluff, Mitchellville.
Lester Shipley, Savage.
B. Adele Palmer, Sharpsburg.
George R. Bromley, Stockton.

MASSACHUSETTS

Charles A. Cronin, Lawrence.

MISSOURI

Aloysius J. Samson, Bonnots Mill.
Naomi M. Snodderley, Elmo.
Marjorie L. Lennert, Miller.
Flossie M. Haynes, Walker.
Ira T. Gray, Zalma.

NEW JERSEY

Edward J. Shelton, Great Notch.
Raphael C. DeVin, Matawan.

OHIO

William L. Roush, Aberdeen.
Ada M. Waggal, Amelia.
Carl F. Schwartz, Bellbrook.
Catherine B. Henning, Blaine.
George W. Miranda, Blue Creek.
Charles W. Hanna, Burbank.
Francis A. Taylor, Chippewa Lake.
Gail Miller, Christiansburg.
Jerome H. Langhals, Cloverdale.
Merle A. Rowe, Coalton.
Mary Tigar, Cozaddale.
Julia Garlic, Crown City.
Clara Korta, Custar.
Daniel T. Johnson, Dundee.
Marie Thompson, East Fultonham.
Charles V. Stayton, Eldorado.
Rilla E. Nelson, Enon.
Carroll H. Buroker, Fletcher.
Norma L. B. Tyler, Galloway.
Hattie Reed Willson, Geauga Lake.
Annabelle Mechling, Glenford.
George W. Garman, Greensburg.
Vennie B. Klingsberg, Guysville.
Helen P. Pearce, Harbor View.
Rhea E. Genson, Haskin.
George A. Irelan, Hollansburg.
Harvey R. Cutter, Holmesville.
Ruth C. Walborn, Homeworth.
George A. Kiger, Hoytville.
Harvey R. Sprunger, Kidron.
Pearl Calovini, Laferty.
Mary E. Hudson, Lakeville.
Herman L. Halladay, Litchfield.
Olive M. Force, Magnetic Springs.
Irma M. Hepp, Maple Grove.
Charles F. Beckett, Miamitown.
David F. Dinger, Midvale.
James P. Lavey, Milan.
Claire F. Metzger, Monclova.
William A. Brailer, Nashport.
Smith Dunn, New Milford.
Mary A. Cremean, New Plymouth.
Cecil O. Bell, New Weston.
Elsie Bennett, Okeana.
Harold L. Batdorf, Osborn.
Elizabeth J. Calfee, Piedmont.
Agnes E. Bingham, Portage.
Edith L. Roliff, Randolph.
Mary E. Schlechty, Rossburg.
Anna L. Milhoan, Sawyerwood.
Alice Johnson, Sharon Center.
Lucile G. Justus, Stoutsville.
Charles H. Weary, Suffield.
Robert S. McConnell, Tippecanoe.
Etta G. Duffield, Vanburen.
Mary A. Cramer, West Chester.
Gurney H. Lowe, Willston.
Pearl B. Hildreth, Woodstock.
James E. O'Leary, Zaleski.
Frank V. Miller, Zanesfield.

PENNSYLVANIA

William D. Anderson, Linden.
Franc G. Neuland, Luchinda.
Lawrence L. Hackman, Oberlin.
Daisy O. Deardorff, Orrtanna.
Ethel T. Croft, Osceola.
Mary L. Kovalchick, Sagamore.

SOUTH CAROLINA

Jesse T. Ross, Blaney.
Joseph D. Ayers, Blenheim.
Hudnalle B. McLean, Blythewood.
Mattie O. Bruce, Chapin.
Bessie F. Cannon, Clifton.
Eva S. Drake, Converse.
Conway Dial, Cross Hill.
Phillip P. Gaillard, Dalzell.
Laura B. Anderson, Dunbarton.
William S. Hills, Edisto Island.
Thomas J. Kittles, Garnett.
Milas Y. Sease, Gilbert.
Myrtle R. Sams, Glendale.
Vivian W. Edwards, Gresham.
James M. McGill, Hickory Grove.
Sara C. DePass, Hodges.
Lucile L. Coleman, Hyman.
Raymond S. Younginer, Irmo.
Gilbert B. Heath, Lando.
Anna E. Boland, Little Mountain.
Sallie T. Ward, Lugoff.

Minor P. Gale, Mount Croghan.
Marvin A. Peebles, Newry.
Luther L. DuBose, New Zion.
Beulah E. Bryson, Owings.
Mary C. Morrow, Pauline.
William F. Lachicotte, Pawleys Island.
Thomas R. Riddlehoover, Plum Branch.
Thelma G. Reeves, Ravenels.
Ethel M. Rogers, Roebuck.
Maynette Streater, Ruby.
James C. Nicholson, Salem.
Mildred H. Bowie, Starr.
Beatrice M. Whitfield, Townville.
Dacey M. Gibbons, Turbeville.
William Y. McNeill, Waterloo.
John W. Geraty, Yoniges Island.

SOUTH DAKOTA

Esther Opsahl, Carpenter.
Eva L. De Neul, Chancellor.
Marjorie F. Sougstad, Fulton.
Wanda M. Oberle, Mellette.
Agnes O. Sundheim, Peever.
Flora T. Benschhoff, Revillo.
William O. Brennan, Sherman.
Ilah L. Scriver, South Shore.
Ross Bennett, Spencer.
Caroline D. King, Tabor.
Eloise Holdren, Vale.
Jesse V. Heath, Vivian.
Anna F. Dillon, Whitewood.

TENNESSEE

Fannie C. Taylor, Antioch.
Lutie Davis, Briceville.
Evie Braster, Castalian Springs.
Hersey B. McKinney, Cedar Grove.
Mary S. Wilson, College Grove.
Gladys S. Cunningham, Cottontown.
Ruby Mathis, Deer Lodge.
Nannie F. Jones, Del Rio.
Lenora E. Parker, Enville.
Annie Bacon, Fall Branch.
Helen McDaniel, Finley.
John F. Anderson, Flag Pond.
Mozella J. Cox, Gadsden.
Joe C. Hunt, Gibson.
Perry Jennings, Hiskell.
James R. Carmack, Hilham.
Nora L. Bates, Lobelville.
Mary I. Lindsey, Lutts.
Celia G. McCauley, Mercer.
Anne H. Snapp, Midway.
Ida F. Seaton, Morris Chapel.
Troy W. Tomlin, Oakland.
Lerline Hearn, Pinson.
Wade Russell, Rockford.
W. Ernest Moore, Rock Island.
William J. Frazier, Rossville.
Lecy D. Mullins, Santa Fe.
Chrystal P. Doty, Springville.
Blanche T. Bearden, Talbott.
Marion R. Kelley, Toone.

WASHINGTON

Walter H. Gihring, Rockford.

WEST VIRGINIA

Nellie M. Hilton, Bellepoint.
Lenna S. Jones, Bristol.
Dorena Annesse, Brownston.
Louie E. Bumphrey, Burlington.
Roy Palmer, Cannelton.
Allen E. Dowdy, Capels.
Samuel L. Carter, Colliers.
Maggie Ann Brown, Comfort.
Kathleen E. Gilreath, Eleanor.
Mary L. Michael, Fairview.
Louise W. Boyd, Glenalum.
Clyde Y. Harman, Harman.
Pearl C. Harper, Harper.
Flossie Shuman, Hastings.
Earl C. Shroades, Inwood.
J. Bruce Brookover, Jacksonburg.
Golden F. Row, Junior.
Dennis H. Beverage, Layland.
Harry C. Skaggs, Long Branch.
Jessie D. Hoffmaster, Millville.
Ward Schoonover, Montrose.
Willie J. Thompson, Nolan.
Socia Anna Winter, Norton.
Sam Stinson, Ona.

James A. Haught, Reader.
Wesley T. Bitzer, Reed.
Mary A. Conrad, Roanoke.
Hallie M. Young, Rock.
Hiram A. Hetherington, Roderfield.
Williams P. Lyons, Sharon.
Lossie R. Lemons, Sinks Grove.
John E. Crickmer, Squire.
Paul E. Love, Verdunville.
Evelyn M. Griffith, Windsor Heights.
Homer B. Stover, Wyoming.

WITHDRAWALS

Executive nominations withdrawn from the Senate September 8 (legislative day of September 1), 1944:

POSTMASTERS

CALIFORNIA

James A. Adrian, Jr., to be postmaster at Banning, Calif.

WASHINGTON

Forde Phelps to be postmaster at Mineral, Wash.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 11, 1944

The House met at 12 o'clock noon.

Rev. C. E. Hawthorne, D. D., pastor of the Wallace Memorial United Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, Father of our Lord Jesus Christ, God of our Nation and our God, we bow humbly before Thee to worship. We come with thanksgiving and praise, for Thou has blessed us through the years as a nation, guiding, strengthening, keeping, sustaining. Always Thou hast dealt with us in grace and mercy. Today we would thank Thee especially for the progress of the war and the encouragement that comes to us at this hour. We recognize Thy hand and power in it all, and in simple childlike faith we render the thanks and praise of our hearts. We now pray for Thy continued blessing upon our armed forces. May Thy protecting hand shelter and keep them this day, and may the victory soon come, and in a way and in a time that will glorify Thee. Forgive our sins as a nation. Take away pride and self-trust and selfishness, and give us a desire to seek Thee and to obey Thee. And now at the opening of this day's deliberation, guide those in authority in this Nation—the President of the United States, the Houses of Congress, and all others. Keep Thy hand upon us and direct in every plan and in every decision made in this House. Bless personally the individual Members of this body and the people whom they represent. In these difficult days we would turn our hearts to Thee, believing that Thou art "able to do exceeding abundantly above all that we ask or think." And we offer our prayer in the name and in the merit of our Lord and Saviour, Jesus Christ. Amen.

The Journal of the proceedings of Thursday, September 7, 1944, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without

amendment a bill of the House of the following title:

H. R. 4780. An act to fix the fees for domestic insured and collect-on-delivery mail, special-delivery service, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1374. An act to provide for promotion of certain American prisoners of war.

The message also announced that the Senate recedes from its amendments Nos. 1, 2, and 3 to the bill (H. R. 4278) entitled "An act 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."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 4257. An act to expatriate or exclude certain persons for evading military and naval service; and

H. R. 4271. An act to amend the Nationality Act of 1940 to preserve the nationality of citizens residing abroad.

PVT. (1ST CL.) LEO J. "POP" POWERS

Mr. MANSFIELD of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include with my remarks various articles from the Montana Standard and the Daily Missoulian, of Missoula, Mont.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MANSFIELD of Montana. Mr. Speaker, the people of Montana are tremendously proud of the fact that Pvt. (1st cl.) Leo J. "Pop" Powers, of Alder, Mont., has been awarded the Congressional Medal of Honor and has thus become Montana's top-ranking hero of World War No. 2.

As the Representative of the First Congressional District of Montana, in which "Pop" Powers and his family reside, I am happy to call to the attention of the Congress the outstanding abilities portrayed by this 36-year-old Montanan who was originally rated in the limited-service classification. Because of his extraordinary activities on the field of battle, he became known as the "one-man army" during the historic Fifth Army battle for Cassino. He will be the fifty-fourth holder of the Congressional Medal of Honor produced by this war and he is the first Montanan to earn that badge of valor.

Montana, which has been in the forefront of every drive connected with the prosecution of the war and has furnished more of its men on a per capita basis

than any other State in the Union in this as well as in the last World War, is especially proud of this sheep rancher from Alder because he typifies the spirit of the rest of his comrades from our State.

This limited-service Montanan won the Medal of Honor for an exploit before Cassino that would have been good going for a battalion of Rangers. It is too bad that "Pop" was not able-bodied, as he would doubtless have ended the war right there.

To him the Congress is glad to extend its felicitations, and to his family back home in Montana I want to say in behalf of not only the people of Madison County but in behalf of the people of all Montana as well that we are proud of "Pop" Powers and that we hope the day will not be too far distant when he will be back with us once again.

Mr. Speaker, under unanimous consent granted to me, I am including articles from the Montana Standard, of Butte, dated September 5 and 7, 1944, and the Daily Missoulian, of Missoula, dated September 4, 1944, concerning the exploits of this outstanding Montanan in the battle of Cassino:

[From the Daily Missoulian, Missoula, Mont., of September 4, 1944]

LIMITED SERVICE FOR MONTANAN WINS TOP HONOR

WITH THE FIFTH ARMY IN ITALY, September 3.—For the single-handed conquest of a hill in the battle for Cassino, Pvt. (1st cl.) Leo J. "Pop" Powers, 35-year-old limited-service soldier from Alder, Mont., has been awarded the Nation's highest military decoration, the Congressional Medal of Honor.

With only 4 hand grenades, the Thirty-fourth "Red Bull" Infantry Division private knocked out 3 enemy machine guns entrenched in pillboxes, killed 5 Germans, and probably wounded 12 others, took 4 prisoners, and led to the capture of 13 others.

Powers later said he was motivated by the sight of inexperienced replacements being cut down by heavy machine gun and mortar fire. He tossed the grenades underhanded into openings of two pillboxes. It was brought out later he had never been able to throw a grenade well in the accepted overhand manner.

Powers was a sheep rancher before entering the Army. His wife, Mrs. Jane Powers, lives in Anselmo, Nebr., and a sister, Blanche, resides in Alder.

[From the Montana Standard, Butte, Mont., of September 7, 1944]

MONTANA'S LEADING HERO OF WORLD WAR NO. 2

Dubbed "The one-man Army" for his single-handed conquest of a strategic hill in the battle for Cassino, Pvt. (1st cl.) Leo J. "Pop" Powers, 36-year-old Alder sheep rancher, is the first Montanan to get the Nation's highest military decoration, the Congressional Medal of Honor. "He just stood up and tossed grenades in underhanded. He couldn't hit a barn door overhanded. I expected him to be killed any minute." In these words, one of "Pop" Powers' buddies described the action. Originally rated a limited-service classification because of sore feet and a back ailment, Private (1st cl.) Powers saw green replacements being mowed down by German machine gun and mortar fire. He took only 4 hand grenades, knocked out 3 enemy machine guns entrenched in pillboxes, killed 5 Germans, and probably wounded 12 others, took 4 prisoners and led to the capture of 13 more. Private (1st cl.) Powers entered the armed forces at Butte, September 17, 1942. He has been wounded twice.